

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1032/1dn
RJM:wlj:rs

December 7, 2000

Representative Ladwig:

This bill contains the provisions of 1999 AB-649 (repealing registration by corroboration on election day), along with provisions repealing the use of corroboration for late voter registration. The bill also contains provisions generally requiring an individual to present a Wisconsin driver's license or identification card in order to register. Please let me know if the bill is not consistent with your intent. As you review the bill, please note the following issues:

1. Because a person must pay a fee to obtain a driver's license or identification card, requiring a person to present one of these forms of identification in order to obtain the registration required to vote may be considered an unconstitutional poll tax. To avoid this potential challenge, this bill permits a person to present his or her birth certificate, which costs nothing. Please let me know if this option is inconsistent with your intent.
2. This bill repeals ss. 6.30 (4) and 6.32, stats., which allow registration by mail, because these provisions are incompatible with a requirement that a person show identification when registering. However, because the bill permits overseas electors to register by mail, these provisions have been incorporated into the overseas voting statute. See proposed s. 6.24 (3) (b).

The bill does not incorporate these provisions exactly, however. It did not seem logical to require a municipal clerk to inform an overseas elector who mails an incomplete registration form or whose registration form is not timely that the elector may register in person at the municipal clerk's office or polling place. Although this requirement is in current law, this bill does not include it.

Repealing the provisions allowing registration by mail may disproportionately affect the elderly, who are less likely to travel to a location where they may register in person. To address this concern, this bill makes clear that certain nursing homes, community-based residential facilities, and retirement homes may be designated as registration locations. See proposed s. 6.28 (1).

3. The bill does not change current law with regard to transferring registration to a new address within a municipality or transferring registration to a new legal name. Thus, a person whose address changes within a municipality or whose name is legally changed need not present identification when submitting a request to update his or her registration. However, a person who moves to a new municipality generally must complete a new registration form and present identification.

4. The bill does not change current law with regard to the suspension of registrations for registered electors who have not voted during a four-year period. Current law permits these electors to avoid suspension of their registration by mailing a form certifying that they still reside at the address at which they are registered and desire to continue their registration. These electors are not required to present identification.

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