



Van H. Wanggaard

Wisconsin State Senator

Testimony on Senate Joint Resolution 2

Thank you, committee members, for attending today's hearing on Senate Joint Resolution 2, which would codify Wisconsin's photo ID requirement for voting, or Voter ID law, in the Wisconsin Constitution.

It is no secret that liberal activists and Democrats are filing court cases left and right trying to overturn laws that have been previously found constitutional by the Wisconsin Supreme Court and/or Federal Courts.

Following the election of Janet Protasiewicz to the Supreme Court, it took less than 24 hours for liberal activists to file their first case of this sort. A lawsuit challenging Wisconsin's school choice program – a law that has been declared constitutional by both the Wisconsin and United States Supreme Courts was filed shortly thereafter. Just a month or so ago, a Dane County Judge found Act 10 unconstitutional on grounds that had previously been found constitutional in another case. If I did more research, I'm sure I could find more legal attempts to overturn laws that had been previously determined to be constitutional.

Now, Democratic activists on social media are openly asking someone to challenge Wisconsin's Voter ID law in the Wisconsin Supreme Court. Like school choice, Wisconsin's Voter ID law has already been declared constitutional by state and federal courts. But we can be sure that a new lawsuit challenging its constitutionality is coming to the Wisconsin Supreme Court.

I cannot say for certain how the Wisconsin Supreme Court would rule on Voter ID laws, but I'm also not willing to risk a Wisconsin Supreme Court unburdened by precedent and the Wisconsin Constitution declaring Voter ID laws unconstitutional. They've already thrown *stare decisis* out the window. The chosen liberal Supreme Court candidate in this spring's election has repeatedly referred to Voter ID as "Draconian" and "punishing". She celebrated when it was briefly struck down. The only way to ensure that this or our future Supreme Courts will not overturn Voter ID is to enshrine this basic election integrity law in Wisconsin's Constitution.

Contrary to claims made when Voter ID was passed, the law has not resulted in voter suppression. In fact, voter participation has increased since being implemented in 2014. In November elections in particular, voter participation increased significantly. When the law was passed, the League of Women Voters claimed the law would complicate and make elections harder, but following the 2016 and 2018 elections, the League of Women Voters stated that the elections went smoothly and without problems.

To be clear, this bill does not change any of the current Voter ID laws. What is considered a valid ID would still be considered a valid ID if this amendment would be ratified. Consistent polling shows 75-80% support for voter ID laws. This proposed amendment ensures that this basic, and constitutional voter integrity law remains the law of the land.

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PATRICK SNYDER

STATE REPRESENTATIVE • 85th ASSEMBLY DISTRICT

Testimony in Support of Senate Joint Resolution 2

Assembly Committee on Judiciary and Public Safety

January 7, 2025

Vice-Chairman James and members of the Committee:

I authored this amendment to the Wisconsin Constitution to ensure that the people of Wisconsin have full confidence in the security and integrity of Wisconsin elections. This Joint Resolution would amend the State Constitution to require valid photographic identification when voting. Under the amendment, the State Legislature would still be able to create exceptions to the requirement in statutes and qualified electors who lack valid identification on elections day would still be able to cast a provisional ballot. This proposal does not change any current statutory exceptions to existing voter ID requirements.

Ensuring that each voter casts the proper ballot is central to the integrity of any election. Wisconsin's voter ID requirement has been widely successful in preserving election integrity and ensuring that citizens are confident that the ballots cast are legitimate. Polling has consistently shown that voter ID requirements are widely popular with one 2024 poll by the Pew Research Center showing nationwide support of voter ID at 81%.

As with all amendments to the State Constitution, this proposal requires adoption by two successive legislatures and ratification by the people in a statewide vote. This would be the second consideration of this amendment. Ensuring that voter ID is required under the State Constitution will go a long way towards preserving confidence in the electoral process.

Thank you for taking the time to hear my testimony today. I am happy to answer any questions you may have.

Testimony of SJR-002

January 7, 2025

Senate Committee on Judiciary & Public Safety

No matter where we live in Wisconsin or which party we support, one thing is clear: Wisconsinites want to be able to vote easily and without unnecessary hurdles. Polls consistently show overwhelming, bipartisan support for pro-voter measures like automatic voter registration, pre-processing of absentee ballots, and expanded early voting. These common sense reforms streamline the voting process, making it more accessible, efficient, and fair for everyone.

Unfortunately, instead of embracing reforms that make voting easier, some politicians continue to spread the baseless myth of widespread voter fraud, a dangerous distraction from the real challenges voters face, especially when it comes to barriers like strict voter ID laws. Despite extensive research proving that voter fraud is exceptionally rare, these myths are used to justify measures like strict voter ID laws—laws that create unnecessary barriers to participation. In reality, instances of voter impersonation, either in person or by mail, are virtually non-existent, and when fraud does occur, it's typically the result of simple mistakes that are easily corrected.

Research across the nation shows that strict voter ID laws disproportionately affect marginalized communities—especially people of color, where as many as 11% of eligible voters may lack the required identification. These laws also have a harmful impact on seniors, students, individuals with disabilities, and low-income residents who face additional obstacles in obtaining the necessary ID. Rather than protecting election integrity, these laws restrict the rights of those who are most vulnerable.

Enshrining stricter voter ID laws in Wisconsin's constitution would undermine the very democratic principles that the state was founded upon. It would send a message that some voices are less important than others, especially when research shows that instances of voter fraud are incredibly rare. This is not the way to build a fair and inclusive democracy.

Instead, the Wisconsin State Legislature should focus on the issues that truly matter to people's lives: tackling PFAS contamination, addressing the lack of affordable childcare, funding our public schools, and solving the housing crisis. It's time for lawmakers to prioritize policies that make life better for all Wisconsinites, not create more obstacles for eligible voters trying to make their voices heard at the ballot box.

