

State of Wisconsin \ Government Accountability Board

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DATE: May 1, 2014

TO: Wisconsin County Clerks
Wisconsin Municipal Clerks
Milwaukee County Board of Election Commissioners
City of Milwaukee Board of Election Commissioners

FROM: Michael Haas
Elections Division Administrator

SUBJECT: Federal Court Decision and Status of Voter Photo ID Law

This memorandum provides an update regarding the status of the requirement that most Wisconsin voters provide an acceptable form of photo identification before receiving a ballot. The photo ID requirement was established as part of 2011 Act 23 but its implementation has been enjoined by a state court injunction since the 2012 Spring Primary. Two federal court cases have also been pending. On April 29, 2014, U.S. District Court Judge Lynn Adelman issued a decision in the two federal court cases which found that the photo ID requirement of Act 23 violates the U.S. Constitution as well as the federal Voting Rights Act.

The federal court decision orders a permanent injunction against implementation of the photo ID requirement. The decision states that all Wisconsin election officials, including local election officials “are hereby permanently enjoined from conditioning a person’s access to the ballot, either in-person or absentee, on that person’s presenting a form of photo identification.” The G.A.B. is communicating this decision to local election officials so that they are aware of the federal court injunction and ensure that their staffs and election inspectors abide by it until further notice.

Attorney General J.B. Van Hollen has stated that the Department of Justice will appeal Judge Adelman’s decision to the Seventh Circuit Court of Appeals, which may affirm or reverse the ruling. Subject to any change in the legal proceedings, however, the voter photo ID requirement of Act 23 is permanently enjoined. Local election officials must continue to refrain from implementing that provision, and G.A.B. staff will keep local election officials apprised of any further developments that might change the status of Act 23.

If you have any questions regarding this information, please contact the G.A.B. Help Desk at GABHelpDesk@wi.gov or (608) 261-2028.