

WISCONSIN STATE
LEGISLATURE
COMMITTEE HEARING
RECORDS

2005-06

(session year)

Assembly

(Assembly, Senate or Joint)

**Committee on
Campaigns &
Elections
(AC-CE)**

File Naming Example:

Record of Comm. Proceedings ... RCP

- > 05hr_AC-Ed_RCP_pt01a
- > 05hr_AC-Ed_RCP_pt01b
- > 05hr_AC-Ed_RCP_pt02

Published Documents

> Committee Hearings ... CH (Public Hearing Announcements)

> **

> Committee Reports ... CR

> **

> Executive Sessions ... ES

> **

> Record of Comm. Proceedings ... RCP

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*Information Collected For Or
Against Proposal*

> Appointments ... Appt

> **

> Clearinghouse Rules ... CRule

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> Hearing Records ... HR (bills and resolutions)

> **05hr_ab0063_AC-CE_pt01**

> Miscellaneous ... Misc

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WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: REPRESENTATIVE STEPHEN FREESE

FROM: Robert J. Conlin, ~~Senior~~ Senior Staff Attorney

RE: 2005 Assembly Bill 63, Relating to Voter Identification

DATE: February 2, 2005

This memorandum briefly summarizes 2005 Assembly Bill 63, relating to voter identification. Assembly Bill 63 was introduced by Representative Stone and others and was cosponsored by Senator Leibham and others. The bill has been referred to the Assembly Committee on Campaigns and Elections, which has scheduled a hearing on the bill for Thursday, February 3, 2005.

CURRENT LAW

Generally, under current law, before an elector is allowed to vote at a polling place, the elector must state his or her name and address. If an elector refuses to give his or her name and address, the elector may not be permitted to vote.

Under current law, in municipalities with voter registration, a person may register to vote at the polls. (Beginning in 2006, voter registration will be required in every municipality in Wisconsin.) A person doing so must provide acceptable proof of residence which shows the person's name and a current and complete residential address. Forms of identification which may constitute acceptable proof of residence under current law include the following: (a) a Wisconsin driver's license; (b) a Wisconsin identification card issued by the Department of Transportation (DOT); (c) any other official identification card or license issued by a Wisconsin governmental body or unit or by an employer in the normal course of business (except a business card); (d) a credit card; (e) a library card; (f) a check cashing or courtesy card issued by a merchant in the normal course of business; (g) a recent real estate tax bill or receipt; (h) a current residential lease; (i) a university, college, or technical college fee or identification card; (j) an airplane pilots license; or (k) a gas, electric, or telephone service statement for the period commencing not earlier than 90 days before election day.

If an elector cannot provide acceptable proof of residence, the elector's information may be corroborated in a statement that is signed by any elector who resides in the same municipality as the

registering elector and that contains the current street address of the corroborating elector. The corroborator must provide acceptable proof of residence.

Finally, under current law and with some exceptions, an elector who registered to vote by mail and who has not voted in the municipality before, is required to present identification prior to voting. Under this requirement, identification includes: (a) a current and valid piece of identification containing a photograph of the elector; or (b) a copy of a utility bill, bank statement, paycheck, or a check or other document issued by a unit of government that shows the current name and address of the elector. This requirement was imposed on the state by the federal Help American Vote Act of 2002 (HAVA).

THE BILL

In general, 2005 Assembly Bill 63 makes the following changes to current law:

a. The bill requires, with limited exceptions, persons attempting to vote at a polling place to present a valid Wisconsin driver's license issued to the person, a valid and current identification card issued to the person by U.S. uniformed service, or a valid state identification card issued to the person by the Department of Transportation (DOT). This requirement would not apply to an elector who has been issued a confidential listing under current law because he or she is a victim of domestic abuse or to an elector who has had to surrender his or her driver's license due to the receipt of a citation from a law enforcement officer in any jurisdiction within 60 days before the date of an election. In the latter case, the elector may be allowed to vote if he or she presents an original copy of the citation in lieu of his or her driver's license. The ballot must be marked so as to indicate that the elector presented a citation in lieu of his or her driver's license.

