

LRB-0493
cont.**BILL**

1 **SECTION 75.** 6.97 (2) of the statutes, as affected by 2011 Wisconsin Act (this
2 act), is amended to read:

3 6.97 (2) Whenever any individual who votes by absentee ballot is required to
4 provide proof of residence in order to be permitted to vote and does not provide the
5 required proof of residence under s. 6.34, the inspectors shall treat the ballot as a
6 provisional ballot under this section. Whenever any individual, other than a military
7 elector, as defined in s. 6.34 (1) (a), or an overseas elector, as defined in s. 6.34 (1) (b),
8 an individual who has a confidential listing under s. 6.47 (2), or an individual who
9 is exempted under s. 6.87 (4) or s. 6.875 (6), votes by absentee ballot and does not
10 enclose a copy of the license or identification card, or identification certificate
11 required under s. 6.86 (1) (ar), the inspectors shall similarly treat the ballot as a
12 provisional ballot under this section. Upon removing the ballot from the envelope,
13 the inspectors shall write on the back of the ballot the serial number of the individual
14 corresponding to the number kept at the election on the poll list or other list
15 maintained under s. 6.79 and the notation "s. 6.97". The inspectors shall indicate on
16 the list the fact that the individual is required to provide proof of residence or to
17 provide, or provide a copy of, a license or identification card, or identification
18 certificate required under s. 6.86 (1) (ar) or 6.87 (4) (b) 1. but did not do so. The
19 inspectors shall promptly notify the municipal clerk or executive director of the
20 municipal board of election commissioners of the name, address, and serial number
21 of the individual. The inspectors shall then place the ballot inside an envelope on
22 which the name and serial number of the elector is entered and shall place the
23 envelope in a separate carrier envelope.

24 **SECTION 76.** 6.97 (3) of the statutes is renumbered 6.97 (3) (b) and amended to
25 read:

BILL

1 6.97 (3) (b) Whenever the municipal clerk or executive director of the municipal
2 board of election commissioners is informed by the inspectors that a ballot has been
3 cast under this section, the clerk or executive director shall promptly provide written
4 notice to the board of canvassers of each municipality, special purpose district, and
5 county that is responsible for canvassing the election of the number of ballots cast
6 under this section in each ward or election district. The municipal clerk or executive
7 director then shall determine whether each individual voting under this section is
8 qualified to vote in the ward or election district where the individual's ballot is cast.
9 If the elector is required to provide a license or identification card or copy thereof
10 under s. 6.79 (2) or 6.86 (1) (ar) and fails to do so, the elector bears the burden of
11 correcting the omission by providing the license or identification card or copy thereof
12 at the polling place before the closing hour or at the office of the municipal clerk or
13 board of election commissioners no later than 4 p.m. on the day after the election.
14 The municipal clerk or executive director shall make a record of the procedure used
15 to determine the validity of each ballot cast under this section. If, prior to 4 p.m. on
16 the day after the election, the municipal clerk or executive director determines that
17 the individual is qualified to vote in the ward or election district where the
18 individual's ballot is cast, the municipal clerk or executive director shall notify the
19 board of canvassers for each municipality, special purpose district and county that
20 is responsible for canvassing the election of that fact.

21 **SECTION 77.** 6.97 (3) (a) of the statutes is created to read:

22 6.97 (3) (a) Whenever an elector who votes by provisional ballot under sub. (1)
23 or (2) because the elector does not provide a license or identification card or copy
24 thereof under s. 6.79 (2) or 6.86 (1) (ar) later appears at the polling place where the
25 ballot is cast before the closing hour and provides the license or identification card

BILL

1 or copy thereof, the inspectors shall remove the elector's ballot from the separate
2 carrier envelope, shall note on the poll list that the elector's provisional ballot is
3 withdrawn, and shall deposit the elector's ballot in the ballot box. If the inspectors
4 have notified the municipal clerk or executive director of the board of election
5 commissioners that the elector's ballot was cast under this section, the inspectors
6 shall notify the clerk or executive director that the elector's provisional ballot is
7 withdrawn.

8 **SECTION 78.** 6.97 (3) (a) of the statutes, as created by 2011 Wisconsin Act
9 (this act), is amended to read:

10 6.97 (3) (a) Whenever an elector who votes by provisional ballot under sub. (1)
11 or (2) because the elector does not provide a license ~~or~~ identification card, or
12 identification certificate or copy thereof under s. 6.79 (2) or 6.86 (1) (ar) later appears
13 at the polling place where the ballot is cast before the closing hour and provides the
14 license ~~or~~ identification card, or identification certificate or copy thereof, the
15 inspectors shall remove the elector's ballot from the separate carrier envelope, shall
16 note on the poll list that the elector's provisional ballot is withdrawn, and shall
17 deposit the elector's ballot in the ballot box. If the inspectors have notified the
18 municipal clerk or executive director of the board of election commissioners that the
19 elector's ballot was cast under this section, the inspectors shall notify the clerk or
20 executive director that the elector's provisional ballot is withdrawn.

21 **SECTION 79.** 6.97 (3) (b) of the statutes, as affected by 2011 Wisconsin Act
22 (this act), is amended to read:

23 6.97 (3) (b) Whenever the municipal clerk or executive director of the municipal
24 board of election commissioners is informed by the inspectors that a ballot has been
25 cast under this section, the clerk or executive director shall promptly provide written

BILL

1 notice to the board of canvassers of each municipality, special purpose district, and
2 county that is responsible for canvassing the election of the number of ballots cast
3 under this section in each ward or election district. The municipal clerk or executive
4 director then shall determine whether each individual voting under this section is
5 qualified to vote in the ward or election district where the individual's ballot is cast.
6 If the elector is required to provide a license ~~or~~ identification card, or identification
7 certificate or copy thereof under s. 6.79 (2) or 6.86 (1) (ar) and fails to do so, the elector
8 bears the burden of correcting the omission by providing the license ~~or~~ identification
9 card, or identification certificate or copy thereof at the polling place before the closing
10 hour or at the office of the municipal clerk or board of election commissioners no later
11 than 4 p.m. on the day after the election. The municipal clerk or executive director
12 shall make a record of the procedure used to determine the validity of each ballot cast
13 under this section. If, prior to 4 p.m. on the day after the election, the municipal clerk
14 or executive director determines that the individual is qualified to vote in the ward
15 or election district where the individual's ballot is cast, the municipal clerk or
16 executive director shall notify the board of canvassers for each municipality, special
17 purpose district and county that is responsible for canvassing the election of that
18 fact.

