

---

# Wisconsin Briefs

*from the Legislative Reference Bureau*

---



Brief 06-4

February 2006

## VOTER ID

The highly contested 2000 and 2004 presidential elections, beset with allegations of widespread election fraud, made election reform a prominent national issue. In Wisconsin, legislation has been proposed during the past three sessions that would, in most cases, require an elector to present some form of photo ID before registering or voting. During the current session, 2005 Assembly Joint Resolution 36 has been introduced to amend the Wisconsin Constitution to require voters to provide photographic identification before voting or registering at the polls on Election Day, except as the legislature otherwise provides by law.

### SUPPORT FOR VOTER PHOTO ID

Supporters of voter photo IDs emphasize that election fraud has the potential to alter the results of an election, cancel legitimate votes, and drive down voter turnout by undermining confidence in the electoral process. They contend that voter photo IDs would make the election system more secure, accurate, and trusted.

Supporters point out that even isolated election fraud can have a major impact on national and state elections. With just over 2,997,000 votes cast in Wisconsin for the 2004 presidential election, John Kerry carried the state by just 11,384 votes, and the now infamous 2000 presidential election yielded an even smaller margin of victory in Wisconsin for Al Gore, a mere 5,708 votes. Several legislative races have also been decided by razor-thin margins. The 9th State Senate District race of 2002 was decided by 46 votes; only 7 votes determined who would be the 2004 Democratic candidate for the 36th

Assembly District; and in 1981, John T. Manske won a special election for the 47th Assembly District by a single vote.

Supporters warn that as long as voters are not required to present photo IDs, and there is no way to confidently verify a voter's identity, the election system will remain vulnerable to various forms of identity fraud, such as individuals voting under the names of deceased voters. Some have estimated that over 181,000 deceased individuals remained on the voter rolls in six "swing" states during the November 2004 elections.

Supporters argue that not only is there great potential for voter fraud but that fraud is already pervasive. A preliminary report on the investigation of possible election fraud in Milwaukee County during the 2004 November elections, issued on May 10, 2005, by a joint task force composed of the Milwaukee Police Department, Milwaukee County District Attorney's Office, FBI, and U.S. Attorney's Office, cites instances of more than 100 individuals suspected of double-voting, 200 ineligible felons voting, and 4,500 votes counted in excess of the total number of recorded voters in the City of Milwaukee.

### OPPOSITION TO VOTER PHOTO ID

Opponents of voter photo ID registration argue that although anecdotal evidence of election fraud exists, Wisconsin has had few prosecutions, and the current Milwaukee investigations have not uncovered evidence of massive conspiracy. Opponents blame the 2004 vote irregularities on poll worker shortages, training issues, human error, and organizational shortcomings, rather than an

organized campaign of voter fraud. Opponents further point out that a voter photo ID requirement would not prevent ineligible felons from voting.

While those in support of photo IDs claim that voter disenfranchisement happens when illegal votes cancel out legitimate votes, those that oppose mandated state-issued photo IDs maintain that voter disenfranchisement results from erecting barriers to voting and making it too difficult for some to exercise their right to vote.

Those that are against legislated voter photo IDs argue that the realistic outcome of this ID requirement would be the disenfranchisement of thousands of minority, handicapped, elderly, homeless, and student voters. A June 2005 study at UW-Milwaukee estimated that over 98,000 Wisconsin residents 35 to 64 years old and 177,000 elderly persons 65 and older do not have either a driver's license or a state photo ID. It also estimated that only 45% of Black men, 51% of Black women, 54% of Hispanic men, and 41% of Hispanic women in Wisconsin have a valid driver's license.

Opponents warn that Wisconsin's high voter turnout rates would drop if strict ID laws are enacted. With the national voter turnout of around 61% of the voting-eligible population during the 2004 November elections, Wisconsin's 76% turnout ranked second only to Minnesota's 77% turnout.

#### **CURRENT LAWS ON VOTING**

Although voter turnout may be affected by voter ID requirements, Wisconsin's turnout may be higher than the national average due in part to its status as a "battleground" state and as one of only six states that allowed Election Day registration during the 2004 presidential election. Wisconsin is often referred to as one of the least restrictive states in voting regulations, as not only may voters register on the day of the election, but if a voter does not

have documented proof of residence when registering at the polls, another elector who resides in the same municipality may corroborate the voter's registration information.

Most laws dealing with electors can be found in Chapter 6 of the Wisconsin Statutes, which describes who can vote, how to register, and how to vote.

Anyone 18 years of age or older who has resided in their permanent Wisconsin residence for at least 10 days prior to an election can vote, as long as they are not legally incompetent or a felon who has not finished serving a prison or parole term.

