

# Wisconsin's Walker Buoyed by Voter ID, Union Law Wins

By Andrew Harris, Tim Jones and Marie Rohde Aug 1, 2014 12:01 AM ET 12 Comments Email Print

Photographer: Ethan Miller/Getty Images

Wisconsin Governor Scott Walker speaks at an event in Las Vegas on March 29, 2014.

Wisconsin Governor Scott Walker, fighting to win a second term, was buoyed by his state's high court with victories upholding the Republican's signature legislation on union restrictions and voter identification.

Yesterday's rulings by the Wisconsin Supreme Court rulings come as Walker, a possible 2016 U.S. presidential candidate, finds himself in a tight race with Democratic challenger Mary Burke to retain his current post.

A poll by Marquette Law School in Milwaukee released July 23 showed them in a statistical dead heat, with 46 percent of all registered voters interviewed for Walker, and 45 percent supporting Burke, a former executive of the closely-held Trek Bicycle Corp. Among likely voters, Burke led Walker 47 percent to 46 percent.

"This is clearly a good day for Walker," Charles Franklin, who ran the Marquette poll, said of the legal rulings. "This is the centerpiece of his campaign."

The court's decision upholding Walker's 2011 collective bargaining curbs removes an obstacle that could have clouded his re-election campaign.

"The fact that it was upheld is of less importance than if it had been overturned," said David Redlawsk, a political scientist at Rutgers University.

Redlawsk said voters in Wisconsin have become accustomed to the law, which took effect three years ago. "In some sense it was the status quo," he said, and overturning it would have re-opened the debate that led to more than a year of recall campaigns.

## Election-Law Issue

Still hanging over Walker are allegations by a group of county prosecutors that was involved in an effort to bypass election laws while fighting a 2012 effort to oust him from office. The governor has denied any wrongdoing and no one has been charged in the investigation that grew out of that recall campaign.

Walker is among a crowded field of potential Republican presidential candidates that includes Kentucky Senator Rand Paul, New Jersey Governor Chris Christie, Texas Governor Rick Perry and Florida Senator Marco Rubio. His 2016 ambitions, bolstered by a 2013 autobiography titled "Unintimidated," are directly linked to his being re-elected in November.

Recent public opinion polls show no clear frontrunner in the race and Walker in its bottom tier with support that averages 5.7 percent, according to surveys tracked the by RealClearPolitics website.

## Union Law

The bigger win for Walker yesterday was on the union law. In a 5-2 ruling, the justices reversed a lower court decision that parts of the statute, known as Act 10, unduly burdened affected workers' constitutional rights to free speech and free association. The law limits collective bargaining by public employees and deduction of union dues.

In two voter ID cases, the court upheld Walker's three-year-old photo identification law. Although the justices said the measure was allowable under the state constitution, the ruling was a hollow victory for Walker, as the ID law remains on hold because a federal court found it invalid. Walker is challenging that decision.

Wisconsin is one of 34 U.S. states to have some sort of voter identification law on the books, 31 of which are in force for this year's midterm elections. Sixteen of the laws require a photo ID, according to the National Conference of State Legislatures.



“Voter ID is a common sense reform that protects the integrity of our elections,” Walker’s office said yesterday in a statement. “People need to have confidence in our electoral process and to know their vote has been properly counted.”

As for the decision on the public union law, Walker, 46, called it “a victory for hard-working taxpayers.”

## ‘Supreme Disgrace’

One Wisconsin Now, a self-described progressive political advocacy group, called the court’s rulings “a supreme disgrace,” and an attack on both workers and voters.

The decisions “don’t change the fact that this fall’s election is about jobs,” said Joe Zepecki, a spokesman for Walker’s Democratic challenger, said in an e-mail. “Under [Scott Walker](#), Wisconsin is lagging behind on jobs.”

Burke, 55, supports collective bargaining rights and opposes the voter ID law, Zepecki said.

The court said the public-union legislation prohibits most, though not all, public employees from collectively bargaining on issues other than base wages, prevents municipal employers from deducting union dues from worker wages, and requires unions to conduct annual recertification votes.

## Challenges Ended

Wisconsin Supreme Court Justice Michael Gableman, writing for the majority, echoed a federal appeals court that previously upheld the union law. These decisions mark the end of viable legal challenges to the legislation, said attorney Lester Pines, a lawyer for union supporters.

“The lawsuits for the most part are done,” Pines said, adding that “anyone who thinks this is a death knell for municipal employee unions is wrong.”

Opponents of the voter ID law claim the restriction, similar to those pushed by Republican-dominated legislatures in the run-up to the 2012 presidential election, is intended to suppress the votes of those inclined to vote for Democrats.

They argue that lower-income and minority voters, traditional constituencies for the party, are the most likely to lack identification required by such laws.

Justice Patience Drake Roggensack, writing for a 4-3 majority in the lawsuit filed by the Milwaukee chapter of the National Association for the Advancement of Colored People, said that though a lower court found “no evidence of ‘recent’ voter impersonation fraud in Wisconsin,” that finding “cannot overcome the state’s interest in preventing voter fraud.”

## Federal Ruling

The fate of Wisconsin’s voter ID law now rests with the [U.S. Court of Appeals in Chicago](#). The state has challenged a Milwaukee federal judge’s ruling April 29 that the measure illegally burdens the ability of some citizens to exercise their right to vote.

The justices did hand the Walker administration something of a defeat yesterday, unanimously rejecting a challenge to the state’s domestic partnership law, which affords same-sex couples some of the same legal benefits as heterosexual married couples.

Those suing claimed the provision signed into law by former Governor Jim Doyle, a Democrat, was too similar to gay marriage, which is barred by the state’s constitution.

The Walker administration declined to defend the domestic partnership law, as gay rights proponents who intervened to preserve the measure prevailed.

A federal judge in Madison last month ruled the state’s gay marriage ban to be invalid. That ruling has been put on hold while the state pursues an appeal.

The cases are League of Women Voters of Wisconsin Education Network Inc. v. Walker, 2012AP584; Milwaukee Branch of the NAACP v. Walker, 2012AP1652; Appling v. Walker, 2011AP1572, Wisconsin Supreme Court (Madison).

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