b. The bill requires each person registering to vote at the polling place on election day to provide to the registration deputy a valid Wisconsin driver's license issued to the person, a valid and current identification card issued to the person by a U.S. uniformed service, or a valid state identification card issued to the person by DOT. If such identification does not constitute acceptable proof of residence for registration, as described above, the elector must also provide acceptable proof of residence.

c. The bill deletes the ability of an elector attempting to register at the polls to corroborate his or her eligibility criteria via another elector.

d. The bill prohibits an elector who is required to provide identification under the bill from casting a vote if he or she does not provide the required identification or if the name or any photograph appearing on the identification that is provided cannot be verified by election officials. (Under the bill, an elector who has a confidential listing because he or she is a victim of domestic abuse need not show identification and a person who has surrendered his or her driver's license because of a citation may show the citation in lieu of a driver's license.) However, the bill authorizes such an individual to cast a provisional ballot. If an elector casts a provisional ballot under the bill, the elector bears the burden of providing the required identification to poll workers by the close of the polls or to the municipal clerk by 4:00 p.m. on the day after the election. If the necessary identification is provided in a timely way, the ballot may be counted. If not, the ballot is not to be counted.

e. In general, the bill applies the identification requirement to persons voting by absentee ballot. Generally, under the bill, if a person applies for an absentee ballot at the clerk's office, the clerk may not issue the absentee ballot unless the elector presents one of the required forms of identification. The clerk must make a copy of the identification and enclose a copy of it in the certificate envelope of the

absentee ballot. Generally, an absentee elector submitting his or her ballot to the clerk by mail must include a copy of the required identification in the envelope with the voted ballot, unless the elector is a "military elector" or an "overseas elector," as defined by the bill, or the elector has a confidential listing because he or she is a victim of domestic abuse. (For purposes of the bill, a "military elector" is a member of a uniformed service on active duty who by reason of that duty is absent from the residence where the member is otherwise qualified to vote; a member of the merchant marine who by reason of service in the merchant marine is absent from the residence where the member is otherwise qualified to vote; or the spouse or dependent of any such member who, by reason of the duty or service of the member, is absent from the residence where the spouse or dependent is otherwise qualified to vote. An "overseas elector," under the bill, is an elector who resides outside the United States and who is qualified under federal law to vote in elections for national office in the state because the elector was last domiciled in the state immediately prior to the elector's departure from the United States.) Three exceptions to this general rule are provided.

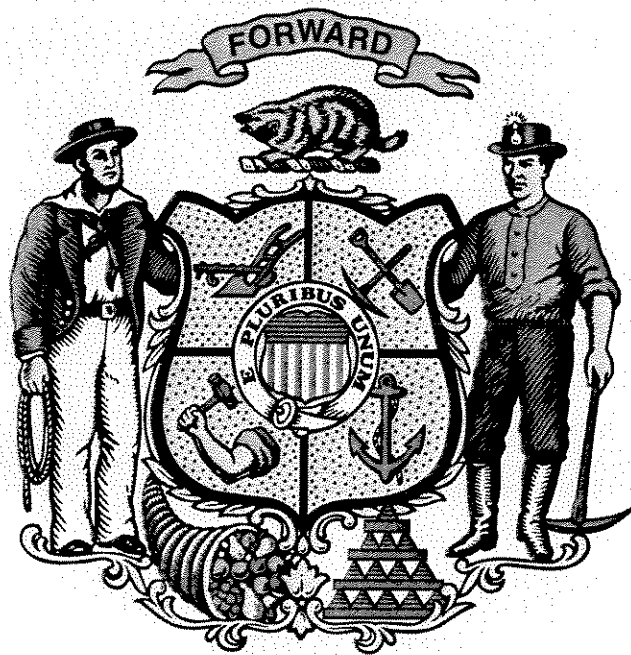
- First, an elector who is indefinitely confined because of age, physical illness, infirmity, or disability may, in lieu of providing identification required of other electors under the bill, submit with his or her absentee ballot a statement signed by the person who witnessed the voting of the absentee ballot and which contains the name and address of the elector and verifies that the name and address are correct.
- Second, if an absentee elector has received an absentee ballot from the municipal clerk by mail for a previous election, has provided a copy of identification required under the bill with that ballot and has not changed his or her name or address since providing that identification, such elector is not required to provide a copy of the identification again.
- Finally, if the absentee elector has received a citation from a law enforcement officer in any jurisdiction that is dated within 60 days of the date of the election and was required to surrender his or her driver's license at the time the citation is issued, the elector may enclose a copy of the citation in lieu of the driver's license or may present an original copy of the citation in lieu of the driver's license if the elector is voting at the office of the municipal clerk.