19 **SECTION 80.** 6.97 (3) (c) of the statutes is created to read:

20 6.97 (3) (c) A ballot cast under this section by an elector for whom a valid license
21 or identification card or copy thereof is required under s. 6.79 (2) or 6.86 (1) (ar) shall
22 not be counted unless the municipal clerk or executive director of the board of
23 election commissioners provides timely notification that the elector has provided a
24 valid license or identification card or copy thereof under this section.

BILL

1 **SECTION 81.** 6.97 (3) (c) of the statutes, as created by 2011 Wisconsin Act (this
2 act), is amended to read:

3 6.97 **(3)** (c) A ballot cast under this section by an elector for whom a valid license
4 ~~or~~ identification card, or identification certificate or copy thereof is required under
5 s. 6.79 (2) or 6.86 (1) (ar) shall not be counted unless the municipal clerk or executive
6 director of the board of election commissioners provides timely notification that the
7 elector has provided a valid license ~~or~~ identification card, or identification certificate
8 or copy thereof under this section.

9 **SECTION 82.** 7.08 (8) (title) of the statutes is amended to read:

10 7.08 **(8)** (title) ELECTORS VOTING WITHOUT PROOF OF RESIDENCE OR IDENTIFICATION
11 OR PURSUANT TO COURT ORDER.

12 **SECTION 83.** 7.08 (12) of the statutes is created to read:

13 7.08 **(12)** ASSISTANCE IN OBTAINING LICENSES OR IDENTIFICATION CARDS. Engage
14 in outreach to identify and contact groups of electors who may need assistance in
15 obtaining or renewing a license or identification card for voting under s. 6.79 (2) (a),
16 6.86 (1) (ar), or 6.87 (4) (b), and provide assistance to the electors in obtaining or
17 renewing a license or identification card.

18 **SECTION 84.** 7.08 (12) of the statutes, as created by 2011 Wisconsin Act (this
19 act), is amended to read:

20 7.08 **(12)** ASSISTANCE IN OBTAINING LICENSES OR IDENTIFICATION CARDS OR
21 CERTIFICATES. Engage in outreach to identify and contact groups of electors who may
22 need assistance in obtaining or renewing a license ~~or~~ identification card, or
23 identification certificate for voting under s. 6.79 (2) (a), 6.86 (1) (ar), or 6.87 (4) (b),
24 and provide assistance to the electors in obtaining or renewing a license ~~or~~
25 identification card, or identification certificate.

BILL

1 **SECTION 85.** 7.52 (3) (a) of the statutes is amended to read:

2 7.52 (3) (a) The board of absentee ballot canvassers shall first open the carrier
3 envelope only, and, in such a manner that a member of the public, if he or she desired,
4 could hear, announce the name of the absent elector or the identification serial
5 number of the absent elector if the elector has a confidential listing under s. 6.47 (2).
6 When the board of absentee ballot canvassers finds that the certification has been
7 properly executed and the applicant is a qualified elector of the ward or election
8 district, the board of absentee ballot canvassers shall enter an indication on the poll
9 list next to the applicant's name indicating an absentee ballot is cast by the elector.
10 The board of absentee ballot canvassers shall then open the envelope containing the
11 ballot in a manner so as not to deface or destroy the certification thereon. The board
12 of absentee ballot canvassers shall take out the ballot without unfolding it or
13 permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95, the
14 board of absentee ballot canvassers shall verify that the ballot has been endorsed by
15 the issuing clerk. If the poll list indicates that proof of residence is required and no
16 proof of residence is enclosed or the name or address on the document that is provided
17 is not the same as the name and address shown on the poll list, or if the elector is not
18 a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, as defined in s.
19 6.34 (1) (b), and the elector is required to provide, or to provide a copy of, a license
20 or identification card required under s. 6.86 (1) (ar) or 6.87 (4) (b) 1. and no copy of
21 the license or identification card is enclosed or the name on the document cannot be
22 verified by the canvassers, the board of absentee ballot canvassers shall proceed as
23 provided under s. 6.97 (2). The board of absentee ballot canvassers shall mark the
24 poll list number of each elector who casts an absentee ballot on the back of the
25 elector's ballot. The board of absentee ballot canvassers shall then deposit the ballot

BILL

1 into the proper ballot box and enter the absent elector's name or poll list number after
2 his or her name on the poll list.

3 **SECTION 86.** 7.52 (3) (a) of the statutes, as affected by 2011 Wisconsin Act ...
4 (this act), is amended to read:

5 7.52 (3) (a) The board of absentee ballot canvassers shall first open the carrier
6 envelope only, and, in such a manner that a member of the public, if he or she desired,
7 could hear, announce the name of the absent elector or the identification serial
8 number of the absent elector if the elector has a confidential listing under s. 6.47 (2).
9 When the board of absentee ballot canvassers finds that the certification has been
10 properly executed and the applicant is a qualified elector of the ward or election
11 district, the board of absentee ballot canvassers shall enter an indication on the poll
12 list next to the applicant's name indicating an absentee ballot is cast by the elector.
13 The board of absentee ballot canvassers shall then open the envelope containing the
14 ballot in a manner so as not to deface or destroy the certification thereon. The board
15 of absentee ballot canvassers shall take out the ballot without unfolding it or
16 permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95, the
17 board of absentee ballot canvassers shall verify that the ballot has been endorsed by
18 the issuing clerk. If the poll list indicates that proof of residence is required and no
19 proof of residence is enclosed or the name or address on the document that is provided
20 is not the same as the name and address shown on the poll list, or if the elector is not
21 a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, as defined in s.
22 6.34 (1) (b), and the elector is required to provide, or to provide a copy of, a license
23 ~~or~~, identification card, or identification certificate required under s. 6.86 (1) (ar) or
24 6.87 (4) (b) 1. and no copy of the license ~~or~~, identification card, or identification
25 certificate is enclosed or the name on the document cannot be verified by the

