



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Assembly Bill 111	Assembly Amendments 1, 2, 3, 4, 7, 9, and 11 and Senate Amendment 1
<i>Memo published:</i> May 19, 2003	<i>Contact:</i> Robert J. Conlin, Senior Staff Attorney (266-2298) Ronald Sklansky, Senior Staff Attorney (266-1946)

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.

Assembly Bill 111

Assembly Bill 111 requires, among other things, that persons registering to vote and voting present either a valid Wisconsin driver's license issued by the Department of Transportation (DOT) or a valid Wisconsin identification card issued by DOT. Persons voting absentee by mail must submit identification along with their voted ballot. Under the bill, a person may request, and receive, an identification card issued by DOT free of charge. The bill creates a sum sufficient appropriation from moneys, lapsed to the Transportation Fund under the provisions of 2001 Wisconsin Act 16 (the Biennial Budget Act) resulting from appropriation account lapses and fund transfers from the Wisconsin Retirement System contribution savings, in an amount equal to the amount of fees not collected under the bill for the issuance of or renewal of identification cards without charge. The appropriation is intended to cover the cost of issuing or renewing such identification cards.

The bill 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 bill 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.

Assembly Amendment 1

Assembly Amendment 1 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 bill provides that such notice must be made “promptly.”) In addition, the 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 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.

Assembly Amendment 2

Assembly Amendment 2 deletes the sum sufficient appropriation contained in the bill for the purpose of issuing identification cards without charge. The amendment does *not* change the requirement in the bill that such cards be issued free of charge to persons who request free issuance.

Assembly Amendment 3

Assembly Amendment 3 clarifies that when a voter submits an absentee ballot, he or she must submit with that ballot *a copy of* appropriate identification required by the bill. The bill, as drafted, implies that an original piece of identification must be submitted.

Assembly Amendment 4

Assembly Amendment 4 provides that a valid, current military identification card may also be used as acceptable identification for voting under the bill.

Assembly Amendment 7

Assembly Amendment 7 is intended to limit the availability of provisional voting under the bill 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. [A technical amendment to s. 6.79 (3) (b) of the statutes, as created by the bill, may be required to effectuate the intent of Assembly Amendment 7.]

Assembly Amendment 9

Assembly Amendment 9 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.

Assembly Amendment 11

Assembly Amendment 11 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.

Senate Amendment 1

Senate Amendment 1 is a technical amendment. It clarifies the provision of the bill relating to an exception to the photograph requirement for a person who has a sincere religious belief against being photographed.

Legislative History

On March 13, 2003, the Assembly took the following action on the above amendments:

Assembly Amendments 1, 2, and 3, which were offered by the Assembly Committee on Campaigns and Elections, were adopted on a voice vote.

Assembly Amendment 4, which was offered by the Joint Committee on Finance, was adopted by a voice vote.

Assembly Amendment 7, which was offered by Representatives Grothman and Stone, was adopted on a voice vote.

Assembly Amendment 9, which was offered by Representatives Kaufert, Stone, Krusick, Freese, and Schneider, was adopted on a voice vote.

Assembly Amendment 11, which was offered by Representatives Suder and Gundrum, was adopted on a voice vote.

Also on March 13, the Assembly passed the bill, as amended, on a vote of Ayes, 60, Noes, 34, Paired, 4.

Senate Amendment 1 was introduced and adopted by the Senate Committee on Education, Ethics, and Elections on May 14, 2003 on a vote of Ayes, 6; Noes, 1. On the same date, the committee recommended the bill for passage, as amended, on a vote of Ayes, 4; Noes, 3.

RJC:jal:ksm:rv:tlu;ksm