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January 7, 2025

Chair Wanggaard, Vice-Chair James, and Honorable Members of the Senate Committee on Judiciary and Public Safety:

The American Civil Liberties Union of Wisconsin appreciates the opportunity to provide written testimony in opposition to Senate Joint Resolution 2, which proposes to enshrine specific photo identification requirements for voting in the state constitution.

Voting is the cornerstone of our democracy and the fundamental right upon which all our civil rights and liberties rest.

Wisconsin's voter ID law is one of the strictest in the country, requiring photo identification that many voters do not have and that many voters cannot easily obtain. Your constituents with disabilities experience the barriers created by this law, the elderly folks in your districts, students and first-time voters, low-income and unhoused voters, and Native, Black, and Latino voters who you represent.

Many Wisconsinites Lack Compliant Photo ID for Voting

In 2020, nearly 3 million voting-age U.S. citizens in Wisconsin, Georgia, Indiana, Kansas, Mississippi, and Tennessee—states with strict photo ID laws—lacked a driver's license, and of those, over 1.3 million did not have the identification needed to vote.¹ Recent data from the Wisconsin Department of Transportation estimates that 31% of Wisconsinites are non-drivers.²

According to a 2021 report analyzing the impact of Wisconsin's photo ID law and access to DMV services on voting, "[o]f the 80 permanent DMV service centers in Wisconsin, only 23 operate Monday through Friday, and only seven offer Saturday hours."³ Because many DMVs are not located on public transit lines or take hours and significant costs to reach via public transit, inequitable access to DMV services presents enormous barriers to exercising the fundamental right to vote for nondrivers and people with disabilities in both rural and urban areas.

¹ "Who Lacked Photo ID in 2020?: An Exploration of the American National Election Studies," University of Maryland Center for Democracy and Civic Engagement (March 13, 2023), https://www.voteriders.org/wp-content/uploads/2023/04/CDCE_VoteRiders_ANES2020Report_Spring2023.pdf.

² "Wisconsin Geography of the Non-Driver," Wisconsin Department of Transportation (October 2024), <https://wisconsindot.gov/Documents/projects/multimodal/geography-non-driver-flyer-oct-2024.pdf>.

³ "Getting There is Half the Battle: Wisconsin's Photo ID Law, Access to DMV Services, and the Fight for Our Freedom to Vote," All Voting is Local, League of Women Voters of Wisconsin, and Wisconsin Disability Vote Coalition (2021), https://allvotingislocal.org/wp-content/uploads/05192021-WI_DMV_Access.pdf.

In his 2023-25 Executive Budget, Governor Evers proposed increasing funding to the DMV general operations appropriation for costs associated with expanding hours of operation at DMV service centers; however, this provision was removed from the budget by the Joint Committee on Finance.

If the proposed constitutional text is enacted as currently drafted, the legislature would be precluded from permitting additional categories of photo identification for voting purposes in the future, such as an ID for a federally recognized tribe outside of Wisconsin; an out-of-state driver's license or identification card; employer IDs; a membership or organization ID; or municipal IDs. The permanency of a constitutional amendment also ties the hands of the legislature to respond to future advancements in technology as methods of identification evolve.

Strict Photo ID Requirements Are a Solution in Search of a Problem

In-person voter fraud is vanishingly rare. A study found that, from 2000 to 2012, there were only 31 credible allegations of voter impersonation – the only type of fraud that photo IDs could prevent – during a period of time in which over *1 billion* ballots were cast.⁴ That's 0.0000031%.

Meanwhile, research has shown that strict photo ID requirements impact whether eligible voters are able to cast a ballot. One study published in the *Election Law Journal* estimated that thousands of registered voters in Wisconsin were deterred or prevented from voting either because voters did not have a permissible ID to vote under the law or due to confusion over whether an existing ID would comply with the law—which the analysis found disproportionality impacted Black and lower-income Wisconsinites.⁵ Research from other states also highlights racially disproportionate access to valid forms of identification under voter identification laws⁶ and indicates voter ID laws may reduce voter turnout.⁷

Please consider the consequences of implementing Senate Joint Resolution 2. Democracy works best when eligible voters are not subject to additional barriers that make participating more difficult. The ACLU of Wisconsin opposes this measure and asks that you respect the rights of your constituents by voting no on a measure that would make it harder for them to participate in the voting process.

⁴ Justin Levitt, "A Comprehensive Investigation of Voter Impersonation Finds 31 Credible Incidents Out of One Billion Ballots Cast," *Washington Post* (Aug. 6, 2014), <https://www.washingtonpost.com/news/work/wp/2014/08/06/a-comprehensive-investigation-of-voter-impersonation-finds-31-credible-incidents-out-of-one-billion-ballots-cast/>.

⁵ Michael G. DeCrescenzo and Kenneth R. Mayer, "Voter Identification and Nonvoting in Wisconsin—Evidence from the 2016 Election," *Election Law Journal* (2019), <https://elections.wisc.edu/wp-content/uploads/sites/483/2021/02/Voter-ID-and-Nonvoting-in-Wisconsin.pdf>.

⁶ Alex Vandermaas-Peeler, Daniel Cox, "American Democracy in Crisis: The Challenges of Voter Knowledge, Participation, and Polarization," PRRI (2018), <https://www.prrri.org/research/American-democracy-in-crisis-voters-midterms-trump-election-2018/>.

⁷ "Issues Related to State Voter Identification Laws," U.S. Government Accountability Office (Sept. 2014), <https://www.gao.gov/assets/gao-14-634.pdf>.