



Congress of the United States

House of Representatives

Washington, DC 20515

October 26, 2016

The Honorable Loretta Lynch
Attorney General
U.S. Department of Justice
Office of the Attorney General
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

The Honorable Vanita Gupta
Principal Deputy Assistant Attorney General
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Lynch and Principal Deputy Assistant Attorney General Gupta,

As you are aware, Wisconsin, which we represent, is among 14 states that have adopted new voter restrictions in advance of the November 8th election. The state's 2011 voter identification law, one of the strictest in the country, has been repeatedly challenged in federal court due to its discriminatory effects on vulnerable populations' voting rights. Due to the law's contentious nature and poor implementation, coupled with a political environment that is becoming increasingly intimidating, we are requesting the Department of Justice's assistance in overseeing the state's monitoring of the election, including by providing poll-monitoring services in Wisconsin.

In 2014, a U.S. district court noted that more than 300,000 Wisconsinites lacked the newly requisite form of identification, and that this population disproportionately included persons of color. Judge Lynn Adelman further observed that state officials "could not point to a single instance of known voter impersonation occurring in Wisconsin at any time in the recent past," casting serious doubt on the official rationale for the policy.

A second federal court determined earlier this summer that even the "safety net" built into the law to help voters who have trouble obtaining ID was a "wretched failure" that "disenfranchised citizens" who are "overwhelmingly African American and Latino." Deeming the provision unconstitutional, Judge James Peterson mandated changes in practice and public education to ensure that that process better serves all Wisconsinites with documentation challenges in obtaining identification so they can vote. Concurring with Judge Adelman, Judge Peterson also expressed "misgivings about whether the law actually promotes confidence and integrity," and observed that prior to 2011, "Wisconsin had an exemplary election system that produced high levels of voter participation without significant irregularities."

Unfortunately, since that court order in late July, we have continued to see how Wisconsin's voter ID law puts the franchise of many Wisconsinites, particularly people of color, in real jeopardy. Over the last month, press reports have **revealed that on numerous occasions, Wisconsin Department of Motor Vehicle employees provided erroneous and incomplete information to potential voters who are**

unable to obtain IDs due to a lack of required documentation (like a birth certificate), despite their eligibility for alternative credentials.

These revelations led Judge Peterson to remark on October 12, “**I'm very disappointed to see that the state really did nothing in response to my order,**” noting that voters are “at the mercy of the DMV, and its staff wasn't trained well enough to guide people through it.” **We are deeply troubled by the prospect of such misinformation contributing to voter disenfranchisement in this election.** While further scrutiny by the federal court has prompted state officials to institute additional training and public education efforts at the DMV, there is entirely too much at stake in the limited time left before the election to let this continue without additional oversight.

In addition to misinformation, we are also concerned about potential voter intimidation at the polling places, particularly in light of recent, high-profile rhetoric that alleges “election rigging.” National figures have suggested that there is widespread voter fraud in our country and have encouraged private citizens to monitor the voting behaviors of certain communities for potential misconduct.

Given the flawed efforts thus far by state officials to properly implement this law, with proof of demonstrably false information having been disseminated to voters just days before the election, we fear that irreparable harm may result—particularly to voters of color, who disproportionately bear the brunt of these policies and any Election Day intimidation efforts.

We ask the Department to provide any resources or assistance it can in order to help our state navigate these unsettling circumstances. For example, the Department has historically provided poll monitors on Election Day to help ensure that all eligible voters will be permitted to register and exercise their fundamental right to participate in our democracy. We therefore urge the Department of Justice to utilize any available election monitoring resources to ensure voters in Wisconsin are able to safely access the polls.

The right to elect our public representatives is unrivaled in its importance to a fully functioning democracy. With few days remaining until the election, it is imperative that we do everything in our power to limit the amount of harm caused to our state's voters.

Thank you for your consideration of this request and for the Department of Justice's ongoing efforts to ensure the fairness of all elections in our country.



Gwen Moore
MEMBER OF CONGRESS



Tammy Baldwin
UNITED STATES SENATOR



Mark Pocan
MEMBER OF CONGRESS



Ron Kind
MEMBER OF CONGRESS