

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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February 21, 2001

Representative Walker:

1. It is possible that, if enacted, this draft may activate certain requirements under the National Voter Registration Act (commonly referred to as the "motor voter law"), from which this state is currently exempt. Primarily, these requirements include voter registration simultaneously with motor vehicle driver's license applications and renewals, voter registration at any office that provides public assistance, voter registration at any office that primarily provides state-funded services to persons with disabilities, and voter registration at armed forces recruiting offices. The motor voter law exempts any state in which "all voters ... may register to vote at the polling place at the time of voting." 42 USC 1973gg-2 (b) (2). This bill would prohibit a person from registering and voting on election day if the person had no acceptable ID and was unable to obtain one from the department of transportation before the close of the polls. You may want to consider allowing these individuals, only for the applicable election, to establish their identity by corroboration or to provide some type of statement certifying their identity and residence.

2. This draft does not affect the method of obtaining an absentee ballot by mail. Under this draft, electors obtaining an absentee ballot by mail need not present an I.D. to vote but electors obtaining an absentee ballot in person or voting at the polls must present an I.D. This more strict treatment of certain electors may be subject to a challenge under the Equal Protection provisions of the Wisconsin or U.S. Constitution. Although there may well be a constitutional, rational basis for this disparate treatment, if you intend to avoid the issue entirely, you may want to consider requiring all absent electors (other than military and overseas electors) to obtain an absentee ballot in person and to present an I.D.

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