



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-5451/1
JK:cjs

2023 SENATE BILL 938

January 19, 2024 - Introduced by Senators LARSON, SPREITZER, CARPENTER, L. JOHNSON, ROYS, SMITH, TAYLOR and WIRCH, cosponsored by Representatives EMERSON, BARE, CONLEY, HONG, J. ANDERSON, JACOBSON, JOERS, MADISON, MOORE OMOKUNDE, NEUBAUER, OHNSTAD, ORTIZ-VELEZ, PALMERI, RATCLIFF, STUBBS, SUBECK and HAYWOOD. Referred to Committee on Shared Revenue, Elections and Consumer Protection.

1 **AN ACT to amend** 5.02 (6m) (f) of the statutes; **relating to:** student identification
2 used for voting.

Analysis by the Legislative Reference Bureau

Current law allows an individual to use as voter identification an unexpired identification card issued by a technical college, college, or university in this state if the card meets certain criteria. The card must have an expiration date that is no later than two years after the date it was issued, and the individual must establish proof of enrollment. The U.S. Court of Appeals for the 7th Circuit held that the requirement to present both an unexpired identification card and proof of enrollment had no rational basis and was therefore unconstitutional. See, *Luft v. Evers*, 963 F.3d 665 (2020). This bill allows a student to use an expired student identification card under certain circumstances. Under the bill, a student does not need to present proof of enrollment if using an unexpired identification card, but must provide proof of enrollment if using an expired identification card. In addition, the bill requires each technical college in this state and each UW System institution to issue student identification cards that meet the criteria to be used as voter identification no later than August 1, 2024.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SENATE BILL 938**SECTION 1**

1 **SECTION 1.** 5.02 (6m) (f) of the statutes is amended to read:

2 5.02 (**6m**) (f) An ~~unexpired~~ identification card issued by a university or college
3 in this state that is accredited, as defined in s. 39.30 (1) (d), or by a technical college
4 in this state that is a member of and governed by the technical college system under
5 ch. 38, that contains the date of issuance and signature of the individual to whom it
6 is issued and that contains an expiration date indicating that the card expires no
7 later than 2 years after the date of issuance ~~if the individual establishes, except that~~
8 if the identification card is expired the individual shall establish that he or she is
9 enrolled as a student at the university or college on the date that the card is
10 presented.

11 **SECTION 2. Nonstatutory provisions.**

12 (1) No later than August 1, 2024, each University of Wisconsin System
13 institution and each technical college in this state that is a member of and governed
14 by the technical college system under ch. 38 shall issue student identification cards
15 that qualify as identification under s. 5.02 (6m) (f).

16 **(END)**