



Board of Election Commissioners

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January 25, 2011

Senator Mary Lazich
Members of the Senate Committee on Transportation and Elections
Wisconsin State Legislature

Re: Testimony on 2011 SB 8

Chair Lazich and Honorable Committee Members, thank you for the opportunity to testify on this matter today

As the Executive Director of the City of Milwaukee's Election Commission, it is my responsibility to administrator elections that are well-managed, free, and fair. Elections that are free and fair require both ballot security and full access to voting. I believe that we are all in pursuit of the same goal and that is ensuring that only those individuals who are eligible to vote are allowed to vote while encouraging overwhelming participation in the democratic process. I am here today to encourage you to revise Senate Bill 6 for the purpose of promoting greater access to voting

As you are all well aware, the City of Milwaukee is home to Marquette University, Milwaukee School of Engineering, the University of Wisconsin Milwaukee, Alverno College, and Wisconsin Lutheran College. Over 41,000 students attend these five universities. Many of these students are from other municipalities around the state and beyond and live on campus during the school year. Many do not possess a Wisconsin driver's license, a Wisconsin state identification card or a military identification card yet are eligible to vote. The polling sites serving our college campuses have always been some our busiest sites. It would be an injustice to reduce the ability of transient college students to vote. Therefore, I encourage you to include student photo identification cards in conjunction with student housing documents as an acceptable form of identification. The City of Milwaukee Election Commission has been working with the aforementioned colleges and universities in securing student housing lists for several years. This practice has served us well and has encouraged voter participation.

I also encourage you to include passports as an acceptable form of identification. Today, more and more U. S. residents maintain valid passports. I also encourage you to include a provision in the bill to allow for the signing of an affidavit in lieu of identification and

in place of the provisional ballot requirement. Five of the other nine states with photo ID requirements currently offer both of these options.

Regarding Absentee Ballots, the City of Milwaukee Election Commission mails ballots to approximately 6,000 permanent absentee ballot recipients. Depending upon the election, the Election Commission may mail out another 2,000 – 9,000 more ballots as requested. Requiring absentee ballot recipients to provide proper identification with their absentee ballot would create an administrative nightmare for the City of Milwaukee on Election Day as it would simply add another step to an already very labor intensive process. It would be more efficient to require the identification upon request of the ballot.

The Election Commission has been processing absentee ballots at a central location since February of 2008. This practice is much more efficient and effective, yet as I mentioned, very labor intensive. Thousands of ballots are opened by hand, voter numbers are documented in multiple locations, ballots have to be reconstructed, and the integrity of the records maintained. Attempting to reach electors on Election Day when many are away on vacation and business is senseless and would greatly increase our staffing requirements.

If you are going to keep this requirement in this bill, I highly recommend that the identification requirement be satisfied when the absentee ballot application is submitted. This will afford ample time to follow-up with those who fail to comply. Additionally, completing the required provisional ballot envelope would create an enormous amount of work and should be eliminated.

I encourage you to proceed cautiously and in a manner that will encourage voter participation and streamline the administration of elections. I would also encourage you to continue your examination of Wisconsin Election Law. Slight changes in various deadlines would significantly reduce the enormous pressure placed on election administrators while making final preparations for Election Day. Placing restrictions on voter registration programs would eliminate the need to spend hundreds of hours and thousands of dollars processing incomplete voter registration applications. And, allowing municipalities to draw their poll workers from the county would benefit those of us who have difficulty staffing our polling sites.

Thank you for your consideration of these comments. Feel free to contact me at (414) 286-6119 or sedman@milwaukee.gov for further discussion of Wisconsin's election process.

Sincerely,



Sue Edman
Executive Director

State of Wisconsin\Government Accountability Board

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Remarks by
Kevin J. Kennedy
Director and General Counsel
Wisconsin Government Accountability Board

Presented to the

Wisconsin Senate Committee on Transportation and Elections

The Honorable Mary Lazich, Chairperson

Room 411 South, State Capitol
Wednesday, January 26, 2011
10:00 a.m.

Chairperson Lazich and Committee Members:

Thank you for the opportunity to appear before the Committee to provide information on 2011 Senate Bill 6 relating to requiring certain identification in order to vote. Versions of this legislation have been deliberated in the Legislature over the course of several sessions. In anticipation of this legislation the Government Accountability Board staff researched the law in other states, talked with local election officials, legislators and other persons interested in the legislation and developed some informational materials.

These materials included a list of photo identification legislation introduced in past sessions, a summary of voter identification requirements in other states and a list of issues the Government Accountability Board staff believed voter identification legislation should address. This informational material was distributed to Committee members and all legislators. It is also posted on our website.

On behalf of the Government Accountability Board, I would like to offer some proposed changes for your consideration to facilitate the implementation of this legislation. I am also available to answer your questions about implementation of the legislation.

Currently 27 states require voters to provide some form of identification before they are issued a ballot. Only three states, Georgia, Indiana and Oklahoma, require the identification to contain a picture of the voter. Many of the other states require the same identification Wisconsin currently requires for voters who must provide current proof of residence to register to vote after the close of registration and at the polling place on Election Day. Based on our research, it appears that no state requires an absentee voter who casts a ballot by mail to provide a copy of any required photo identification.

Senate Bill 6 shares similarities with the Indiana photo identification statute which has been upheld in two separate lawsuits. But Senate Bill 6 also varies from that law in several significant ways, which makes the legislation stricter as well as more cumbersome and costly to administer at both the State and local levels. I will identify some of the differences and similarities with the Indiana law in this testimony. I will also discuss areas of the proposed legislation where our staff believes changes should be considered to improve implementation.

Types of permissible identification

The Government Accountability Board recommends the Committee consider expanding the types of picture identification permitted to be shown to receive a ballot. The additional forms of identification we recommend are a U.S. passport; student identification card issued by an accredited institution of higher education, including a university, college or technical school; or other identification card issued by Wisconsin government, a Wisconsin governmental subunit or the United States government. The key components of the identification would be that it contains the full name and a picture of the voter and has not expired.

Under current provisions of the legislation, a voter is required to present a valid Wisconsin driver license, valid Department of Transportation-issued identification card or current and valid military identification card to a poll worker before being given a ballot. The purpose of the legislation is to require the voter to establish identity in order to receive a ballot. There are additional types of picture identification other than the three forms delineated in the bill that provide reliable and accessible identification, and that would relieve some of the burden on the Department of Transportation to provide acceptable forms of identification.

A U.S. passport is a common form of acceptable identification for voting in several of the other states requiring identification to vote. Other voter identification states also permit picture identification issued by the federal, state and local government. After passage of its law, Indiana election officials realized that it should have accommodated another specific form of identification which is a benefits card issued to armed services veterans by the U.S. Department of Veteran Affairs. The card contains the individual's photo and name but has no expiration date. Indiana interprets those cards to be valid as a lifetime card.

College students should be permitted to use a picture identification card issued by the college or university. These cards are used to access many benefits limited to students associated with the college or university. The college or university has a vested interest in issuing secure forms of

identification. Many students do not carry a driver license because they live on campus, use public transportation or do not drive.

Wisconsin law permits out-of-state students to vote in Wisconsin elections if they have established a 10-day physical presence and intend the presence to be their residence for voting purposes. This means they cannot vote in another state. In order to obtain a Wisconsin driver license or identification card from the Department of Transportation the out-of-state driver license has to be surrendered. These students may want to keep their out-of-state license because they may return to their home state for vacations or summer employment.

Allowing the use of other secure governmental and educational photo identification would significantly reduce the fiscal impact on the Wisconsin Department of Transportation, which will be required to issue state identification cards at no cost to anyone without a driver license who requests it.

Absentee Voting

The Government Accountability Board recommends that the Committee eliminate the requirement that absentee voters who cast a ballot by mail or with the assistance of special voting deputies appointed by the municipal clerk provide a copy of the required identification or a statement signed by the absentee voter's witness or special voting deputies. There is minimal purpose in requiring photo identification of such voters, and the current proposal contains so many exceptions and variations it will be extremely difficult for poll workers to sort out at the polling place or absentee ballot counting location. From an administrative and practical perspective, eliminating the photo identification requirement for absentee voters who vote by mail, or in front of special voting deputies, is easily the single biggest improvement that could be made to Senate Bill 6.

Existing law for absentee voting provides sufficient indicia of reliability that the absentee voter is the person casting the absentee ballot. These voters are required to submit a written request. In many cases the voter is receiving the ballot for more than one election in a calendar year or is on the permanent absentee list. The absentee voting process is completed in the presence of a witness who signs the certificate envelope attesting the voter marked the ballot in the presence of the witness. Two special voting deputies witness the ballot marking and certify the voter cast the ballot in their presence for absentee voters at nursing homes, qualified retirement homes, qualified community-based residential facilities, certified residential care apartment complexes, and certified or licensed adult family homes.

In the proposed legislation, the signed statement placed in the certificate envelope offered in lieu of a copy of the required identification is essentially the same information the witness or special voting deputies are already required to certify on the outside of the certificate envelope. In the case of absentee voters at qualified retirement homes, qualified community-based residential facilities, certified residential care apartment complexes, and certified or licensed adult family homes where the municipal clerk does not send special voting deputies, the signed

statement alternative also requires a certification of the manager of the facility, home or complex that the voter lives there and that the establishment is licensed or certified. This is yet another cumbersome process and potential participation barrier to these voters.

This hodgepodge of alternatives coupled with exemptions for confidential, military and overseas electors creates a recordkeeping nightmare for the municipal clerk. Poll workers will have to evaluate the following options when opening an absentee ballot:

- Is the absentee voter exempt from enclosing a copy of the required identification because the voter is a confidential, military or overseas elector?
- Is the absentee voter exempt from enclosing a copy of the required identification because the voter provided the municipal clerk with a copy of the required identification in a previous election and the voter has not moved or changed his or her name?
- Is the signed statement of the person or special voting deputies who witnessed the absentee voter mark the ballot sufficient in lieu of a copy of required identification?
- Is the copy of a citation or notice regarding a surrendered driver license sufficient in lieu of a copy of required identification?
- May observers and challengers view the enclosed identification documents?

These new administrative provisions would require much training of election inspectors and education of the public, and would complicate procedures at the polling place. Imposing these requirements on our election partners at the local level might be easier to justify if they added a significant measure of necessary security to the process. The consensus of professionals in election administration is that it does not. A copy of a photo identification included with an absentee ballot sent by mail obviously cannot be compared to the absentee voter. It is also highly improbable that an elector in a nursing home or other care facility completing a ballot in front of two special voting deputies would submit a copy of an invalid identification, and convince the voting deputies to nevertheless certify that the proper individual voted.

The Board's concern about the identification requirement for mail-in absentee voters is also supported by the court decision in one of the cases which upheld the Indiana photo identification law. On June 30, 2010, the Indiana Supreme Court issued a decision regarding the constitutionality of that state's photo identification law, which does not require photo identification from mail-in absentee voters. While upholding the photo ID law, the Court commented on the ineffectiveness of requiring it for mail-in absentee voters. The Court noted: "The plaintiffs do not propose any method by which a photo identification requirement could be effectively utilized to verify the identity of a mail-in absentee voter. Legislation is not constitutionally deficient for failing to impose an unenforceable, useless requirement."

A separate and significant issue for local election officials is what happens to the copies of photo identification that are mailed in by absentee voters. Are they available for public inspection during or after the election? Current law requires that the date of birth and driver license number is redacted from voter records that are requested. Under the public records law it would appear that the copies of licenses and identification are subject to disclosure, but that birthdates and license numbers may have to be redacted, although this legislation does not address that issue. Redaction of these records by local officials could add a significant workload and costs unfunded by local election budgets.