BILL

1 canvassers, the board of absentee ballot canvassers shall proceed as provided under
2 s. 6.97 (2). The board of absentee ballot canvassers shall mark the poll list number
3 of each elector who casts an absentee ballot on the back of the elector's ballot. The
4 board of absentee ballot canvassers shall then deposit the ballot into the proper
5 ballot box and enter the absent elector's name or poll list number after his or her
6 name on the poll list.

7 **SECTION 87.** 10.02 (3) (form) (a) of the statutes is amended to read:

8 10.02 (3) (form) (a) Upon entering the polling place and before being permitted
9 to vote, an elector shall state his or her name and address. If an elector is not
10 registered to vote, an elector may register to vote at the polling place serving his or
11 her residence if the elector ~~provides proof of residence or the elector's registration is~~
12 ~~verified by another elector of the same municipality where the elector resides~~
13 presents a valid Wisconsin operator's license, a valid, current identification card
14 issued to the elector by a U.S. uniformed service, or a valid Wisconsin identification
15 card unless the elector is exempted from this requirement, and, if the document
16 presented does not constitute proof of residence, if the elector provides proof of
17 residence. Where ballots are distributed to electors, the initials of 2 inspectors must
18 appear on the ballot. Upon being permitted to vote, the elector shall retire alone to
19 a voting booth or machine and cast his or her ballot, except that an elector who is a
20 parent or guardian may be accompanied by the elector's minor child or minor ward.
21 An election official may inform the elector of the proper manner for casting a vote,
22 but the official may not in any manner advise or indicate a particular voting choice.

23 **SECTION 88.** 10.02 (3) (form) (a) of the statutes, as affected by 2011 Wisconsin
24 Act (this act), is amended to read:

BILL**SECTION 88**

1 10.02 (3) (form) (a) Upon entering the polling place and before being permitted
2 to vote, an elector shall state his or her name and address. If an elector is not
3 registered to vote, an elector may register to vote at the polling place serving his or
4 her residence if the elector presents a valid Wisconsin operator's license, a valid,
5 current identification card issued to the elector by a U.S. uniformed service, ~~or~~ a valid
6 Wisconsin identification card, or a valid Wisconsin identification certificate unless
7 the elector is exempted from this requirement, and, if the document presented does
8 not constitute proof of residence, if the elector provides proof of residence. Where
9 ballots are distributed to electors, the initials of 2 inspectors must appear on the
10 ballot. Upon being permitted to vote, the elector shall retire alone to a voting booth
11 or machine and cast his or her ballot, except that an elector who is a parent or
12 guardian may be accompanied by the elector's minor child or minor ward. An
13 election official may inform the elector of the proper manner for casting a vote, but
14 the official may not in any manner advise or indicate a particular voting choice.

15 **SECTION 89.** 12.03 (2) (b) 3. of the statutes is amended to read:

16 12.03 (2) (b) 3. No person may engage in electioneering within 100 feet of an
17 entrance to or within a nursing home ~~or~~, qualified retirement home ~~or~~, qualified
18 community-based residential facility, qualified residential care apartment complex,
19 or qualified adult family home while special voting deputies are present at the home
20 or facility.

21 **SECTION 90.** 12.13 (2) (b) 6m. of the statutes is amended to read:

22 12.13 (2) (b) 6m. Obtain an absentee ballot for voting in a nursing home or
23 qualified retirement home ~~or~~, qualified community-based residential facility,
24 qualified residential care apartment complex, or qualified adult family home under
25 s. 6.875 (6) and fail to return the ballot to the issuing officer.

BILL

1 **SECTION 91.** 12.13 (3) (v) of the statutes is repealed.

2 **SECTION 92.** 85.103 (2) of the statutes is amended to read:

3 85.103 (2) The department shall include on any form for application for original
4 registration under s. 341.08, for application for renewal of registration under s.
5 341.08, for application for a certificate of title under s. 342.06, for application for a
6 license or identification card or renewal of a license or identification card under s.
7 343.14, for application for an identification certificate or renewal of an identification
8 certificate under s. 343.505 (2), and for application for a special identification card
9 under s. 343.51, a place for the individual to designate that the individual's personal
10 identifiers may not be disclosed in information compiled or maintained by the
11 department that contains the personal identifiers of 10 or more individuals, a
12 statement indicating the effect of making such a designation and a place for an
13 applicant or registrant who has made a designation under this subsection or sub. (3)
14 to reverse the designation.

15 **SECTION 93.** 125.085 (1) (f) of the statutes is created to read:

16 125.085 (1) (f) An identification certificate issued under s. 343.505.

17 **SECTION 94.** 134.71 (8) (a) 2. of the statutes is amended to read:

18 134.71 (8) (a) 2. A state identification card or identification certificate.

19 **SECTION 95.** 139.30 (4n) of the statutes is amended to read:

20 139.30 (4n) "Government issued identification" includes a valid driver's
21 license, state identification card or identification certificate, passport, or military
22 identification.

