



Legislative Fiscal Bureau

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March 11, 2003

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Assembly Bill 111: Requiring Voter Identification in Order to Vote

Assembly Bill 111 (AB 111) would create a new identification requirement for voters and would repeal current law provisions that establish procedures by which a voter may have his or her residency corroborated by a fellow elector. AB 111 was introduced on March 5, 2003, and was referred to the Assembly Committee on Campaigns and Elections. That Committee adopted Assembly Amendments 1, 2, and 3, and on March 6, 2003, recommended the bill for passage, as amended, by a vote of 4-2. On March 11, 2003, the bill was referred to the Joint Committee on Finance.

BILL SUMMARY

The major provisions of AB 111 are as follows:

Voter Identification Requirement. Before being permitted to vote, AB 111 would require electors voting in person, or applying for an absentee ballot in person, to present a valid driver's license or Department of Transportation (DOT) identification card. If a voter at the polls could not provide the required driver's license or DOT identification card, election officials would be required to offer the individual the opportunity to cast a provisional ballot as outlined below.

The bill would require a voter applying for an absentee ballot in writing to include his or her driver's license or DOT identification card when returning the completed ballot, unless such absentee voter was a military or overseas elector. The bill would further provide that if such identification was not enclosed, the individual's vote could not be counted. Under AB 111, the Elections Board would be required to prescribe uniform instructions for absentee voters. The

instructions would be required to include information concerning whether identification is required to be submitted and, if so, the form of identification required.

A "military elector" would be defined as: (1) a member of a uniformed service who, by reason of that duty, is absent from the residence where the member is otherwise qualified to vote; (2) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the residence where the member is otherwise qualified to vote; or (3) a spouse or dependent of any such member who, by reason of the duty or service of the member, is absent from the residence where the spouse or dependent is otherwise qualified to vote. An "overseas elector" would be defined as an elector who resides outside the United States and who is qualified under federal law to vote in elections for national office in Wisconsin because the elector was last domiciled in Wisconsin immediately prior to the elector's departure from the United States.

The bill would exempt victims of domestic abuse who are issued confidential voting identification cards by municipalities from the identification requirements prescribed under the bill. Instead, such domestic abuse victims could continue to present their confidential voting identification cards, as under current law.

Free DOT Identification Cards Upon Request. Under AB 111, individuals could request that DOT issue or renew identification cards containing a photograph of the bearer without charge. Currently, the issuance of such cards requires the payment of a \$9 fee. The bill would create a sum sufficient appropriation under DOT funded from lapses to the transportation fund from administrative appropriations and from a Wisconsin Retirement System employer contribution holiday, equal to the amount of fees foregone for the issuance or renewal of identification cards without charge under the bill. The bill would further provide that this appropriation be repealed, effective on the first day of the 13th month after publication.

Provisional Balloting. The bill would establish that whenever an individual appears to vote at a polling place and cannot provide the required identification or inspectors cannot verify the document submitted by the individual, the inspectors would nonetheless be required to offer the individual the opportunity to vote. If an individual chooses to vote under these circumstances, the inspectors would be directed to require the individual to execute a written affirmation stating that the individual is a qualified elector of the ward or election district and is eligible to vote in the election. The inspectors would then be required to give the individual a ballot.

Before depositing the ballot, the inspectors would be required to write on the back of the ballot the serial number of the individual corresponding to the number kept at the election on the poll or registration list. If voting machines are used, the individual's vote could be received only upon an absentee ballot furnished by the municipal clerk. A corresponding number from the poll or registration list would be written on the back of the ballot before it is deposited. The inspectors would be required to indicate that the individual did not provide identification or that the document submitted by the individual could not be verified.

The inspectors would be further required to notify the individual that he or she could provide the municipal clerk with a valid driver's license or identification card issued by DOT. Inspectors would be required to promptly notify the municipal clerk of the name, address, and serial number of the individual. If by the later of 4 p.m. or the close of business on the day after the election the individual provided a valid driver's license or DOT identification card to the municipal clerk, the clerk would be required to promptly notify the Board of Canvassers that the individual was qualified to vote, and the vote of the individual would be counted. Otherwise, the vote would not be counted.

Eliminate Voter Corroboration of Residency. Under AB 111, a voter could no longer meet the current law proof of residency requirement by having a fellow elector residing in the same municipality corroborate the voter's residency. Instead, the voter would be required to present acceptable current law proof of residency. These include: (1) a driver's license; (2) a DOT identification card; (3) any other official Wisconsin governmental or employer-issued identification card or license, but not including a business card; (4) a credit card; (5) a library card; (6) a check-cashing or courtesy card issued by a merchant; (7) a real estate tax bill or receipt for the current year or the year preceding the date of the election; (8) a residential lease which is effective for a period that includes election day; (9) a university, college or technical institute fee card; (10) a university, college or technical institute identification card; (11) an airplane pilot's license; or (12) a gas, electric or telephone service statement for the period commencing not earlier than 90 days before election day.

Assembly Amendment 1. Assembly Amendment 1 would require a municipal clerk to notify the Board of Canvassers "no later than the day after the election," rather than "promptly" under the bill, that an individual who cast a provisional vote either had or had not provided a valid form of identification by the later of 4 p.m. or the close of business on the day following the election.