Again, eliminating the requirement for voters who cast an absentee ballot by mail or with the assistance of special voting deputies to provide a copy of the required identification or a statement signed by the individuals witnessing the marking of the absentee ballot is the single most important change that can be made to make this legislation work effectively.

Standard of Review by Election Officials

The Government Accountability Board recommends the Committee clarify the standard of review for local election officials with respect to the photo identification requirement. The legislation requires the poll worker or municipal clerk to verify the name and picture on required identification. In one section dealing with the small category of new residents voting only in a presidential election, the legislation uses the standard that the photograph "reasonably resembles the voter." This standard should be incorporated in the sections related to voting at the polling place and in the office of the municipal clerk.

Absent more specific language, our administrative interpretation and direction to local election officials will be that the photograph should be given a cursory look, and that they should not scrutinize the photo to verify characteristics such as hair or eye color, or facial hair. A stricter interpretation would tend to place volunteer election inspectors in the uncomfortable position of acting as a bouncer at a bar or as sworn law enforcement without that kind of identification training. This interpretation is similar to the approach taken under the Indiana law, which also does not include specific instructions or a standard for evaluating the photo.

In addition the legislation should provide the name on the required identification "conform" to the name on poll list, rather than be "the same as." This is a more realistic standard than verifying the name is identical. It permits election officials to exercise common sense in permitting a voter with a derivative of a common name or a middle name to vote without having an identical match of the name on the required identification with the name on the poll list. "Conform" is the term used in the Indiana statute and poll workers are specifically instructed to recognize common variations in names between the photo identification and the poll list, which has been a successful approach there.

Provisional ballots

The Government Accountability Board recommends the Committee consider alternatives to issuing a provisional ballot to voters who do not have the required identification. Provisional voting is a time consuming process that requires additional documentation and record keeping for poll workers and the municipal clerk. This will require municipalities to add additional workers on Election Day and following Election Day to process the provisional ballots.

Most municipal clerks (62%) are part-time and are not in the office on the day following Election Day to process provisional ballots. Currently Wisconsin only permits the use of a provisional ballot for the first-time voter who registered by mail, but was unable to provide the required proof of residence and for voters registering at the polling place on Election Day who are unable to provide their driver license number. There are very few provisional ballots issued in Wisconsin.

Voters may not be able to get to a DMV office on Election Day or the day following Election Day because there are very few DMV offices open full-time outside large population centers. It will also be very difficult for the municipal clerk to inform an absentee voter in a timely manner their ballot is being treated as a provisional ballot so the absentee voter has the opportunity to correct it.

In November 2006 there were 271 provisional ballots cast, 211 in November 2008 and 64 in November 2010. These numbers will increase significantly and poll workers will need additional training to ensure the process works smoothly. There are more efficient ways to provide a failsafe voting option for voters without the required identification.

Many states permit a voter without the required identification to swear or attest to an affidavit of identity in lieu of returning with the required identification. This documentation provides additional evidence for prosecution if it is suspected the voter is not who they claim to be.

If the Committee believes provisional voting is the preferred failsafe for a voter without the required identification, we suggest adding a second day for provisional voting. This would require a change to the meeting of school district and municipal boards of canvassers to accommodate the extra time for a provisional voter to provide the required identification.

DOT-related Issues and Accessibility of Photo Identification

Our staff has had several of discussions with representatives of the Department of Transportation. There are a number of administrative issues with respect to the Department's role in issuing driver licenses and identification cards that need to be considered as the legislation moves forward.

The Department of Transportation has a working definition of a "valid" driver license, but it is not tied to a statutory definition or administrative rule. We are advised a "valid" driver license

is one that is not revoked, suspended or cancelled. This is different from the definition proffered by the drafter, which is a license that is authentic and not expired. Especially because the Department of Transportation would be the sole source of photo identification for most voters under this legislation, what constitutes a "valid" driver license is information that needs to be clearly conveyed to voters. Given the provisions in the legislation related to a surrendered driver license, this needs to be clarified. We have also been advised that there are hundreds of thousands of revoked driver licenses in Wisconsin. If the license contains a proper photo and name and expiration date, it seems that whether or not it is suspended or revoked or cancelled should not impact an individual's right to vote, or require a different form of identification.

We have also been advised a change in the law no longer requires a driver to surrender his or her driver license when it is revoked or suspended. This makes the proposed language permitting the use of a copy of the notice or citation after a license is surrendered superfluous.

We have also been advised that the Department of Transportation plans to begin issuing driver licenses by mail from a centralized location rather than over the counter as soon as this May. This will severely limit citizens' ability to obtain the required identification in a timely manner for voting. Given the already limited Department of Transportation services available outside major population centers, voters will have a very difficult time obtaining the required identification if it is necessary to do so close to Election Day.

As already noted, the requirement that DMV provide photo identification within one day to remedy any provisional ballots with limited resources may also be a concern. We are advised that approximately 30 DMV branches are open five days a week throughout the State, and that the remainder of the State is served by travel teams that serve counties or regions on a regular schedule, such as once a week or once a month. Permitting additional forms of photo identification would alleviate some of the cost and burden on DMV of supplying new identification, especially immediately before and after an election.

Voter Information Program and Continuous Outreach and Assistance Requirements

The legislation requires the Government Accountability Board to conduct a public information campaign for the purpose of informing prospective voters of the photo identification requirement and exceptions for the primary and election when the requirement goes into effect. However, the legislation provides no funding to carry out this task. Depending on the scope of the outreach and education program, the cost of a mixed-media campaign alerting voters to the photo identification requirement could be expected to cost at least \$500,000.

In Indiana, the Secretary of State's office spent approximately \$500,000 on a public education and outreach campaign prior to the 2006 election, and approximately \$260,000 leading up to the primary and general elections in 2008 and 2010. In comparison, the Department of Health Services spent approximately \$500,000 on a statewide public education campaign on the H1N1 virus in from November 2009 through January 2010.

If the requirement goes into effect for the 2012 spring primary and election, the Government Accountability Board believes the public information campaign needs to be carried out for the fall elections as well. The expected voter turnout for the 2012 November election will more than double the turnout for the spring elections. This will require additional funding beyond the initial public information campaign for the spring election cycle.

The legislation also requires the Government Accountability Board to engage in outreach to identify and contact groups of electors who may need assistance in obtaining or renewing statutory ID and provide assistance in obtaining and renewing statutory ID. It is not clear what level of assistance is expected of the Government Accountability Board. Realistically, it cannot involve working with individual voters other than to respond to inquiries. The agency can reach out to organizations that work with targeted groups likely to need assistance. Providing outreach and assistance to those in need of identification or renewal of identification and including a similar mixed-media campaign is anticipated to cost approximately \$150,000.

We believe it would be a good idea to require local election officials to partner with the Government Accountability Board in this endeavor since they are more likely to know what local groups would best be able pass on information related to obtaining or renewing the required identification.

Corroboration

The legislation eliminates the opportunity for voters registering to vote at the polling place on Election Day or in the office of the municipal clerk after the close of registration from using a corroborator to vouch for the voter's residence. It appears this proposal is driven by the perception the voter who needs a corroborator is more likely to commit fraud. Based on statistics collected by our staff from municipal clerks, it appears most of these voters have the required photo identification. It is not current, so it cannot be used to establish proof of current residence.

Municipal clerks have informed our staff that this could work a real hardship on the elderly and women. In many cases current identifying documents such as bank statements and utility bills are in the name of the husband or an adult child. Current law effectively limits corroboration to verifying the voter's address since it is only used as proof of residence. From an election administration perspective, there is no reason why corroboration for proof of residency cannot be maintained along with the photo identification requirement.

Conclusion

In summary the Government Accountability Board recommends the Committee make the following changes to improve the legislation and its impact on administering elections in Wisconsin:

- Expand the types of acceptable photo identification;

- Eliminate the requirement for providing a copy of photo identification or a signed statement for absentee voting by mail or through special voting deputies;
- Clarify the standard of review of required identification by election officials;
- Use an affidavit of identity for voters without the required identification instead of provisional ballots;
- Address the issues related to the Department of Transportation;
- Fund the required public information campaign and ongoing voter outreach and assistance mandate for the Government Accountability Board, as well as staffing and training requirements;
- Permit the use of corroboration for voters registering to vote at the polling place without current proof residence.

We believe these changes will enhance implementation of a photo identification requirement for voting in a more effective and efficient manner for voters and election officials while maintaining public confidence in a secure, accessible and transparent election process.

Thank you for your consideration of our concerns. We are willing to work with you to develop photo identification legislation that can be implemented in a manner that effectively and efficiently serves the voters and local election officials.

Testimony of David T. Canon (on behalf of himself, Barry Burden, Ken Mayer and Don Moynihan)
Hearing concerning Senate Bill 6
January 26, 2011

UW-Madison
Pol. Sci. Dep't

Chairwoman Lazich and members of the Committee:

Thank you for giving us the opportunity to offer testimony today. I am part of a team of faculty at UW-Madison who have been researching election administration for the past two years. Among other activities, we have worked with federal and international election observers visiting the state, conducted a federally funded independent evaluation of the Government Accountability Board's new election data collection system, and conducted a recent survey of the state's 1,850 municipal and 72 county clerks. We regularly monitor developments in other states, and are in touch with colleagues around the country who are working to improve the administration of elections.

Integrity of the electoral process is vital to build trust in the election system.

We are here to provide some guidance, reflecting our own research and the work of the academic community, on some issues that the Committee should consider as it moves toward a final version of the legislation. We see three such issues. First, the law should have its intended effect of protecting valid votes and preventing illegal ones, but should not discourage legitimate voters from exercising their right to vote. Second, it is important to strike the right balance between costs and benefits. That is, the legislation should strive to achieve the greatest positive effect at the lowest cost to taxpayers. Third, it is vital that the law withstand the inevitable legal challenges that it will face.

First – protecting legitimate voters. The current legislation is silent on the question of how closely the name on the photo ID must match the name on the voter registration lists. This is not a trivial problem, and could result in the unintentional exclusion of thousands of legitimate voters. For example, what does an election inspector do if a recently married or divorced woman's name no longer matches her license? It is estimated that 1/3 of women lack an ID that is both valid and reflects their current names. Likewise, what if an ID has a nickname such as "Rob" while the pollbook lists "Robert?"

In September 2008, the driver's licenses of the six members of the GAB, all retired judges who oversee Wisconsin elections, were matched against their registration records. Four of the six names did not match, and these judges could have been prevented from voting under the proposed bill.

Indiana deals with this problem by not requiring an exact match, and permitting minor variations in initials and nicknames that do not call into question the identity of the person presenting the ID. We suggest that Wisconsin follow this common sense approach.

Second, the cost of the bill could be substantial. The last time a voter ID bill passed the legislature, the LRB fiscal estimate was that issuing free IDs would cost \$2.3 million per year. That version of the bill, moreover, allowed UW student IDs as valid; the current version does not, and would likely cost even more.

If the current bill becomes law, it would be the most restrictive such law in the country. It would not accept U.S. Passports, military IDs, or student IDs issued by the University of Wisconsin, all of which are at least as, or more, secure than the IDs issued by the Wisconsin DOT.

One way to reduce costs is to accept secure government-issued IDs as valid identification at the polls. Every other state with a Photo ID requirement, including Georgia and Indiana, accepts state-issued student IDs. UW IDs are very secure and nearly impossible to counterfeit. To get the ID a student must appear in person with sufficient documentation. The card includes a photo, signature, and two scannable bar codes. It is even used as a cash card by students.

These government-issued IDs are already be paid for by someone else. It just makes sense to avoid duplication of government services.

Third, we know that the law will face a legal challenge, and as it is currently written the bill has several vulnerabilities. First, the bill does not accept tribal IDs as valid for the various Native American peoples in the state. This would appear to violate Section 2 of the Voting Rights Act, which clearly designates Native Americans as a protected class of voters. In addition, we know from existing research that minority populations are less likely to have Photo IDs. A disproportionate impact on these populations could also make the law vulnerable.