f. The bill provides that an individual may apply for and receive a Wisconsin identification card issued by DOT without a photograph if the individual provides to DOT an affidavit stating that the applicant has a sincerely held religious belief against being photographed, identifies the religion to which he or she belongs or the tenets of which he or she adheres to, and stating the tenets of the religion prohibit him or her from being photographed.

g. The bill provides that a state identification card issued by DOT may be issued or renewed without charge upon request of the applicant. [The current fee for issuance and renewal is \$9 and a card is valid for four years.]

h. Generally, the bill takes effect on January 1, 2006 or the day after publication, whichever is later.

If you have questions on this memorandum, please feel free to contact me at the Legislative Council staff offices.



Fiscal Estimate Narratives
ELB 2/3/2005

LRB Number 05-0964/2	Introduction Number AB-63	Estimate Type Updated
Subject Identification required for voting in elections		

Assumptions Used in Arriving at Fiscal Estimate

The Elections Board and local election officials will incur costs for poll worker training, voter education, notice and form revision. Because this is a fundamental change in the voting procedure, it will require extensive outreach to voters and local election officials. This activity is not funded and will require planning and coordination among state and local election officials.

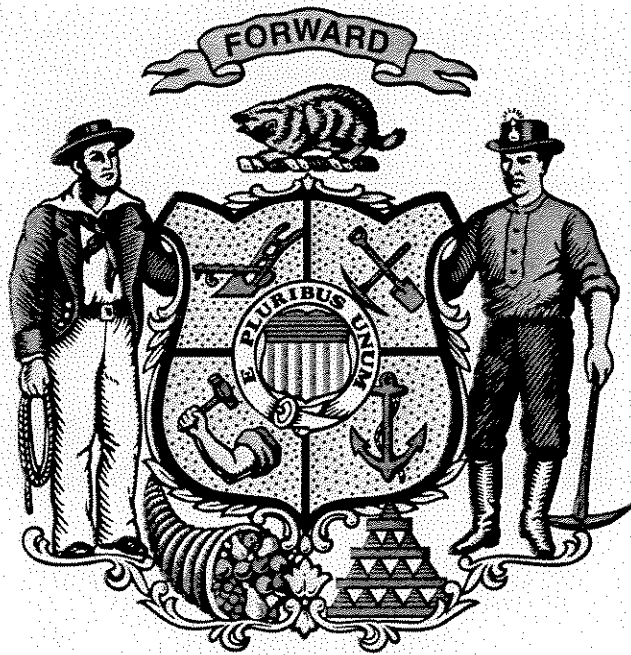
The cost for revising, printing and distributing notices and forms is estimated at \$3,500. Information and training materials will require an estimated \$5,000. A statewide election official training initiative will cost an estimated \$23,700. The cost for a voter education initiative related to the proposed change is estimated at \$50,000 before the Fall 2006 elections.

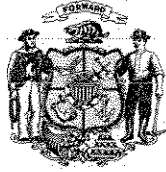
These costs do not include diverting state and local personnel from current responsibilities to implement the change.

Long-Range Fiscal Implications

Handwritten calculation:
73700
3500
50000

82200





Freese

Wisconsin Speaker Pro Tempore
Representative Stephen J. Freese

MEMO

TO: Members, Assembly Committee on Campaigns & Elections
FROM: Rep. Steve Freese, Chair
DATE: February 7, 2005
RE: Amendment to AB 63

