

2019 DRAFTING REQUEST

Bill

For: **Administration-Budget** Drafter: **jkreye**
 By: **Bork** Secondary Drafters:
 Date: **2/12/2019** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email:
 Carbon copy (CC) to: **doasbostatlanguage@wisconsin.gov**
joseph.kreye@legis.wisconsin.gov

Pre Topic:

DOA:.....Bork, BB0337 -

Topic:

Voter ID and in-person absentee voting

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	jkreye 2/14/2019	csicilia 2/13/2019	lparisi 2/13/2019		State S&L
/P2		csicilia 2/17/2019	chanaman 2/17/2019		State S&L

FE Sent For: **<END>**

Kreye, Joseph

From: Hanaman, Cathlene
Sent: Monday, February 11, 2019 4:19 PM
To: Kreye, Joseph; Gallagher, Michael
Subject: FW: Statutory Language Drafting Request - 2019-21

From: Bork, Matthew - DOA <Matthew.Bork@wisconsin.gov>
Sent: Monday, February 11, 2019 4:17 PM
To: Hanaman, Cathlene <Cathlene.Hanaman@legis.wisconsin.gov>
Cc: Kraus, Jennifer - DOA <Jennifer.Kraus@wisconsin.gov>; Bork, Matthew - DOA <Matthew.Bork@wisconsin.gov>
Subject: Statutory Language Drafting Request - 2019-21

Biennial Budget: 2019-21

Topic: Voter ID and in-person absentee voting

Tracking Code: BB0337

SBO Team: GGCF

SBO Analyst: Bork, Matthew
Phone: 608-266-2288
E-mail: Matthew.Bork@wisconsin.gov

Agency Acronym: 510

Agency Number: 510

Priority: High

Intent:

Draft would change voter identification requirements pertaining to university and technical college voter IDs as well as voter identification receipts. Draft would also change requirements for in-person absentee voting to align with court injunctions (*One Wisconsin Now et al. v. Thomsen et al*, 15-cv-324, 198 F. Supp. 3d 896). Eliminate the requirement that students using university IDs for voting show additional proof of enrollment, as written in s. 5.02(6m)(f). Extend expiration period for university IDs used for voting from two years to four years. Also require universities and technical colleges in the UW system to make all student identification cards issued on or after August 1, 2019 compliant with the voter ID requirements in s. 5.02(6m)(f). Revise the expiration dates for ID Petition Process voter receipts to conform to the court injunction. This would extend the expiration period from 60 days to 180 days. Revise in-person absentee voting statutes to comply with court injunction. Revision could be elimination of sentence containing the 14 day restriction in s. 6.86(b).

Attachments: False

Please send completed drafts to SBOSatlanguage@spmail.enterprise.wistate.us



DOA:.....Bork, BB0337 - Voter ID and in-person absentee voting

gs

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

Sub: sub

in Jul 2-12

SAV

that meet the criteria to be used as voter identification

if the card meets certain criteria

1 AN ACT ...; relating to: the budget.

Voter identification

Analysis by the Legislative Reference Bureau

ELECTIONS

Student

Current law allows an individual to use as voter identification an unexpired identification card issued by a technical college, college, or university in this state. The card must have an expiration date that is no later than two years after the date it was issued, and the individual must establish proof of enrollment. This bill eliminates the proof of enrollment requirement and allows the use of a card that expires no later than four years after the issuance date. In addition, the bill requires each technical college, college, or university in this state to issue identification cards that comply with the provisions in the bill no later than August 1, 2019.

Current law also allows an individual to use as voter identification an identification card issued by DOT. DOT may issue a receipt as a temporary identification card to use for voting and other purposes to an individual who is waiting for the permanent card. The receipt expires in 60 days. The bill extends the expiration date to 180 days.