In reviewing the legality of photo ID requirements, courts use a balancing test, comparing the need to protect the integrity of the electoral process against the burdens imposed on voters. Laws that place undue burdens are more likely to be struck down. We see the lack of any alternative forms of ID is one possible burden. Another is the difficulty faced by voters who need to obtain a photo ID. We know, for example, that Indiana has twice as many DMV offices as Wisconsin, per capita, and the offices are open more hours per week. Providing comparable access in Wisconsin would substantially increase the costs of implementation. If voters are required to travel long distances to offices that have limited hours, a court might strike down the law on that basis. Another amendment to the bill that would reduce the burden on voters and make it more likely to survive legal challenge would be to allow a signature affidavit for voters who fail to bring a photo ID to the polls. Six of the nine states that require photo IDs to vote allow this alternative procedure to protect the integrity of the process. Also, following the model of Idaho or Florida, which allow many alternative forms of identification, further reduces the burden on voters.

A final, but crucial, consideration is the implementation of the law. Wisconsin has the most decentralized election administration structure in the country. We know from our own work that implementing any change in voting practices can be difficult, as it involves communicating and training of nearly 2,000 election officials and 30,000 poll workers. DOT needs time to develop a system for providing IDs. Voters may need to update their IDs to reflect name changes. Those without ID will need time to get a birth certificate, potentially from a different state, and then apply for a DOT ID. Clerks and pollworkers need time to learn the law and conduct trainings. Delaying implementation avoids legal challenges based on "undue burdens."

If photo ID is going to happen, it needs to be done right. Wisconsin has a proud tradition of high levels of voter participation and great public satisfaction with election administration. I hope that our input today helps to improve the voter ID bill to improve its effectiveness, protect the rights of legitimate voters, secure its legal integrity, and lower its costs.



STATE OF WISCONSIN
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TO: Members, Senate Committee on Transportation and Elections

FR: Attorney General J.B. Van Hollen

DT: January 26, 2011

RE: Written Testimony in Support of 2011 Senate Bill 6, requiring photographic identification to vote

I thank Committee Chair Senator Lazich and members for the opportunity to submit written testimony in support of the goals of Senate Bill 6. I have spoken on these matters before and I will share, again, why photo-id is so important to election integrity.

Nothing is more fundamental in our democracy than the right to vote. One person, one vote. This primary tenet of political freedom, however, is undermined when people illegally cast multiple votes or when people who are not qualified electors cast ballots undetected. The votes of law abiding citizens count less when their votes are diluted by those who unlawfully abuse the state's open election laws and regulations.

More than an abstract harm, illegal voting can have a most undemocratic effect: where fraudulent votes outnumber the margin in any race or ballot measure, those who cheat--not the majority of voters--select candidates for office or pass referenda. Voter irregularity can change the outcome of elections and undermines the public's confidence in the integrity and fairness of the election process.

Requiring photographic identification to register or vote at the polls is a common sense measure to enhance the integrity of the election process and help restore public confidence in elections. Under current law, it is easy for those willing to lie to commit voter fraud and difficult for poll workers, law enforcement, and prosecutors to detect irregularities. A photographic identification requirement will help prevent this fraud by making it much more difficult for those who commit voter fraud to pose as registered voters or register under fictitious names. A photographic identification rule will have a strong deterrent effect on voter fraud while imposing minimal burdens on voters.

I am sensitive to concerns that there may be need for exceptions to the photographic identification requirement in some cases, and I am confident lawmakers will consider and craft

appropriate exemptions. I have heard the concerns that a photographic identification requirement may suppress turnout. There is little doubt the requirement will suppress some turnout -- the turnout of those who vote illegally. By helping to restore greater integrity and public confidence in elections, many disaffected Wisconsin voters will return to the polls.

Law should encourage accessibility and free exercise of the franchise, but it should not make illegal voting easy. A photographic identification requirement will allow open access to the polls while ensuring that those lawful voters who have access to the polls will also have their votes count as they should, undiluted by fraud.

Efforts I have undertaken together with District Attorney's of both political parties and law enforcement reveal voter fraud exists. When it can be detected, it can be prosecuted. More importantly, with proper modifications to Wisconsin's law, incidents of fraud may be prevented.



Testimony of

AMERICAN CIVIL LIBERTIES UNION of WISCONSIN
Submitted by RENEE SHAVERS, ASSOCIATE DIRECTOR

On

Senate Bill 6

AN ACT RELATING TO requiring certain identification in order to vote at a polling place or obtain an absentee ballot, verification of the addresses of electors, absentee voting procedure in certain residential care apartment complexes and adult family homes, identification cards issued by the Department of Transportation, creating an identification certificate issued by the Department of Transportation, requiring the exercise of rule-making authority, and providing a penalty.

Before the

Committee on Transportation and Elections

STATE OF WISCONSIN LEGISLATURE

January 26, 2011

Good afternoon Chairman and members of the Committee. My name is Renee Shavers and I am the Associate Director of the American Civil Liberties Union of Wisconsin. The American Civil Liberties Union (ACLU) is the nation's primary advocate of an individual's civil rights and civil liberties as guaranteed by the US Constitution and the Bill of Rights.

I am here to strongly oppose the passage of Senate Bill 6 requiring a photo identification card to cast a ballot in Wisconsin.

The numbers of people in Wisconsin who do not have a Wisconsin state driver's license or state identification card were studied by the UW- Milwaukee Employment and Training Institute. (Pawasarat, 2005)

The racial disparities are clear. Some groups lacking a license include:

- **59 % of Hispanic females,**
- **55 % of African-American males,**
- **49 % of African-American females**
- **46 % of Hispanic males,**
- **17% of white males,**



- **17% of white females.**

“ETI found that more than 177,000 adults over the age of 65 lacked a driver's license. Older women are particularly likely to lack a drivers license: One out of five Wisconsin women age 75-79 do not have a driver’s license, and one of three women age 80-84 lack a license. (Murphy, 2011)” The original Employment and Training Institute Report is submitted with my testimony.

From UW-Madison another study for the WI Government Accountability Board, (Professors Barry C. Burden, 2011)

“Women are at unique risk for not having valid IDs. Due to marriage and other life events, only about half of women possess a birth certificate with their current legal name. One third of women have no current ID.¹⁴ Anecdotal accounts suggest that name mismatches are a serious impediment for many women voters, even those with many forms of documentation.¹⁵

In the US in 2008 an estimated 40,000 people were denied the right to cast a full ballot due to photo ID restrictions according to this same report. This law could potentially affect hundreds of thousands of eligible voters in Wisconsin putting an undue burden on them, the state dept of transportation and the Government Accountability Board.

In addition, attempting to get an id card is going to cost the eligible voter a lot of money. Consider just a few of the many potential costs for an eligible voter to vote under this legislation. A person may need several forms of identification to obtain an ID card in Wisconsin, but for example, one of the most common ways to prove name and date of birth for most Americans is by obtaining a birth certificate:

- 1) Obtaining a birth certificate (note this information was obtained on January 25, 2011 from the individual state’s websites accessed through this link <http://www.cdc.gov/nchs/w2w.htm>):
 - If a WI resident was born in Oklahoma for example, the requirements for obtaining a birth certificate include a valid, legal photo I.D. is required from the applicant or the individual representing the applicant for the issuance of a birth certificate. Do not send original ID with your application please send a photocopy. It costs \$15 or if you were, for example, adopted \$40 and it can take up to four weeks.
 - In Texas you need a photo ID or an ID of an immediate family member. It costs \$22 + \$5 to expedite processing + \$18.50 for express mail to receive it in 10-15 days with an additional \$4.95 to mail it to a military address. If you don’t pay the extra fees, it will take 6 to 8 weeks to receive it.
 - In California, you must send a *notarized* application, it costs \$16 and depending on your age it could take from 2 to 10 weeks with the 10 week period beginning with births prior to 1981.



- In Illinois, it takes 3-5 business days and costs \$15.00. The shortest period of time you can get one is two business days.
 - In Mississippi, it's \$15 and a valid photo ID is required. The internal processing time is 7 to 10 days plus mailing time.
 - In Wisconsin: **Requires ONE of the following**, a Wisconsin driver's license with photo, a Wisconsin I.D. with photo, an Out-of-state driver's license/I.D. with photo **OR Requires TWO of the following**: Government-issued employee I.D. badge with photo, U.S. passport, Checkbook/bankbook, Major credit card, Health insurance card, Recent dated, signed lease, a Utility bill or traffic ticket. It costs \$20. If you need it sent to you overnight (which is actually in about 2-3 days from faxing in the application), it costs an additional \$6 for the credit card fee and \$17.50 for the UPS overnight fee. If you are in the military, it could cost more.
- 2) Lost Wages: In addition, a person once they have obtained a birth certificate would need to take a day off of work if they can get it (lost wages) or school.
 - 3) Transportation: An eligible voter could be forced to spend an undetermined amount of time in an already overburdened and for rural Wisconsinites far from home Wisconsin DMV location, and pay the costs of transportation to and from that location.

Making the photo id “free” as in this legislation is not free in the true sense of the word and is a mask for the true cost to vote this law would place on eligible voters potentially creating a defacto poll tax.

All of this is to “fix” a problem that does not exist in Wisconsin. “Further this would not have stopped any of the improper ballots cast since 2004. Out of 10 convictions for casting improper ballots from 2004 to 2008 that I can find in Wisconsin, 8 of them were Wisconsin citizens who cast a ballot while still on supervision with the state (two of these are on appeal). In addition, the WI law disfranchising felons is immensely confusing. An otherwise eligible voter acting as a responsible citizen can easily be confused by the disfranchisement laws in Wisconsin and they should be revised to allow all felons the right to vote post incarceration.

That leaves approximately 2 people who were convicted of casting a ballot improperly and both of them were cases of double voting. Neither double voting nor voting while on supervision is stopped by this legislation. During those 8 elections we are looking at over 13.2 million votes cast and three cases of the fictitious “voter fraud”, not one of the votes cast by improper voters would have been stopped by this law. Anything else that has been labeled “voter fraud” did not constitute a ballot being cast.

Here's another analysis from Milwaukee Magazine (Murphy, 2011) that includes figures of not only those actually found guilty, but also those accused and later found not guilty or whose cases are still pending:



“Four years later, according to **Kevin Kennedy** of the state Government Accountability Office, there was a total of 24 cases of voter fraud indictments or convictions in the entire state in the 2008 presidential election. Fourteen involved felons who had not completed their probation or parole (under the law they cannot vote until they do so). Just two of the 24 were accused of voting twice. The rest were cases of “providing false information” or “voting without qualifications.”)

Taking the largest figures I can find in one election from Mr. Kennedy potentially 24 votes out of 2,996,869 or at most .00008% of the votes were possibly cast improperly and none of them would have been stopped by the legislation before us. No one lost their vote. Is it better to have a handful of confused voters or create thousands or more?

It wastes taxpayer dollars for the state to spend any further time or resources pursuing this misguided, unnecessary and discriminatory law that serves the purpose of making it more difficult for those who are poor, minorities, elderly, disabled, female and/or young to exercise their constitutional right to vote.

In addition to my testimony, I have submitted the 2006 and 2008 Election Review Reports from the Legal Committee of Milwaukee Election Protection, “The Politics of Voter Fraud” by Lorraine Minnite through Project Vote with a case study on Milwaukee, and Pawasarat, J. (2005, June). *University of Wisconsin Milwaukee*. Retrieved 01 24, 2011, from Employment and Training Institute:
<http://www4.uwm.edu/eti/barriers/DriversLicense.pdf>

Thank you very much for the opportunity to testify today on SB240. I urge your vote against this very pernicious and unnecessary barrier to the right to vote for ALL Wisconsin citizens.

