

4825 Bayfield Terrace
Madison, WI 53705
October 13, 2010

Mr. Nathaniel E. Robinson
Elections Division Administrator
Wisconsin Government Accountability Board

Dear Mr. Robinson:

At the August 30, 2010 GAB meeting, staff proposed developing an improved method of voter registration. As described by staff, this method will have advantages for voters, and could be implemented without changing Wisconsin statutes.

However, as proposed, it will violate the Help America Vote Act (HAVA), which states:

“...each State, acting through the chief State election official, shall implement, in a **uniform and nondiscriminatory** manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list...”

The proposal is a web-assisted, print, sign, and mail registration form. It will result in more accurate registrations, and more timely entry into the voter registration system. It will help to reduce extra steps for the voter by preventing incomplete forms, and by reducing typographical errors leading to matching failures.

In violation of HAVA, your staff proposal (from the August 30, 2010 Board meeting, page 84) states:

“Only voters with a valid Wisconsin driver license or State-issued Identification Card (ID) will be able to participate in this process, ...”

This would be discrimination against those without a driver’s license or identification card issued by the Department of Transportation. A detailed report on the driver’s license status of Wisconsin residents is at <http://www4.uwm.edu/eti/2007/VoterID.htm>

Your staff report cited two precedents for this type of system: Delaware and the District of Columbia. However, both of these jurisdictions allow any eligible citizen to use this system.

A representative of the District of Columbia Board of Elections and Ethics has stated that any eligible citizen could use their online system.

The Delaware website states:

“We ask you to provide a valid Delaware Driver’s License number or Delaware ID Number. If you have neither, we ask you to provide a Social Security Number. “

<https://registertovote.elections.delaware.gov/voterreg/TermsAgreement>

Your development team should take all needed steps to make this improved registration system available to all eligible applicants without discrimination.

Sincerely,
Paul Malischke