23 **SECTION 96.** 165.8287 (2) of the statutes, as created by 2009 Wisconsin Act 167,
24 is amended to read:

BILL

1 165.8287 (2) Upon electronic request, the department of transportation shall
2 make available to the department of justice, in a digital format, any photograph
3 taken of an applicant under s. 343.14 (3) ~~or~~, 343.50 (4), or 343.505 (2) (b) that is
4 maintained by the department of transportation. Updated photographs shall be
5 available to the department of justice within 30 days of photograph capture.

6 **SECTION 97.** 165.8287 (3) (d) of the statutes, as created by 2009 Wisconsin Act
7 167, is amended to read:

8 165.8287 (3) (d) The department of justice shall maintain a record, which may
9 be electronic, of each request by a law enforcement agency for a photograph under
10 this subsection and of the response to the request. Except as provided in s. 343.237
11 (9), the department of justice may not disclose any record or other information
12 concerning or relating to the request to any person other than a court, district
13 attorney, county corporation counsel, city, village, or town attorney, law enforcement
14 agency, the applicant under s. 343.14 (3) ~~or~~, 343.50 (4), or 343.505 (2) (b), or, if the
15 applicant is under 18 years of age, his or her parent or guardian. Records maintained
16 under this paragraph shall be maintained for at least 12 months.

17 **SECTION 98.** 343.19 (title) of the statutes is amended to read:

18 **343.19 (title) Duplicate licenses or identification cards or certificates.**

19 **SECTION 99.** 343.19 (1) of the statutes, as affected by 2007 Wisconsin Act 20,
20 is repealed and recreated to read:

21 343.19 (1) If a license issued under this chapter, an identification card issued
22 under s. 343.50, or an identification certificate issued under s. 343.505 is lost or
23 destroyed or the name or address named in the license, identification card, or
24 identification certificate is changed or the condition specified in s. 343.17 (3) (a) 12.
25 or 13. or s. 343.505 (3) (b) 9. no longer applies, the person to whom the license,

BILL

1 identification card, or identification certificate was issued may obtain a duplicate
2 thereof or substitute therefor upon furnishing proof satisfactory to the department
3 of full legal name and date of birth and that the license, identification card, or
4 identification certificate has been lost or destroyed or that application for a duplicate
5 license, identification card, or identification certificate is being made for a change of
6 address or name or because the condition specified in s. 343.17 (3) (a) 12. or 13. or s.
7 343.505 (3) (b) 9. no longer applies. If the applicant is a male who is at least 18 years
8 of age but less than 26 years of age and is applying for a duplicate license or
9 identification card, the application shall include the information required under s.
10 343.14 (2) (em). If the original license, identification card, or identification certificate
11 is found it shall immediately be transmitted to the department.

12 **SECTION 100.** 343.19 (2) (intro.) of the statutes is amended to read:

13 343.19 (2) (intro.) No person may knowingly make a false statement or fail to
14 return the original license or, identification card, or identification certificate to the
15 department upon finding it or fail to comply with any other requirement of this
16 section relating to an application for any of the following:

17 **SECTION 101.** 343.19 (2) (c) of the statutes is created to read:

18 343.19 (2) (c) A duplicate identification certificate.

19 **SECTION 102.** 343.22 (2) of the statutes, as affected by 2007 Wisconsin Act 20,
20 is repealed and recreated to read:

21 343.22 (2) Whenever any person, after applying for or receiving a license under
22 this chapter, an identification card under s. 343.50, or an identification certificate
23 under s. 343.505, moves from the address named in the application or in the license,
24 identification card, or identification certificate issued to him or her or is notified by

BILL

1 the local authorities or by the postal authorities that the address so named has been
2 changed, the person shall, within 30 days thereafter, do one of the following:

3 (a) Apply for a duplicate license, identification card, or identification certificate
4 showing on the application the correct full legal name and address. The licensee,
5 identification card holder, or identification certificate holder shall return the current
6 license, identification card, or identification certificate to the department along with
7 the application for duplicate.

8 (b) In lieu of applying for a duplicate license, identification card, or
9 identification certificate, notify the department in writing of his or her change of
10 address. This paragraph does not apply to persons issued a commercial driver
11 license.

12 **SECTION 103.** 343.22 (2m) of the statutes, as affected by 2007 Wisconsin Act 20,
13 section 3274, is repealed and recreated to read:

14 343.22 (2m) Whenever any person, after applying for or receiving a license
15 under this chapter, an identification card under s. 343.50, or an identification
16 certificate under s. 343.505, is notified by the local authorities or by the postal
17 authorities that the address named in the application or in the license, identification
18 card, or identification certificate issued to him or her has been changed and the
19 person applies for a duplicate license, identification card, or identification certificate
20 under sub. (2), no fees shall be charged under s. 343.21 (1) (L) and (n), 343.50 (5m)
21 and (7), or s. 343.505 (4) (a) 2. for the duplicate license, identification card, or
22 identification certificate.

23 **SECTION 104.** 343.22 (3) of the statutes, as affected by 2007 Wisconsin Act 20,
24 section 3276, is repealed and recreated to read:

BILL

1 343.22 (3) When the name of a licensee, identification card holder, or
2 identification certificate holder is changed, such person shall, within 30 days
3 thereafter, apply for a duplicate license, identification card, or identification
4 certificate showing the correct full legal name and address. The licensee,
5 identification card holder, or identification certificate holder shall return the current
6 license, identification card, or identification certificate to the department along with
7 the application for a duplicate. If the licensee holds more than one type of license
8 under this chapter, the licensee shall return all such licenses to the department along
9 with one application and fees for a duplicate license for which the licensee may be
10 issued a duplicate of each such license.