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Wisconsin Towns Association

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To: Senate Committee on Transportation and Elections

From: Richard J. Stadelman, Executive Director

Re: SB 6 relating to Voter Photo Identification

Date: January 26, 2011

On behalf of Wisconsin Towns Association, I wish to respectfully ask that SB 6 relating to voter photo identification not be enacted to be effective at the April 5, 2011 Spring Elections. While many town clerks and poll workers support requiring voter photo identification, attempting to implement this type of change for elections at an election within less than three months will require an extended time for public education and poll worker training. The proposed changes in particular for absentee voters will require additional training and education to clerks across the state. It would be in the best interests of the public if this type of change is first effective the primary election in February, 2012.

Thank you for your consideration in this matter.

DAVID MLOWRY
HALES CORNERS 53130

1/25/11

My support for Wisconsin requiring Voter Photo ID, Senate Bill 6

Thank you for allowing me to address you today on such an important matter as Voter Photo ID.

My name is David Lowry and I am a retired US veteran with 20 years of service in the United States Air Force and the Air National Guard. I am also a proud Tea Party Patriot, and a man of faith.

I grew up near Pittsburgh Pa. and moved here nearly 15 years ago. My wife and I, a Wisconsin girl, have been married almost 12 years now we have lived happily in Hales Corners these past 8. We are Steelers and Packers fans!

I wish to extend congratulations to Representative Kugilsch for winning the 84th district, of which serving Hales Corners is part of. I also want to say thanks to Senator Lazich for her continued service to the Hales Corners community.

During my time on active duty I was stationed in different places in the US and abroad and had the privilege of living in, interacting in and exploring those various places. What I learned as a young enlisted airman stationed in Little Rock AR and Plattsburgh New York I had put away in my mind and soul only thinking of them from time to time. Now those memories are realized in a more complete ways and they can at help me explain better why I love America so much. Simply, I love America now more than ever because of the freedom we have and the abundance of God's blessing in this land! As all of us here know America's founding fathers gave up their personal lives and all of the luxuries that they had, in order to help establish a new form of government and to secure for its citizen's once and for all freedom from tyranny, oppression, and meanness perpetrated by the British Government. They did so because they loved this land also.

The founders forged out their list of grievances with the British Empire and penned the Declaration of Independence. Then they wrote the Constitution and the Bill of rights to lay down the foundation of our nation. In writing those documents they also secured for us the right to vote, and chose the candidates we wish to have represent us in government. Through time the basic principle of voting for and electing officials has been bounced around until finally now we have in place a system that allows all US citizens the right to vote. Unfortunately this basic right is under siege, again by forces that wish to undermine the election process with fraud.

We must do our due diligence now in the face of those who went before us, for those who died on the battle fields, those who paid with bruises and sweat equity. For the women who marched for the right to vote, for those who marched with Dr. Martin Luther King Jr. All of these did so for many reasons but one reason was to insure our most basic right, the right to vote! I urge you to secure now and forever our right to vote. Passing the Voter ID bill will provide security and confidence for me that my vote and everyone's will count when election ballots are cast.

The right to vote is the foundation of our nation and provides all of a voice so that our elected officials will pay attention to us and work to secure our freedom for us and for future generations of Americans!

I urge the Wisconsin Legislature to take up and pass the Voter Photo ID Senate Bill 6 and send it to Governor Walker for signing without delay and then I ask that you to take up the larger Voter Comprehensive bill so that we shore up the voting process and secure our right to vote feely and lawfully.

Thank you all very much, for allowing me to voice my opinion today!

Sincerely

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January 26, 2011

To: Senate Committee on Transportation and Elections

From: Andrea Kaminski, Executive Director, League of Women Voters of Wisconsin

Re: Opposition to Senate Bill 6

Thank you for this opportunity to testify today about why the League of Women Voters of Wisconsin strongly opposes Senate Bill 6. Over the years there have been a number of voter ID bills, generating much legislative and public debate. The League has steadfastly opposed them as legislation that is unneeded and unfair. I won't use my limited time before you today to repeat the facts about Wisconsin's tradition of clean elections or about the people who would be at risk of disenfranchisement because of this legislation. I will focus specifically on government accountability.

The League of Women Voters believes government must be able to function efficiently with a minimum of conflict, wasted time or duplication of effort. Wisconsin law should provide for election administration that is adequately coordinated and funded, to achieve both statewide standards that are uniformly applied and local municipal effectiveness.

Last year many candidates promised voters that, if elected, they would go through state agency budget requests line by line, seeking to cut expenses that cannot be shown to be useful or effective. Let's hold voter ID to that test.

In the nonprofit world, where I operate, funders are seeking increased accountability. With reduced endowments, they want to know that the programs they fund will make a difference. Many funders require nonprofits to identify measurable outcomes in our grant requests, so we can assess later whether a program was successful. Likewise in the for-profit world, no business leader would undertake the expense of a program intended to address unsubstantiated rumors in the hope of achieving results that cannot be measured. They want accountability.

In the case of government programs, the taxpayers are the funders. If the voter ID bill is passed, how will you measure the success of this government program?

Proponents say voter ID is necessary to fight fraud. Yet the only type of fraud this government program would prevent is impersonation at the polls, and there are no documented cases of that having happened in Wisconsin. So how will you measure success, or improvement?

Proponents say voters are losing confidence in our elections because they suspect that illegal votes are diluting their own. If this bill is passed into law, we can almost guarantee there will be fewer votes cast and counted – which will magnify the impact of those votes that are counted. Is that how you define success?

Proponents claim that state-issued IDs are easy to obtain and that the ID program will not prevent eligible citizens from voting. How will you measure that? The data on how many provisional ballots are cast versus how many are actually counted will be telling. According to the Election Assistance Commission, 38 percent of provisional ballots cast in the November 2006 election in our state were not counted. Perhaps we should examine a sample of those casting uncounted provisional ballots to determine if, in fact, they are eligible voters.

Finally let's get back to cost accountability for this government program. Taxpayer funding will be needed at the state and local levels for:

1. The Department of Motor Vehicles, to meet the demand for voting IDs or certificates. Currently our election system is set up at the ward level with polling places in neighborhoods, to encourage civic participation. How will you make it as convenient and accessible for people to get an ID as it is to vote?
2. The Government Accountability Board, for training local officials and educating citizens about the new law and procedures. This will take significant staff time, as well as funding for advertising and other direct expenses.
3. Local governments, for training Election Day officials and educating voters in their communities. In particular, clerks will have to train poll workers on how to process provisional ballots. Most have never had any experience with this. Also, many municipal clerks do their public service at night and on weekends, while holding another job during the weekday. Yet voters who cast a provisional ballot need to be able to bring their ID to the clerk's "office" by 4:00PM the day after the election. To process provisional ballots clerks may need to add supplementary hours and, in some cases, take additional time off their "day jobs" to serve voters.

Given that a voter ID program is expensive, unneeded and unfair, how will you measure success? How will you be accountable to the taxpayers, to the voters?

The best thing for our state is to have a robust civic participation for a strong, representative government. We urge this committee to reject Senate Bill 6 and turn your attention to positive measures to ensure that every eligible citizen has the opportunity to vote.

Thank you.

TESTIMONY OF NAACP - MILWAUKEE BRANCH
IN OPPOSITION OF SENATE BILL 6 (2011-2012 LEGISLATURE)

The mission of the National Association for the Advancement of Colored People is to ensure the political, educational, social and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination. Since its founding in 1909, the NAACP has considered ensuring voting rights for all citizens to be among the organization's highest priorities. The right to vote is fundamental in a democracy and efforts to suppress, dilute or otherwise negate such rights will be opposed by the NAACP, and hopefully, all other citizens of goodwill. Included among the hundreds of members of the NAACP - Milwaukee Branch are individuals of various races, ethnicities, ages, religions and socio-economic backgrounds. Our memberships also includes many elderly and disabled individuals.

After reviewing Senate Bill 6, the Legislative Reference Bureau analysis and related materials, the Executive Committee of the NAACP - Milwaukee Branch strongly opposes this bill. The primary reasons for our opposition are:

1. It is clear that the likely effect of the bill will be to suppress the vote of certain individuals, namely African Americans and other people of color, low-income persons, disabled individuals, non-English speaking minorities and students. Many persons in the aforementioned categories do not currently have Wisconsin driver's licenses, Wisconsin identification cards or military identification cards. To require such as a pre-requisite to voting places an onerous and costly burden on individuals, many of whom are already operating at the margins of society. There is no dispute of the fact that the number of African Americans who lack a valid Wisconsin driver's license is very disproportionate to the percentage of African Americans in the population. So, based on statistics, it is certain that the law will have a disproportionate impact on minority populations. While the fee to obtain a State identification card does not seem like a lot to those who can afford it, it is significant to low-income individuals and those who are on fixed incomes without discretionary funds in their monthly budgets. Moreover, it is an onerous burden to require such persons (many of whom do not have driver's licenses and are elderly or disabled) to make the travel and other arrangements in order to meet these requirements. Many such persons who are employed cannot afford to take time from work to travel to DOT locations to go through the process of obtaining such identification (a process not required of others and has the effect of discouraging one from voting). If implemented, the bill should contain provisions to make the locations, times and other particulars for obtaining an identification card more accessible and accommodating.
2. Among those who will be impacted are elderly persons who may have moved to Wisconsin many years ago but do not have a certified copy of their birth certificates from another state. There are questions about how such persons may be expected to obtain a valid Wisconsin identification card, in addition to the same type of travel concerns mentioned above.
3. It is clear that the implementation of this legislation will have the effect of suppressing the votes of students, disabled persons and non-English speaking individuals. Many students

(high school and college) are poor or on marginal incomes and do not have drivers licenses. As previously indicated, the elderly and disabled will have difficulty meeting these requirements. It is obvious the requirements will adversely impact voting of non-English speaking persons who, in addition to having to confront many of the concerns previously expressed, have language barriers as well.

4. While Senate Bill 6 provides that, upon request, an identification card may be obtained from DOT free of charge, the language indicates that upon implementation of the Federal Real ID Act, a person may no longer obtain an identification card free of charge. At least, to that extent, the bill may be considered to constitute a poll tax.
5. Finally, the record does not reflect that there have been significant incidents of voter fraud in Wisconsin which would justify consideration of implementation of the measures required by Senate Bill 6. Incidents of voter fraud have been relatively few and generally have involved felons attempting to exercise what they, perhaps mistakenly, believe to be their civic duty of voting. The costs that will be incurred to implement this measure will be considerable, at a time when our State faces severe budget challenges. It is not justifiable, and is arguably irresponsible, to expend funds to address a largely non-existent problem .

There are many aspects of Senate Bill 6 that are troubling. It is unclear what the time table is for implementing this measure. In addition to the problems with the measure as described above, there is inadequate time to educate the general public if the plan is to implement this measure by the Spring primary, or even the April general election. For all of these reasons, this bill should not be passed. Efforts to change Wisconsin's same day registration, similarly, would have the effect of suppressing the voting privileges of certain population's of voters. The NAACP - Milwaukee Branch is concerned about those efforts as well and encourages persons of all backgrounds and party affiliations to join together to protect and promote voting rights for all Wisconsin citizens.

James H. Hall, Jr., President
NAACP - Milwaukee Branch
On Behalf of its Executive Committee
Submitted by Don Cohen, Treasurer
and Executive Committee member



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January 26, 2011

TO: Members of the Senate Transportation and Elections Committee

FR: Ken Taylor, Executive Director

RE: Opposition to Senate Bill 6, requiring a certain government issued photo ID to vote.

The Wisconsin Council on Children and Families (WCCF) is opposing Senate Bill 6 because it will create one more barrier for our most vulnerable citizens to exercise their constitutional right to vote.