Current law allows an individual to complete an absentee ballot in person at multiple locations no earlier than 14 days preceding the election and no later than the Sunday preceding the election. The bill eliminates the restriction on how soon a person may complete an absentee ballot in person and provides that a person may complete such a ballot no later than the Friday preceding the election.

The changes made in the bill are consistent with the federal court orders under *One Wisconsin Institute v. Thomsen*, 198 F.Supp 3d 896 (2016).

Voting absentee in person

certain locations

must

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:

Student

X

1 SECTION 1. 5.02 (6m) (f) of the statutes is amended to read:

2 5.02 (6m) (f) An unexpired identification card issued by a university or college
3 in this state that is accredited, as defined in s. 39.30 (1) (d), or by a technical college
4 in this state that is a member of and governed by the technical college system under
5 ch. 38, that contains the date of issuance and signature of the individual to whom it
6 is issued and that contains an expiration date indicating that the card expires no
7 later than ~~2~~⁴ years after the date of issuance if the individual establishes that he
8 or she is enrolled as a student at the university or college on the date that the card
9 is presented.

NOTE: In *One Wisconsin Now et al. v. Thomsen et al.*, 15-cv-324, 198 F. Supp. 3d 896, the United States District Court, Western District of Wisconsin ordered that "the prohibition on using expired, but otherwise qualifying, student IDs is unconstitutional."

History: 1971 c. 211; 1971 c. 304 ss. 2, 29 (2); 1973 c. 280, 334; 1975 c. 93; 1977 c. 107, 187, 394; 1977 c. 427 ss. 3 to 14; 1977 c. 449; 1979 c. 32, 89, 221; 1979 c. 260 ss. 1m, 73 to 75; 1979 c. 311, 328; 1981 c. 4, 391; 1983 a. 484 ss. 5, 5c, 124m, 128; 1985 a. 303; 1985 a. 304 ss. 1m, 2, 155; 1987 a. 391 ss. 1 to 1r, 66w; 1989 a. 31; 1991 a. 5; 1993 a. 140, 184; 1995 a. 16 s. 2; 1995 a. 27 s. 9145 (1); 1995 a. 219; 1997 a. 35; 2001 a. 16, 109; 2003 a. 24, 265; 2005 a. 177, 451; 2007 a. 1; 2009 a. 397; 2011 a. 23, 32, 45, 75; 2013 a. 165; 2015 a. 117, 118, 261; 2017 a. 369.

X

10 SECTION 2. 6.86 (1) (b) of the statutes is amended to read:

11 6.86 (1) (b) Except as provided in this section, if application is made by mail,
12 the application shall be received no later than 5 p.m. on the 5th day immediately
13 preceding the election. If application is made in person, the application shall be
14 made ~~no earlier than 14 days preceding the election and no later than the Sunday~~
15 7 p.m. on the Friday preceding the election. No application may be received on a legal
16 holiday. A municipality shall specify the hours in the notice under s. 10.01 (2) (e).
17 The municipal clerk or an election official shall witness the certificate for any
18 in-person absentee ballot cast. Except as provided in par. (c), if the elector is making
19 written application for an absentee ballot at the partisan primary, the general

1 election, the presidential preference primary, or a special election for national office,
2 and the application indicates that the elector is a military elector, as defined in s. 6.34
3 (1), the application shall be received by the municipal clerk no later than 5 p.m. on
4 election day. If the application indicates that the reason for requesting an absentee
5 ballot is that the elector is a sequestered juror, the application shall be received no
6 later than 5 p.m. on election day. If the application is received after 5 p.m. on the
7 Friday immediately preceding the election, the municipal clerk or the clerk's agent
8 shall immediately take the ballot to the court in which the elector is serving as a juror
9 and deposit it with the judge. The judge shall recess court, as soon as convenient,
10 and give the elector the ballot. The judge shall then witness the voting procedure as
11 provided in s. 6.87 and shall deliver the ballot to the clerk or agent of the clerk who
12 shall deliver it to the polling place or, in municipalities where absentee ballots are
13 canvassed under s. 7.52, to the municipal clerk as required in s. 6.88. If application
14 is made under sub. (2) or (2m), the application may be received no later than 5 p.m.
15 on the Friday immediately preceding the election.

