



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Senate Bill 68

**Senate Substitute
Amendment 1**

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Senate Substitute Amendment 1 to 2003 Senate Bill 68 makes the bill the equivalent of Engrossed 2003 Assembly Bill 111.

Current Law

Generally, under current law, before being allowed to vote at any polling place, an elector must provide his or her name and address. If registration is required in order to vote and the elector is not registered, the elector must provide a specified form of proof of residence in order to register.

Senate Substitute Amendment 1

In General

The substitute amendment requires, among other things, that persons registering to vote and voting present a valid Wisconsin driver's license issued by the Department of Transportation (DOT), a valid Wisconsin identification card issued by DOT, or a valid, current military identification card. Persons voting absentee by mail must submit a copy of identification along with their voted ballot. Under the substitute amendment, a person may request, and receive, an identification card issued by DOT free of charge.

The substitute amendment provides that if any individual appears at a polling place and cannot provide the required identification, or if poll workers cannot verify the document submitted by the individual, the individual may cast a provisional ballot. In the case of an individual casting a provisional ballot, the substitute amendment requires the elector to provide a valid license or identification card to the municipal clerk by 4:00 p.m. or the close of business, whichever is later, on the day after the election in order to have his or her provisional ballot counted.

Provisional Balloting

The substitute amendment provides that upon receipt of proper identification supporting a provisional ballot, the municipal clerk must, by no later than the day after the election, notify the Board of Canvassers that the individual who voted the provisional ballot is qualified to vote and that the provisional ballot shall be counted. (The substitute amendment provides that such notice must be made “promptly.”) In addition, the substitute amendment provides that the decision of the municipal clerk with respect to the validity of the identification submitted by the individual is final and not subject to review by the Board of Canvassers or by the chairperson of the Elections Board, or his or her designee. The substitute amendment further clarifies that a provisional ballot cast by an elector for whom a valid license or identification card is required shall not be counted unless the municipal clerk provides timely notification that the elector has provided valid identification.

The substitute amendment limits the availability of provisional voting to individuals voting at a polling place who registered to vote by mail and who have not previously voted in an election for national office in Wisconsin. Accordingly, if such individuals do not provide the required identification or if the identification cannot be verified by poll workers, they may cast a provisional ballot.

Absentee Balloting

The substitute amendment provides that if an absentee elector has previously received an absentee ballot from the municipal clerk for a previous election and if that elector has previously provided the required identification with that ballot and has not since changed his or her name or address, the elector need not provide a copy of the required identification when submitting subsequent absentee ballots. In addition, the amendment provides that if an elector is qualified to automatically receive an absentee ballot because he or she is indefinitely confined because of age, physical illness, or infirmity, or if he or she is disabled for an indefinite period of time, he or she need not provide a copy of the required identification when voting absentee if he or she submits with a voted absentee ballot a statement signed by the person who witnesses the voting of the ballot a statement containing the name and address of the elector and a verification that the name and address are correct.

Identification Card

The substitute amendment provides that an individual may apply for and receive a Wisconsin identification card issued by DOT without a photograph if the individual provides to DOT an affidavit stating that:

1. The applicant has sincerely held religious beliefs against being photographed;
2. The applicant is a member of a religious organization or identifies with the religious tenets of a religious organization and names the religious organization; and
3. The religious tenets of such organization prohibit such photographing.

Legislative History

On May 14, 2003, the Senate Committee on Education, Ethics and Elections recommended Senate Bill 68, as amended, for passage on a vote of Ayes, 4; Noes, 3.

RJC:jal:ksm:rv:tlu;ksm