

State of Wisconsin \ Government Accountability Board

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MEMORANDUM

DATE: September 25, 2014

TO: Wisconsin County Clerks
Wisconsin Municipal Clerks
City of Milwaukee Election Commission
Milwaukee County Election Commission

FROM: Michael Haas
Elections Division Administrator

SUBJECT: Voter Photo ID Reminders for 2014 General Election
Voter Photo ID Guidance 2014-3

This memorandum provides some guidance and reminders related to the Photo ID Law, based upon issues that have arisen and questions we have received. Most of these points were covered in the G.A.B. webinar yesterday. Because it has been over two years since the photo ID requirement was in effect, and some accommodations have been required due to the short period for re-implementation of the requirement, it is helpful for all of us to review these reminders and points about the law.

As a preliminary matter, please remember to check our website's clerk communications page on a regular basis. Because of the many election-related deadlines as well as the recent re-implementation of the photo ID requirement, we expect to post more than the usual number of communications as High Priority over the coming weeks. These communications provide essential guidance and helpful information, as does the Photo ID page of our website. We will strive to ensure that the information is timely and to avoid issuing communications at the last minute. We can never be certain, however, whether the communications are clear and understandable or raise additional questions unless we hear from you. As always, please contact us as your question may be on the minds of other clerks, so that we can clarify any issues with all election officials through future communications.

Please keep these points in mind as the photo ID requirement is implemented for the November 2014 General Election.

1. For absentee ballots mailed on or before September 24th, a driver's license or State ID card that has previously been submitted as proof of residence by the voter could be used as photo ID if the clerk had a copy of the document and it had not expired or had expired since

November 7, 2012. In that case the clerk was not required to request that the voter submit a copy of the photo ID again. For absentee ballots mailed on or after September 25th, a document previously provided as proof of residence does not satisfy the photo ID requirement and the voter must submit a copy of the photo ID before the clerk may mail the absentee ballot. Once a copy of photo ID has been submitted by an elector voting a mail-in absentee ballot, the elector is not required to send another copy with an absentee ballot request for a future election unless he or she has changed their name or address.

2. Voters may not redact information from a photo ID on the copy that is submitted with an absentee ballot request. The photo ID accompanying an absentee ballot request should be retained with the voter's registration file so that it can be retrieved if necessary due to a future absentee ballot request. If a public records request is made for a copy of an elector's photo ID, please consult with your municipal attorney regarding what, if any, information may be redacted under the Public Records Law, and we are also available to speak with you or your legal counsel at that time.
3. An elector who is indefinitely confined because of age, physical illness or infirmity or is disabled for an indefinite period of time may so indicate on their absentee ballot request form and receive absentee ballots by mail for every election, provided that the ballot is returned. Indefinitely confined voters are the only electors who may receive absentee ballots on this permanent basis (all other voters, including military and permanent overseas voters may request absentee ballots only for a specific election or a calendar year). Indefinitely confined voters may, but are not required to include a copy of their photo ID with the absentee ballot request. The photo ID requirement is satisfied by the signature of the witness on the absentee ballot certificate envelope. If special voting deputies administer absentee voting at a residential care facility or qualified retirement home, the initials of both SVDs satisfies the ID requirement.
4. If special voting deputies make two visits to a residential care facility or qualified retirement home and a voter who requested an absentee ballot is not available to complete a ballot, the clerk is to mail the absentee ballot to the person. If the voter is also an indefinitely confined voter, the witness signature on the certificate envelope satisfies the photo ID requirement. If the voter is not indefinitely confined, the voter must either include a copy of the photo ID with the ballot or provide it separately, or may satisfy the photo ID requirement by having the facility administrator sign the certificate envelope in addition to a witness. (See "MUNICIPAL CLERK MARKS THIS SECTION IF REQUIRED" area on the absentee certificate envelope.)
5. Our previous communication related to updated forms, dated September 17, 2014, indicated that existing stock of the former version of the certificate envelope (GAB-122) could be used for all absentee voters except those residing in care facilities that are not visited by Special Voting Deputies, but are not indefinitely confined voters. To clarify, this would include electors who are not indefinitely confined and reside in facilities that are not served by SVDs because less than five registered voters are residents, or because the elector is sent an absentee ballot after not being available to vote during two visits by the SVDs. In those

cases the certificate envelope must be signed by both a witness and an authorized representative of the care facility.

