

Assembly Committee on Corrections and the Courts

2009 Assembly Bill 353

Testimony of Kevin J. Kennedy
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Chairperson Parisi and Committee Members:

Thank you for the opportunity to appear before this committee and testify regarding Assembly Bill 353. This testimony is for information purposes only. The Government Accountability Board has not taken a position in support of or in opposition to the legislation. However, I would like to communicate some administrative issues identified by the agency staff that the agency believes should be addressed with changes in the legislation as well as my personal view on the legislation.

This Bill restores the right to vote to certain persons barred from voting as a result of a felony conviction, and changes the information required on voter registration forms. The ban on felon voting is currently codified in Section 6.03(1)(b) Wis. Stats., which provides that "(a)ny person convicted of treason, felony or bribery, unless the person's right to vote is restored through a pardon or under s. 304.078" shall not be allowed to vote. Voting rights are restored under Sections 304.078(2) and 304.078(3). To ensure that convicted felons do not vote, Section 301.03(20m) requires that the Department of Corrections transmit to the Government Accountability Board a list of each living person who has been convicted of a felony under the laws of this state and whose civil rights have not been restored, together with his or her residential address and the date on which the department expects his or her civil rights to be restored. As required by Sections 6.29(2)(am) and 6.55(2)(cs), the G.A.B. then distributes the lists of ineligible persons to each of the 72 counties, which in turn distribute them to the state's 1,850 municipalities, which supplies the lists to each of the 2,834 polling places in the state.

Assembly Bill 353 would not create any significant fiscal impact on the G.A.B. because of the continued requirement to provide lists of ineligible voters to local election officials. Printing and distribution of the ineligible voter list costs approximately \$13,000 per election. Felon list coordination costs the Division of Enterprise Technology in the Department of Administration (DET) approximately \$1,560 per election. The agency believes the legislation could be enhanced if this requirement is eliminated.

By eliminating the requirement that poll workers and municipal clerks match in-person registrations with the felon lists, these over-extended election officials will be able to devote more time to serving voters in the municipal clerk's office and at the polling place on Election Day. The G.A.B. is able to continue marking incarcerated felons as ineligible to vote based on the electronic records it receives from DOC. This ensures those individuals will not appear on the poll lists. This proposed change presents a genuine cost saving for the G.A.B. and DET. I encourage the Committee to amend the legislation to accomplish this modest savings.

The proposed legislation requires the G.A.B. to provide training on the changes to voting rights at least 60 days before the first election that follows the effective date of the legislation. In addition, the G.A.B. 131 Voter Registration Form would need to be revised. A one-time cost of \$1,100 for approximately 40 hours of work would be incurred for G.A.B. staff to revise the G.A.B. 131 form, develop training materials, update manuals and post the materials to the G.A.B. web site. Additionally, a one-time cost of \$400 would be incurred for four Wisline training sessions for Municipal Clerks and Chief Inspectors, at approximately \$100 each. Other future costs would be included in the current Municipal Clerk, Election Inspector and Special Registration Deputy training provided by the G.A.B. It would be difficult to calculate what the specific costs would be. Municipal and County clerks would be required to provide sufficient forms to meet voter registration needs. The City of Milwaukee estimates a cost of \$2,000 to print updated G.A.B. 131 forms. Other county and municipal clerks projected lower costs to provide updated forms.

While the Government Accountability Board has not taken a position on felon re-enfranchisement, I personally have been an advocate for many years. As Wisconsin's chief election official, I believe citizens should be given the opportunity to shape the governmental policies that affect their lives by enabling them to participate in the electoral process. I can think of nothing more ennobling in the rehabilitation process than to send a message to those who are working to reintegrate into society that government invites their participation in the voting process. Twenty states and the District of Columbia are less restrictive than the state of Wisconsin, and national trends generally favor streamlining restoration and expanding voting rights for people convicted of crimes. Nineteen states have taken steps to restore felons' voting rights in some way since 1997.

I encourage you to move forward with this legislation along with the suggested change to eliminate providing paper felon lists to local election officials. This will improve efficient administration of the voter registration and election process at all levels of government, save valuable public resources and commit the state of Wisconsin to successfully integrating convicted felons into society as participating citizens rather than treating them as social outcasts who continue to be marginalized by their prior actions:

I appreciate your consideration of these issues with regard to this bill and will answer any questions you may have at this time.

Thank you.

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