All electors except military electors, as defined by law, must register before they can vote and in addition to name, address, citizenship, and date of birth, a registration now requires either a driver's license number or the last 4 digits of a voter's social security number, if any. Voters who register after the close of registration and voters who have registered by mail and have never voted in an election for national office in this state, except military or overseas electors, must provide proof of residence when voting.

An acceptable proof of residence must include the current and complete name and residential address of the elector. Some acceptable identifying documents, if they include this information, are: a driver's license, a government-issued ID card, a credit card, a library card, a real estate tax bill, a residential lease, a college fee card, or a utility service statement.

Registration lists currently contain a blank column for the entry of the elector's serial number when they vote. If a registration list is being used in a national election, a notation on the list will indicate who needs to provide identification (proof of residence). If the elector has a confidential listing, such as those who are in domestic abuse shelters, the

elector's address will not appear on the registration list, and the elector will have a board-issued ID card, along with a unique serial number.

Although often needed in order to register, identifying documents are not required in order to vote, as a registered voter needs only to state his or her full name and address to receive a ballot.

## RECENT LEGISLATION

During the 2005-06 session, a constitutional amendment, 2005 Assembly Joint Resolution 36, has been introduced to prohibit an elector from voting or registering at the polls on Election Day unless presenting photographic identification, issued by either Wisconsin or the federal government, unless the legislature otherwise provides by law. As a constitutional amendment, 2005 AJR-36 does not require the governor's approval but must pass both houses of the legislature in two consecutive sessions before submission to the voters in a statewide referendum. 2005 AJR-36 was introduced on first consideration on May 3, 2005, passed the Assembly on November 1, and was referred to the Senate Committee on Labor and Election Process Reform on December 12.

Since the 2000 presidential elections, bills have been introduced to:

- Require photographic identification in order to register or vote, but allow for corroborators when registering (2001 Assembly Bill 144 and 2001 Senate Bill 55).
- Repeal the use of corroborators and require a driver's license, state ID, or birth certificate in order to register (2001 Assembly Bill 10).
- Require a driver's license, state ID, birth certificate (2001 Assembly Bill 12), or college ID w/photo (2003 Senate Bill 68) in order to vote.
- Repeal the use of corroborators and require electors voting or registering at the polls on

Election Day to provide a current driver's license, state ID (2001 Assembly Bill 259 and 2003 Assembly Bill 111), or military ID (2005 Assembly Bill 63 and 2005 Senate Bill 42).

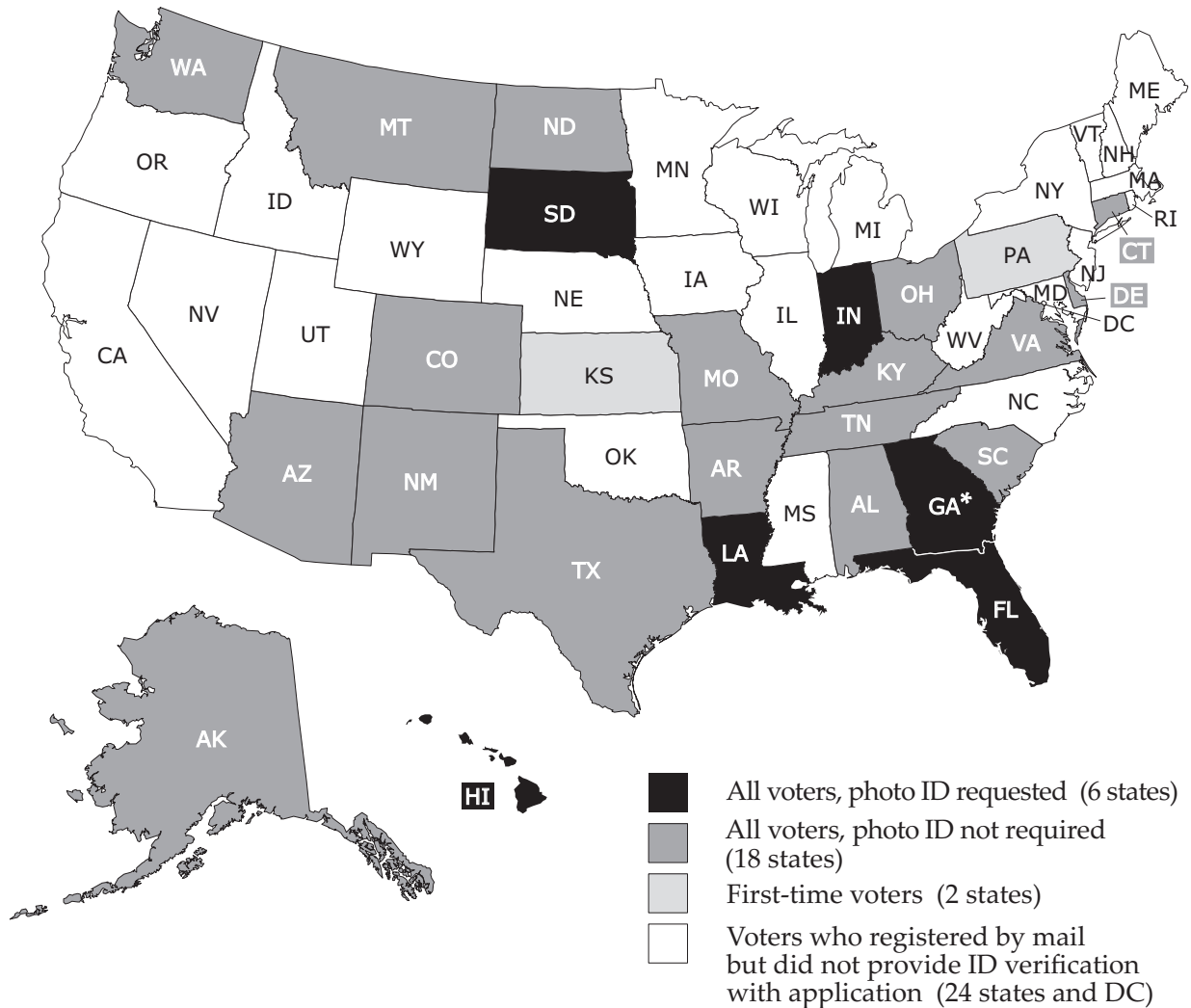
None of these voter photo ID bills were enacted into law, and most bills died in their house of origin. Three bills passed both houses of the legislature: 2003 Assembly Bill 111, 2005 Assembly Bill 63, and 2005 Senate Bill 42. Governor Jim Doyle vetoed all three of these bills based on his view that this legislation would lower voter turnout by disenfranchising many of those who do not already have either a driver's license or state ID card.

