

Act 23

**CHANGES IN
WISCONSIN STATUTES
AFFECTING VOTING**

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New Requirements and Restrictions on Voting

- Display of ID at the polls
- Voters must sign poll books
- Change in “challenge for cause” procedure
- New requirements for establishing residency
- Additional requirements for students to register and vote

More new requirements and restrictions on voting....

- Restrictions on authorizing “special election deputies”
- New requirements for absentee voting
- Elimination of straight-party voting

Display of ID at the Polls

**PERMISSIBLE AND
IMPERMISSIBLE FORMS OF
PROOF OF IDENTIFICATION**

- Permitted Form of ID to display at polls**
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- WI driver's license
 - WI state-issued ID
 - US passport
 - US military ID
 - Certif. of Naturalization
 - Unexpired receipt for WI driver's license or ID
 - Tribal ID
 - Student ID (that meets requirements)

- Permissible forms of ID...**
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- Driver's license, state ID, Military ID, or US passport that expired after the date of the last general election
 - ID does not have to show voter's current address
 - Revoked or suspended driver's license
 - Name on ID "conforms to" name in poll book
 - Minor variations permissible, eg "Tom" for "Thomas"
 - Photo that "reasonably resembles" voter

Not permissible ID



- ID issued by Department of Veteran Affairs
- ID issued by Transportation Safety Administration
- Out of state driver's license
- Wisconsin Technical College ID
- Expired naturalization certificate, tribal ID, student ID, driver's license receipt, or state ID receipt
 - No grace period from general election
- Name on ID does not "conform" to name in poll book (e.g., ID shows more recent name change)

Special Requirements for Student ID



- ID must be issued by an "accredited university or college" in WI
- ID must include date of issuance
- ID must include signature of student
- ID must show expiration date not later than two years after date of issuance (and be unexpired)
- "Sticker" on ID showing expiration date, etc is not sufficient
- Student must provide documentation from the university or college proving current enrollment

Effect of Failure to Display ID that Meets the Legal Requirements



THE PERSON IS NOT PERMITTED TO VOTE.

Provisional Ballot Procedure



- A person who does not present ID at the polls will be offered a provisional ballot.
- A provisional ballot will be counted only if:
 - The person returns to the polls with acceptable ID before the polls close, OR
 - The person presents acceptable ID to the municipal clerk by 4 pm on the Friday after the election.

Effective Date of Changes



**REQUIREMENT OF DISPLAYING
ID AT POLLS GOES INTO EFFECT
AT THE SPRING PRIMARY
ELECTION (FEBRUARY 2012)**



“Due to the need to provide a birth certificate and other documents to receive a DOT-issued ID, individuals should start the process of obtaining a statutory identification well in advance of an election at which they wish to vote.”

-- Government Accountability Board

Voters who vote at the polls must now sign the poll books.



**A VOTER WHO DOES NOT SIGN THE POLL
BOOK WILL NOT BE GIVEN A BALLOT.**

Exception for Voters with Disabilities



- A voter who is physically unable to vote due to a disability is exempt from this provision.
- If another person signed the voter's registration form because the voter was unable to sign, the election inspector writes "exempt" on the signature line.
- If the voter is already registered, both election inspectors must concur that the voter is unable to sign due to disability.

Change in "Challenge for Cause" Procedure



- Before Act 23, a voter could be "challenged" if election inspector had reason to believe the person was not qualified.
- The voter's ballot was not rejected unless the board of canvass received *proof beyond a reasonable doubt* that the voter was unqualified.

Voter Disqualification under Act 23



- Voters are *automatically* disqualified if they fail to present required ID.
- Voters are *automatically* disqualified if they fail to sign the poll book.
- “Challenge for cause” process can still be used to challenge voter qualifications.

Changes in Residency Requirements



TO BE ELIGIBLE TO VOTE, THE PERSON MUST RESIDE IN AN ELECTION DISTRICT OR WARD FOR 28 CONSECUTIVE DAYS BEFORE THE ELECTION.

(PREVIOUSLY 10 DAYS)

Proof of Residency to Register to Vote



“Corroboration” of residency by another elector is no longer permitted.

Permissible proof of residency includes: driver's license, state ID card, ID or license issued by a WI governmental body, employee ID, property tax bill, residential lease, utility bill, paycheck, bank statement, check or document issued by unit of government.

- All forms of proof of residence must include:
 - A current and complete name, including both the given and family name.
 - A current and complete residential address, including a numbered street address, if any, and the name of a municipality.

Special Requirements for Use of Student ID as Proof of Residence



Option 1: A university, college, or technical college photo ID card *and* a fee payment receipt issued by the university, college, or technical college within 9 months of the election.

Option 2: A university, college or technical college photo ID, *and* election officials verify that the student is on a certified list provided by the college or university of students living in campus housing who are U.S. citizens.

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IS IT CONSTITUTIONAL?

Wisconsin Constitution Voting Provisions



Art. III, s.1: **Electors.**

“Every United States citizen age 18 or older who is a resident of an election district in this state is a qualified elector of that district.”

Wisconsin Constitution Voting Provisions



Art. III, s. 2: Implementation. Laws may be enacted:

- (1) Defining residency.
- (2) Providing for registration of electors.
- (3) Providing for absentee voting.
- (4) Excluding from the right of suffrage persons:
 - (a) Convicted of a felony, unless restored to civil rights.
 - (b) Adjudged by a court to be incompetent or partially incompetent, unless the judgment specifies that the person is capable of understanding the objective of the elective process or the judgment is set aside.
- (5) Subject to ratification by the people at a general election, extending the right of suffrage to additional classes.

The Wisconsin Constitution
defines and limits
the Legislature's authority to
enact laws implementing
the constitutional qualifications
for voting.



Art. III, section 2



RESULTED FROM 1986 AMENDMENTS TO THE
WISCONSIN CONSTITUTION.

THIS PROVISION HAS NEVER BEEN INTERPRETED BY
THE WISCONSIN SUPREME COURT.

Thank You...



QUESTIONS WELCOME.
