

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1105/1dn
JTK:kmg:cph

December 11, 2002

Senator Reynolds:

1. The federal Help America Vote Act of 2002 (P.L. 107-252) requires that, in elections for national office, electors other than military and overseas electors, as defined by federal law, must provide a specified form of identification in order to vote if they register by mail and have never voted in an election for national office in this state. The form of identification required is different than the form required under this draft. The Help America Vote Act requires state-implementing legislation and that legislation has not yet been introduced or considered by the Wisconsin legislature.

2. This draft generally requires a person to present a Wisconsin driver's license, Wisconsin identification card, university, college, or technical college identification card, or birth certificate in order to vote. The bill does not require persons who vote by absentee ballot to present identification. You may want to require any person who obtains an absentee ballot in person to present identification. 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 requirements under the 14th Amendment.

Please let me know if you desire any changes.

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