

2015 DRAFTING REQUEST

Bill

Received: 12/15/2015 Received By: mshovers
For: Van Wanggaard (608) 266-1832 Same as LRB: -4181
May Contact: By/Representing: Scott
Subject: Elections - miscellaneous Drafter: mshovers
Local Gov't - counties Addl. Drafters: tkuczens
Local Gov't - munis generally
Public Assistance - misc

Extra Copies:

Submit via email: YES
Requester's email: Sen.Wanggaard@legis.wisconsin.gov
Carbon copy (CC) to: eric.mueller@legis.wisconsin.gov
pam.kahler@legis.wisconsin.gov
joseph.kreye@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Prohibit identification cards issued by local governments to be used for voting, voting registration, or claiming public benefits

Instructions:

Prohibit towns and counties from spending money on or issuing photo IDs, other than to gov't employees, If cities or villages issue photo IDs, the IDs must say in 12 point font "not valid for voting". No locally issued photo IDs may be used as a valid form of ID for state benefits.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	mshovers 12/22/2015	aernsttr 12/21/2015	_____	lparisi 12/21/2015		State S&L
/1		aernsttr	_____	mbarman	mbarman	State

Vers. Drafted

Reviewed
12/22/2015

Proofed

Submitted
12/22/2015

Jacketed
12/22/2015

Required
S&L

FE Sent For:

→ A+
Intro:

<END>



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-4124/P1
MES&TKK...

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

WANTED
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SAV
gen

1 AN ACT ...; relating to: regulating the production and use of photo identification
2 cards by local units of government.

Analysis by the Legislative Reference Bureau

This bill prohibits towns and counties from issuing, or expending funds for the issuance of collectively, issues a photo identification card (ID card) for any resident of the town or county, other than an employment-related identification card for employees of the town or county. Also under the bill, if a city or village issues an ID card, the card must state clearly on its face that the card is not authorized for voting purposes.

The bill also provides that an ID card issued by a city or village may not be used for voting, registration for voting, or to obtain public benefits, such as Wisconsin Works, including Wisconsin Shares; the food stamp program; the Medical Assistance program; and the programs that provide state supplemental payments to persons receiving federal supplemental security income.

The bill specifies that any card issued by a city, village, town, or county that had been used as an identification document for proof of residence for voting registration may no longer be used for that purpose.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 ✓ **SECTION 1.** 6.34 (3) (a) 3. of the statutes is amended to read:

2 6.34 (3) (a) 3. ~~Any~~ Subject to s. 66.0438, any other official identification card
3 or license issued by a Wisconsin governmental body or unit.

~~History: 2005 a. 451 ss. 40, 43, 44, 2011 a. 23, 2013 a. 182.~~

****NOTE: Do you want to repeal s. 6.34 (3) (a) 3., or do you want to preserve the right of Wisconsin governmental bodies or units to issue cards that may be used for voter registration?

4 **SECTION 2.** 66.0438 of the statutes is created to read:

5 **66.0438 Limitations on locally issued identification cards. (1)**

6 DEFINITION. In this section, "public assistance benefits" means services, benefits,
7 payments, or other assistance provided under a program administered by the
8 department of health services or the department of children and families under s.
9 253.06 or ch. 49.

10 (2) TOWNS AND COUNTIES. (a) Except as provided in par. (b), no town or county
11 may issue, or expend any funds for the issuance of, a photo identification card for any
12 resident of the town or county.

13 (b) Notwithstanding par. (a), a town or county may issue, or expend funds for
14 the issuance of, a photo identification card for any employee of the town or county
15 that relates to the employee's job duties.

16 (c) If a town or county has issued an identification card, other than a card
17 described in par. (b), that has been used before the effective date of this paragraph

18 [LRB inserts date] as an identification document to establish proof of residence
19 under s. 6.34 (3) (a) 3., that card is not valid for such purposes on and after the
20 effective date of this paragraph [LRB inserts date] or

21 (3) CITIES AND VILLAGES. (a) If a city or village issues, or expends funds for the
22 issuance of, a photo identification card for any resident of the city or village, the card
23 must state clearly on its face, in 12 point type, "Not authorized for voting purposes."

