



State of Wisconsin

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STEPHEN R. MILLER
CHIEF

October 18, 2005

MEMORANDUM

To: Senator Decker

From: Aaron Gary, Legislative Attorney, (608) 261-6926

Jeffery T. Kuesel, Managing Attorney, (608) 266-6778

Subject: Technical Memorandum to **2005 SB-355** (LRB 05-3250/2)

We received the attached technical memorandum relating to your bill. This copy is for your information and your file. If you wish to discuss this memorandum or the necessity of revising your bill or preparing an amendment, please contact me.

CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

Date: October 10, 2005
To: Legislative Reference Bureau
From: Erin Egan
DMV Legislative Liaison, Department of Transportation
Subject: Technical Note for SB-355

As it is currently drafted, SB-355 allows an identification card to be issued without a photograph, if the applicant has a sincerely held religious belief against being photographed, and provides an affidavit identifying the religion they belong to, and the tenets of that religion which prohibit photography.

The federal REAL ID Act was signed on May 11, 2005. The REAL ID Act prohibits any federal agency from accepting a state driver license for any purpose unless the state meets the act's requirements. The REAL ID act requires that all driver's licenses and identification cards contain a digital photograph, and also requires that every applicant for a driver's license or identification be subject to mandatory facial capture. The provision of SB 355, which allows identification cards to be issued without photographs, puts Wisconsin in violation with the REAL ID Act.

We appreciate your attention to this technical concern.

WisDOT – DMV Erin Egan (608) 266-1449