



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3527/2
JTK:all:rs

2013 BILL

1 **AN ACT to amend** 6.79 (2) (a), 6.82 (1) (a) and 7.08 (1) (c); and **to create** 5.02 (6m)
2 (g), 6.79 (3) (c) and 7.51 (2) (cm) of the statutes; **relating to:** exemption of
3 certain electors from the requirement to present proof of identification when
4 voting in an election and use of veterans identification cards as proof of
5 identification.

Analysis by the Legislative Reference Bureau

Currently, with certain exceptions, an elector who votes in an election must present proof of identification in order to vote. The proof may consist of one of a number of documents specified by law that contains the name of the individual to whom the document was issued, which name conforms to the individual's voter registration, if the individual is registered to vote, and with limited exceptions, that contains a photograph of the individual. With certain exceptions, an elector who casts an absentee ballot by mail must enclose a copy of his or her proof of identification in the envelope containing his or her ballot. One form of acceptable proof of identification is a Wisconsin driver's license or identification card issued by the Department of Transportation. An individual who applies for a Wisconsin operator's license or identification card may be exempted from the current requirement to be photographed under narrowly defined circumstances.

This bill permits a veterans identification card issued by the Veterans Health Administration of the federal Department of Veterans Affairs to be used as proof of identification if the card contains the name of the individual to whom it is issued and a photograph of the individual.

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The bill also exempts an elector from the requirement to provide proof of identification if the elector appears at the polling place serving his or her residence on election day and swears or affirms before the chief inspector and submits a signed statement affirming that: 1) he or she considers himself or herself to be indigent and cannot obtain proof of identification without payment of a fee; 2) he or she has a religious objection to being photographed; or 3) he or she cannot obtain the documentation required to obtain proof of identification. The bill provides that if an elector submits such a statement, the elector's ballot is marked in the same manner as a challenged ballot and the board of canvassers that determines the election or conducts a recount may review and determine the validity of the elector's ballot. The bill also provides that the municipal clerk or board of election commissioners of the elector's municipality of residence may investigate the qualifications of any elector who submits a statement under the bill and advise the municipal board of canvassers of his or her findings.

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

1 **SECTION 1.** 5.02 (6m) (g) of the statutes is created to read:

2 5.02 (**6m**) (g) A veterans identification card issued by the veterans health
3 administration of the federal department of veterans affairs.

4 **SECTION 2.** 6.79 (2) (a) of the statutes is amended to read:

5 6.79 (**2**) (a) Unless information on the poll list is entered electronically, the
6 municipal clerk shall supply the inspectors with 2 copies of the most current official
7 registration list or lists prepared under s. 6.36 (2) (a) for use as poll lists at the polling
8 place. Except as provided in subs. (3) (b) and (c), (6), and (7), each eligible elector,
9 before receiving a serial number, shall state his or her full name and address and
10 present to the officials proof of identification. The officials shall verify that the name
11 on the proof of identification presented by the elector conforms to the name on the
12 poll list or separate list and shall verify that any photograph appearing on that
13 document reasonably resembles the elector. The officials shall then require the
14 elector to enter his or her signature on the poll list, supplemental list, or separate list

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1 maintained under par. (c) unless the elector is exempt from the signature
2 requirement under s. 6.36 (2) (a). The officials shall verify that the name and address
3 stated by the elector conform to the elector’s name and address on the poll list.

4 **SECTION 3.** 6.79 (3) (c) of the statutes is created to read:

5 6.79 (3) (c) 1. An elector who considers himself or herself to be indigent and
6 cannot obtain proof of identification without payment of a fee, an elector who has a
7 religious objection to being photographed, or an elector who cannot obtain the
8 documentation required to obtain proof of identification may, as an alternative to
9 presenting proof of identification, swear or affirm in an oath administered by the
10 chief inspector that:

11 a. The elector considers himself or herself to be indigent and cannot obtain
12 proof of identification without payment of a fee;

13 b. The elector has a religious objection to being photographed; or

14 c. The elector cannot obtain the documentation required to obtain proof of
15 identification.

