Elections bill would make it harder
to recall municipal and school officials

Measure moving quickly through Wisconsin Assembly

By PATRICK MARLEY

Madison — Municipal and school officials could be recalled from office only if they have been charged with a crime or ethics violation, under a sweeping elections bill quickly moving through the state Assembly.

Under other provisions of the bill by Rep. Jeff Stone (R-Greendale), new limits would be enacted on when people can vote in clerks' offices before an election, ballots could more easily be thrown out and restrictions would be eased on when lobbyists can give campaign donations to legislators and the governor.

The bill wouldn't affect state and county elected officials, who can be recalled for any reason under the Wisconsin constitution. As a result, the proposal would not have prevented the recall election of Gov. Scott Walker last year or the attempted recall of Milwaukee County Executive Tom Ament after the pension scandal in 2002.

Other lawmakers are pursuing an amendment to the state constitution that would make it tougher to recall state and county officials.

Stone's fast-moving measure also would make changes to the state's stalled voter ID law in an effort to help it overcome legal challenges. A hearing is scheduled for Tuesday and the Assembly could vote on the bill in June, said Assembly Speaker Robin Vos (R-Rochester).

Stone's bill would mean local officials could not be recalled if they were suspected of inappropriate behavior that fell short of a crime.

For instance, Bob Ryan — who was recalled last year as Sheboygan mayor after drunken incidents and a sexual harassment complaint — would not have been eligible for recall if the bill's provisions were in place because he hadn't been charged with a crime at the time. Two months after he was recalled, he was charged with groping a woman's breasts during one of the incidents that prompted the recall effort; he was later found guilty of two counts of disorderly conduct.

If a pension scandal like Milwaukee County's erupted at the municipal or school level, those officials could not be recalled under the terms of the bill.

Chris Kliesmet — who as administrator executive of Citizens for Responsible Government helped organize recall drives against Ament and county supervisors in 2002 — said the proposed change would take power away from voters.

"If you hired a plumber to fix a leaky sink and you came home and your basement was filled with water, would you wait until the next regularly scheduled election to fire your plumber?" he said.

Vos said he was confident people who engaged in egregious behavior would face ethics charges and then be subject to recall. But Stone said he would consider modifications to that part of his bill.

Six local officials in Wisconsin were recalled in 2012 and a seventh resigned rather than face recall, according to Joshua Spivak, a senior fellow at the Hugh L. Carey Institute for Government Reform at Wagner College in New York who tracks recalls nationally. Those efforts were launched because of policy disputes such as local spending and frac sand mining, not criminal allegations, Spivak said.

Republicans control the Legislature and governor's office, and the bill is a response to their concerns about how elections are run. The changes affect a host of voting laws:

Early voting. New restrictions would be put in place for early voters who cast ballots in clerks' offices in the lead-up to an election. Under current law, early voting is allowed for the two full weeks before an election, ending on the Friday before an election.

The bill would limit voting during that period to 7:30 a.m. to 6 p.m. Monday through Friday. The only exceptions for accepting ballots in evenings or Saturdays and Sundays would be if appointments were made with municipal clerks themselves — and not their deputies or other staff.

That would effectively end large-scale voter drives for early voting on weekends, said Neil Albrecht, executive director of the Milwaukee Election Commission. As many as 4,000 voters cast ballots in the city on each weekend day of early voting, he said.

The commission would have to end its practice of staying open until 8 p.m. on weekdays before an election. The changes would result in longer lines on election day, he said.

"Milwaukee has a substantial working family population that doesn't necessarily have the ability to come down during the hours the bill would restrict (voting hours) to," he said.

Stone said the measure was meant to make sure voting times were uniform across the state. People who live in rural areas often don't have the chance to vote on weekends because clerks work part time.

"This is just an attempt to kind of try to level the field," Stone said. "It makes it more standard."

The restrictions on early voting would come on top of those set in 2011. Before then, early voting lasted three weeks and included three weekends. The changes set in 2011 reduced the period to two weeks that include just one weekend.