## OTHER STATES VOTER ID LAWS

All of the states and the District of Columbia conform to the Help America Vote Act of 2002 (HAVA), which requires identification from first-time voters who registered to vote by mail but did not provide verification of their identity with their mail-in registration. The federal law requires a current, valid photo ID, utility bill, bank statement, government check, paycheck, or other government document showing the name and address of the voter.

All states have procedures to allow electors without IDs to cast a vote, but 26 states have stricter voter ID requirements than HAVA mandates. While Kansas and Pennsylvania require IDs from all first-time voters, 24 other states make all voters present some form of identification before being allowed to vote. Out of these 24 states, six request photo IDs in order to vote: Florida, Georgia, Hawaii, Indiana, Louisiana, and South Dakota (see map on back). The type of acceptable ID varies from state to state. To comply with the 24th Amendment to the U.S. Constitution, no ID requirement may have the effect of imposing a charge for the privilege of voting. Some states issue special IDs for voting purposes only.

### Voters Required to Show Identification at Polls, By State



\*Georgia voter ID law, signed by Governor Sonny Perdue on January 26, 2006, requires preclearance from U.S. Department of Justice before it can be implemented.

Sources: Election Reform Information Project’s Electionline.org (updated 2/1/06) and the National Conference of State Legislatures (updated 2/2/06).

#### FOR MORE INFORMATION

Preliminary Findings of Joint Task Force Investigating Possible Election Fraud:  
[www.wispolitics.com/1006/electionfraud.pdf](http://www.wispolitics.com/1006/electionfraud.pdf)  
 UW-Milwaukee Study on Driver License Status of Voting Age Population in Wisconsin:  
[www.uwm.edu/Dept/ETI/barriers/DriversLicense.pdf](http://www.uwm.edu/Dept/ETI/barriers/DriversLicense.pdf)

Wisconsin Laws on Electors  
[www.legis.state.wi.us/statutes/Stat0006.pdf](http://www.legis.state.wi.us/statutes/Stat0006.pdf)  
 2005 Assembly Joint Resolution 36:  
[www.legis.state.wi.us/2005/data/AJR36hst.html](http://www.legis.state.wi.us/2005/data/AJR36hst.html)  
 Other States Voter ID Laws:  
[www.electionline.org/Default.aspx?tabid=364](http://www.electionline.org/Default.aspx?tabid=364)  
[www.ncsl.org/programs/legman/elect/taskfc/VoterIDReq.htm](http://www.ncsl.org/programs/legman/elect/taskfc/VoterIDReq.htm)