

BRENNAN
CENTER
FOR JUSTICE
TWENTY
YEARS

Brennan Center for Justice
at New York University School of Law

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February 16, 2016

RE: Brennan Center report cited as evidence in support of Wisconsin Senate Bill 295 and Assembly Bill 389

Honorable Members of the Wisconsin State Assembly:

We write with regard to S.B. 295/A.B. 389, which includes, among other provisions, elimination of the Wisconsin Special Registration Deputy (SRD) program. It has come to our attention that our 2011 report, *State Restrictions on Voter Registration Drives*,¹ has been cited out of context in order to make the case for eliminating the SRD program. In fact, our report does *not* call for the elimination of Wisconsin's SRD system, which helps voter registration groups and voters navigate the burdens of Wisconsin's documentary registration requirements. To the contrary, our report criticizes deputy registrar regulations that *restrict* voter registration efforts. We do not support the elimination of SRDs in Wisconsin, and we do not condone the use of our research to make the case for doing so.

Wisconsin is unusual in that it requires documentary evidence of residency when registering to vote. The SRD program enables voter registration organizations and individuals to navigate that burden by allowing those conducting registration drives to verify residency themselves, rather than be forced to submit copies of residency documents to election officials. Accordingly, the SRD program is a policy that *helps* voter registration drives work through obstacles to community based voter registration specific to Wisconsin.

In contrast, certain states have required or optional "official volunteer" or "deputy registrar" systems that civic groups may (or in some cases, must) participate in before conducting voter registration drives. As our report notes, these programs can cause confusion and deter participation if individuals believe it is necessary to be specially licensed by the state in order to conduct voter registration drives. Accordingly, we argue in our report that "many of these laws should be eliminated".

¹ Available at <http://www.brennancenter.org/publication/state-restrictions-voter-registration-drives>.

Wisconsin does not, through the current SRD program or any other regulation, require that community organizations be designated by the state as official volunteers or registration deputies before conducting voter registration drives. The SRD program does something very different: it allows designated volunteers to verify residency on behalf of election officials—so these volunteers are not thwarted by a separate law from successfully collecting and submitting voter registration applications.

As long as Wisconsin maintains a requirement that voters provide documentary proof of residence when registering, the Special Registration Deputy program provides an important mechanism for civic-minded organizations and individuals who wish to help others register to vote. Accordingly, we oppose its elimination and we object to our report, *State Restrictions on Voter Registration Drives*, being misread to support a policy change that is inconsistent with the recommendations in the report.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan Brater', with a stylized, wavy flourish at the end.

Jonathan Brater
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