

# **LEGISLATIVE HEARING CALENDAR**

**Positions to be taken by the City of Milwaukee on the following bills will be discussed by the**

## **COMMITTEE ON JUDICIARY-LEGISLATION**

**MONDAY, FEBRUARY 14, 2005 AT 2:30 PM**

**Room 301-B City Hall**

A-63/      Requiring certain ID in order to vote or obtain an absentee ballot  
S-42

Discussion: State Budget

**2005 SENATE BILL 42**

February 2, 2005 – Introduced by Senators LEIBHAM, BROWN, DARLING, S. FITZGERALD, GROTHMAN, HARSDF, KANAVAS, KEDZIE, A. LASEE, LAZICH, OLSEN, REYNOLDS, ROESSLER, SCHULTZ, STEPP and ZIEN, cosponsored by Representatives STONE, AINSWORTH, ALBERS, BALLWEG, DAVIS, J. FITZGERALD, FREESE, GIELOW, GUNDERSON, GUNDRUM, HAHN, HINES, HONADEL, HUEBSCH, HUNDERTMARK, JENSEN, JESKEWITZ, KAUFERT, KERKMAN, KESTELL, KLEEFISCH, KRAWCZYK, KREIBICH, F. LASEE, LEMAHIEU, LOTHIAN, MEYER, MCCORMICK, MONTGOMERY, MOULTON, MUSSER, NASS, NERISON, NISCHKE, OTT, PETTIS, PRIDEMORE, STRACHOTA, SUDER, TOWNS, TOWNSEND, UNDERHEIM, VAN ROY, VOS, VRAKAS, VUKMIR, WARD, WOOD, ZIEGELBAUER and GOTTLIEB. Referred to Committee on Labor and Election Process Reform.

**AN ACT** *to repeal* 6.56 (5); *to renumber* 6.79 (3); *to renumber and amend* 6.87 (4) and 6.97 (3); *to amend* 5.35 (6) (a) 4a., 6.15 (2) (d) 1r., 6.15 (3), 6.22 (2) (b), 6.24 (4) (d), 6.29 (1), 6.55 (2) (b), 6.55 (2) (c) 1., 6.55 (2) (c) 2., 6.55 (3), 6.79 (2) (a) and (d), 6.79 (3) (title), 6.79 (4), 6.79 (6), 6.82 (1) (a), 6.86 (1) (ar), 6.86 (3) (a) 1., 6.86 (3) (a) 2., 6.869, 6.87 (3) (d), 6.875 (6), 6.88 (3) (a), 6.97 (1) and (2), 7.08 (8) (title), 10.02 (3) (a), 343.50 (3), 343.50 (4), 343.50 (5) and 343.50 (6); and *to create* 6.15 (2) (bm), 6.15 (2) (d) 1g., 6.79 (3) (b), 6.79 (7), 6.87 (4) (a), 6.87 (4) (b) 2. to 4., 6.965, 6.97 (3) (a) and (c) and 343.50 (4g) of the statutes; **relating to:** requiring certain identification in order to vote at a polling place or obtain an absentee ballot, verification of the addresses of electors, and the fee for an identification card issued by the Department of Transportation.

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***Analysis by the Legislative Reference Bureau***

With certain limited exceptions, before being permitted to vote at any polling place, an elector currently must provide his or her name and address. If registration is required in order to vote and the elector is not registered, the elector must provide a specified form of proof of residence in order to register. If an elector claims to be

**SENATE BILL 42**

registered but his or her name does not appear on the appropriate registration list, the elector must complete a certification of eligibility and present acceptable proof of residence in order to vote. In addition, an elector may be required to provide acceptable proof of residence even if registration is not required. (Beginning with the 2006 spring primary election, registration will be required on a statewide basis.) If an elector is not able to present any required proof of residence, as an alternative, current law permits another qualified elector who resides in the same municipality to corroborate the elector's information. In addition, an elector other than a military elector or an overseas elector, as defined by federal law, who registers by mail and who has not voted in a federal election in the municipality where the elector is voting (beginning January 1, 2006, in this state) must provide one of the forms of identification specified by federal law, or a copy thereof if voting by absentee ballot, in order to be permitted to vote. Corroboration may not be substituted for this identification requirement, but an elector who cannot provide the required identification may cast a provisional ballot. The municipal clerk or board of election commissioners must determine whether electors casting provisional ballots are qualified to vote by 4 p.m. on the day after an election.