History: 1975 c. 85 ss. 37, 38, 65; 1975 c. 90, 199, 200, 275, 422; 1977 c. 394 ss. 14, 40, 41; 1979 c. 232, 311; 1981 c. 391; 1983 a. 183, 484; 1985 a. 304 ss. 69, 156; 1987 a. 391; 1995 a. 313; 1999 a. 182; 2001 a. 51; 2003 a. 265; 2005 a. 451; 2011 a. 23, 75, 115, 227; 2013 a. 146; 2015 a. 118 s. 266 (10); 2015 a. 209, 261; 2017 a. 369.

16 **SECTION 3.** 343.50 (1) (c) 1. of the statutes is amended to read:
17 343.50 (1) (c) 1. The department may issue a receipt to any applicant for an
18 identification card, and shall issue a receipt to an applicant requesting an
19 identification card under sub. (5) (a) 3., which receipt shall constitute a temporary
20 identification card while the application is being processed and shall be valid for a
21 period not to exceed ~~60~~ 180 days. If the application for an identification card is

1 processed under the exception specified in s. 343.165 (7) or (8), the receipt shall
2 include the marking specified in sub. (3) (b).

History: 1977 c. 360, 447; 1979 c. 226, 306; 1981 c. 20 s. 1848r; 1985 a. 29, 98; 1987 a. 27, 304; 1989 a. 105, 294, 298; 1991 a. 86, 269; 1995 a. 446; 1997 a. 27, 119, 191; 1999 a. 9, 32, 80, 85, 88, 186; 2001 a. 93; 2003 a. 33; 2005 a. 126; 2007 a. 20 ss. 3374 to 3390, 9121 (6) (a); 2007 a. 106; 2009 a. 28, 180; 2011 a. 23, 32, 75; 2013 a. 17, 20, 173; 2015 a. 55; 2017 a. 59, 244, 334, 369.

3 **SECTION 9112. Nonstatutory provisions; Elections Commission.**

4 (1) VOTER IDENTIFICATION. No later than August 1, 2019, each university and
5 college in this state that is accredited, as defined in s. 39.30 (1) (d), and each technical
6 college in this state that is is a member of and governed by the technical college
7 system under ch. 38/ shall issue student identification cards that comply with s. 5.02
8 (6m) (f).

9 (END)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1970/P1
JK:cjs

8215

DOA:.....Bork, BB0337 - Voter ID and in-person absentee voting

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

in person
2-14

The bill also eliminates
the requirement that the
card contain the
student's signature.

and each UW System
institution

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ELECTIONS

1. Voter identification

Current law allows an individual to use as voter identification an unexpired identification card issued by a technical college, college, or university in this state if the card meets certain criteria. The card must have an expiration date that is no later than two years after the date it was issued, and the individual must establish proof of enrollment. This bill eliminates the proof of enrollment requirement and allows the use of a card that expires no later than four years after the issuance date. In addition, the bill requires each technical college, college, or university in this state to issue student identification cards that meet the criteria to be used as voter identification no later than August 1, 2019.

five

Current law also allows an individual to use as voter identification an identification card issued by DOT. DOT may issue a receipt as a temporary identification card to use for voting and other purposes to an individual who is waiting for the permanent card. The receipt expires in 60 days. The bill extends the expiration date to 180 days.

2. Voting absentee in person

Current law allows an individual to complete an absentee ballot in person no earlier than 14 days preceding the election and no later than the Sunday preceding

the election. The bill eliminates the restriction on how soon a person may complete an absentee ballot in person and provides that a person must complete such a ballot no later than the Friday preceding the election.

