



Van H. Wanggaard

Wisconsin State Senator

Testimony on Senate Bill 533

Thank you Mr. Chairman, and committee members for this hearing today on Senate Bill 533, which prohibits counties and towns from issuing photo identification cards, and further states that municipal identification cards may not be used to obtain state benefits.

The origin for this bill comes from a simple premise – anyone who can prove their identity is eligible for a FREE photo identification card from the state. Multiple courts at the state and federal level have established that to be the case. So, the question becomes if you can't prove your identity to the state government, how can you prove your identity to another unit of government? The fact is you can't. As a result, what someone will receive is a new, duplicative, non-identification card.

There are a couple of items I need to establish and get out of the way for the record. First, I do not believe that counties or towns have the authority to issue or spend money on identification cards under current law. In fact, when my office first contacted the LRB about drafting this bill that was their reaction. Because any powers that counties and towns possess are specifically derived from the state, and the power to grant identification cards is not enumerated, that power does not exist. Unfortunately, one county government has a more expansive view of their power, making this specific prohibition necessary.

Also, we attempted in this bill to exempt what we felt was the one legitimate use of local ID cards – to identify employees. After speaking with some local officials, we learned that our exemption was too narrow. As such, we have expanded the exemption to include the other, existing, legitimate uses of photo ID cards by county governments. This includes allowing identification cards for contractors and subcontractors of county and town governments, student ID cards, and fee-for-service ID cards, like bus and golf passes.

Now, I would like to address pre-emptively some of the criticisms that you may hear in later testimony. Opponents have claimed that this is an attack on local control. However, since county and town governments do not have the power currently to issue photo identification cards, this is a weak argument. In fact, it should be noted that if a city or village wanted to issue an ID card on their own, they could do so under the bill. This bill doesn't undermine local control, because counties and towns do not have the power to issue ID cards under current law.

Next, opponents have claimed that this bill will prevent a person from getting a job. But that argument is just wrong - a municipal ID does not make it easier to get a job. A municipal ID card is not an eligible form of identification on the Employment Eligibility Verification form. In fact, a state ID by itself is not an eligible form of identification for this form. A state ID must be supplemented by additional documentation for employment. Given that a county ID card cannot help anyone get a job, prohibiting them does not prevent anyone from getting a job.

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Opponents will tout the “success” of the New York City identification card or IDNYC. However, the IDNYC is a vastly different card than what is being proposed here. First, I believe we can all agree that New York City with its 8.4 million people is different than Wisconsin, or Milwaukee County. But more importantly, the IDNYC offers many additional benefits beyond a regular ID card. IDNYC card holders receive memberships at New York’s many museums, concert halls, and zoos, as well as discounts for movies, sporting events, and Broadway shows. IDNYC card holders even receive food and pet discounts. None of this has been proposed or even mentioned for a potential ID card in Milwaukee County. Comparing Milwaukee County’s proposed ID to New York is comparing apples and oranges.

Another argument that has been raised is this bill unfairly targets undocumented aliens. To me, immigration is a federal issue which must be addressed by the federal government. When our country’s immigration problem is addressed, I am confident the issue of what to do with undocumented persons will also be addressed. There will almost certainly need to be a national solution to identify the status of those undocumented persons who are allowed to stay. If and when that occurs, those undocumented aliens will likely need to possess an identification card. And this bill does nothing to prevent that. But immigration and the treatment of aliens is a federal issue, and should not be decided at the state level, or county-by-county.

Finally, I want to address the elephant in the room – voting. For the last 5 years, Wisconsin’s voter ID law was litigated in the courts. The courts at both the federal and state level have reached the same conclusion – anyone who is eligible for a state identification card is able to receive one for free. If that were not true, Wisconsin’s Voter ID law would have been ruled unconstitutional. In fact, the law has been revised by both the court and the legislature to ensure that to be the case.

Opponents of the bill say they are not interested in having these cards allow a person to vote. Yet they object to the requirement that their identification card clearly state that the card is not eligible for voting.

In addition, the timing of their push for local ID cards is awfully convenient. This past summer, about the same time as this idea started being discussed in Milwaukee, a new lawsuit was filed in federal court against Wisconsin’s voter ID law. While most of that lawsuit was dismissed out-of-hand by the court, the one item that remains is the issue of acceptable forms of identification. Plaintiffs in the lawsuit claim that Wisconsin is too strict in the acceptable forms of identification to vote and are seeking to have additional identification cards to be allowed. Presumably, the Milwaukee ID card would be Exhibit 1 in the Plaintiff’s case for additional identification cards. The Legislature has made its determination for acceptable identification to vote. This issue has already undergone an extensive legislative and legal process, and should not be muddied further by additional ID cards or a court order.

Creating a separate ID at this level is redundant, confusing, doesn’t prove anyone’s identity, and does not entitle its holder to additional benefits. In the end, all a County ID card does is make someone feel better and give them false hope. A vote for this bill will allow local governments to focus their efforts on getting these individuals legitimate identification cards, rather than creating a new one. Thank you.



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To: Senate Committee on Elections and Local Government

Re: Opposition to SB 533

The League of Women Voters of Wisconsin opposes SB 533 as an unneeded intrusion into the affairs of local governments. It does not appear to solve any problem. The claim that it could prevent “mass confusion at the polls” is particularly specious in light of the recent drastic changes the legislature has made to our election system which are scheduled to take place in a presidential election year. In this challenging environment, the best thing the legislature can do to reduce confusion at the polls is to provide for enhanced training of local elections officials and education of voters about new election laws.

In Wisconsin we have more than 1,850 local clerks who rely on our state elections agency for guidance and training. Indeed, enhanced training has been shown to be a highly effective way to ensure a smooth voting process.

In the June 2012 statewide recall election, for example, League of Women Voters observers documented considerable confusion on the part of local elections officials in various parts of the state regarding the newly restricted requirements for proof of residence for Election Day Registration. There also were several incidents involving disruptive observers in polling places. Following that election the Government Accountability Board rolled out an intensive training initiative for local elections officials, called “Back to Basics,” in which they clarified what constitutes acceptable proof of residence and the rules for election observers. By the November 2012 election, our League observers noted a huge improvement in both aspects of polling place management. The few problems that were reported appeared to be site-specific, rather than a result of a systemic failure.

That demonstrates the kind of positive effort that is needed now. Lawmakers who value smoothly administered, high-integrity elections will turn their attention to providing enhanced training and support of local officials, including clarification of ID requirements, rather than passing unneeded laws that intrude on local government affairs and have nothing to do with elections.

We oppose SB 533 and urge you to do the same. Thank you.