1 (b) A photo identification card issued by, or at the direction of, a city or village,
2 as described under par. (a), may not be used for any of the following purposes:

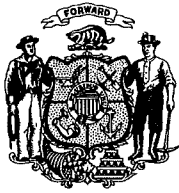
3 1. As an identification document to establish proof of residence under s. 6.34
4 (3) (a) 3.

5 2. As proof of identification under s. 6.79 (2), 6.82 (1) (a), 6.86, 6.87, or 6.875.

6 3. To obtain public assistance benefits.

7 (c) If a city or village has issued an identification card that has been used before
8 the effective date of this paragraph [LRB inserts date] as an identification document
9 to establish proof of residence under s. 6.34 (3) (a) 3., that card is not valid for such
10 purposes on ^{or} ~~and~~ after the effective date of this paragraph [LRB inserts date].

11 (END)



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-4124/P1
MES&TKK:ahc

RME

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

today

Jacket for (5)

[Signature]

1 **AN ACT to amend 6.34 (3) (a) 3.; and to create 66.0438 of the statutes; relating**
2 **to:** regulating the production and use of photo identification cards by local units
3 of government.

Analysis by the Legislative Reference Bureau

This bill prohibits towns and counties from issuing, or expending funds for the issuance of a photo identification card for any resident of the town or county, other than an employment-related identification card for employees of the town or county.

The bill also provides that an ID card issued by a city or village may not be used for voting, registration for voting, or to obtain public benefits, such as Wisconsin Works, including Wisconsin Shares; the food stamp program; the Medical Assistance program; and the programs that provide state supplemental payments to persons receiving federal supplemental security income. Under the bill, if a city or village issues an ID card, the card must state clearly on its face that the card is not authorized for voting purposes.

The bill specifies that any card issued by a city, village, town, or county that had been used as an identification document for proof of residence for voting registration may no longer be used for that purpose.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 6.34 (3) (a) 3. of the statutes is amended to read:

2 6.34 (3) (a) 3. Any Subject to s. 66.0438, any other official identification card
3 or license issued by a Wisconsin governmental body or unit.

****NOTE: Do you want to repeal s. 6.34 (3) (a) 3., or do you want to preserve the right
of Wisconsin governmental bodies or units to issue cards that may be used for voter
registration?

4 **SECTION 2.** 66.0438 of the statutes is created to read:

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8 department of health services or the department of children and families under s.
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10 **(2) TOWNS AND COUNTIES.** (a) Except as provided in par. (b), no town or county
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12 resident of the town or county.

13 (b) Notwithstanding par. (a), a town or county may issue, or expend funds for
14 the issuance of, a photo identification card for any employee of the town or county
15 that relates to the employee's job duties.

16 (c) If a town or county has issued an identification card, other than a card
17 described in par. (b), that has been used before the effective date of this paragraph
18 [LRB inserts date], as an identification document to establish proof of residence
19 under s. 6.34 (3) (a) 3., that card is not valid for such purposes on or after the effective
20 date of this paragraph [LRB inserts date].

21 **(3) CITIES AND VILLAGES.** (a) If a city or village issues, or expends funds for the
22 issuance of, a photo identification card for any resident of the city or village, the card
23 must state clearly on its face, in 12 point type, "Not authorized for voting purposes."

1 (b) A photo identification card issued by, or at the direction of, a city or village,
2 as described under par. (a), may not be used for any of the following purposes:

3 1. As an identification document to establish proof of residence under s. 6.34
4 (3) (a) 3.

5 2. As proof of identification under s. 6.79 (2), 6.82 (1) (a), 6.86, 6.87, or 6.875.

6 3. To obtain public assistance benefits.

7 (c) If a city or village has issued an identification card that has been used before
8 the effective date of this paragraph [LRB inserts date], as an identification
9 document to establish proof of residence under s. 6.34 (3) (a) 3., that card is not valid
10 for such purposes on or after the effective date of this paragraph [LRB inserts
11 date].