With certain limited exceptions, this bill requires each person attempting to register or vote at the polls on election day to present a valid Wisconsin driver's license issued by the Department of Transportation (DOT) to the person, a valid, current identification card issued to the person by a U.S. uniformed service, or a valid Wisconsin identification card issued by DOT to the person. A person whose address is confidential as a result of domestic abuse or in certain cases a person who has been required by a law enforcement officer to surrender his or her license (see below) is exempted from the requirement. Under the bill, any person who applies for an absentee ballot, except a military or overseas elector, as defined by federal law, or a person whose address is confidential as a result of domestic abuse, must provide a copy of the license or identification card, unless: 1) the person has already provided a copy of his or her license or identification card in connection with an absentee ballot cast at a previous election and has not changed his or her name or address since that election; 2) the person has been required by a law enforcement officer to surrender his or her license (see below); or 3) the person is indefinitely confined, in which case the person may submit a statement signed by the person who witnesses his or her absentee ballot verifying his or her identity. The bill continues current requirements for certain electors to provide proof of residence in order to register or to vote, but discontinues the use of corroborating electors to verify residence. If a person who votes at a polling place fails to provide a license or identification card, the person may vote provisionally. If a person who votes by absentee ballot and fails to provide a copy of the license or identification card, unless exempted from the requirement, the ballot is treated as a provisional ballot. A provisional ballot is marked by the poll workers, who immediately contact the municipal clerk or board of election commissioners. The person may then provide the required identification either at the polling place before the closing hour or at the office of the clerk or board. If the person does not provide the required identification to the clerk or board by 4 p.m. on the day following the election, the person's vote is not counted. If a person receives

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a citation from a law enforcement officer in any jurisdiction that is dated within 60 days of the date of an election and is required to surrender his or her Wisconsin operator's license at the time the citation is issued, the elector may present an original copy of the citation in lieu of his or her operator's license or, if the elector is voting an absentee ballot by mail, may enclose a copy of the citation in lieu of a copy of his or her operator's license. In this case, the bill provides that the elector's ballot is received and counted if otherwise valid, but the ballot is marked so it can be identified during the canvassing and recount process if the validity of the ballot is questioned.

The bill also permits an elector who is eligible to obtain a Wisconsin identification card to obtain the card from DOT free of charge, if the elector specifically requests not to be charged. The bill permits an applicant to receive a Wisconsin identification card without a photograph being taken, as currently required, if the applicant provides an affidavit stating that he or she has sincerely held religious beliefs against being photographed, that he or she is a member of a religious organization or identifies with the tenets of a religious organization and names that organization, and that the religious tenets of that organization prohibit such photographing.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 5.35 (6) (a) 4a. of the statutes is amended to read:

2           5.35 **(6)** (a) 4a. Instructions prescribed by the board for electors for whom a  
3           license or identification card is required under s. 6.79 (2) or for whom identification  
4           is required under s. 6.36 (2) (c) 2.

5           **SECTION 2.** 6.15 (2) (bm) of the statutes is created to read:

6           6.15 **(2)** (bm) Except as authorized in s. 6.79 (7), when making application in  
7           person at the office of the municipal clerk, each applicant shall present a valid  
8           operator's license issued to the person under ch. 343, a valid, current identification  
9           card issued to the person by a U.S. uniformed service, or a valid identification card  
10          issued to the person under s. 343.50.

11          **SECTION 3.** 6.15 (2) (d) 1g. of the statutes is created to read:

**2005 ASSEMBLY BILL 63**

February 1, 2005 – Introduced by Representatives STONE, AINSWORTH, ALBERS, BALLWEG, DAVIS, J. FITZGERALD, FREESE, GIELOW, GUNDERSON, GUNDRUM, HAHN, HINES, HONADEL, HUEBSCH, HUNDERTMARK, JENSEN, JESKEWITZ, KAUFERT, KERKMAN, KESTELL, KLEEFISCH, KRAWCZYK, KREIBICH, F. LASEE, LEMAHIEU, LOTHIAN, MEYER, MCCORMICK, MONTGOMERY, MOULTON, MUSSER, NASS, NERISON, NISCHKE, OTT, PETTIS, PRIDEMORE, STRACHOTA, SUDER, TOWNS, TOWNSEND, UNDERHEIM, VAN ROY, VOS, VRAKAS, VUKMIR, WARD, WOOD and ZIEGELBAUER, cosponsored by Senators LEIBHAM, BROWN, DARLING, S. FITZGERALD, GROTHMAN, HARSDORF, KANAVAS, KEDZIE, LAZICH, OLSEN, REYNOLDS, ROESSLER, SCHULTZ and STEPP. Referred to Committee on Campaigns and Elections.

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 2           (4) and 6.97 (3); *to amend* 5.35 (6) (a) 4a., 6.15 (2) (d) 1r., 6.15 (3), 6.22 (2) (b),  
 3           6.24 (4) (d), 6.29 (1), 6.55 (2) (b), 6.55 (2) (c) 1., 6.55 (2) (c) 2., 6.55 (3), 6.79 (2)  
 4           (a) and (d), 6.79 (3) (title), 6.79 (4), 6.79 (6), 6.82 (1) (a), 6.86 (1) (ar), 6.86 (3) (a)  
 5           1., 6.86 (3) (a) 2., 6.869, 6.87 (3) (d), 6.875 (6), 6.88 (3) (a), 6.97 (1) and (2), 7.08  
 6           (8) (title), 10.02 (3) (a), 343.50 (3), 343.50 (4), 343.50 (5) and 343.50 (6); and *to*  
 7           **create** 6.15 (2) (bm), 6.15 (2) (d) 1g., 6.79 (3) (b), 6.79 (7), 6.87 (4) (a), 6.87 (4)  
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