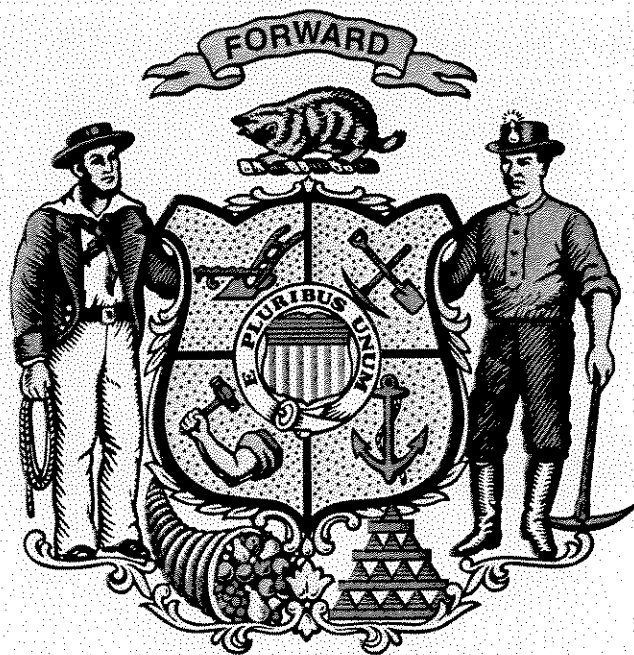
The Assembly Committee on Campaigns & Elections will take executive action on Assembly bills 63 and 65 on Wednesday, February 9, 2005.

Attached is a technical amendment to Assembly Bill 63. Our Legislative Council attorney is preparing a memo on the amendment that will be available prior to the meeting.

If you have questions, please contact the committee clerk or me immediately.

Fifty-First Assembly District

Capitol Office: P.O. Box 8952 • Madison, Wisconsin 53708-8952
(608) 266-7502 • Toll-Free: (888) 534-0051 • Fax: (608) 261-9474 • Rep.Freese@legis.state.wi.us
District: 310 E. North • Dodgeville, Wisconsin 53533 • (608) 935-3789






WISCONSIN LEGISLATIVE COUNCIL

*Terry C. Anderson, Director
Laura D. Rose, Deputy Director*

TO: REPRESENTATIVE STEPHEN FREESE

FROM: Robert J. Conlin,  Senior Staff Attorney

RE: Assembly Amendment __ (LRBa0112/2) to Assembly Bill 63, Relating to Voter Identification

DATE: February 8, 2005

This memorandum briefly describes Assembly Amendment __ (LRBa0112/2) to 2005 Assembly Bill 63. As you know, Assembly Bill 63 generally requires voters and persons registering to vote at the polls to present a photo identification card (i.e., a Wisconsin driver's license, a Wisconsin identification card issued by the Department of Transportation (DOT), or an identification card issued by a U.S. uniformed service) before being allowed to vote and before being allowed to register to vote at the polls. The bill also deletes the ability of persons to corroborate their eligibility to vote via another elector in the municipality. The bill is more fully described in a memo to you dated February 2, 2005.

Assembly Amendment __ (LRBa0112/2) makes a number of modifications to the bill to correct incorrect cross-references, to incorporate consistent terminology, and to otherwise aid in the effectuation of the bill's intent by making other nonsubstantive changes. Those changes are described below. The changes are identified by the item number in the amendment.

Items 1, 2, and 21: Deletes the current law penalty for falsely corroborating another elector's information because the bill deletes the authorization to corroborate.

Item 4: Deletes additional references to the corroboration process in current law that were inadvertently missed in the drafting of the bill.

Items 5 through 10: Changes the word "elector" to "person" for purposes of consistency with similar uses in the bill.

Item 11: Clarifies, in accordance with the intent of the bill, that poll workers must verify the name and address *stated* by the elector when appearing to vote as under current law, rather than the address provided on an identification card.

Item 12: Changes the title of a provision of the bill to provide consistency with the intent of the provision and to avoid inconsistency with defined terms under current law.

Items 13 and 19: Makes minor changes so that the bill consistently refers to "U.S. uniformed service."

Item 14: Clarifies, that the *agent* of a hospitalized absent elector presents the identification document required for the elector to vote.

Item 15: Corrects an internal statutory reference.

Items 16 and 17: Deletes unnecessary internal statutory references.