12 (END)

Barman, Mike

From: LRB.Legal
To: Sen.Wanggaard
Subject: Draft review: LRB -4124/1
Attachments: 15-4124/1

State of Wisconsin - Legislative Reference Bureau
One East Main Street - Suite 200 - Madison

The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent. If you have any questions concerning the draft or would like to have it redrafted, please contact Marc E. Shovers, Senior Legislative Attorney, at (608) 266-0129, at marc.shovers@legis.wisconsin.gov, or at One East Main Street, Suite 200.

We will jacket this draft for introduction in the Senate. (per MES)

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at LRB.Legal@legis.wisconsin.gov or at (608) 266-3561. If you requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on the current version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.

Barman, Mike

From: Williamson, Tracy L - DOA <Tracy.Williamson@wisconsin.gov>
Sent: Tuesday, January 26, 2016 2:14 PM
To: Barman, Mike
Subject: FW: 4124/1 fiscal estimate

FYI

From: Swissdorf, Kim M - DCF
Sent: Tuesday, January 26, 2016 1:18 PM
To: Williamson, Tracy L - DOA
Subject: 4124/1 fiscal estimate

Hi Tracy—

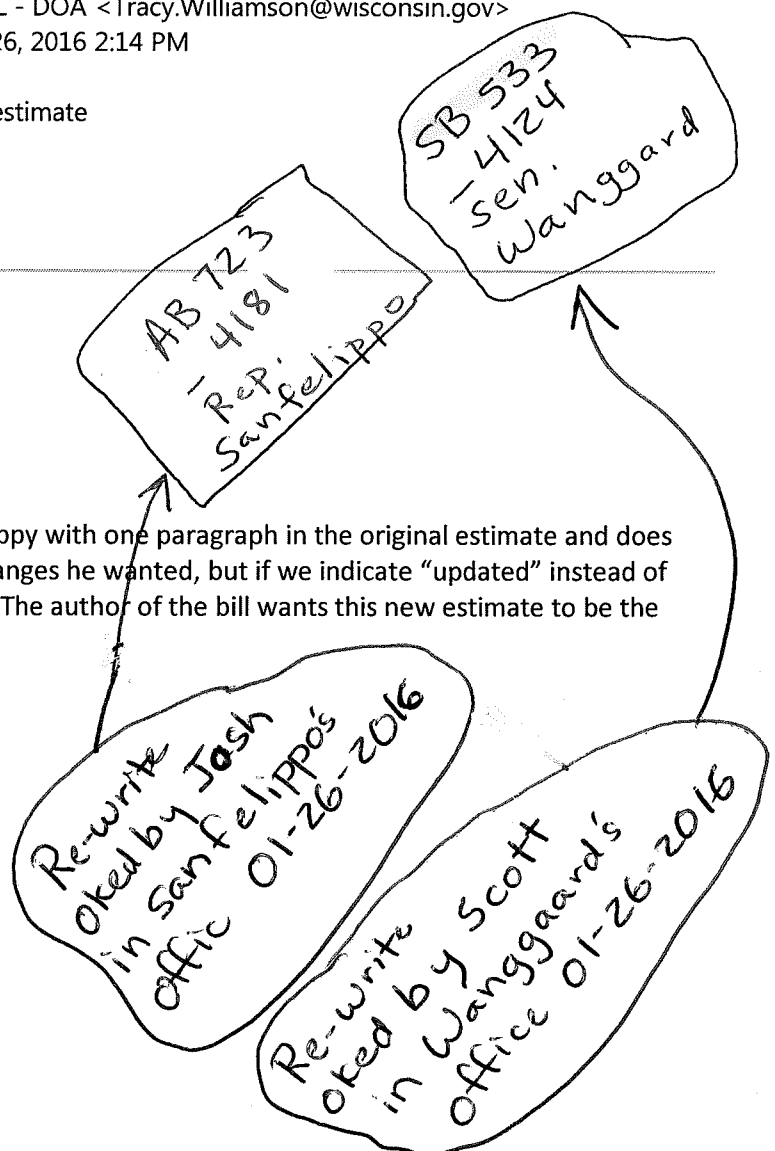
Just to let you know, the author of the bill was unhappy with one paragraph in the original estimate and does not want to release that estimate. We made the changes he wanted, but if we indicate "updated" instead of original, does the original one need to be released? The author of the bill wants this new estimate to be the original one.