Senate Bill 6 would require Wisconsin residents to present a government issued photo ID before they can vote. This may not seem like a big deal to some people. But for a low-income parent who does not have reliable transportation; a severely disabled adult with a part time caregiver; or a student who does not attend school in the same place he grew up, obtaining a government issued photo ID can be very challenging.

The bill provides for state-issued ID at no cost to the individual. WCCF is concerned that most people will not know that, will not ask the DMV to waive the fee and thus will be less likely to get an ID because of the cost. Also, the bill eliminates the free ID once the federal Real ID Act is implemented. Many people will have to apply at a personal cost to get copies of their birth certificate or other required documentation in order to get the proper government-issued photo ID.

The legislation would place an unfair burden on people who do not need a driver's license, people who move frequently, and people who are homeless. In Idaho, a voter may complete an affidavit in lieu of personal identification. We hope that the committee considers this type of provision to improve Senate Bill 6.

WCCF is concerned that Senate Bill 6 does not address the difficulty in obtaining the proper government-issued photo ID for the most vulnerable citizens in Wisconsin. We hope you address our concerns, and we look forward to working with you to do so.



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Testimony - Wisconsin Senate Bill 6

Chair Senator Lazich, Senators Leibham, Lasee, Erpenbach, and Coggs

As president of the 103,000 member Wisconsin Alliance for Retired Americans (WIARA), I wish to speak in opposition to the SB-6, the "Voter ID" legislation presently being considered. If enacted, SB-6 would have a severe negative impact on the age group represented by the WIARA.

Research over the past decade established that, in 2005, 180,000 Wisconsin adults over the age of 65 lack a driver's license. This number will grow as the Boomer generation continues to age. Demographically, women were the greater part of this group. One out of five women aged 75-79 in Wisconsin lacked a driver's license. One of three women age 80-84 lacked a license. While SB-6 supposedly contains an exemption for elderly in nursing homes, the majority of these 180,000 are not in nursing homes. They live in their own homes, apartments, or elderly housing communities.

Proponents of SB-6 claim the lack of a driver's license or Wisconsin photo ID will not be a problem as those who need the ID can just hop over to their nearest DMV office and get one for no charge if they cannot afford to pay for it. Have any of you been to the DMV lately to renew your driver's license? I renewed mine at the new Waukesha location last month and, with no complications, spent two hours at the DMV to complete this "simple" task. I find it unconscionable that you would put this type of burden on the elderly, especially those who have faithfully fulfilled the responsibility to vote for the past 50, 60, and 70 years.

In addition to waiting at a DMV office, there is the issue of counties with no DMV office,

DMV offices that are only open one or two days a week, and some that are open only one day a month. There is only one Wisconsin DMV office that is open on weekends. For the many elderly Wisconsin residents who depend on friends and family to provide their limited transportation needs, SB-6 creates barriers for many seniors and retirees that are not surmountable.

Wisconsin has a great tradition of voter accessibility. There have been few, count them on your fingers and toes, of voters voting fraudulently or inappropriately. Most of these were felons voting before they were off paper. SB-6 would do nothing related to the felon voting issue.

The passage of SB-6 will drastically effect the ability of seniors to exercise their right to vote. Speaking for the 103,000 members of the Wisconsin Alliance for Retired Americans, I strongly urge you to shelve this ill-advised legislative effort to discourage voters from exercising their right to vote.

*Respectfully Submitted,
Ken Burzynski*

Testimony on SB6 - Voter ID

Voter fraud is much more common in Wisconsin than reported. By the time such fraud is detected, the damage has been done. Identification of the perpetrator, much less prosecution, is impossible. Examples include:

- My step-grandfather, mother-in-law, and father-in-law all voted after they had died.
- In the 2006 election for 43rd district assemblyman, Debbi Towns won in a close election. During the recount, a ward, notorious in local politics for voting irregularities, in Whitewater, discovered sufficient "misplaced" ballots to throw the election to Kim Hixon. The Janesville Gazette reported that the recount resulted in more votes cast than there were voters.
- It was common knowledge among politically active citizens in Whitewater that political operatives were allowed into Fairhaven Nursing Home with stacks of absentee ballots and "instruct" residents how to vote.

To do my part to fight election fraud, I volunteered as an election observer in the 2010 November election. As an election observer, I saw first hand how corrupt politicians could manipulate the voting process.

While the process for in-person voting can be clearly viewed publicly in its entirety, this is not the case for absentee ballots. I had no means to assess whether the absentee ballots present in the polling place were "all that there were." Ballots could easily have been "lost in the mail" or hidden in some back room to magically appear to reverse a close election. Even in a clean election, as in the Town of Janesville, the 200 absentee ballots of the 1555 total ballots cast accounted for half of the ballots rejected by the voting machine, for 5% of the absentee ballots cast. Most of the rejected absentee ballots were filled out according to instruction, but contrary to instructions, ballots marked with a pencil, rather than with felt-tipped pen, were routinely rejected by the machine. People who voted in person were allowed a fresh ballot so that no one was ever denied a chance to vote. Spoiled absentee ballots had to be reworked by two poll workers to make them readable. Nevertheless **2% of the absentee ballots were overvoted and were not included in the final tally**. As I had to stay at least six feet away from the poll workers, I could not view how they corrected the ballot, but from listening to their conversations they made a diligent effort to discern the voters true intent. This process of "correcting" ballots could easily be abused by less scrupulous workers.

The new voter database is a step in the right direction, but it can easily be circumvented by same-day registration. A further weakness of in-person voting was assessing whether the person voting was in fact the person claimed. Requiring a photo ID would correct both of these problems.

The chief objection to the use of a photo ID is added "inconvenience" in voting. Real "inconvenience" is illustrated by the January 30, 2005, election in Lutayfiyah, Iraq. After having to walk several miles to the voting place, voters had to dodge mortar rounds while waiting to vote. My son witnessed an 80-something year old man pushed to the polling place in a wheelbarrow by his granddaughter. Despite the "inconvenience," the election had an 80% turnout. Greater priority should be placed on getting ballots to deployed servicemen than on making voting more "convenient." Neither of my two sons received ballots during their last deployments.

Sincerely,

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NATIONAL ASSOCIATION OF SOCIAL WORKERS, WISCONSIN CHAPTER POSITION ON 2011
SENATE BILL 6, THE VOTER IDENTIFICATION BILL

The National Association of Social Workers, Wisconsin Chapter opposes Senate bill 6, the Voter Identification bill.

This bill would require that any Wisconsin citizen wanting to vote would be required to show either a valid Wisconsin driver's license or a valid Wisconsin identification card before being eligible to vote.

We believe this bill however well-intentioned, will have a negative impact on the percentage of elderly, young adult, and minority citizens who vote because of general lower rates of owning a drivers license among these groups. We believe our state should do everything possible to encourage and make it easy for all our citizens to vote, especially those who are vulnerable and/or disadvantaged in our society. We are also not aware of widespread evidence of voter fraud, which is used as a justification for this bill.

State wide only 80% of males and 81% of females have a valid Wisconsin driver's license. For African Americans only 45% of males and 51% of females have a valid Wisconsin driver's license and for Hispanics only 54% of males and 41% of females have drivers' licenses. 3

Even fewer 18 to 24 year old Wisconsin citizens have a valid driver's license. This age group tends to already have lower voter participation; add on another restriction the voter turnout would continue to descend. For white young Wisconsin citizens 64% of males and 75% of females have their driver's license. For young African Americans: 22% of males and 37% of females have their driver's license. For young Hispanics 43% of males and only 37% of females have their drivers' license. 3

While identification cards will be able to be used, 11 percent of Asian Americans, 8% of Hispanic adults and 4% of whites have had their driver's license revoked or suspended. In order to vote these groups would have to go to the DMV, obtain a valid identification card until they get their license back then go back to the DMV to obtain their valid driver's license. Many of these individuals had their license suspended or revoked for not paying fines. 3

Many Wisconsin citizens do not have a valid identification card of any kind. 177,399 elderly persons 65 and older do not have an identification card; 70% of these are women, 9% are of nonwhite descent. 13% of Wisconsin's elderly reside in nursing homes and may not have an identification card, An estimated 98,247 Wisconsin resident's ages 35 thru 64 do not have an identification card.1,2,3

As a result of this law those individuals without a valid Wisconsin driver's license or Identification card would have to make a special trip to obtain these documents. Because of a possible lack of access to transportation to obtain this identification card and/or inability to take off from work to get this identification card, such a requirement could be an insurmountable barrier to being able to vote.

The right to vote is a guaranteed to all Wisconsin citizens under the State constitution. Let's not pass a law that would make this right unavailable to the most vulnerable citizens of our state.

1. Kelly, J. & Clark, E. 2009. *Social Work Speaks. Eight Edition.* Washington, D.C.: NASW Press. Pg. 352
2. <http://www.efmoody.com/longterm/nursingstatistics.html>
3. [http://www.brennancenter.org/page/-/d/download file 50902.pdf](http://www.brennancenter.org/page/-/d/download_file_50902.pdf)

ROCK COUNTY, WISCONSIN

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Lori Stottler, Rock County Clerk
Maureen K. Johnson, Chief Deputy
Lisa Mianeki, Deputy

January 26, 2011

Presented to the elected officials of Rock County, WI:
Senator Tim Cullen – District 15
Senator Jon Erpenbach – District 27
Representative Evan Wynn – District 43
Representative Joe Knilans – District 44
Representative Amy Loudenbeck – District 45
Representative Janis Ringhand – District 80

REGARDING: WHAT'S WRONG WITH SB-6

Dear Legislators and Colleagues,

Please accept this letter as personal input to the challenges and unintended consequences of SB-6 <http://legis.wisconsin.gov/2011/data/SB-6.pdf> as it is written. I will attempt to be brief and speak to my top 5 concerns should this become law.

1. The PURPOSE of the Bill. It is my understanding that the PURPOSE of this bill is to address voter fraud and attempt to guarantee one vote to one elector. Do you really believe that showing or in the case of voting absentee, providing a photocopy, of your ID is going to address this issue completely? This is only a half-hearted attempt to address the problem and I strongly believe that signature verification is REALLY what you should address in order to deal with voter fraud. In other words, electors would sign the poll book or their absentee envelope and can then be compared to the original voter registration on file when the elector registered in WI. Some will argue that it would be time consuming and costly – I disagree. A pollworker can witness a signature but authenticating an ID is a guess at best and counterfeit ID's are quite easy to produce. I would hope that you would consider incorporating this requirement into the bill.
2. Corroborating Witness elimination ~ Please don't remove small town Wisconsin from your large city legislation. There are 28 municipalities in Rock County and 6 of them contain more than 3,000 residents, allowing for a sense of community and knowing who's coming and going in their area. In these communities, 'vouching' for someone carries more weight than flashing a piece of plastic. Also, in our larger communities, we have homeless shelters where you can stay 30 days and in the past, the executive director has corroborated for people staying there due to the unfortunate circumstances they are living with. Removing

this provision has some SEVERE unintended consequences that are completely unnecessary in my humble opinion.

