



2023 ASSEMBLY JOINT RESOLUTION 78

September 29, 2023 - Introduced by Representatives SNYDER, GUSTAFSON, ALLEN, ARMSTRONG, AUGUST, BINSFELD, BORN, DITTRICH, DONOVAN, DUCHOW, EDMING, GOEBEN, GREEN, S. JOHNSON, KITCHENS, KRUG, MAGNAFICI, MAXEY, MICHALSKI, MOSES, NEDWESKI, NEYLON, O'CONNOR, PENTERMAN, RETTINGER, ROZAR, SCHUTT, SPIROS, SWEARINGEN, TUSLER and BRANDTJEN, cosponsored by Senators WANGGAARD, BALLWEG, BRADLEY, MARKLEIN, NASS, TESTIN and TOMCZYK. Referred to Committee on Campaigns and Elections.

- 1 **To create** section 1m of article III of the constitution; **relating to:** requiring
2 photographic identification to vote in any election (first consideration).

Analysis by the Legislative Reference Bureau

This constitutional amendment, proposed to the 2023 legislature on first consideration, provides that a qualified elector may not vote in any election unless the elector presents photographic identification issued by this state, by the federal government, by a federally recognized American Indian tribe or band in this state, or by a college or university in this state, that verifies the elector's identity. Acceptable forms of photographic identification must be specified by law. The amendment authorizes the legislature to pass laws establishing exceptions to the photographic identification requirement. Additionally, if an elector is unable to present valid photographic identification before voting on election day, the elector must be given the opportunity to cast a provisional ballot and present valid photographic identification at a later time and place, as provided by law.

A constitutional amendment requires adoption by two successive legislatures, and ratification by the people, before it can become effective.

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- 3 **Resolved by the assembly, the senate concurring, That:**
4 **SECTION 1.** Section 1m of article III of the constitution is created to read:
5 [Article III] Section 1m (1) No qualified elector may cast a ballot in any election
6 unless the elector presents valid photographic identification that verifies the

1 elector's identity and that is issued by this state, the federal government, a federally
2 recognized American Indian tribe or band in this state, or a college or university in
3 this state. The legislature shall by law establish acceptable forms of photographic
4 identification, and the legislature may by law establish exceptions to the
5 requirement under this subsection.

6 (2) A qualified elector who is unable to present valid photographic
7 identification on election day shall be permitted to cast a provisional ballot. A
8 provisional ballot may not be counted unless the elector presents valid photographic
9 identification at a later time and place as provided by the legislature by law.

10 **SECTION 2. Numbering of new provisions.** If another constitutional
11 amendment ratified by the people creates the number of any provision created in this
12 joint resolution, the chief of the legislative reference bureau shall determine the
13 sequencing and the numbering of the provisions whose numbers conflict.

14 ***Be it further resolved, That*** this proposed amendment be referred to the
15 legislature to be chosen at the next general election and that it be published for three
16 months previous to the time of holding such election.

17 (END)