6. A technical college student ID card is an acceptable form of photo ID, provided that it meets the requirements of a student ID card, namely that it is unexpired, contains the dates of issuance and expiration which are no more than two years apart, includes the student's signature, and is accompanied by a document establishing that the student is enrolled at the technical college during the semester in which the election is conducted.
7. Stickers may be used on student ID cards subject to the following conditions:
 - a. The stickers must be tamper-evident so that removal of the sticker would make the ID unusable.
 - b. The sticker must not obscure other information on the ID card.
 - c. The sticker must include an indication that it was issued by the institution such as a school logo or identifier.
 - d. The sticker must be affixed by personnel of the institution.
 - e. The sticker may contain only the cardholder's signature and the issuance and expiration dates of the card.

Also, the document establishing that a student is enrolled at the university or college may be displayed electronically when voting as an in-person absentee voter or at the polls. Proof of enrollment may be an enrollment verification form, class schedule, tuition receipt, or any other document which establishes that the student is enrolled during the fall semester.

8. Remember that, pursuant to Wis. Stat. §7.15(1)(cm), absentee ballots must be transmitted within one day of the time the elector's request is received. The G.A.B. has advised that this requires the ballot to be transmitted within 24 hours of when the request is received at the clerk's office, regardless of whether the clerk is on duty at that time. For example, if a request by mail, fax, or email is received at the clerk's office by noon on a Friday, the ballot must be mailed, (or sent electronically for UOCAVA voters) no later than noon on Saturday. If a request for an absentee ballot to be mailed is received on a Saturday after the last mail delivery for the municipality, the ballot may be mailed on the following Monday. However, we have also advised that a request from a UOCAVA elector for a ballot to be transmitted by email or fax that is received on a Saturday or Sunday must be filled within 24 hours. We understand that this may place a burden on a clerk's office or personal schedule, but it appears to be what is required by the Statutes.
9. The G.A.B. has posted its September 24th webinar, "Election Duties and the Voter Photo ID Law," on its website at <http://gab.wi.gov/node/3384>. If you were unable to attend this two-hour webinar, we recommend that you listen to the webinar and review the accompanying materials. Portions of the webinar may also serve as an excellent training tool for election inspectors. The G.A.B. will also continue to update its forms and other Photo ID-related documents and guidance, and will post clerk communications to alert clerks as to helpful tools that have been posted to the G.A.B. website. The next webinar, entitled "Preparing for

the November Election,” will be on October 8th and materials for that webinar will be posted on October 6th.”

10. The G.A.B. has updated many resources on its Bring It to the Ballot website (bringit.wi.gov) and plans to update public service announcements to reach out to voters with information about the photo ID requirement. The Bring it to the Ballot brochure, available under the “Downloads” tab, is an excellent tool that you may use to educate voters about the photo ID requirement. The public service announcements may run on a limited basis beginning shortly. We will post a clerk communication with a link to the public service announcements which you may circulate through your own website, your public access station, or civic and community groups. We are also preparing a separate recorded presentation that organizations may use to educate the public about the photo ID requirement. Given the short time before the election, we are relying greatly on local election officials and other organizations to help inform the public about the photo ID requirement and process for obtaining an acceptable ID.

Thank you very much for your attention to these points, and for your preparations for the General Election. We appreciate your work in managing the first phase of photo ID implementation with issues related to mail-in absentee ballots, and we will now be focusing on in-person absentee voting and Election Day preparations. If you have any questions regarding this information, please contact the G.A.B. Help Desk at gabhhelpdesk@wi.gov or (608) 261-2028.