

Legal Notes: October 2014

The Voter ID law is back! Much confusion has surrounded this law (maybe intentional?), but the short answer is that voters must show some form of identification before being allowed their constitutional right to vote. Also, if the voter has not already done so, the voter must register to vote.

What "identification" qualifies? 1) Wisconsin Driver's License, 2) DMV issued identification card (or receipt that you have one ordered but just have not received it yet), 3) Military identification, 4) U.S. Passport, 5) Tribal identification card, and 6) College ID Card (as long as it shows certain required information). All of these forms of ID should be current and not expired.

Expect confusion to reign at the polls. While the work of the poll workers is admirable, they may not know how to handle unusual forms of identification, so bring multiple forms just to be safe. There are also exceptions that the poll workers may be uncomfortable with. A common one may be where the voter has just lost his or her license for a traffic offense, such as on OWI. In that case, bring all the paperwork for the OWI and especially bring the notice requiring the voter to surrender the physical driver's license.

Same day voter registration is still allowed in Wisconsin (but has been eliminated in other states). The voter needs to bring proof of residence. No matter what kind of document, it must show the voter's name and address. Again, bring multiple documents just in case one is not sufficient. Suggested documents include: 1) The identification documents listed above, 2) employee ID, 3) real estate tax bill (2013), 4) residential lease, 5) utility bill, 6) bank statement, 7) paystub, or 8) government check. Again, each of these must show the voter's name, address and be relatively current.

There may be more observers at the polls. These observers may be bipartisan or partisan. They have the right to observe the registration and voting process. The observers can also stand close enough to hear and maybe view the information you give to the poll workers. This may raise some privacy concerns during registration as you are required to give what may be sensitive information. If that is a concern, bring the least sensitive documents you have and just show them to the poll worker without saying much aloud.