The amendment would also clarify that: (1) the decision of the municipal clerk as to the validity of the identification offered would be final and could not be appealed to the Board of Canvassers or to the State Elections Board; and (2) the provisional ballot would not be counted unless the municipal clerk provided timely notification that the elector had provided valid identification.

Assembly Amendment 2. Assembly Amendment 2 would delete the sum sufficient appropriation created under DOT to fund the costs of issuing new or renewal identification cards containing a photograph of the bearer in those cases where the document was issued without charge, at the request of the applicant.

Assembly Amendment 3. Assembly Amendment 3 would clarify that in the case of absentee voters casting ballots, copies of a valid operator's license or an identification card containing a photograph of the bearer, rather than the identification itself, could be submitted as acceptable verification.

FISCAL EFFECT

The fiscal effect of AB 111 would be an increase in expenses incurred by DOT's Division of Motor Vehicles and a reduction in transportation fund revenue. Both effects are related to the provision in the bill that would require DOT to issue identification cards at no fee if the card applicant requests to have a free card. The magnitude of the effects, therefore, depends on: (a) the number of identification card applicants who request a card at no charge who would otherwise pay the fee (revenue loss); and (b) the number of people who apply for a card who would otherwise not do so (increased cost). In both cases, developing estimates involves some amount of speculation since there are no data that would allow these amounts to be precisely estimated.

DOT's fiscal note on the bill estimates that 80% of the applicants for new or renewal identification cards will request a free card. Based on new and renewal identification card data from 2000, DOT estimates, therefore, that 81,873 card applicants would be issued a free card, which would result in an estimated transportation fund revenue loss of \$736,900 (81,873 x \$9 identification card issuance fee).

In addition to the people who would have applied for an original or renewal card even without the bill's provisions, DOT assumes that a certain number of people would apply for the card solely because of the bill's provisions. Using 2000 census data and 2000 driver's license and identification card data, DOT estimates that there are 122,797 Wisconsin residents who are age 18 or older and who do not have an identification card or a driver's license. The Department estimates that 20% of these people, or 24,560, would apply for a free identification card solely because of the bill's provisions. It is estimated that the issuance of this number of identification cards would require the equivalent of 3.0 FTE positions at an approximate cost of \$120,000.

AB 111 includes a provision that would create an appropriation in DOT for the purpose of issuing or renewing identification cards that are issued at no charge. The appropriation would be a sum sufficient, transportation fund appropriation equal to "the amount of fees not collected" under provisions related to the issuance of original and renewal identification cards. The funding credited to this appropriation would be from amounts lapsed as the result of a provision of 2001 Act 16 that required the Department to lapse amounts from its appropriations to the transportation fund, as follows: (a) \$800,000 annually from administrative appropriations; and (b) an amount in 2001-02 from the Department's appropriations to reflect credits to DOT's appropriations made by the Department of Employee Trust Funds to implement a "premium holiday" provision of 1999 Act 11.

Although the Act 16 lapse requirement effectively resulted in an increase in the unappropriated balance in the transportation fund, the amounts in the balance that are from the lapse can not be distinguished from any other amounts in the unappropriated balance. Consequently, the effect of this provision in AB 111 would be to appropriate amounts from the balance of the transportation fund.

As noted above, AB 111 would require that an amount be credited to the newly-created appropriation equal to "the fees not collected" for identification cards. If this is interpreted as the amount of revenue forgone for each free identification card issued, then the amount that would be credited to this appropriation would be \$958,000. This is the sum of the estimated amount of fee revenue forgone from issuing identification cards to: (a) applicants who would request a free card instead of paying the \$9 fee; and (b) to applicants who, without the bill, would not otherwise apply for a card. This amount would be appropriated for the cost of issuing free identification cards in the first year following the passage of the bill, but the appropriation would be deleted on the first day of the thirteenth month beginning after publication of the bill. Consequently, any unencumbered amounts in the appropriation would lapse to the transportation fund and the Division of Motor Vehicles would have to absorb any additional costs associated with the issuance of free identification cards after that point. If DMV's additional costs are \$120,000, then \$838,000 would lapse back to the transportation fund.

Assembly Amendment 2. Assembly Amendment 2 to AB 111 would delete the provision that would create the appropriation for the issuance of identification cards. In this case, the Division of Motor Vehicles would have to absorb any additional cost associated with an increase in the number of identification cards issued as a result of the bill.

If this bill is enacted during the current fiscal year, there would be an interactive effect with a provision of 2003 Wisconsin Act 1 that requires the DOT Secretary to ensure that sufficient lapses occur from administrative appropriations to produce a biennium-ending balance of \$22,211,700. The amount of forgone revenue occurring in 2002-03 would have to be replaced with additional lapses. In addition, if AA 2 is not adopted, any amounts appropriated for DMV costs in 2002-03 would also have to be replaced with additional lapses.

EMERGENCY CLAUSE

Under provisions of s. 16.47(2) of the statutes, the bill requires an emergency clause.

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