3. Financial Burden on Rock County and local municipalities as a result of this bill...it is usually the case that legislators will move bills that have little or no cost at the state level prior to jumping into the budget/general session. This bill does not provide funding for all of its components and will further stretch the resources already tight within my office. Good legislation has a thoughtful and purposeful rollout that allows the public time to adhere and understand the changes they will be required to live with. YOU, the authors of this legislation, should pay for that rollout.
4. Poll worker/security burden. There are more than 250 pollworkers in Rock County at any given election. Pollworkers work 2 to 4 days per year in election administration and since 2006, have experienced multiple changes requiring education and training. Many of those changes have been for the better such as using the Statewide Voter Registration System to create poll lists, required training during a 2-year term, administering elections according to prescribed documents from the GAB, etc. This bill asks them to become experts in state ID as well as people experts who upon turning a voter away, could result in safety issues for the entire polling place. I do not wish to endanger the safety of my local poll workers, nor do I wish to further burden them with unnecessary busy work. I ask that you rollout this legislation with PURPOSE and careful deliberation to reduce the likelihood of unintended outcomes of a negative and possibly dangerous nature.
5. Most importantly, this legislation is too narrow in the types of permissible identification. My office is a limited DMV agent, limited DNR agent for the state of Wisconsin and an agent for the US Department of State Bureau of Consular Affairs for Passport Services. All of these services require multiple verifications of identity in order to obtain and therefore should serve as appropriate types of permissible ID to vote. Furthermore, Students enrolled in accredited colleges, veterans of the US government and other subunits of state and federal government should carry equal weighting (i.e., Medicare, Social Security, etc) and should also serve as appropriate types of permissible ID to vote. Limiting to the DMV/DOT puts an onus on other struggling state agencies as well as struggling citizens of WI to take unnecessary steps just to comply with your request.

As a student enrolled in the Certified Election and Registration Administrator program with the Election Center based in Houston, TX, I can promise you that elections in Wisconsin have moved mountains in election reform and we are regarded as a model for progress by so many other election offices across the country. Please don't take us backwards in that progress and I thank you for your time today.

CC: Wisconsin Senate Committee on Transportation and Elections:
Senator Mary Lazich – Chair
Senator Jon Erpenbach – District 27
Senator Joe Leibham
Senator Frank Lasee
Senator Spencer Coggs
GAB Staffmembers
WCCA – Wisconsin County Clerks Association
Rock County Board Chair – J. Russell Podzilni
Rock County Administrator – Craig Knutson

Loudenbeck, Amy

From: LORI STOTTLER [STOTTLER@co.rock.wi.us]
Sent: Wednesday, January 26, 2011 9:24 AM
To: Sen.Erpenbach; Rep.Knilans; Rep.Loudenbeck; Rep.Ringhand; Rep.Wynn; Sen.Cullen
Cc: CRAIG KNUTSON; J. RUSSELL PODZILNI; Sen.Coggs; sen.lasse@legis.wisconsin.gov;
Sen.Lazich; Sen.Leibham
Subject: Voter ID Bill (SB-6) - What's wrong with this Bill?
Attachments: voter ID memo.pdf



voter ID

memo.pdf (52 KB)

Please find below, my personal concerns as it relates to SB-6 (2011 Senate Bill 6) intended to require photo identification of all WI electors in order to cast a ballot. I have kept my comments as brief as possible and would be honored to engage in further conversation with you at our earliest opportunity.

Thank you for your service and commitment to serve residents of WI with purpose by doing worthwhile work and making a positive difference in the lives of our citizens!

REGARDING: WHAT'S WRONG WITH SB-6

Dear Legislators and Colleagues,

Please accept this letter as personal input to the challenges and unintended consequences of SB-6 <http://legis.wisconsin.gov/2011/data/SB-6.pdf> as it is written. I will attempt to be brief and speak to my top 5 concerns should this become law.

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Sincerely,

Lori Stottler, Rock County Clerk
Rock County Courthouse
51 S. Main Street
Janesville, WI 53545
(608)757-5660
stottler@co.rock.wi.us

Rock County Mission Statement

To enhance the quality of life, health, safety, and trust of all citizens by providing top quality public services through a creative and responsive team committed to excellence, integrity, accountability, and respect.

Please consider the environment before printing this email*

MaryAnn Hanson

From: "Larry & KariSue" <jeffund@wi.rr.com>
Date: Tuesday, January 25, 2011 7:30 PM
To: "MaryAnn Hanson" <mhanson1@wi.rr.com>
Subject: Photo ID

I, KariSue Kujawski, wish to affirm my support of the Photo ID Bill. Survey after survey tells you the people are asking for this. I do not feel that minorities or the elderly are disenfranchised in any way. I guarantee that if one of our "disenfranchised" brothers or sister were to receive a check, they would find a way to get an ID to get it cashed. Just to get Tylenol Cold medication you have to show your photo ID to the pharmacist.

I also believe that a PHOTO ID should be required by all regardless of race or religion.

Please count me as a firm supporter of the Photo ID bill.

KariSue Kujawski
13870 W. Crawford Dr
New Berlin, WI 53151

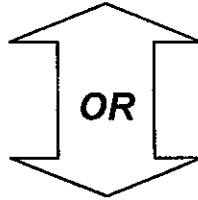
PROOF OF IDENTITY

*** Requiring proof of identity is our way of helping protect YOU from identity theft. ***

Listed below are the forms of identification we accept as proof of identity.

ONE OF THESE

- U.S. or U.S. territory (Guam, Puerto Rico, US Virgin Islands) issued Driver's License
- Passport
- State/Government issued Identification Card (must contain a photo, DOB and signature)



TWO OF THESE

- High School yearbook with your picture in it
- High School Photo ID
- University Hospital Photo ID Badge
- University Dorm Agreement (must be current and have customer's signature). Copies available at Slichter Hall, 625 Babcock Drive.
- Lease Agreement (must be current and have customer's signature)
- Social Security Card
- UW Transcript—Certified Copy
- Credit Card with photo
- Military discharge paper—DD214 Form
- Birth Certificate—Certified copy (baptismal or hospital birth certificates are not acceptable)
- Marriage License—Certified copy

NOTE: We reserve the right to refuse service to anyone that does not present acceptable forms of identification as listed above.

If you have questions you may contact us at (608) 262-3258 or wiscard@union.wisc.edu.

Best If viewed with Mozilla Firefox, Safari, or Internet Explorer 7.

Wiscard partners include The Wisconsin Union, University Housing, DoIT, University Book Store, Facilities Planning and Management, Associated Students of Madison, L&S Copy Centers, Underground Textbook Exchange, Babcock Hall Dairy Store, and the General Library System.



File last updated: July 27, 2009
Feedback, questions or accessibility issues: wiscard@union.wisc.edu
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UNIVERSITY OF WISCONSIN-MADISON


WISCARD

ID Card Service

Wiscard is your official UW-Madison identification card and you obtain it at the Wiscard Office. It provides access to libraries, recreation facilities and other campus services.

Wiscard Office Hours & Contact Information

"1" How to Obtain Your Photo ID Card

"2" New and Replacement Card Fees

"3" General Information

"4" Using Your Photo ID

"5" Suspend a Lost Card

How to Obtain Your Photo ID Card

Identification Required: Students, faculty, and staff who need a new or replacement ID card must present some form of personal photo identification such as a valid driver's license, passport, state or federal ID.

Eligibility:

- **Students:** New, continuing, or returning students may obtain an ID upon verification of enrollment by the card office staff.
- **Faculty/Staff:** The Wiscard Office can make a faculty/staff ID card ONLY after the department or school has entered the employee data into the appointment system. It generally takes 1-3 business days for this authorization to appear in the ID database.
- If this is your first ID, the Wiscard Office recommends a faculty/staff person call 262-3258 prior to heading to the card office to ensure their information appears in the system.

Fees: Your first University ID card is issued to you at no cost. This card is valid throughout your **entire** academic and/or employment career at the University of Wisconsin-Madison. A replacement card can be issued at no cost (see table below) as long as you surrender your current valid ID at the time the new card is issued. Lost cards can be replaced for a \$25 fee. Payment can be made by cash or check.

New and Replacement Card Fees

First Card Issued: No Charge

Replacement: No Charge, but the current valid ID card must be surrendered at the time the new card is made. Otherwise this will be considered a lost card transaction.

Reasons for a No Charge Replacement:

- Change in status (ie. Fac/Staff to Student)
- Name change
- Switch from Social Security number to 900 number

- Damaged card from "normal" wear and tear - picture, name, card number, signature, or bar code is unreadable
- Cardholder's ID number (not card) has been reported as being inappropriately used - copy of police report provided

Replacement: Charge of \$25

Reasons for a Charge Replacement:

Lost or Stolen card (Suspend a lost card)

Damaged card caused by improper care or abuse.

Patron wants a new ID even though present card works, is in good condition, and all information is current

Regulations

1. Card office staff will determine if card damage is from normal wear. Whenever possible the University will confiscate ID cards that are no longer valid. A fee of \$25 will be charged and can be paid by cash or check. Fees are subject to change without notice

General Information

Property of UW-Madison: The photo ID card is the property of UW-Madison, is non-transferable, and does not guarantee current university status. Fraudulent use or reproduction of a UW-Madison ID card violates Wisconsin criminal statutes and will be referred for prosecution.

Valid ID Cards: The ID card issued to an individual is valid throughout a person's entire academic or employment career at the University of Wisconsin-Madison. If you should have a break in your education or employment do not throw away your card because the card will become active again when you return. Only the most recent card issued to you is valid.

Lost and Found Cards: Any ID card that is found should be immediately forwarded to the Wiscard Office at Memorial Union. Anyone looking for a lost card can call 262-3258 to see if the card has been turned in. (Suspend a lost card)

Proper Care: To extend the life of your ID follow a few simple precautions.

- Keep your ID in a protective cardsleeve.
- Keep your ID out of direct sunlight and away from other heat sources such as a clothes dryer.
- Don't allow your ID's magnetic stripe to be scratched by keys, change, or other objects.
- Do not allow your ID to be used as collateral for University services.
- Don't punch holes in your card.
- Don't apply stickers.
- **Questions and Concerns:** Contact us at 262-3258 or wiscard_id@union.wisc.edu if you need additional assistance.

Using Your Photo ID

Your ID should be carried at all times and presented upon request

New or Re-Entry Students: If you are issued a card prior to the start of the term/semester in which you have enrolled, you may not be entitled to use the card until the first class day of that term/semester. Please check with the specific facility listed

below if you have questions.

Issue Code: Some campus applications may request an 11-digit ID number. This 11th digit is the issue code and the number is located in the lower left hand corner of your ID.

After you obtain a new or replacement ID, it may take a few days for your card to be recognized by various departments across campus. The following is a list of the primary service providers along with information related to their service. Please read this information carefully to avoid problems using your ID card.

Bus Passes:

Students: Students can pick up their free bus pass at the ASM Student Print Office which is located in the Student Services Tower on University Avenue. If you have any questions you can call them at 262-6216.

Faculty/Staff: Newly hired staff may pick up their bus pass on the Tuesday or Thursday after the ID card was issued. You can pick up your free bus pass at the following locations:

- Transportation Services at the Welcome Center
21 N. Park St.
263-6666
Drive Thru: 7:15 am - 4:30 pm (M-F)
Walk-in: 8 am - 4 pm (M-F)
- Transportation Services Office
Warf Building, Room 124
263-6666 or 263-6667
(7:15 am - 4:30 pm)

UW Hospital Employees: Newly hired staff must wait 24 hours after their Photo ID card was made before going to pick up their bus pass. You can pick up your free bus pass at the following location:

- UW Hospital Branch Office
Room G5/140
263-4003
(Call for hours)

Libraries: (files update every Tuesday night)

- Your UW-Madison ID card must be presented to borrow materials from campus libraries.
- Your ID card is not transferable to another user.
- If you lose your card, you are responsible for notifying the UW-Madison Libraries of the loss. You will be held financially responsible for materials borrowed with your ID prior to you reporting its loss.

If you wish to check books out from the libraries prior to the next update the staff at the library will need to be informed of your new card number. If you received a replacement card, your issue code number will have changed and staff still will need to update their database. You can update your ID status in person, by calling the Memorial Library at 263-7360 or by email, memorialcirc@library.wisc.edu.

Recreational Facilities: (files update nightly) If you plan to use recreational facilities prior to their update, let the staff know you have a new card. The date of issue is printed below your picture.