11 **SECTION 105.** 343.235 (title) of the statutes is amended to read:

12 **343.235 (title) Access to license and identification card and certificate**
13 **records.**

14 **SECTION 106.** 343.237 (title) of the statutes is amended to read:

15 **343.237 (title) Access to license and identification card and certificate**
16 **photographs and fingerprints.**

17 **SECTION 107.** 343.237 (2) of the statutes, as affected by 2009 Wisconsin Act 167,
18 section 3, is repealed and recreated to read:

19 343.237 (2) Any photograph taken of an applicant under s. 343.14 (3), 343.50
20 (4), or 343.505 (2) (b), and any fingerprint taken of an applicant under s. 343.12 (6)
21 (b), may be maintained by the department and, except as provided in this section and
22 s. 165.8287, shall be kept confidential. Except as provided in this section and s.
23 165.8287, the department may release a photograph or fingerprint only to the person
24 whose photograph or fingerprint was taken or to the driver licensing agency of
25 another jurisdiction.

BILL**SECTION 108**

1 **SECTION 108.** 343.237 (3) (intro.) of the statutes, as affected by 2007 Wisconsin
2 Act 20, is repealed and recreated to read:

3 343.237 **(3)** (intro.) The department shall provide a Wisconsin law enforcement
4 agency or a federal law enforcement agency with a print or electronic copy of a
5 photograph taken on or after September 1, 1997, of an applicant under s. 343.14 (3),
6 343.50 (4), or 343.505 (2) (b), or a printed or electronic copy of a fingerprint taken of
7 an applicant under s. 343.12 (6) (b), if the department receives a written request on
8 the law enforcement agency's letterhead that contains all of the following:

9 **SECTION 109.** 343.237 (6) of the statutes is amended to read:

10 343.237 **(6)** For each copy of a photograph or fingerprint provided under sub.
11 (3) or (4), the department shall record and maintain the written request for the copy
12 of the photograph or fingerprint and may not disclose any record or other information
13 concerning or relating to the written request to any person other than a court, district
14 attorney, county corporation counsel, city, village, or town attorney, law enforcement
15 agency, driver licensing agency of another jurisdiction, the applicant, licensee, or
16 identification card or identification certificate holder or, if the applicant, licensee, or
17 identification card holder is under 18 years of age, his or her parent or guardian.

18 **SECTION 110.** 343.43 (2) of the statutes is amended to read:

19 343.43 **(2)** Whenever a license ~~or~~, identification card ~~which~~, or identification
20 certificate that appears to be altered is displayed to a law enforcement officer, agent
21 of the secretary or the court, that person shall take possession of the license ~~or~~,
22 identification card, or identification certificate and return it to the department for
23 cancellation. A notation of change of address properly endorsed on the license under
24 s. 343.22 shall not of itself be reason to consider the license altered.

BILL

1 **SECTION 111.** Subchapter V (title) of chapter 343 [precedes 343.50] of the
2 statutes is amended to read:

3 **CHAPTER 343**
4 SUBCHAPTER V
5 IDENTIFICATION CARDS AND
6 CERTIFICATES

7 **SECTION 112.** 343.50 (3) of the statutes is amended to read:

8 343.50 (3) DESIGN AND CONTENTS OF CARD. The card shall be the same size as
9 an operator's license but shall be of a design which is readily distinguishable from
10 the design of an operator's license and bear upon it the words "IDENTIFICATION
11 CARD ONLY". The information on the card shall be the same as specified under s.
12 343.17 (3). The card may serve as a record of gift under s. 157.06 (2) (t) and the holder
13 may affix a sticker thereto as provided in s. 343.175 (3). The card may also serve as
14 a record of refusal under s. 157.06 (2) (u). ~~The~~ Except as provided in sub. (4g), the
15 card shall contain the holder's photograph and, if applicable, shall be of the design
16 specified under s. 343.17 (3) (a) 12.

17 **SECTION 113.** 343.50 (3) of the statutes, as affected by 2007 Wisconsin Act 20
18 and 2011 Wisconsin Act (this act), is repealed and recreated to read:

19 343.50 (3) DESIGN AND CONTENTS OF CARD. The card shall be the same size as
20 an operator's license but shall be of a design which is readily distinguishable from
21 the design of an operator's license or identification certificate and bear upon it the
22 words "IDENTIFICATION CARD ONLY." The information on the card shall be the
23 same as specified under s. 343.17 (3). If the issuance of the card requires the
24 applicant to present any documentary proof specified in s. 343.14 (2) (es) 4. to 7., the
25 card shall display, on the front side of the card, a legend identifying the card as

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1 temporary. The card shall contain physical security features consistent with any
2 requirement under federal law. The card may serve as a record of gift under s. 157.06
3 (2) (t) and the holder may affix a sticker thereto as provided in s. 343.175 (3). The
4 card may also serve as a record of refusal under s. 157.06 (2) (u). The card shall
5 contain the holder's photograph and, if applicable, shall be of the design specified
6 under s. 343.17 (3) (a) 12.

7 **SECTION 114.** 343.50 (4) of the statutes is amended to read:

8 343.50 (4) APPLICATION. The application for an identification card shall include
9 any information required under ss. 85.103 (2) and 343.14 (2) (a), (b), (bm), (br), (em),
10 and (er), and such further information as the department may reasonably require to
11 enable it to determine whether the applicant is entitled by law to an identification
12 card. The Except as provided in sub. (4g), the department shall, as part of the
13 application process, take a photograph of the applicant to comply with sub. (3). ~~No~~
14 Except as provided in sub. (4g), no application may be processed without the
15 photograph being taken. Misrepresentations in violation of s. 343.14 (5) are
16 punishable as provided in s. 343.14 (9).

17 **SECTION 115.** 343.50 (4) of the statutes, as affected by 2007 Wisconsin Act 20
18 and 2011 Wisconsin Act ... (this act), is repealed and recreated to read:

19 343.50 (4) APPLICATION. The application for an identification card shall include
20 any information required under ss. 85.103 (2) and 343.14 (2) (a), (b), (bm), (br), (em),
21 and (es), and such further information as the department may reasonably require to
22 enable it to determine whether the applicant is entitled by law to an identification
23 card. Except with respect to renewals described in s. 343.165 (4) (d), the department
24 shall, as part of the application process, take a digital photograph including facial
25 image capture of the applicant to comply with sub. (3). Except with respect to

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1 renewals described in s. 343.165 (4) (d), no application may be processed without the
2 photograph being taken. Misrepresentations in violation of s. 343.14 (5) are
3 punishable as provided in s. 343.14 (9).

