

## League of Women Voters of Dane County Forum

# Why Vote? Protect Your Right to Vote: Proposed Election Laws

Online via Zoom



## Panelists

- Barbara Beckert, Director of External Advocacy, [Disability Rights Wisconsin](#)
- Barry Burden, Director, [UW Elections Research Center](#)
- Gregory Jones, President, [NAACP Dane County](#)

## Moderator

- Andrea Kaminski, LWVWI Legislative Committee

## Discussion Questions

- Why is voting an important right and responsibility?
- Is the right to vote protected by the Constitution?
- What is the impact of restrictive voting legislation? How would new voting restrictions affect elections in Wisconsin?
- Would a US Constitutional Amendment enshrining an explicit right to vote in the Constitution guarantee the voting rights of every citizen of voting age, ensure that every vote is counted. Pros and Cons.
- What can the League do to protect voting rights?

## The League's Position

The League of Women Voters of Wisconsin believes that voting is a fundamental citizen right that must be guaranteed. Wisconsin election laws should provide citizens with maximum opportunity for registration, voting at the polls, and absentee voting. Election administration should be adequately coordinated and funded to achieve statewide standards uniformly applied, verifiable results, and local municipal effectiveness.

—[League of Women Voters of Wisconsin, Citizens' Rights](#)

## State Election Proposals

During April 2022, two Wisconsin Constitutional Amendments relating to election administration were proposed by the Wisconsin Legislature. Constitutional amendments need to be passed by both houses of the state legislature in two consecutive sessions and then approved in a statewide vote, which could occur as early as April 2023.

1. One proposed amendment would prohibit the use of private grants or donations to help run elections in the state. That addresses a complaint about grant money that came to Wisconsin in 2020 from the Center for Tech and Civic Life, which is funded by Facebook creator Mark Zuckerberg and his wife, Priscilla Chan. The state's five largest cities received \$8.8 million but more than 200 communities in Wisconsin received funding as part of \$350 million given out nationally.  
[https://docs.legis.wisconsin.gov/misc/lrb/lrb\\_reports/2021\\_enrolled\\_joint\\_resolution\\_17\\_6\\_6.pdf](https://docs.legis.wisconsin.gov/misc/lrb/lrb_reports/2021_enrolled_joint_resolution_17_6_6.pdf)
2. Another proposed amendment would say only U.S. citizens can vote. The state constitution currently doesn't allow noncitizens to vote, and proponents of the proposed amendment say they're trying to make it clear that noncitizens cannot vote. Federal law already requires U.S. citizenship to vote in national elections. Some fear that such an amendment would lead to proof of citizenship as a requirement for voter registration.  
[https://docs.legis.wisconsin.gov/misc/lrb/lrb\\_reports/2021\\_enrolled\\_joint\\_resolution\\_13\\_6\\_5.pdf](https://docs.legis.wisconsin.gov/misc/lrb/lrb_reports/2021_enrolled_joint_resolution_13_6_5.pdf)

A bill passed by the legislature and signed into law by the Governor would allow a pupil of 16 or 17 enrolled in a home-based private educational program to serve as an election inspector.

<https://docs.legis.wisconsin.gov/2021/proposals/sb102>

Additional bills, which are not Constitutional amendments, were passed by the legislature and vetoed by Governor Evers. These bills would:

- Bar election clerks from filling in any missing information on a voter's absentee ballot envelope.
- Require voters to provide a copy of a photo ID every time they request an absentee ballot. Under current law, voters only have to show an ID the first time they request an absentee ballot.
- Give the Legislature control over guidance delivered to local election clerks by the bipartisan Wisconsin Elections Commission.
- Limit who can identify as indefinitely confined, a status that allows for absentee ballots for those who can't get to the polls due to age, illness, or disability.
- Require the state to conduct checks to ensure that registered voters are United States citizens.
- Allow election clerks to begin counting absentee ballots on the day before an election. That measure needs Senate approval before it can go to Evers.

Although these measures were vetoed by the Governor, it is likely they will be reintroduced in the 2023 session.

*Wisconsin governor vetoes Republican election bills*, AP News, April 8, 2022.

<https://apnews.com/article/2022-midterm-elections-biden-steve-bannon-legislature-elections-d70584f7c2a038cc83ee3c3d706ee8d0>

*Tony Evers Vetoes 6 GOP Backed Bills*, WPR News, August 10, 2021.

<https://www.wpr.org/gov-tony-evers-vetoes-6-gop-backed-election-bills>

*A Moment of Clarity on Voting Rights, Marquette Poll's Charles Franklin* Ruth Coniff, Wisconsin Examiner, March 4, 2022. <https://wisconsinexaminer.com/2022/03/04/a-moment-of-clarity-on-voting-rights/>

Another bill would have prohibited anyone other than the voter, an immediate family member, or a legal guardian from returning an absentee ballot. Though this bill was vetoed by Governor Evers, the State Supreme Court invalidated a Wisconsin Election Commission memo that allowed the voter “or another person” to return an absentee ballot. *Teigen v. Wisconsin Election Commission*, 2022 WI 64 (July 8, 2022). However, a federal district court invalidated the State Supreme Court ruling as violative of the Voting Rights Act, the Rehabilitation Act, and the Americans with Disabilities Act. On September 6, 2022, the Wisconsin Election Commission issued guidance to clerks clarifying that disabled voters may receive assistance from another person to mail or deliver their absentee ballots.