Please Note: Faculty & Staff – if you changed your ID card number from a Social Security number to a 900 number you must call the facility where you paid your access fee so they can update their records. [**SERF** 262-4976; **NAT** 262-8809; **SHELL** 263-7650; **NIELSEN** 262-0413]

Computer Labs: (files update within 4 days) For access prior to the database update inform the computer lab staff that you have a new card. If you have problems gaining access to labs, please contact the HELP desk at 264-4357.

Kronos Timekeeping: If you swipe your ID card on a Kronos time clock and this is your first ID card, or you have changed from a Social Security number to a 900 series number, you will need to contact your Human Resources Office to inform them of your Photo ID number for payroll purposes. For replacement cards with no change in the 10-digit ID number, it is not necessary to notify your Human Resources Office.

Remember: It is not necessary to notify your Human Resources Office unless it is your first ID or you change from a Social Security number to a 900 number.

NetID: To gain access to various campus services such as My UW-Madison, WiscMail, and WiscCal the first step is to activate your NetID – www.mynetid.wisc.edu/activate. If you have problems accessing any of these services, please contact the DoIT HELP desk at 264-4357.

Wiscard Accounts

Wiscard is the campus debit card program accepted at over 45 locations and it has three different types of accounts – Campus Cash, Housing Food and Union Meal. A Campus Cash account is automatically set up for all students and faculty; a Housing Food account is automatically set up for students living in University Housing. To learn more, click on the "Debit Card Program" on the side bar.

If you lose your card, you are responsible for its use until you have reported it lost or stolen via the Web site or by contacting:

Wiscard Office - for photo ID services

Normal Hours of Operation:

Monday through Friday: 8:00 AM – 4:15 PM

Memorial Union

Room 4316

800 Langdon Street

Madison, WI 53706

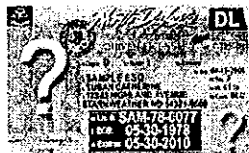
Phone: 608-262-3258

E-mail: wiscard@union.wisc.edu



GO

Voter Identification Requirements



Updated Nov. 22, 2010

First-Time Voters

The federal Help America Vote Act mandates that all states require identification from first-time voters who registered to vote by mail and did not provide verification of their identification with their mail-in voter registration.

Blanket Voter ID

Twenty-seven states have broader voter identification requirements than what HAVA mandates (note, however that the newly passed requirement in Oklahoma does not take effect until July 1, 2011). In these states, all voters are asked to show identification prior to voting. Eight* of these states specify that voters must show a *photo ID*; the other nineteen states accept additional forms of identification that do not necessarily include a photo ([Table 1](#)). In no state is a voter who cannot produce identification turned away from the polls—all states have some sort of recourse for voters without identification to cast a vote. However, in Georgia and Indiana, voters without ID vote a provisional ballot, and must return to election officials within a few days and show a photo ID in order for their ballots to be counted. For specifics on what forms of identification are acceptable and the options available to voters who cannot present identification, see [Table 2](#).

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- [State Requirements for Voter ID](#)
- [Recent Legislative Action](#)
- [Recent Litigation](#)
- [Details of Voter ID Requirements](#)
- [For More Information](#)

State Requirements for Voter ID

<i>Table 1: State Requirements for Voter Identification</i>		
States that Request or Require <i>Photo ID</i>	States that Require ID (Photo not Required)	
Florida Georgia Hawaii Idaho Indiana Louisiana Michigan South Dakota	Alabama Alaska Arizona Arkansas Colorado Connecticut Delaware Kentucky Missouri Montana	North Dakota Ohio Oklahoma* South Carolina Tennessee Texas Utah Virginia Washington

* The Oklahoma law takes effect July 1, 2011. There are some who prefer to call Oklahoma a *photo* voter ID state, because most voters will show a photo ID before voting. However, Oklahoma law also permits a voter registration card issued by the appropriate county elections board to serve as proof of identity in lieu of photo ID.

Recent Legislative Action

Voter ID has been a hot topic in state legislatures over the past decade. Since 2001, more than 700 bills have been introduced in a total of 46 states. A dozen states have passed major legislation during this period, and those bills are summarized in the timeline below.

- 2003: New voter ID laws were passed in Alabama, Colorado, Montana, North Dakota and South Dakota
- 2005: New voter ID laws were passed in Indiana, New Mexico and Washington; Georgia tightened an existing voter ID law to require photo ID
- 2006: New voter ID law passed in Ohio; Georgia passed a law providing for the issuance of voter ID cards at no cost to registered voters who do not have a driver's license or state-issued ID card; Missouri tightened an existing voter ID law to require photo ID
- 2008: New Mexico relaxed an existing voter ID law, and now allows a voter to satisfy the ID requirement by stating his/her name, address as registered, and year of birth
- 2009: New voter ID law passed in Utah
- 2010: New voter ID law passed in Idaho; Oklahoma voters approved a voter ID proposal placed on the ballot by the

Legislature

Recent Litigation

Arizona: On October 20, 2006, the U.S. Supreme Court vacated an October 6, 2006 9th Circuit Court of Appeals decision that suspended Arizona's requirements pending further litigation. The ID law was in effect for Arizona's 2006 election, and remained in effect in 2008.

Georgia: On October 27, 2006, the 11th U.S. Circuit Court of Appeals upheld an injunction barring Georgia from enforcing its photo ID law. The injunction was issued a week earlier by a U.S. District Court judge. Georgia's voter ID requirement was reinstated by a federal judge in mid-2007.

Indiana: Photo ID law was upheld by 7th Circuit U.S. Court of Appeals on January 4, 2007. The U.S. Supreme Court upheld the ruling on appeal in April 2008.

Michigan: The Michigan Supreme Court ruled July 18, 2007 that a voter ID law originally passed in 1996 (but never implemented due to a ruling by the state's Attorney General) is constitutional and enforceable.

Missouri: On October 16, 2006, the Missouri State Supreme Court struck down the state's photo ID requirement. ID is still required to vote, but the list of acceptable forms of ID is much broader and includes some forms without a photo.

Ohio: On November 1, 2006, the secretary of state issued an order suspending the requirement that voters present photo ID at the polls for the November 2006 election. The order did not apply to future elections, and voter ID requirements were in effect for 2008.

Details of Voter Identification Requirements

Table 2: Details of Voter Identification Requirements			
State	Requirement	Acceptable Forms of ID	Voters Without ID
Alabama §17-11A-1	Each elector shall provide identification to an appropriate election official prior to voting.	<ul style="list-style-type: none"> . Government-issued photo ID . Employee ID card with photo . Alabama college/university ID with photo . Utility bill, bank statement, government check or paycheck . ID card issued by any state or the U.S. government . U.S. passport . Alabama hunting license . Alabama fishing license . Alabama gun permit . FAA-issued pilot's license . U.S. military ID . Birth certificate (certified copy) . Social security card . Naturalization document . Court record of adoption . Court record of name change . Medicaid or Medicare card . Electronic benefits transfer card . Government documents showing name and address of voter 	Vote a challenged or provisional ballot or vote, if s/he is identified by two poll workers as an eligible voter on the poll list, and both poll workers sign the voting sign-in register by the voter's name.
Alaska §15.15.225	Before being allowed to vote, each voter shall exhibit to an election official one form of identification.	<ul style="list-style-type: none"> . Official voter registration card . Driver's license . Birth certificate . Passport . Hunting or fishing license 	An election official may waive the identification requirement if the election official knows the identity of the voter. A voter who cannot exhibit a required form of identification shall be allowed to vote a

		<ul style="list-style-type: none"> Current utility bill, bank statement, paycheck, government check or other government document with the voter's name and address 	questioned ballot.
<p><u>Arizona</u> §16-579A</p>	<p>Every qualified elector shall present one form of identification that bears the name, address and photograph of the elector or two different forms of identification that bear the name and address of the elector.</p>	<ul style="list-style-type: none"> Valid Arizona driver's license Valid Arizona non-driver identification Tribal enrollment card or other form of tribal identification Valid U.S. federal, state or local government issued identification Utility bill dated within 90 days of the election Bank or credit union statement dated within 90 days of the election Valid Arizona vehicle registration Indian census card Property tax statement Vehicle insurance card Recorder's Certificate 	<p>An elector who does not provide the required identification shall receive a provisional ballot. Provisional ballots are counted only if the elector provides identification to the county recorder by 5pm on the fifth business day after a general election that includes an election for federal office, or by 5pm on the third business day after any other election.</p>
<p><u>Arkansas</u> §7-5-305(a)(8)</p>	<p>Election officials shall request the voter to provide identification</p>	<ul style="list-style-type: none"> Driver's license Government-issued photo ID Voter card Social security card Birth certificate U.S. passport Employee ID card Student ID card Arkansas hunting license U.S. military ID card Copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter 	<p>If a voter is unable to provide this identification, the election official shall indicate on the precinct voter registration list that the voter did not provide identification.</p>
<p><u>Colorado</u> §1-1-104(19.5) and 1-7-110</p>	<p>Any eligible elector desiring to vote shall show his or her identification as defined in section 1-1-104 (19.5).</p>	<ul style="list-style-type: none"> Colorado driver's license CO Dept. of Revenue ID card U.S. passport Employee ID card with photo issued by the U.S. government, CO state government, or political subdivision of CO Pilot's license U.S. military ID with photo A copy of a current utility 	<p>An eligible elector who is unable to produce identification may cast a provisional ballot.</p> <p>Electors must mail a photocopy of identification to county clerk in order to have provisional ballot counted. <i>(this paragraph added following a Feb. 2006 conversation with an election official; NCSL staff unable to</i></p>

		<ul style="list-style-type: none"> bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector • Medicare or Medicaid card • Certified copy of birth certificate • Certified documentation of naturalization 	<p>verify this in CO statutes or rules)</p>
<p>Connecticut §9-261</p>	<p>Each elector shall present identification</p>	<ul style="list-style-type: none"> • Social Security card • Other preprinted form of identification which shows the elector's name and either the elector's address, signature or photograph 	<p>Elector shall, on a form prescribed by the Secretary of the State, write the elector's residential address and date of birth, print the elector's name and sign a statement under penalty of false statement that the elector is the elector whose name appears on the official checklist.</p>
<p>Delaware Tit. 15, §4937</p>	<p>A voter, upon entering the room where an election is being held, shall announce his or her name and address and provide proof of identity</p>	<ul style="list-style-type: none"> • Photo ID • Utility bill • Paycheck • Any government document with voter's name and address 	<p>In the event the voter does not have proof of identity with them, he or she shall sign an affidavit of affirmation that he or she is the person listed on the election district record.</p>
<p>Florida §101.043</p>	<p>The clerk or inspector shall require each elector, upon entering the polling place, to present a current and valid picture identification as provided in s. 97.0535(3)(a). If the picture identification does not contain the signature of the voter, an additional identification that provides the voter's signature shall be required.</p>	<ul style="list-style-type: none"> • Florida driver's license • Florida ID card issued by the Dept. of Highway Safety and Motor Vehicles • U.S. passport • Employee badge or identification • Buyer's club identification • Debit or credit card • Military identification • Student identification • Retirement center identification • Neighborhood association ID • Entertainment identification • Public assistance identification 	<p>If the elector fails to furnish the required identification, the elector shall be allowed to vote a provisional ballot. The canvassing board shall determine the validity of the ballot by determining whether the elector is entitled to vote at the precinct where the ballot was cast and that the elector had not already cast a ballot in the election.</p>
<p>Georgia §21-2-417</p>	<p>Each elector shall present proper identification to a poll worker at or prior to completion of a voter's certificate at any polling place and prior to such person's</p>	<ul style="list-style-type: none"> • Georgia driver's license, even if expired • ID card issued by the state of Georgia or the federal government • Free voter ID card issued 	<p>If you show up to vote and you do not have one of the acceptable forms of photo identification, you can still vote a provisional ballot. You will have up to two days after</p>