4 **SECTION 116.** 343.50 (4g) of the statutes is created to read:

5 343.50 **(4g)** PHOTOGRAPH REQUIREMENT; EXCEPTION. An application may be
6 processed and an original or renewal identification card issued under this section
7 without a photograph being taken to comply with subs. (3) and (4) to an applicant
8 who requests the identification card without charge under sub. (5) or (6) and who
9 provides to the department an affidavit stating that the applicant has a sincerely
10 held religious belief against being photographed; identifying the religion to which he
11 or she belongs or the tenets of which he or she adheres to; stating that the tenets of
12 the religion prohibit him or her from being photographed; and stating that he or she
13 requests the identification card for the purpose of voting.

14 **SECTION 117.** 343.50 (4g) of the statutes, as created by 2011 Wisconsin Act
15 (this act), is repealed.

16 **SECTION 118.** 343.50 (5) (a) 1. of the statutes is amended to read:

17 343.50 **(5)** (a) 1. Except as provided in subd. 2., the fee for an original card and
18 for the reinstatement of an identification card after cancellation under sub. (10) shall
19 be \$18 or, upon request of the applicant, without charge.

20 **SECTION 119.** 343.50 (5) (a) 1. of the statutes, as affected by 2009 Wisconsin Act
21 28, section 2958, and 2011 Wisconsin Act (this act), is repealed and recreated to
22 read:

23 343.50 **(5)** (a) 1. Except as provided in subd. 2., the fee for an original card, for
24 renewal of a card, and for the reinstatement of an identification card after
25 cancellation under sub. (10) shall be \$18.

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1 **SECTION 120.** 343.50 (6) of the statutes is amended to read:

2 343.50 **(6)** RENEWAL. At least 30 days prior to the expiration of the card, the
3 department shall mail a renewal application to the last-known address of each
4 identification card holder. The department shall include with the application
5 information, as developed by all organ procurement organizations in cooperation
6 with the department, that promotes anatomical donations and which relates to the
7 anatomical donation opportunity available under s. 343.175. The fee for a renewal
8 identification card shall be \$18, ~~which or, upon request of the identification card~~
9 holder, without charge. The renewal identification card shall be valid for 8 years,
10 except that a card that is issued to a person who is not a United States citizen and
11 who provides documentary proof of legal status as provided under s. 343.14 (2) (er)
12 shall expire on the date that the person's legal presence in the United States is no
13 longer authorized. If the documentary proof as provided under s. 343.14 (2) (er) does
14 not state the date that the person's legal presence in the United States is no longer
15 authorized, then the card shall be valid for 8 years.

16 **SECTION 121.** 343.50 (6) of the statutes, as affected by 2007 Wisconsin Act 20,
17 section 3383, and 2011 Wisconsin Act (this act), is repealed and recreated to read:

18 343.50 **(6)** RENEWAL NOTICE. At least 30 days prior to the expiration of an
19 identification card, the department shall mail a renewal application to the
20 last-known address of the card holder. If the card was issued or last renewed based
21 upon the person's presenting of any documentary proof specified in s. 343.14 (2) (es)
22 4. to 7., the notice shall inform the card holder of the requirement under s. 343.165
23 (4) (c). The department shall include with the application information, as developed
24 by all organ procurement organizations in cooperation with the department, that

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1 promotes anatomical donations and which relates to the anatomical donation
2 opportunity available under s. 343.175.

3 **SECTION 122.** 343.505 of the statutes is created to read:

4 **343.505 Identification certificates. (1) ISSUANCE.** (a) The department shall
5 issue, as provided in this section, identification certificates to eligible applicants
6 upon proper application and payment of all required fees.

7 (b) A person is eligible for an identification certificate under this section if the
8 person provides the information that is required to be provided by an elector under
9 s. 6.33 (1) and signs a statement affirming that the information is correct.

10 **(2) APPLICATION.** (a) Every application to the department for an identification
11 certificate or for renewal of an identification certificate shall be made upon the
12 appropriate form furnished by the department and shall be accompanied by all
13 required fees. The application for an identification certificate shall include all of the
14 following:

15 1. The information required to be provided under sub. (1) (b), with a signed
16 statement affirming that the information is correct.

17 2. The applicant's color of eyes, color of hair, sex, height, weight, and race.

18 3. a. Except as provided in subd. 3. b., the applicant's social security number.

19 b. If the applicant does not have a social security number, a statement made
20 or subscribed under oath or affirmation, on a form prescribed by the department,
21 that the applicant does not have a social security number. An identification
22 certificate issued or renewed in reliance on a statement submitted under this subd.

23 3. b. is invalid if the statement is false.

24 4. A statement as to whether the applicant holds any valid operator's license
25 or identification card issued by this state or any other jurisdiction.

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1 5. A designation or reversal of a designation under s. 85.103 (2), if the applicant
2 chooses to make such designation or reversal.

3 6. Satisfactory proof of the applicant's name and date of birth.

4 7. Documentary proof that the applicant is a citizen of the United States.

5 8. Such further information as the department may reasonably require to
6 enable it to identify the applicant and to determine whether the applicant is entitled
7 by law to an identification certificate.

8 (b) 1. Except as provided in subd 2., the department shall, as part of the
9 application process, take a photograph of the applicant, which shall appear on the
10 identification certificate as provided in sub. (3). Except as provided in subd. 2., no
11 application may be processed without the photograph being taken.