Scot Ross, executive director of the liberal group One Wisconsin Now, said Stone's plan would lower turnout among minorities.

"These Republican bills are taking us back to the 19th century, when many were denied the right to vote," Ross said.

Voter ID. Lawmakers passed a law in 2011 requiring voters to show photo ID at the polls, but it was blocked last year by courts in two different cases. An appeals court reversed one of those decisions Thursday, but the other ruling blocking the law remains in effect.

Stone's bill would allow those without photo IDs to cast ballots if they filed signed statements saying they were poor and could not obtain a photo ID without paying a fee, had a religious objection to being photographed or could not obtain birth certificates or other documentation necessary to get a photo ID.

Ballots cast by those voters would be marked and could be pulled by election officials if the voters had not complied with voting laws.

The measure could help reinstate the voter ID law by weakening legal arguments made by the Milwaukee branch of the National Association for the Advancement of Colored People

and immigrant rights group Voces de la Frontera. Those groups got the voter ID law blocked in a case that contended lawmakers made it too onerous for some people to vote.

Rich Saks, an attorney for the groups, wrote in an email to supporters that allowing ballots to be challenged if voters hadn't shown a photo ID "not only creates a newly stigmatized and segregated class of indigent voters, but compromises the confidentiality of voters."

Stone said he was proposing the change in response to the lawsuits and to "make sure everyone who is eligible to vote gets to vote."

Absentee ballots. Absentee ballots would not be counted if a witness for the voter did not provide their address.

Poll books. The bill would allow ballots to be thrown out during recounts for voters who did not sign the poll book when they voted. The ballots that would be thrown out would be randomly selected because there would be no way to tell which voter cast which ballot; that's the standard way of removing ballots under Wisconsin law.

Voter registration. During recounts, boards of canvassers would have to hear and decide challenges made to the eligibility of anyone who registered to vote on election day. If the voter was determined to be ineligible, a randomly chosen ballot would be thrown out.

Also, election clerks would have to record what proof of residence voters used when registering to vote. Only certain types of documents are accepted as proof of residence, but clerks currently do not have to note what documents were used.

Voters would have to provide their proof of residence in hard copy, rather than by displaying it on a smartphone.

Referendums. Local governments would have to hold referendums at the same time as regularly scheduled elections.

School districts would be barred from using taxpayer money to inform the public about any referendums to increase spending for schools.

Election workers. Election workers could come from anywhere in a county, not just the ward or municipality where the poll was located.

By law, poll workers are nominated by political parties and the workers at each polling site are supposed to be split about evenly between Republicans and Democrats. In practice, the parties rarely nominate poll workers and clerks find them through other means.

Allowing poll workers to come from anywhere in the county could lead to more partisans working at the polls, provided the parties got more involved in nominating poll workers.

Lobbyists. Lobbyists would be able to contribute to candidates for the Legislature and governor starting April 15 in even-numbered years — up from June 1. However, they could not make donations to lawmakers that early if the Legislature was still in session.

That change is being made because the fall primary was moved up last year from September to August.

GAB nominees. The governor would get to choose from a larger slate of candidates to fill spots on the state's elections and ethics agency under the bill.

A committee of judges makes recommendations to the governor of former Wisconsin judges who can sit on the Government Accountability Board. The committee must submit at least two names to fill one vacancy, three names to fill two vacancies and five names to fill three vacancies. Those minimums would double under the bill.

What bill would do
- Early voting hours would be restricted to 7:30 a.m. to 6 p.m. on weekdays, with weekend voting allowing in only very limited circumstances.
- Municipal and school officials could face recall only if they were charged with a crime or municipal violation.
- In an attempt to reinstate Wisconsin's voter ID law, poor people would be able to cast ballots without showing an ID if they signed a statement saying they could not afford one.
- Ballots would be thrown out if voters did not sign the poll book.
- Those registering to vote would have to show a hard copy of their proof of residence, rather than displaying it on a smartphone.