

El. Bd. Op. 80-1 (Reaffirmed 3/26/08)

Summary:

A municipality may use a computer generated listing of students provided by a college, technical institute or university to determine the residence of an elector who desires to register at a polling place on election day, provided that the list, certified by the institute of higher education, in conjunction with some other means of identification meets the requirements of §6.55(7)(a), Stats. (Issued to Mr. Robert M. Meyer, June 19, 1980)

This opinion was reviewed by the Government Accountability Board pursuant to 2007 Wisconsin Act 1 and was reaffirmed on March 26, 2008. This opinion was codified by 2005 Wisconsin Act 451 at §6.34(3)(a)7, Stats.. The acceptable forms of proof of residence have changed since the opinion was issued. The current list can be found at §6.34(3)(a)1-11, Stats.

Opinion:

You indicate that the University of Wisconsin -Stout, located in Menomonie, Wisconsin, in cooperation with the Stout Student Association and the municipal clerk of the City of Menomonie, wish to provide poll workers with a computerized listing of all students, both on campus and off campus, in order to facilitate registration at the polling place in all elections held in the City of Menomonie. You have asked the Elections Board to issue an opinion that this computerized listing is an acceptable method of identification of students who wish to register at the polling place on election day.

Wisconsin law allows any elector to register at the polling place on election day upon meeting certain basic requirements. An elector is required to fill out a complete registration form which includes an affidavit stating that the elector has resided in the ward for at least 10 days preceding the election, that he or she is not disqualified for any reason from voting and has not voted at that particular election. The elector is also required to file a cancellation of registration if a change of address is being made from outside the municipality pursuant to §6.40(1)(b), Stats. §6.55(2)(a), Stats.

Upon executing the affidavit, the elector is required to present acceptable proof of residence. If the person cannot supply such proof, the information on the registration form must be substantiated and signed by another elector who resides in the municipality. The elector corroborates all the material statements contained in the registration form. The corroborator must also provide acceptable proof of residence. §6.55(2)(b), Stats.

In order for a form of identification to constitute an acceptable proof of residence it must include a complete name, including both the given and family name, and a current and complete residential address, including the number and street address, if any, and the name of the municipality. §6.55(7)(a), Stats. Certain forms of identification are deemed to constitute acceptable proof if they contain the complete name and address of the elector. These items include: a Wisconsin motor vehicle operator's license; a Wisconsin identification card issued under §66.057, Stats.; any other official identification card or license issued by a Wisconsin governmental body or unit or by an employer in the normal course of business, but not including

a business card; a credit card or plate; a library card; a check cashing or courtesy card issued by a merchant in the normal course of business; a real estate tax bill or receipt; a residential lease; a university, college or technical institute fee card or identification card; or an airplane pilot's license.

You have indicated that in many cases the type of identification that is specified in the statutes does not contain a current and complete address as in the case of a credit card, check cashing card, university fee card or identification card. In addition, a Wisconsin identification card or driver's license may not contain a current address for a student. These cards often contain the student's permanent home address. This could differ from the student's voting address. A student who meets the proper qualifications to vote, may vote in the municipality where he or she is attending college.

You indicate that the computerized list provided by the university is kept current by students who provide the university with changes in their address. This information is updated on a daily basis by the university. This would help polling place officials who often must sort through a wide variety of items presented by students who attempt to register at the polling place on election day.

While the Elections Board wishes to encourage advance registration in all cases whenever possible, it also recognizes its responsibility to encourage voter participation by facilitating the registration of qualified electors at the polling place. The computer generated list provided by the university may be used to facilitate registration at the polling place pursuant to §6.55, Stats., if the student presents a current university, college or technical institute identification card when appearing at the polling place. If a comparison of the identification card with the computerized list provided by the University, shows the student to be a resident of the ward, that will constitute acceptable proof of residence under §6.55(7)(a), Stats.