12 2. An application for an identification certificate may be processed and an
13 original or renewal identification certificate issued under this section without a
14 photograph being taken if the applicant requests an identification certificate without
15 charge and provides to the department an affidavit stating that the applicant has a
16 sincerely held religious belief against being photographed; identifying the religion
17 to which he or she belongs or the tenets of which he or she adheres to; stating that
18 the tenets of the religion prohibit him or her from being photographed; and stating
19 that he or she requests the identification certificate for the purpose of voting.

20 (c) Names, addresses, and social security numbers obtained by the department
21 under this subsection shall be provided to the department of revenue for the purpose
22 of administering ss. 71.93 and 71.935 and state taxes.

23 **(3) DESIGN AND CONTENTS OF IDENTIFICATION CERTIFICATES.** (a) Identification
24 certificates shall be the same size as an operator's license but shall be of a design that
25 is readily distinguishable from the design of operator's licenses and identification

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1 cards. Each identification certificate shall bear upon it the words
2 “IDENTIFICATION CERTIFICATE.” Identification certificates shall clearly state
3 on their face that they may not be accepted by any federal agency for federal
4 identification or any other official purpose and shall use a unique design or color
5 indicator to alert federal agency and other law enforcement personnel that they may
6 not be accepted for any such purpose.

7 (b) The front side of the identification certificate shall include all of the
8 following:

- 9 1. The name, date of birth, and residence address of the person.
- 10 2. Except as provided in sub. (2) (b) 2., a color photograph of the person.
- 11 3. A physical description of the person, including sex, height, weight, and hair
12 and eye color, but excluding any mention of race.
- 13 4. The person’s signature.
- 14 5. The name of this state.
- 15 6. A unique identifying identification certificate number assigned by the
16 department.
- 17 7. The date of issuance of the identification certificate.
- 18 8. The date of expiration of the identification certificate.
- 19 9. If the person has not attained the legal drinking age, as defined in s. 125.02
20 (8m), at the time of issuance of the identification certificate, a distinctive appearance
21 specified by the department that clearly identifies to the public that the person had
22 not attained the legal drinking age at the time of issuance of the identification
23 certificate.

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1 **(4) VALID PERIOD; FEES.** (a) 1. Except as provided in subd. 3., the fee for an
2 original identification certificate, for renewal of an identification certificate, and for
3 reinstatement of an identification certificate after cancellation is \$18.

4 2. Except as provided in subd. 3., the fee for a duplicate identification certificate
5 is \$6.

6 3. If the applicant requests that the identification certificate be issued,
7 renewed, or reinstated, or a duplicate identification certificate be issued, without
8 charge, the department may not charge any fee for the identification certificate.

9 (b) An original or reinstated identification certificate shall be valid for the
10 succeeding period of 8 years from the applicant's next birthday after the date of
11 issuance, and a renewed identification certificate shall be valid for the succeeding
12 period of 8 years from the certificate's last expiration date.

13 (c) At least 30 days prior to the expiration of an identification certificate, the
14 department shall mail a renewal application to the last-known address of the
15 certificate holder.

16 **(5) RECORDS AND OTHER INFORMATION.** (a) The department shall maintain
17 records of all identification certificate holders under this section in a manner
18 prescribed by the department by rule.

19 (b) The department may not disclose any record or other information
20 concerning or relating to an applicant or identification certificate holder to any
21 person other than a court, district attorney, county corporation counsel, city, village,
22 or town attorney, law enforcement agency, driver licensing agency of another
23 jurisdiction, or the applicant or identification certificate holder. Except for
24 photographs for which disclosure is authorized under s. 343.237, persons entitled to
25 receive any record or other information under this paragraph shall not disclose the

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1 record or other information to other persons or agencies. This paragraph does not
2 prohibit the disclosure of a person's name or address, of the name or address of a
3 person's employer, or of financial information that relates to a person when
4 requested under s. 49.22 (2m) by the department of children and families or a county
5 child support agency under s. 59.53 (5).

6 **(6) CANCELLATION.** (a) The department shall cancel an identification certificate
7 under any of the following circumstances:

8 1. Whenever the department determines that the identification certificate was
9 issued upon an application that contains a false statement as to any material matter.

10 2. Whenever the department determines that an identification certificate has
11 been altered and returned for cancellation under s. 343.43 (2).

12 (b) The department may order any person whose identification certificate has
13 been canceled to surrender the certificate to the department. The department may
14 take possession of any identification certificate required to be canceled or may direct
15 any traffic officer to take possession of the identification certificate and return it to
16 the department.

17 **(7) UNLAWFUL USE.** No person may do any of the following:

18 (a) Represent as valid any canceled, fictitious, or fraudulently altered
19 identification certificate.

20 (b) Sell or lend his or her identification certificate to any other person or
21 knowingly permit the use of his or her identification certificate by another.

22 (c) Represent as one's own, any identification certificate not issued to him or
23 her.

24 (d) Permit any unlawful use of an identification certificate issued to him or her.

25 (e) Reproduce by any means whatever an identification certificate.

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1 (f) Deface or alter an identification certificate.

2 (8) PENALTY. Any person who fails to comply with an order under sub. (6) (b)
3 or who violates sub. (7) may be required to forfeit not more than \$1,000.

4 (9) RULES. The department shall promulgate rules to administer and enforce
5 this section. Subject to subs. (2) and (3), these rules shall prescribe the form of the
6 application for an identification certificate and specify the form and contents of the
7 identification certificate. These rules shall also provide a procedure under which
8 identification certificates are generally issued over the counter to an applicant on the
9 same day that the department receives an application. The rules shall require the
10 design of identification certificates to be resistant to tampering and forgery. The
11 rules shall also incorporate the requirements under sub. (5) (a). The department
12 shall attempt to ensure that these rules become effective at the same time as the
13 provisions of this section other than this subsection.

14 **SECTION 123. Nonstatutory provisions.**

15 (1) In conjunction with the first regularly scheduled primary and election at
16 which the voter identification requirements of this act initially apply, the
17 government accountability board shall conduct a public informational campaign for
18 the purpose of informing prospective voters of the voter identification requirements
19 of this act.

