

2001 DRAFTING REQUEST

Bill

Received: 11/15/2000

Received By: **rmarchan**

Wanted: **As time permits**

Identical to LRB:

For: **Bonnie Ladwig (608) 266-9171**

By/Representing: **herself**

This file may be shown to any legislator: **NO**

Drafter: **rmarchan**

May Contact:

Alt. Drafters: **kuesejt**

Subject: **Elections - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Voter identification

Instructions:

Require individuals who vote to show identification.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rmarchan 12/04/2000 kuesejt 12/06/2000	gilfokm 12/06/2000		_____			
/1			jfrantze 12/07/2000	_____	lrb_docadmin 12/07/2000	gretskl 01/04/2001 lrb_docadmin 01/04/2001	

FE Sent For:

<END>

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1?	rmarchan	1-12/6 <i>King</i>	<i>JL</i> 12/7	<i>JL</i> 10-7			

FE Sent For:

<END>



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-10342
RJM + JTK...
1

Due 12-8-00

EMME

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

DRAFT

draft

1 AN ACT relating to: requiring individuals to present identification in order
2 to vote at a polling place. , or a copy of the elector's birth certificate

Analysis by the Legislative Reference Bureau

Currently, before being permitted to vote at any polling place, an elector must provide or confirm his or her name and address. This bill requires an elector, in addition, to present a valid Wisconsin driver's license issued to the elector that contains a photograph of the license holder ~~or~~ a valid Wisconsin identification card issued to the elector.

This bill does not affect the absentee voting procedure.

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

3 SECTION 1. 6.79 (1) of the statutes is amended to read:

4 6.79 (1) MUNICIPALITIES WITHOUT REGISTRATION. Except as provided in sub. (6)

5 (a), where there is no registration, before being permitted to vote, each person shall

6 state his or her full name and address and present to the officials a valid operator's

7 license issued to the person under ch. 343 that contains a photograph of the license

8 holder ~~or~~ a valid identification card issued to the person under s. 343.50. The officials

, or a copy of the person's birth certificate

or a copy of the elector's birth certificate

1 shall enter each name and address on a poll list in the same order as the votes are
 2 cast. If the residence of the elector does not have a number, the election officials shall,
 3 in the appropriate space, enter "none". Alternatively, the municipal clerk may
 4 maintain a poll list consisting of the full name and address of electors compiled from
 5 previous elections. ^(plain text) Whenever ~~except as provided in sub. (6) or whenever~~ an elector
 6 appears to vote, the elector shall ^{Before being permitted to vote, each} present to the officials a valid operator's license
 7 issued to the elector under ch. 343 that contains a photograph of the license holder
 8 ~~or~~ a valid identification card issued to the elector under s. 343.50. ~~ANNA~~ officials shall
 9 verify the correctness of the elector's name and address, and shall enter a serial
 10 number next to the name of the elector in the order that the votes are cast, beginning
 11 with the number one. If the name and address of an elector do not appear on the
 12 prepared poll list, the officials shall enter the name, address and serial number of the
 13 elector at the bottom of the list. ~~XXXXXX~~ The officials may require any elector to provide
 14 identification, including acceptable proof of residence, or to have another elector
 15 corroborate his or her information in accordance with the procedure specified in s.
 16 6.55 (2) (b) before permitting the elector to vote. ~~An elector who presents an~~
 17 ~~identification card under sub. (6) (a) is not required to provide separate~~
 18 ~~identification.~~ The officials shall maintain a separate list of those persons voting
 19 under ss. 6.15 and 6.24.

MOVS

20 ~~NOTE: NOTE: NOTE: Sub. (1) is shown as affected by two acts of the 1999 legislature and as merged by the revisor under s. 13.93 (2) (b). NOTE:~~
 21 ~~History: 1971 c. 304 s. 29 (2); 1975 c. 85, 199, 200; 1977 c. 394, 447; 1979 c. 260, 311, 355; 1985 a. 304; 1989 a. 192; 1999 a. 49, 182; s. 13.93 (2) (c).~~

SECTION 2. 6.79 (2) of the statutes is amended to read:

22 6.79 (2) MUNICIPALITIES WITH REGISTRATION. Except as provided in sub. (6) (b),
 23 where there is registration, each person, before receiving a voting number, shall state
 24 his or her full name and address and present to the officials a valid operator's license
 25 issued to the person under ch. 343 that contains a photograph of the license holder

or a copy of the person's birth certificate.

1 ~~At~~ a valid identification card issued to the person under s. 343.50. Upon the prepared
2 registration list, after the name of each elector, the officials shall enter the serial
3 number of the vote as it is polled, beginning with number one. Each elector shall
4 receive a slip bearing the same serial number. A separate list shall be maintained
5 for electors who are voting under s. 6.15, 6.29 or 6.55 (2) or (3) and electors who are
6 reassigned from another polling place under s. 5.25 (5) (b). Each such elector shall
7 have his or her full name, address and serial number likewise entered and shall be
8 given a slip bearing such number.