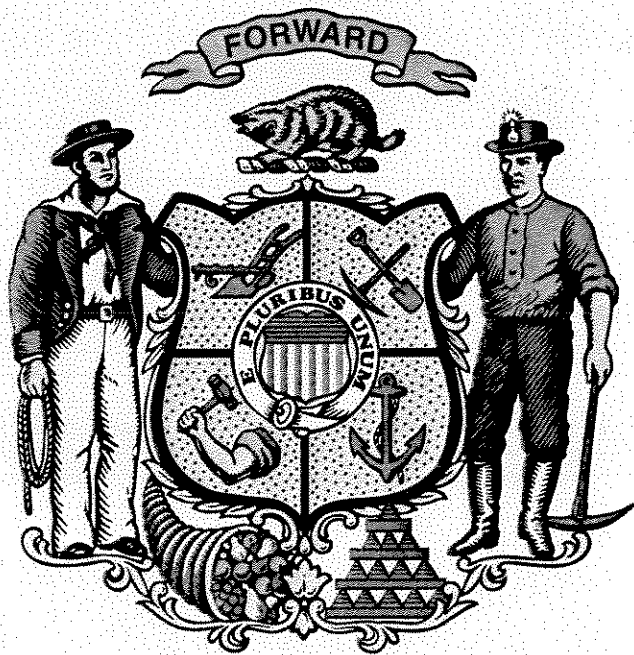
Item 18: Corrects an internal statutory reference.

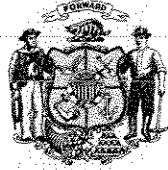
Item 20: Adds the word "valid" to "current identification card" to be consistent with other uses in the bill.

Items 22 and 23: Deletes an unnecessary reference to a statutory section that is not treated by the bill.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

RJC:ksm:rv





Rep. Freese

Wisconsin Speaker Pro Tempore
Representative Stephen J. Freese

MEMO

TO: Members, Assembly Committee on Campaigns & Elections
FROM: Rep. Steve Freese, Chair
DATE: February 8, 2005
RE: **REPLACEMENT of Amendment to AB 63 a0112/2**

The Assembly Committee on Campaigns & Elections will take executive action on Assembly bills 63 and 65 on Wednesday, February 9, 2005.

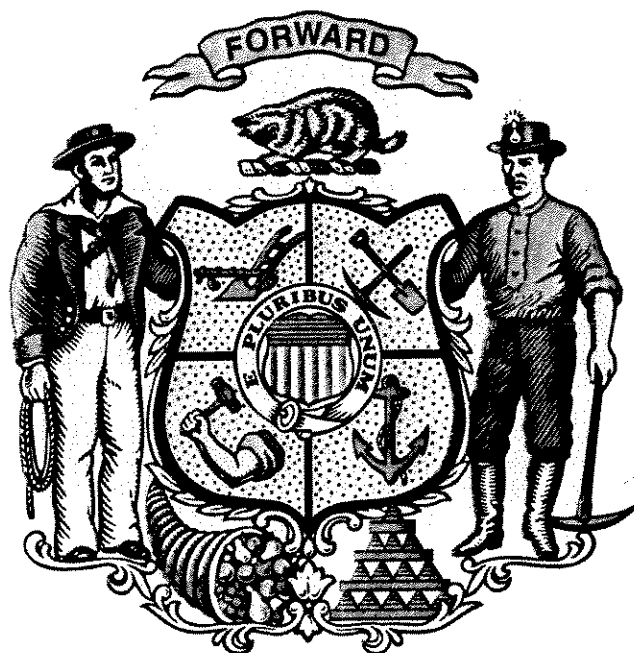
Attached is a technical amendment to Assembly Bill 63. This is a "slash 2" and we will use this amendment instead of the "slash 1" provided to your office yesterday afternoon.

Our Legislative Council attorney is preparing a memo on the amendment that will be available prior to the meeting.

If you questions, please contact the committee clerk or me immediately.

Fifty-First Assembly District

Capitol Office: P.O. Box 8952 • Madison, Wisconsin 53708-8952
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WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO

2005 Assembly Bill 63	Assembly Amendments 1, 2, and 3
<i>Memo published: February 17, 2005</i>	<i>Contact: Robert J. Conlin, Senior Staff Attorney (266-2298)</i>

ASSEMBLY BILL 63

Assembly Bill 63 generally requires voters and persons registering to vote at the polls to present a photo identification card (i.e., a Wisconsin driver's license, a Wisconsin identification card issued by the Department of Transportation (DOT), or an identification card issued by a U.S. uniformed service) before being allowed to vote and before being allowed to register to vote at the polls. The bill also deletes the ability of persons to corroborate their eligibility to vote via another elector in the municipality.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 makes a number of modifications to the bill to correct incorrect cross-references, to incorporate consistent terminology, and to otherwise aid in the effectuation of the bill's intent by making other nonsubstantive changes. Those changes are described below. The changes are identified by the item number in the amendment.

