

State of Wisconsin \ Government Accountability Board

212 East Washington Avenue, 3rd Floor
Post Office Box 7984
Madison, WI 53707-7984
Voice (608) 266-8005
Fax (608) 267-0500
E-mail: gab@wisconsin.gov
<http://gab.wi.gov>



JUDGE THOMAS H. BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

DATE: July 14, 2011

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

FROM: Nathaniel E Robinson
Elections Division Administrator
Government Accountability Board

SUBJECT: Photo ID Law Update #5 – What we Learned from the Primaries
Changes to Election Process, Effective Immediately

Overall, the recall and special primary elections held this past Tuesday, July 12 went relatively smooth. There are lessons to be learned regarding the “soft implementation” of the photo ID law that clerks and election inspectors need to pay special attention to so similar situations do not occur for future elections. Please make sure the following items are a point of focus for any election held prior to the 2012 February Primary:

1. An acceptable photo ID is not required to contain a current residential address and is not required to match the address on the voter list. State law requires election inspectors to verify that the photo ID reasonably resembles the voter and the name conforms to the name on the voter list (name variations are allowed). Inspectors are not required to write down the type of photo ID presented.
2. Proof of residency is different than proof of identification (photo ID). Proof of residency is required for voter registration (in most situations) and must be current and valid. Photo ID is required upon voting before a ballot is issued to voters. For additional information regarding what constitutes an acceptable photo ID, please see the “Wisconsin New Voter Photo ID Law” handout.
3. The purpose of the proof of residency document is to establish the voter’s current address, not to prove that the voter complies with the 28 consecutive day residency requirement. The voter’s sworn statement on the registration form that they meet the 28-day requirement shall be presumed to be true unless the inspector or a challenger has first-hand knowledge sufficient to question the certification.
4. Voters who do not have a photo ID must be offered the “Wisconsin New Voter Photo ID Law” handout, but they are not required to take the handout to receive a ballot. During the soft implementation phase, inspectors also should not engage in a back-and-forth discussion with voters who refuse to present an ID.
5. The “Wisconsin New Voter Photo ID Law” handout should also be posted near the entrance to the polling place. Staff has received reports that some voters without photo ID heard others in

line saying a photo ID was required, and left before getting the handout and learning they were able to vote without a photo ID. Prior to 2012 elections, do not post signs in or outside the polling place with language such as “Photo ID Required” or “Please have ID ready” as they may discourage voters without ID from entering or remaining at the polling place.

6. While voters are not required to show a photo ID to obtain a ballot in 2011 elections, inspectors must ask every voter for an ID. Inspectors may not be selective by asking only certain voters for an ID while issuing a ballot to other voters without making the request. Even if you know the voter, you must still ask them for ID.
7. Voters are required to sign only one of the duplicate poll lists at the polling place. Election inspectors are not required under the photo ID law to compare the signature to any other record. The law does not require voter signatures to be legible. Voters should be directed to sign using their normal signature as they would sign any other official document and election inspectors should indicate the line number on which the voter is to sign.
8. There are only two specific situations for which a provisional ballot may be issued. Please see the Election Day Manual for additional information on the provisional process. For voters that are registering to vote on Election Day, proof of residency is required. If a voter attempting to register to vote does not have proof of residency, a provisional ballot cannot be issued and unless they are able to provide acceptable proof of residency, the voter cannot register and must not be issued a ballot.
9. Municipal clerks must make themselves available at least until 5 p.m. on the Friday before the election for both in-person absentee voting and registration. The photo ID law provides a more condensed window for in-person absentee voting. Voters have the opportunity to vote an absentee ballot in the municipal clerk’s office at least until 5 p.m. on the Friday before the election. If the municipal clerk does not have established office hours on Friday, contact information such as the phone number or email address of the municipal clerk must be provided so voters can make contact with the municipal clerk immediately.

On the photo ID section of our website, we have been taking many of the questions that we have received from our clerk partners and have made them available in a question and answer format. To access the photo ID section of our website, please see the following link: <http://gab.wi.gov/elections-voting/photo-id>

It has come to our attention that the GAB-117 General Information on Voting Rights contained references to corroborating witnesses. As the photo ID law now prohibits using corroborating witnesses in lieu of proof of residence, we have removed such references and the updated form is now available on our website under “Forms.”

Thank you for your attention to this important information. If you have questions, please contact the G.A.B. Help Desk: (608) 261-2028 or gabhelpdesk@wi.gov. Thank you.

cc: Kevin J. Kennedy
 Director and General Counsel
 Government Accountability Board

Ross D. Hein
 Elections Supervisor
 Government Accountability Board