



Wisconsin Elections Commission

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October 28, 2024

Representative Bryan Steil
Committee on House Administration
1309 Longworth House Office Building
Washington, D.C. 20515-6157

Re: Your letter of October 24, 2024 to the Wisconsin Elections Commission

Dear Representative Steil:

We write to you individually as members of the Wisconsin State Elections Commission (the Commission). We do not speak for the Commission as a whole.

You have recently directed a letter to the Commission with questions regarding Limited Term and Non-Domiciled Identification Cards. We have attached a staff memo and proposed clerk communication that will be considered by Commission at its scheduled meeting on Friday, November 1, 2024. We are both in agreement with that memo and proposed communication, and believe they accurately represent the law in Wisconsin. Therefore, as a courtesy, we are providing these documents to you, as we believe they address most of your questions on this topic.

Very truly yours,

Ann S. Jacobs
Chair
Wisconsin State
Elections Commission
Democratic Appointee

Don Millis
Immediate Past Chair
Wisconsin State
Elections Commission
Republican Appointee

Wisconsin Elections Commissioners

Ann S. Jacobs, chair | Marge Bostelmann | Don Millis | Carrie Riepl | Robert Spindell | Mark L. Thomsen

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Meagan Wolfe

DRAFT CLERK COMMUNICATION

Prepared for the November 1, 2024 Commission Meeting

DATE: November 1, 2024

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

FROM: The Wisconsin Elections Commission

SUBJECT: Election Inspector Guide for Limited Term / Non-Domiciled DMV Products

On November 1, 2024, the Wisconsin Elections Commission (“the Commission”) voted to issue guidance to clerks on how they and their election inspectors should handle situations in which an individual in their jurisdiction presents a DMV-issued form of identification that has been marked with “Limited Term” or “Non-Domiciled.” The DMV was first authorized to issue “Limited Term” and “Non-Domiciled” forms of identification by statute in 2016. However, only recently has the Commission received many questions from clerks asking how to proceed should they encounter this type of ID at the polls on Election Day and during in-person absentee voting.

Under Wis. Stat. § 343.03(3m), both forms of identification are issued to non-citizens. According to the DMV, identifications marked “Limited Term” indicate “that the license or ID card holder is a non-immigrant (Temporary Visitor) with legal status in the United States” and identifications marked “Non-Domiciled” indicate “that the CDL license holder is a non-immigrant (Temporary Visitor) with legal status in the United States.” In general, Temporary Visitors in this sense do not include lawful permanent residents (green card holders) or U.S. citizens at the time the identification card was issued. The DMV has provided these sample documents on their website to indicate what these identifications look like and where to find these designations.¹



“Limited Term” Sample Document



“Non-Domiciled” Sample Document

The Commission does not know how many of these identifications have been issued, and any further questions about when and how these products are issued should be directed to the DMV.

¹ Information about these identification cards, including picture examples, is available on the DMV’s website: <https://wisconsin.gov/Pages/dmv/license-drvs/how-to-apply/mailed.aspx>.

Important: This guidance only applies in situations where an individual produces a DMV identification that is marked with either of these exact specifications: “Limited Term” or “Non-Domiciled.”

Because both the “Limited Term” and “Non-Domiciled” identifications are issued pursuant to Chapter 343 of the Statutes, Wis. Stat. § 5.02(6m)(a)1. mandates that these identifications must be accepted as a proper form of voter identification. However, possessing a valid identification does not necessarily mean the holder of the identification is eligible to vote.

If an election inspector² notices that the photo identification contains an indication that the individual may not be eligible to vote, state law directs that the inspector examine whether the individual’s qualifications to vote should be challenged. Wis. Stats. §§ 6.92, 6.93; Wis. Admin. Code EL §§ 9.01, 9.04. These challenge procedures must be followed in full. **Clerks or election inspectors cannot deny someone registration, or refuse to permit them to cast a ballot, without following the proper challenge procedures.**

This challenge process is not limited to citizenship. For example, if an individual presented an otherwise valid Wisconsin Driver License as photo ID to vote that listed January 1, 2008, as the date of birth (making the individual 16 years old), an election inspector should challenge that individual’s eligibility for being under 18 years of age. Likewise, if the potential voter presents a DMV identification marked “Limited Term” or “Non-Domiciled,” that indicates that the individual is most likely ineligible to vote because they are not a citizen and the election inspector should challenge that individual’s eligibility to vote, unless the person presents documentation demonstrating the person is now a citizen.

Wisconsin administrative code provides a detailed roadmap for how an election inspector should proceed in the event of an inspector or elector challenge. Wis. Admin. Code EL §§ 9.01, 9.02. After placing the individual under oath, the first question the election inspector is directed to ask is “Are you a United States citizen?” if they are making the challenge and “Why do you believe that the challenged elector is not a United States citizen?” if another elector is making the challenge. Wis. Admin. Code EL §§ 9.01(2)(a), 9.02(2)(a). If the individual answers that they are not a U.S. citizen, the election inspector shall not issue the ballot, and shall not permit that individual to vote. Wis. Admin. Code EL §§ 9.01(6); 9.02(7).

Please contact the WEC Help Desk at elections@wi.gov or (608) 261-2028 with any questions you may have.

² An elector may make a challenge for cause, including a challenge to the citizenship of a voter. Wis. Stats. §§ 6.925, 6.93, Wis. Admin Code §§ EL 9.02, 9.04. However, electors are not permitted to view personally identifiable information found on a driver’s license or identification card, including license numbers and dates of birth. Wis. Stat. § 6.36(1)(b)1.a.