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.** 5.02 (6m) (f) of the statutes is amended to read:

2 5.02 **(6m)** (f) An unexpired student identification card issued by a university
3 or college in this state that is accredited, as defined in s. 39.30 (1) (d), or by a technical
4 college in this state that is a member of and governed by the technical college system
5 under ch. 38, that contains the date of issuance ~~and signature of the individual to~~
6 ~~whom it is issued~~ and that contains an expiration date indicating that the card
7 expires no later than ~~2-4~~⁵ years after the date of issuance if the individual establishes
8 that he or she is enrolled as a student at the university or college on the date that
9 the card is presented.

10 **SECTION 2.** 6.86 (1) (b) of the statutes is amended to read:

11 6.86 **(1)** (b) Except as provided in this section, if application is made by mail,
12 the application shall be received no later than 5 p.m. on the 5th day immediately
13 preceding the election. If application is made in person, the application shall be
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15 7 p.m. on the Friday preceding the election. No application may be received on a legal
16 holiday. A municipality shall specify the hours in the notice under s. 10.01 (2) (e).
17 The municipal clerk or an election official shall witness the certificate for any
18 in-person absentee ballot cast. Except as provided in par. (c), if the elector is making
19 written application for an absentee ballot at the partisan primary, the general

1 election, the presidential preference primary, or a special election for national office,
2 and the application indicates that the elector is a military elector, as defined in s. 6.34
3 (1), the application shall be received by the municipal clerk no later than 5 p.m. on
4 election day. If the application indicates that the reason for requesting an absentee
5 ballot is that the elector is a sequestered juror, the application shall be received no
6 later than 5 p.m. on election day. If the application is received after 5 p.m. on the
7 Friday immediately preceding the election, the municipal clerk or the clerk's agent
8 shall immediately take the ballot to the court in which the elector is serving as a juror
9 and deposit it with the judge. The judge shall recess court, as soon as convenient,
10 and give the elector the ballot. The judge shall then witness the voting procedure as
11 provided in s. 6.87 and shall deliver the ballot to the clerk or agent of the clerk who
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20 identification card while the application is being processed and shall be valid for a
21 period not to exceed ~~60~~ 180 days. If the application for an identification card is
22 processed under the exception specified in s. 343.165 (7) or (8), the receipt shall
23 include the marking specified in sub. (3) (b).

24 **SECTION 9112. Nonstatutory provisions; Elections Commission.**

1 (1) VOTER IDENTIFICATION. No later than August 1, 2019, each university and
2 college in this state that is accredited, as defined in s. 39.30 (1) (d), and each technical
3 college in this state that is is a member of and governed by the technical college
4 system under ch. 38 shall issue student identification cards that qualify as
5 identification under s. 5.02 (6m) (f).

6 (END)

*and each ~~public~~ system institution
University of Wisconsin*



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1970/P2

JK:cjs

DOA:.....Bork, BB0337 - Voter ID and in-person absentee voting

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

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1. Voter identification

Current law allows an individual to use as voter identification an unexpired identification card issued by a technical college, college, or university in this state if the card meets certain criteria. The card must have an expiration date that is no later than two years after the date it was issued, and the individual must establish proof of enrollment. This bill eliminates the proof of enrollment requirement and allows the use of a card that expires no later than five years after the issuance date. The bill also eliminates the requirement that the card contain the student's signature. In addition, the bill requires each technical college in this state and each UW System institution to issue student identification cards that meet the criteria to be used as voter identification no later than August 1, 2019.

Current law also allows an individual to use as voter identification an identification card issued by DOT. DOT may issue a receipt as a temporary identification card to use for voting and other purposes to an individual who is waiting for the permanent card. The receipt expires in 60 days. The bill extends the expiration date to 180 days.

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6 ~~whom it is issued~~ and that contains an expiration date indicating that the card
7 expires no later than ~~2~~ 5 years after the date of issuance ~~if the individual establishes~~
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4 election day. If the application indicates that the reason for requesting an absentee
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