*Court Strikes Down Ban on Absentee Ballot Return Assistance in Wisconsin*, Democracy Docket, August 22, 2022.

<https://www.democracymarket.com/alerts/court-strikes-down-ban-on-absentee-ballot-return-assistance-in-wisconsin/>

[Wisconsin Elections Commission approves guidance for disabled voters following court order | Local Government | madison.com](#)

## Proposed Federal Legislation

### The House of Representatives: HR -1 For the People Act

*Passed House (March 3, 2021)*

<https://www.congress.gov/bill/117th-congress/house-bill/1>

This bill addresses voter access, election integrity and security, campaign finance, and ethics for the three branches of government.

Specifically, the bill expands voter registration (e.g., automatic and same-day registration) and voting access (e.g., vote-by-mail and early voting). It also limits removing voters from voter rolls.

The bill requires states to establish independent redistricting commissions to carry out congressional redistricting.

Additionally, the bill sets forth provisions related to election security, including sharing intelligence information with state election officials, supporting states in securing their election systems, developing a national strategy to protect U.S. democratic institutions, establishing in the legislative branch the National Commission to Protect United States Democratic Institutions, and other provisions to improve the cybersecurity of election systems.

Further, the bill addresses campaign finance, including expanding the prohibition on campaign spending by foreign nationals, requiring additional disclosure of campaign-related fundraising and spending, requiring additional disclaimers regarding certain political advertising, and establishing an alternative campaign funding system for certain federal offices.

The bill addresses ethics in all three branches of government, including by requiring a code of conduct for Supreme Court Justices, prohibiting Members of the House from serving on the board of a for-profit entity, and establishing additional conflict-of-interest and ethics provisions for federal employees and the White House.

The bill requires the President, the Vice President, and certain candidates for those offices to disclose 10 years of tax returns.

## **HR 4 2021-2022 John R. Lewis Voting Rights Advancement Act**

*Passed House August 24, 2021*

<https://www.congress.gov/bill/117th-congress/house-bill/4>

This bill establishes new criteria for determining which states and political subdivisions must obtain preclearance before changes to voting practices may take effect. Preclearance is the process of receiving preapproval from the Department of Justice (DOJ) or the U.S. District Court for the District of Columbia before making legal changes that would affect voting rights.

A state and all of its political subdivisions shall be subject to preclearance of voting practice changes for a 10-year period if:

- 15 or more voting rights violations occurred in the state during the previous 25 years;
- 10 or more violations occurred during the previous 25 years, at least one of which was committed by the state itself; or
- 3 or more violations occurred during the previous 25 years and the state administers the elections.

A political subdivision as a separate unit shall also be subject to preclearance for a 10-year period if three or more voting rights violations occurred there during the previous 25 years.

States and political subdivisions that meet certain thresholds regarding minority groups must preclear covered practices before implementation, such as changes to methods of election and redistricting.

Further, states and political subdivisions must notify the public of changes to voting practices.

Next, the bill authorizes DOJ to require states or political subdivisions to provide certain documents or answers to questions for enforcing voting rights.

## **The Freedom to Vote Act: John R. Lewis Act (FTV: JRLA)**

<https://www.congress.gov/bill/117th-congress/senate-bill/2747/all-info>

The Freedom to Vote Act introduced in the Senate sets basic nationwide standards for how elections are conducted and ensures that the voices of all Americans are heard. There was one roll-call vote for cloture on the motion to proceed on the measure. The motion failed: Yea 49, Nay 51.

It includes:

- Expanding automatic voter registration and same-day registration;
- Strengthening vote by mail, early voting, and ballot access;
- Establishing Election Day as a national holiday;
- Stopping partisan election subversion.
- Protecting elections from foreign interference;
- Ending partisan gerrymandering;
- Promoting digital ad transparency;
- Forcing disclosure of dark money; and
- Establishing a self-sustaining democracy fund to support investments in state-led innovations around campaign finance, civic education, and voting infrastructure.