16 2. An elector who makes an oath or affirmation under subd. 1. shall also sign
17 a statement in the form prescribed by the board making the same affirmation. The
18 inspector shall then write the words “Alternative identification” next to the elector’s
19 name on the poll list or other list maintained under this section and shall enter the
20 elector’s serial number on the back of the ballot before the ballot is given to the
21 elector. The municipal clerk or board of election commissioners may investigate the
22 qualifications of any elector who submits a statement under this subdivision and
23 may advise the municipal board of canvassers of his or her findings.

24 **SECTION 4.** 6.82 (1) (a) of the statutes is amended to read:

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1 6.82 (1) (a) When any inspectors are informed that an eligible elector is at the
2 entrance to the polling place who as a result of disability is unable to enter the polling
3 place, they shall permit the elector to be assisted in marking a ballot by any
4 individual selected by the elector, except the elector’s employer or an agent of that
5 employer or an officer or agent of a labor organization which represents the elector.
6 Except as authorized in s. 6.79 (3) (b) and (c), (6), and (7), the individual selected by
7 the elector shall present to the inspectors proof of identification and, if the proof of
8 identification does not constitute proof of residence under s. 6.34, shall also provide
9 proof of residence under s. 6.34 for the assisted elector, whenever required, and all
10 other information necessary for the elector to obtain a ballot under s. 6.79 (2). The
11 inspectors shall verify that the name on the proof of identification presented by the
12 person assisting the elector conforms to the elector’s name on the poll list or separate
13 list ~~and~~, shall verify that any photograph appearing on that document reasonably
14 resembles the elector. The inspectors shall then issue a ballot to the individual
15 selected by the elector and shall accompany the individual to the polling place
16 entrance where the assistance is to be given. If the ballot is a paper ballot, the
17 assisting individual shall fold the ballot after the ballot is marked by the assisting
18 individual. The assisting individual shall then immediately take the ballot into the
19 polling place and give the ballot to an inspector. The inspector shall distinctly
20 announce that he or she has “a ballot offered by ... (stating person’s name), an elector
21 who, as a result of disability, is unable to enter the polling place without assistance”.
22 The inspector shall then ask, “Does anyone object to the reception of this ballot?” If
23 no objection is made, the inspectors shall record the elector’s name under s. 6.79 and
24 deposit the ballot in the ballot box, and shall make a notation on the poll list: “Ballot
25 received at poll entrance”.

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1 **SECTION 5.** 7.08 (1) (c) of the statutes is amended to read:

2 7.08 (1) (c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (4), 6.33 (1),
3 6.40 (1) (a), 6.47 (1) (am) 2. and (3), 6.55 (2), 6.79 (3) (c) 2., and 6.86 (2) to (3). All such
4 forms shall contain a statement of the penalty applicable to false or fraudulent
5 registration or voting through use of the form. Forms are not required to be furnished
6 by the board.

7 **SECTION 6.** 7.51 (2) (cm) of the statutes is created to read:

8 7.51 (2) (cm) The board of canvassers may review the validity of any ballot
9 submitted with a statement under s. 6.79 (3) (c) 2. in the same manner as provided
10 for challenged ballots under s. 6.95.

11 **SECTION 7. Initial applicability.**

12 (1) The treatment of section 5.02 (6m) (g) of the statutes first applies with
13 respect to voting at the first election to be held following the effective date of this
14 subsection for which declarations of candidacy are due for filing on or after the
15 effective date of this subsection.

16 (2) The treatment of sections 6.79 (2) (a) and (3) (c), 6.82 (1) (a), 7.08 (1) (c), and
17 7.51 (2) (cm) of the statutes first applies with respect to proof of identification
18 required for elections held on the 60th day beginning after the effective date of this
19 subsection.

20

(END)