Kim Swissdorf
Budget Director
Department of Children and Families

201 East Washington Avenue
Madison, WI 53703

T: (608) 422-6351

E: KimM.Swissdorf@wisconsin.gov



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LRB

Fiscal Estimate - 2015 Session

Original Updated Corrected Supplemental

LRB Number 15-4124/1		Introduction Number SB-533	
Description Regulating the production and use of photo identification cards by local units of government			
Fiscal Effect			
State:			
<input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriations			
<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs			
Local:			
<input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate			
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts			
Fund Sources Affected		Affected Ch. 20 Appropriations	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS			
Agency/Prepared By		Authorized Signature	Date
DCF/ Joe Meeker (608) 422-6348		Kim Swissdorf (608) 422-6351	1/22/2016

Replaced by a new "original" fiscal estimate dated 01-27-2016



Fiscal Estimate Narratives

DCF 1/22/2016

LRB Number	15-4124/1	Introduction Number	SB-533	Estimate Type	Original
Description Regulating the production and use of photo identification cards by local units of government					

Assumptions Used in Arriving at Fiscal Estimate

The Division of Family and Economic Security (DFES), within the Department of Children and Families, is responsible for determining the eligibility of program applicants as required in Chapter 49 of the Wisconsin statutes, administrative rule, and DCF policy. Among these eligibility requirements, applicants must provide verification of identity, birth date, Wisconsin residency, U.S. Citizenship or qualifying non-citizen status for all DFES-administered public assistance benefit programs, such as Wisconsin Works (W-2).

DFES programs are administered through contractors, grantees or local governments (agencies). Under current DFES policy, a list of the allowable types of verification documentation includes photo identification of the applicant that may be used by the agency to determine public assistance benefit eligibility. "Locally issued identification cards" are not explicitly included in this list. However, the list of suggested sources does allow the agencies to accept "any other reliable documentation" that verifies identity, birth date, or Wisconsin residency. Agencies can determine what sources of photo identification may qualify as "any other reliable documentation." For example, DFES program policy allows agencies to accept employee identification cards as a possible source to verify applicant identity.

Under this bill, DCF will be prohibited from using locally issued identification cards as verification of identity, birth date, or Wisconsin residency to determine non-financial eligibility requirements for public assistance benefits. Photo identifications issued by cities and villages or towns and counties would no longer be considered "other reliable documentation" as allowed in current DFES program policy.

By limiting the scope of acceptable documentation, some applicants who would otherwise be granted benefits may be unable to meet the eligibility requirements to obtain benefits. This may lead to a decrease in spending on benefits. However, it is difficult to say how many applicants currently provide locally issued identification as their form of identity verification because agencies do not enter the type of identification offered. In addition, if an applicant is denied W-2 or other benefits, then the applicant still may acquire sufficient documentation and reapply.

Finally, not many, if any, cities, towns, villages, or counties provide the type of identification the bill refers to, though the City of Milwaukee and Milwaukee County recently introduced initiatives to develop a "locally issued ID" available to residents.

In regards to programs operated by the Division of Early Childhood Education, Wisconsin Shares does not currently accept identification issued by a village, town, city, or county as sufficient documentation of identity, and thus would not alter their operations to conform to this bill.

The fiscal impact of this bill would depend on the number of applicants who rely on locally issued identification to determine eligibility for public assistance programs and who reapply after a denial based on the locally issued identification. It is assumed that there would not be a large number of these applicants, and, therefore, any fiscal impact would be minimal.

Long-Range Fiscal Implications