20 **SECTION 124. Initial applicability.**

21 (1) This act first applies with respect to voting at the first spring or September
22 primary election that follows the effective date of this subsection by at least 60 days.

23 **SECTION 125. Effective dates.** This act takes effect on the day after
24 publication, except as follows:

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

-0493/1dn
LRB-0080/1dn
JTK&ARG:cjs:rs
Stays

~~October 27, 2010~~

- date -

Leibham

Senator Leibham:

~~Representative Stone:~~

Under current law, the qualifications for obtaining a driver's license or a Wisconsin identification card under ss. 343.06, 343.14, 343.16, and, 343.50, stats., are not the same as the qualifications for voting under ss. 6.02 and 6.03, stats. It is possible for some persons who are ineligible to vote, for example, non-U.S. citizens, to obtain a driver's license. Some persons who cannot obtain a driver's license (for example, visually impaired persons) may be eligible to vote. In general, under s. 343.50 (2), stats., it is possible for a person who is a Wisconsin resident to obtain a Wisconsin ID card if the person does not have a driver's license issued by Wisconsin or another state. The standard for determining residency under the election laws (s. 6.10, stats.) is different than the standard for determining residency for Wisconsin ID purposes (s. 343.01 (2) (g), stats.). In general, a person may be considered a Wisconsin resident for voting purposes if the person has been present here for at least ten days and has not established a residence elsewhere. A person is a resident for Wisconsin ID purposes if the person's "one home and customary and principal residence, to which the person has the intention of returning whenever he or she is absent," is in Wisconsin. As a result, it is possible for a person who has only a driver's license issued by another state to vote in this state, and such a person may not always have an address from which he or she could vote in that other state (because someone else lives at the address shown on his or her license or the person uses a Wisconsin address for other purposes). Because under this draft a person who does not have a uniformed service identification card must have a Wisconsin driver's license or Wisconsin identification card in order to vote, a person who has only a driver's license issued by another state may no longer vote in this state under this draft (unless one of the exceptions to the ID requirement

applies). The person may or may not have an option to vote elsewhere. If you wish to discuss these issues further, please let me know.

Jeffery T. Kuesel
Managing Attorney
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Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

1. Because this draft, in proposed s. 343.505 (1) (b), potentially permits any person to obtain an identification certificate, the draft will enable some individuals who do not qualify as electors of this state to obtain a certificate. To dovetail the requirements for obtaining a certificate with the requirements for voting would require changing the draft, as well as cross training of DOT personnel to properly determine voting qualifications or involvement of GAB staff or other election officials in the process for issuance of identification certificates. We have not taken that step in this draft. Please let us know if you would like to see this treatment changed.

2. In proposed s. 343.505 (4) (a) 1., a fee of \$18 is imposed for obtaining an identification certificate unless an applicant requests that the fee be waived. [This is the same fee that applicants for Wisconsin identification cards currently pay]. Because, as we understand it, the certificates will be used primarily for voting purposes, you may wish to issue the certificates without charge if requested or without charge as a matter of course.

2. In proposed s. 343.505 (2) (a), this draft creates requirements for an applicant to obtain an identification certificate that extend beyond the requirements for voter registration under s. 6.33 (1), stats. While these requirements parallel many of the requirements for obtaining a Wisconsin identification card and they do not incorporate any of the federal "Real ID" requirements that we recently enacted, if the certificates are to be used primarily for voting purposes, you may wish to consider simplifying the requirements.

3. Voter photo ID laws have recently been enacted in at least eight states. These laws all contain different requirements and exemptions and none is substantially identical to this draft. There has been litigation in both state and federal courts regarding various issues pertaining to these laws. Some are constitutional issues unique to particular states, some are federal constitutional issues, and some are issues arising under federal law. The courts have not agreed regarding the validity of these laws. In *Crawford v. Marion County Election Board*, 128 S. Ct. 1610 (2008), the U.S. Supreme Court sustained an Indiana voter photo identification law against a federal

equal protection challenge because the court found that the state's interest in election modernization, prevention of voter fraud, and promoting public confidence in the integrity of the electoral process outweighed the limited burden upon voters' rights. In this state, the Wisconsin Constitution, article III, section 1, prescribes the qualifications for voting. The courts have held that election laws may implement and interpret these qualifications, but may not restrict eligibility. To be sustained, the courts must conclude that the requirements imposed under this draft simply constitute a reasonable method of verifying eligibility, as opposed to creating a new eligibility requirement. See *State ex rel. Barber v. Circuit Court*, 178 Wis. 468, 476 (1922).

4. It is possible that, if enacted, this draft may activate certain requirements under the National Voter Registration Act 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. This act exempts any state which, since May 20, 1993, has continuously permitted all voters in federal elections to "...register to vote at the polling place at the time of voting." 42 USC 1973gg-2 (b) (2). The federal Help America Vote Act also contains a provisional balloting procedure for all electors who vote at polling places in elections for federal office whenever their ballots are not accepted, but states that are exempt from compliance with the National Voter Registration Act under 42 USC 1973gg-2 (b) are not covered by this procedure. Because this draft will preclude some persons from registering and voting on election day if the persons have no acceptable ID and are unable to obtain them from a government office before the close of the polls, it could be interpreted to make these federal exemptions inapplicable. To address this issue, you may want to consider allowing these persons, only for the applicable election, to establish their identity by corroboration or to provide some type of statement certifying their identity and residence.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0493/1dn
JTK&ARG:cjs:ph

November 22, 2010

Senator Leibham:

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Parisi, Lori

From: Weigand, Jeffrey
Sent: Friday, January 07, 2011 11:50 AM
To: LRB.Legal
Subject: Draft Review: LRB 11-0493/1 Topic: Identification required for voting in elections

Please Jacket LRB 11-0493/1 for the SENATE.