	admission to the enclosed space at such polling place.	<ul style="list-style-type: none"> by the state or county U.S. passport Valid employee ID card containing a photograph from any branch, department, agency, or entity of the U.S. Government, Georgia, or any county, municipality, board, authority or other entity of this state Valid U.S. military identification card Valid tribal photo ID 	the election to present appropriate photo identification at your <u>county registrar's office in order for your provisional ballot to be counted.</u>
Hawaii §11-136	Every person shall provide identification if so requested by a precinct official.	Pollworkers request photo ID with a signature. Acceptable types of ID are not specified by law.	If the voter has no identification, the voter will be asked to recite his/her date of birth and residence address to corroborate the information provided in the poll book.
Idaho §34-1106(2), 34-1113, 34-1114	Each elector shall show a valid photo identification or personal identification affidavit.	<ul style="list-style-type: none"> Idaho driver's license Idaho ID card Passport ID card, including a photo, issued by an agency of the U.S. government Tribal ID card, including a photograph Student ID card, including a photograph, issued by a high school or accredited institution of higher education within the state of Idaho 	A voter may complete an affidavit in lieu of the personal identification. The affidavit shall be on a form prescribed by the secretary of state and shall require the voter to provide the voter's name and address. The voter shall sign the affidavit. Any person who knowingly provides false, erroneous or inaccurate information on such affidavit shall be guilty of a felony.
Indiana §3-5-2-40.5, 3-10-1-7.2 and 3-11-8-25	A voter who desires to vote an official ballot at an election shall provide proof of identification	Specific forms of ID are not listed. ID must be issued by the state of Indiana or the U.S. government and must show the name and photo of the individual.	Voters who are unable or decline to produce proof of identification may vote a provisional ballot. The ballot is counted only if (1) the voter returns to the election board by noon on the Monday after the election and: (A) produces proof of identification; or (B) executes an affidavit stating that the voter cannot obtain proof of identification, because the voter: (i) is indigent; or (ii) has a religious objection to being photographed; and (2) the voter has not been challenged or required to vote a provisional ballot for any other reason.
Kentucky §117.227	Election officers shall confirm the identity of each voter by personal acquaintance or by a document.	<ul style="list-style-type: none"> Driver's license Social Security card Credit card 	When the officers of an election disagree as to the qualifications of a voter or if his right to vote is disputed by a challenger, the voter

			shall sign a written oath as to his qualifications before he is permitted to vote.
Louisiana §18:562	Each applicant shall identify himself, in the presence and view of the bystanders, and present identification to the commissioners.	<ul style="list-style-type: none"> · Louisiana driver's license · Louisiana special ID card · Other generally recognized picture identification 	If the applicant does not have identification, s/he shall sign an affidavit to that effect before the commissioners, and the applicant shall provide further identification by presenting his current registration certificate, giving his date of birth or providing other information stated in the precinct register that is requested by the commissioners. However, an applicant that is allowed to vote without the picture identification required by this Paragraph is subject to challenge as provided in R.S. 18:565.
Michigan §168.523	Each voter must show a photo ID or sign an affidavit attesting that he or she is not in possession of photo identification.	<ul style="list-style-type: none"> · Michigan driver's license · Michigan personal identification card <p>A voter who does not possess either of the above may show any of the following, as long as they are current:</p> <ul style="list-style-type: none"> · Driver's license or personal identification card issued by another state · Federal or state government-issued photo ID · U.S. passport · Military ID with photo · Student ID with photo -- from a high school or accredited institution of higher education · Tribal ID with photo 	An individual who does not possess, or did not bring to the polls, photo ID, may sign an affidavit and vote a regular ballot.
Missouri §115-427	Before receiving a ballot, voters shall establish their identify and eligibility to vote at the polling place by presenting a form of personal identification.	<ul style="list-style-type: none"> · Identification issued by the federal government, state of Missouri, an agency of the state, or a local election authority; · Identification issued by Missouri institution of higher education, including a univeristy, college, vocational and technical school; · A copy of a current utility bill, bank statement, paycheck, government check or other government document that contains the name 	If an individual does not possess any of these forms of identification, s/he may still cast a ballot if two supervising election judges, one from each major political party, attest they know the person.

		<ul style="list-style-type: none"> and address of the voter; Driver's license or state identification card issued by another state. 	
<p><u>Montana</u> §13-13-114</p>	<p>Before an elector is permitted to receive a ballot or vote, the elector shall present to an election judge a current photo identification showing the elector's name. If the elector does not present photo identification the elector shall present one of several specified documents showing the elector's name and current address.</p>	<ul style="list-style-type: none"> Driver's license School district or postsecondary education photo identification Tribal photo identification Current utility bill, bank statement, paycheck, notice of confirmation of voter registration, government check, or other government document that shows the elector's name and current address 	<p>If the identification presented is insufficient to verify the elector's identity and eligibility to vote or if the elector's name does not appear in the precinct register, the elector may sign the precinct register and cast a provisional ballot.</p>
<p><u>North Dakota</u> §16.1-05-07</p>	<p>Before delivering a ballot to an individual, the poll clerks shall request the individual to show identification.</p>	<ul style="list-style-type: none"> An official form of identification issued by the state An official form of identification issued by a tribal government A form of identification prescribed by the secretary of state 	<p>If an individual offering to vote does not have or refuses to show an appropriate form of identification, the individual may be allowed to vote without being challenged if the individual provides to the election board the individual's date of birth and if a member of the election board or a clerk knows the individual and can personally vouch that the individual is a qualified elector of the precinct. Otherwise, the individual may vote as a challenged voter by executing an affidavit that the challenged individual is a legally qualified elector of the precinct.</p>
<p><u>Ohio</u> §3503.16(B) (1)(a) and 3505.18(A)(1)</p>	<p>All voters must provide to election officials at the polling place on the day of an election proof of the voter's identity. Also applies to voters requesting and voting an absentee ballot.</p>	<ul style="list-style-type: none"> Current and valid photo identification, defined as a document that shows the individual's name and current address, includes a photograph, includes an expiration date that has not passed, and was issued by the U.S. government or the state of Ohio Current utility bill Current bank statement Current government check, paycheck or other government document 	<p>A voter who has but declines to provide identification may cast a provisional ballot upon providing a social security number or the last four digits of a social security number. A voter who has neither identification nor a social security number may execute an affidavit to that effect and vote a provisional ballot. A voter who declines to sign the affidavit may still vote a provisional ballot.</p>
<p>Oklahoma 26 O.S. 2001, §7-114 <i>Takes effect July 1, 2011</i></p>	<p>Each person appearing to vote shall provide proof of identity.</p>	<p>"Proof of identity" shall mean a document that satisfies the following:</p> <ul style="list-style-type: none"> Shows a name that substantially conforms to 	<p>A person who declines or is unable to produce proof of identity may sign a statement under oath swearing or affirming that the person is the person identified on the</p>

		<p>the name in the precinct registry</p> <ul style="list-style-type: none"> · Shows a photograph · Includes an expiration date that is after the date of the election · Was issued by the United States, state of Oklahoma, or a federally recognized Indian tribe or nation <p>A voter registration card issued by the appropriate county elections board may serve as proof of identity without meeting all of the above requirements.</p>	<p>precinct registry and cast a provisional ballot.</p>
<p><u>South Carolina</u> §7-13-710</p>	<p>When any person presents himself to vote, he shall produce his valid South Carolina driver's license or other form of identification containing a photograph issued by the Department of Motor Vehicles, if he is not licensed to drive, or the written notification of registration.</p>	<ul style="list-style-type: none"> · Voter registration certificate · South Carolina driver's license · South Carolina Dept. of Motor Vehicles photo ID card 	<p>Voters without ID may be permitted to vote a provisional ballot. This varies from county to county. Whether the provisional ballot is counted is at the discretion of the county commissioners at the provisional ballot hearing.</p>
<p><u>South Dakota</u> §12-18-6.1 and 6.2</p>	<p>When a voter is requesting a ballot, the voter shall present a valid form of personal identification.</p>	<ul style="list-style-type: none"> · South Dakota driver's license or nondriver identification card · U.S. passport · Photo ID issued by an agency of the U.S. government · Tribal ID card, including a photo · Student ID card, including a photo, issued by an accredited South Dakota school 	<p>If a voter is not able to present a form of personal identification as required, the voter may complete an affidavit in lieu of the personal identification. The affidavit shall require the voter to provide his or her name and address. The voter shall sign the affidavit under penalty of perjury.</p>
<p><u>Tennessee</u> §2-7-112</p>	<p>A voter must sign an application for a ballot. The voter's signature and information on the signature list is compared with other evidence of identification supplied by the voter.</p>	<ul style="list-style-type: none"> · Voter registration certificate · Tennessee driver's license · Social Security card · Credit card bearing voter's signature · Other document bearing voter's signature 	<p>If a voter is unable to present any evidence of identification, the voter shall be required to execute an affidavit of identity on a form provided by the county election commission.</p>
<p><u>Texas</u> Election Code §63.001 et seq.</p>	<p>On offering to vote, a voter must present the voter's voter registration certificate to an election officer at the polling place.</p>	<ul style="list-style-type: none"> · Voter registration certificate · Driver's license · Department of Public Safety ID card · A form of ID containing the person's photo that establishes the person's identity · A birth certificate or other document confirming birth 	<p>A voter who does not present a voter registration certificate when offering to vote, but whose name is on the list of registered voters for the precinct in which the voter is offering to vote, shall be accepted for voting if the voter executes an affidavit stating that the voter does not have the voter's voter</p>

		<p>that is admissible in a court of law and establishes the person's identity</p> <ul style="list-style-type: none"> · U.S. citizenship papers · A U.S. passport · Official mail addressed to the person, by name, from a governmental entity · A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the person's name and address · Any other form of ID prescribed by the secretary of state 	<p>registration certificate in the voter's possession and the voter presents other proof of identification. A voter who does not present a voter registration certificate and cannot present other identification may vote a provisional ballot. A voter who does not present a voter registration certificate and whose name is not on the list of registered voters may vote a provisional ballot.</p>
<p>Utah §20A-1-102(76), 20A-3-104</p>	<p>A voter shall present valid voter identification to one of the poll workers.</p>	<ul style="list-style-type: none"> · Current valid UT driver's license · Current valid identification card issued by the state or federal government · UT concealed weapon permit · U.S. passport · Current valid U.S. military ID card · Bureau of Indian Affairs card · Tribal treat card · Tribal ID card <p>OR</p> <ul style="list-style-type: none"> · Two forms of ID that bear the name of the voter and provide evidence that the voter resides in the precinct 	<p>The voter may cast a provisional ballot as provided by §20A-3-105.5</p>
<p><u>Virginia</u> §24.2-643(B)</p>	<p>The officer shall ask the voter to present any one of the specified forms of identification.</p>	<ul style="list-style-type: none"> · Virginia voter registration card · Social Security card · Virginia driver's license · Any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States · Employee identification card containing a photograph 	<p>If a voter is entitled to vote except that he is unable to present one of the forms of identification listed above, he shall be allowed to vote after signing a statement, subject to felony penalties for false statements, that he is the named registered voter who he claims to be.</p>
<p>Washington §29A.44.205</p>	<p>Any person desiring to vote at any primary or election is required to provide identification to the election officer before signing the poll</p>	<ul style="list-style-type: none"> · Valid photo identification, such as a driver's license or state identification card, student identification card, or tribal 	<p>Any individual who desires to vote in person but cannot provide identification as required by this section shall be issued a provisional ballot.</p>

	book.	identification card · A voter identification issued by a county elections officer, or · A copy of a current utility bill, bank statement, paycheck, or government check or other government document	
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For More Information

For more information on the issue of voter identification, [contact NCSL's elections staff](#).

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