Items 1, 2, and 21: Deletes the current law penalty for falsely corroborating another elector's information because the bill deletes the authorization to corroborate.

Item 3: Makes clear that when a person who is a qualified elector but who has been a resident of the state for less than 10 days, appears at the clerk's office or the polls to vote in a presidential election for president and vice president and provides identification under the bill that is not sufficient proof of residence, the person must also provide acceptable proof of residence.

Item 4: Deletes additional references to the corroboration process in current law that were inadvertently missed in the drafting of the bill.

Items 5 through 10: Changes the word "elector" to "person" for purposes of consistency with similar uses in the bill.

Item 11: Clarifies, in accordance with the intent of the bill, that poll workers must verify the name and address *stated* by the elector when appearing to vote as under current law, rather than the address provided on an identification card.

Item 12: Changes the title of a provision of the bill to provide consistency with the intent of the provision and to avoid inconsistency with defined terms under current law.

Items 13 and 19: Makes minor changes so that the bill consistently refers to "U.S. uniformed service."

Item 14: Clarifies, that the *agent* of a hospitalized absent elector presents the identification document required for the elector to vote.

Item 15: Corrects an internal statutory reference.

Items 16 and 17: Deletes unnecessary internal statutory references.

Item 18: Corrects an internal statutory reference.

Item 20: Adds the word "valid" to "current identification card" to be consistent with other uses in the bill.

Items 22 and 23: Deletes an unnecessary reference to a statutory section that is not treated by the bill.

ASSEMBLY AMENDMENT 2

Assembly Amendment 2 authorizes the use of up to \$250,000 in federal Help America Vote Act (HAVA) funds by the DOT in each fiscal year to fund the costs incurred by DOT in issuing free identification cards under the bill. DOT must certify its costs in a statement to the Elections Board. Upon receipt of such a statement, the Elections Board must review the statement and determine whether the statement is correct before funds are transferred to DOT.

ASSEMBLY AMENDMENT 3

Assembly Amendment 3 authorizes an elector who is voting absentee and who is a resident of a nursing home, community-based residential facility, or retirement home to, instead of providing one of the forms of identification required under the bill, provide a statement signed by both special registration deputies that contains the name and address of the elector and verifies the name and address are correct. The statement must then be enclosed in the absentee ballot certificate envelope for return to the clerk.

Dennis Pressing
623-2424
courtesy

LEGISLATIVE HISTORY

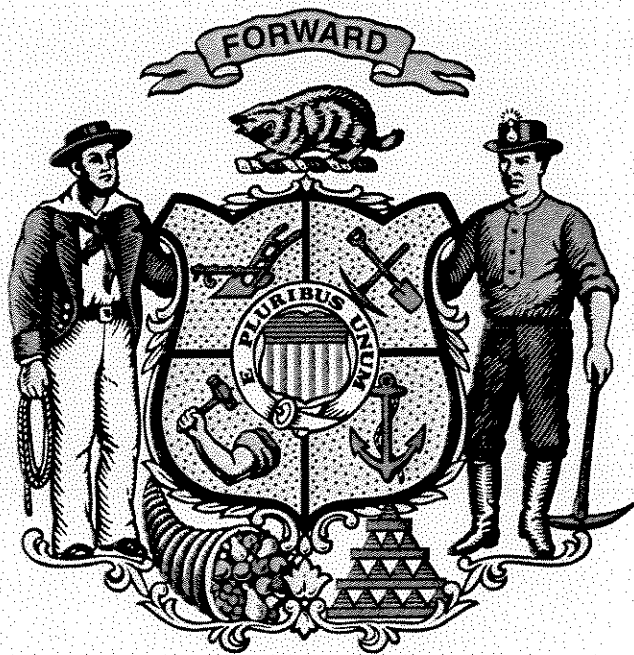
Assembly Amendment 1 was offered by the Assembly Committee on Campaigns and Elections and was recommended for adoption by that committee unanimously. The Joint Finance Committee also recommended adoption of the amendment on a vote of Ayes, 16; Noes, 0.