9 ~~NOTE. NOTE. NOTE. Sub. (2) is shown as affected by two acts of the 1999 legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE:~~
10 ~~History: 1971 c. 304 s. 29 (2); 1975 c. 85, 199, 200; 1977 c. 394, 447; 1979 c. 260, 311, 355; 1985 a. 304; 1989 a. 192; 1999 a. 49, 182; s. 13.93 (2) (c).~~

SECTION 3. 6.82 (1) (a) of the statutes is amended to read:

11 6.82 (1) (a) When any inspectors are informed that an elector is at the entrance
12 to the polling place who as a result of disability is unable to enter the polling place,
13 they shall permit the elector to be assisted in marking or punching a ballot by any
14 individual selected by the elector, except the elector's employer or an agent of that
15 employer or an officer or agent of a labor organization which represents the elector.
16 The individual selected by the elector shall provide all information necessary for the
17 elector to obtain a ballot under s. 6.79 (1) or (2). The inspectors shall then issue a
18 ballot to the individual selected by the elector and shall accompany the individual
19 to the polling place entrance where the assistance is to be given. If the ballot is a
20 paper ballot, the assisting individual shall fold the ballot after the ballot is marked
21 or punched by the assisting individual. The assisting individual shall then
22 immediately take the ballot into the polling place and give the ballot to an inspector.
23 The inspector shall distinctly announce that he or she has "a ballot offered by
24 (stating person's name), an elector who, as a result of disability, is unable to enter the
25 polling place without assistance". The inspector shall then ask, "Does anyone object

SECTION 3

1 to the reception of this ballot?" If no objection is made, the inspectors shall record
2 the elector's name under s. 6.79 and deposit the ballot in the ballot box, and shall
3 make a notation on the registration or poll list: "Ballot received at poll entrance".

4 (END)

4
INSERT
"KA"

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1034/lins
RJM:.....

INSERT "KA"

SECTION 1. 10.02 (3) (a) of the statutes is amended to read:

10.02 (3) (a) Upon entering the polling place, an elector shall give his or her name and address and present a valid Wisconsin driver's license, valid Wisconsin identification card, or a copy of the elector's birth certificate before being permitted to vote. Where ballots are distributed to electors, the initials of 2 inspectors must appear on the ballot. Upon being permitted to vote, the elector shall retire alone to a voting booth or machine and cast his or her ballot, except that an elector who is a parent or guardian may be accompanied by the elector's minor child or minor ward. An election official may inform the elector of the proper manner for casting a vote, but the official may not in any manner advise or indicate a particular voting choice.

History: 1971 c. 304 s. 29 (2); 1973 c. 334 s. 57; 1975 c. 85, 199; 1977 c. 107, 427, 447; 1979 c. 311; 1981 c. 377; 1983 a. 484 ss. 119, 172 (3); 1985 a. 304; 1989 a. 31; 1997 a. 250; 1999 a. 182.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1034/1dn

RJM:.....

kmq

, or birth certificate

Wisconsin

Representative Ladwig:

This bill generally requires a person to present a Wisconsin driver's license, or identification card, in order to vote. However, a person who has obtained a confidential listing on a registration list may, instead, present a voting identification card issued by the municipality in which the person resides. Please let me know if this exception is inconsistent with your intent.

more strict
Also, Although I have not researched the issue thoroughly, it is possible that the bill's ~~by the~~ treatment of electors who vote in person could be challenged as a violation of Equal Protection.

Currently, there are several methods by which a person may obtain an absentee ballot. You may want to require any person who obtains an absentee ballot in person to present a ~~Wisconsin driver's license or identification card~~. The bill does not currently do ~~that~~ this.

Please let me know if you desire any changes.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: robert.marchant@legis.state.wi.us

~~The U.S. Constitution prohibits the state from imposing a poll tax.~~ Because a person must pay a fee in order to obtain a driver's license or identification card, requiring the person to present one of these forms of identification in order to vote may be construed to be an unconstitutional poll tax. In order to avoid this type of challenge, the bill also permits a person to present a copy of his or her birth certificate, which costs the person nothing. Please let me know if this option is not consistent with your intent.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1034/1dn
RJM:kmg:jf

December 7, 2000

Representative Ladwig:

This bill generally requires a person to present a Wisconsin driver's license, Wisconsin identification card, or birth certificate in order to vote. However, a person who has obtained a confidential listing on a registration list may, instead, present a voting identification card issued by the municipality in which the person resides. Please let me know if this exception is inconsistent with your intent.

Because a person must pay a fee in order to obtain a driver's license or identification card, requiring the person to present one of these forms of identification in order to vote may be construed to be an unconstitutional poll tax. In order to avoid this type of challenge, the bill also permits a person to present a copy of his or her birth certificate, which costs the person nothing. Please let me know if this option is not consistent with your intent.

Currently, there are several methods by which a person may obtain an absentee ballot. Currently, the bill does not require these persons to present identification. You may want to require any person who obtains an absentee ballot in person to present identification. The bill does not currently do this. Also, although I have not researched the issue thoroughly, it is possible that the bill's more strict treatment of electors who vote in person could be challenged as a violation of Equal Protection.

Please let me know if you desire any changes.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: robert.marchant@legis.state.wi.us



State of Wisconsin

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CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

December 7, 2000

MEMORANDUM

To: Representative Ladwig

From: Robert J. Marchant, Legislative Attorney

Re: LRB-1034 Voter identification

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 261-4454 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.