<https://www.nbcconnecticut.com/news/politics/voting-changes-and-more-in-democrats-broad-elections-bill/2693831/>

Debunking False Claims about the John Lewis Voting Act:

<https://www.brennancenter.org/our-work/research-reports/debunking-false-claims-about-john-lewis-voting-rights-act>

## Action Steps

### Action steps to support Election Integrity:

- Volunteer to be trained as an Election Observer through the LWVWI:  
<https://my.lwv.org/wisconsin/about/employment-and-volunteer-opportunities-league>
- Volunteer to be a poll worker in your municipality
- Learn through research studies and events sponsored by the State Democracy Research Initiative (University of Wisconsin Law School):  
<https://statedemocracy.law.wisc.edu/event-archive/>

### Action steps to encourage others to get out and vote:

- Be trained in voter registration and election information strategies by participating in Voter Service training sessions or reviewing the Voter Service Central videos: [Voter Service Central — Training and Reporting — League of Women Voters® of Dane County](#)
- Volunteer for an LWVDC voter outreach event at [Outreach Sign-up Calendar — League of Women Voters® of Dane County](#)
- Check with your friends and neighbors to be sure they are registered to vote, know where their polling place is, know how to request an absentee ballot, and know where in-person absentee voting (IPAV) locations are.
- Volunteer to take a neighbor or friend to the polls on Election Day or to an IPAV location.

## Other Resources

### Other Articles

*Will Wisconsin Republicans Make Voting Meaningless or Just Difficult?* Dan Kaufman, New Yorker, August 1, 2022

<https://www.newyorker.com/magazine/2022/08/01/will-wisconsins-republicans-make-voting-meaningless-or-just-difficult>

*Seven States to Watch in the 2022 Push to Restrict Voting Rights*, Wisconsin Examiner, January 18, 2022.

<https://wisconsinexaminer.com/2022/01/18/seven-states-to-watch-in-the-2022-push-to-restrict-voting-rights/>

*Voting Rights Are Human Rights: In Our Own Voices*, a publication of the Wisconsin Disability Vote Coalition. Voters with disabilities and allies share concerns about voting bills.

[https://disabilityvote.org/wp-content/uploads/2021/07/Voting\\_Rights\\_Are\\_Human\\_Rights\\_2021-acc.pdf](https://disabilityvote.org/wp-content/uploads/2021/07/Voting_Rights_Are_Human_Rights_2021-acc.pdf)

*Our Voices, Our Votes: Disabled Votes Speak Out on Voting Rights*. A publication of Disability Rights Wisconsin.

<https://disabilityrightswi.org/wp-content/uploads/2022/04/Our-Voices-Our-Votes-4-2022.pdf>

### Scholarly Articles

*Strategy or Identity – Voter Suppression – Comparison of 50 States* Kate Murray, May 2022, Mt. Holyoke College (warning: is partisan)

<https://ida.mtholyoke.edu/bitstream/handle/10166/6343/Kate%20Murray-%20Thesis%20FINAL.docx.pdf?sequence=1&isAllowed=y>

*Why Voting Rights Advocates Should Bring Voter ID Challenges to State Courts*, Carolyn F. Rice, Penn. Journal of Constitutional Law 2022

<https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1798&context=jcl>

*Legacies of Voter Segregation and Disenfranchisement: The Road from Plessy to Frank and Voter ID Laws in the United States*, Paru Shah and Robert S Smith, Russell Sage Foundation Journal of the Social Sciences, February 2021.

<https://www.rsjournal.org/content/7/1/134.abstract>

*Section 2 of the Voting Rights Act Totality of the Circumstances Analysis*, David T. Canon, UW Madison, December 15, 2021.

[https://static1.squarespace.com/static/5f88891b1bd57b085dc121d1/t/61ba6db3c6b5351c04e8674d/1639607733065/Canon+Expert+Report+BLOC\\_website\\_12.15.21.pdf](https://static1.squarespace.com/static/5f88891b1bd57b085dc121d1/t/61ba6db3c6b5351c04e8674d/1639607733065/Canon+Expert+Report+BLOC_website_12.15.21.pdf)

## **Other Resources**

Track Pending WI Voting Legislation – Voting Rights Tracker

<https://tracker.votingrightslab.org/states/wisconsin>

LWVWI FAQ on Voter Suppression Bills

<https://my.lwv.org/wisconsin/faqs-voter-suppression-bills>

Guardianship and Voting Rights, resources from Disability Rights Wisconsin

[disabilityrightswi.org/resource-center/guardianship-and-voting/](http://disabilityrightswi.org/resource-center/guardianship-and-voting/)

Accessible Voting, Wisconsin Election Commission

<https://elections.wi.gov/voters/accessible-voting>

The Americans with Disabilities Act and Other Federal Laws Protecting the Rights of Voters with Disabilities

<https://www.justice.gov/file/69411/download>

List of Wisconsin Accessibility Provisions

<https://disabilityvote.org/wp-content/uploads/2021/04/State-Statutes-Related-to-Accessibility-access.pdf>

Wisconsin Disability Vote Coalition:

[disabilityvote.org](http://disabilityvote.org)

[www.facebook.com/wisconsin Disability Vote/](https://www.facebook.com/wisconsin Disability Vote/)

Disability Rights Wisconsin (DRW) Voter Hotline

844-DIS-VOTE/ 844-347-8683 email: [info@disabilityvote.org](mailto:info@disabilityvote.org)