Assembly Amendment 2 was offered by the Joint Finance Committee and was recommended for adoption on a vote of Ayes, 13; Noes, 3.

Assembly Amendment 3 was offered by the Joint Finance Committee and was recommended for adoption on a vote of Ayes, 16; Noes, 0.

The bill was recommended for passage, as amended, by the Joint Finance Committee on a vote of Ayes, 12; Noes, 4 on February 16, 2005.

RJC:ksm:rv:wu



Assembly

Record of Committee Proceedings

Joint committee on Finance

Assembly Bill 63

Relating to: requiring certain identification in order to vote at a polling place or obtain an absentee ballot, verification of the addresses of electors, and the fee for an identification card issued by the Department of Transportation.

By Representatives Stone, Ainsworth, Albers, Ballweg, Davis, J. Fitzgerald, Freese, Gielow, Gunderson, Gundrum, Hahn, Hines, Honadel, Huebsch, Hundertmark, Jensen, Jeskewitz, Kaufert, Kerkman, Kestell, Kleefisch, Krawczyk, Kreibich, F. Lasee, LeMahieu, Lothian, Meyer, McCormick, Montgomery, Moulton, Musser, Nass, Nerison, Nischke, Ott, Pettis, Pridemore, Strachota, Suder, Towns, Townsend, Underheim, Van Roy, Vos, Vrakas, Vukmir, Ward, Wood and Ziegelbauer; cosponsored by Senators Leibham, Brown, Darling, S. Fitzgerald, Grothman, Harsdorf, Kanavas, Kedzie, Lazich, Olsen, Reynolds, Roessler, Schultz, Stepp and Zien.

February 09, 2005 Referred to Joint Committee on Finance.

February 16, 2005 **EXECUTIVE SESSION HELD**

Present: (16) Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor; Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Colon and Pocan.

Absent: (0) None.

Moved by Senator S. Fitzgerald, seconded by Representative Ward that **Assembly Amendment 1** be recommended for adoption.

Ayes: (16) Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor; Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Colon and Pocan.

Noes: (0) None.

ADOPTION OF ASSEMBLY AMENDMENT 1 RECOMMENDED, Ayes 16, Noes 0

Moved by Senator Lazich, seconded by Representative Stone that **Assembly Amendment LRB 0191/1** be recommended for introduction and adoption.

Ayes: (13) Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen and Decker; Representatives Kaufert, Ward, Jensen, Stone, Rhoades and Meyer.

*Funding -
from federal funds*

Noes: (3) Senator Taylor; Representatives Colon and Pocan.

INTRODUCTION AND ADOPTION OF ASSEMBLY AMENDMENT LRB 0191/1
RECOMMENDED, Ayes 13, Noes 3

Moved by Representative Colon, seconded by Representative Pocan that **Motion 30 - Implement Driver Licensing Agency Provision of the Motor Voter Act** be recommended for adoption.

Ayes: (4) Senators Decker and Taylor; Representatives Colon and Pocan.

Noes: (12) Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham and Olsen; Representatives Kaufert, Ward, Jensen, Stone, Rhoades and Meyer.

ADOPTION NOT RECOMMENDED, Ayes 4, Noes 12

Moved by Senator Leibham, seconded by Senator S. Fitzgerald that **Assembly Amendment LRB 0158/2** be recommended for introduction and adoption.

Ayes: (16) Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham, Olsen, Decker and Taylor; Representatives Kaufert, Ward, Jensen, Stone, Rhoades, Meyer, Colon and Pocan.

Noes: (0) None.

INTRODUCTION AND ADOPTION OF ASSEMBLY AMENDMENT LRB 0158/2
RECOMMENDED, Ayes 16, Noes 0

Moved by Representative Stone, seconded by Senator Lazich that **Assembly Bill 63** be recommended for passage as amended with emergency statement attached, pursuant to s. 16.47 (2), Wisconsin Statutes.

Ayes: (12) Senators S. Fitzgerald, Lazich, Darling, Cowles, Leibham and Olsen; Representatives Kaufert, Ward, Jensen, Stone, Rhoades and Meyer.

Noes: (4) Senators Decker and Taylor; Representatives Colon and Pocan.

PASSAGE AS AMENDED RECOMMENDED, Ayes 12, Noes 4

Diane Harmelink
Committee Clerk