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Public testimony on AB 723

Chairman Swearingen and committee members, thank you for allowing me to testify on AB 723.

Preventing fraud and abuse during the election process and the administration of state government programs has been a priority for this Legislature for years.

To ensure all eligible voters are able to cast a ballot, the state Department of Transportation provides Wisconsin residents with FREE state ID cards for voting and registration purposes.

Citizens can also use these free IDs for a number of public services, including opening a bank account or obtaining prescription medication, acquiring a library card or reporting crimes.

Because all of Wisconsin's residents already have access to free IDs, creating and paying for another government photo identification card at the county and town level would be repetitive, and thus, a waste of taxpayer money. Distributing municipal ID cards that people may believe qualifies them for voting and public benefits also is potentially misleading, confusing and unfair to the cards' recipients.

Officials from Milwaukee and Milwaukee County have said they do not intend for their proposed municipal IDs to be used for voting, but they have repeatedly refused to put that in writing on the cards. So, if there is nothing secretly nefarious about what they're trying to accomplish with these IDs, they will have no objection to the bill as it only serves to codify their publicly stated intent.

Additionally, under my proposal, Milwaukee County would not be able to spend the state aid they planned to use to pay for the municipal IDs since they would no longer be able to issue them. This would allow for that money to be spent on its originally intended purpose or other necessary services such as transit, mental health services, etc.

Since we began circulating the legislation in December, opponents and some media outlets also have falsely labeled the proposal as an "attack on local control." Under our bill, cities and villages are still allowed to issue municipal IDs. This bill just lays out ground rules for issuance and use.

The bill does prohibit county and town governments from issuing, or expending funds to issue, municipal photo IDs. But the same opponents are ignoring the fact that counties are extensions of the state and towns are unincorporated jurisdictions within a county that do not have home rule authority.

Just to reiterate, because the state already issues free IDs to Wisconsin residents, distributing municipal ID cards that serve basically the same purpose is duplicative and wastes taxpayer money. If Milwaukee-area officials are being honest in their claims that their municipal ID cards are not intended to be used for voting or collecting public assistance, they shouldn't have any issues with the bill.

Again, thank you for allowing me to testify on AB 723. I'd be happy to answer any questions you may have.



Van H. Wanggaard

Wisconsin State Senator

Testimony on Assembly Bill 723

Thank you Mr. Chairman, and committee members for this hearing today on Assembly Bill 723, 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 fact, they specifically rejected a similar requirement when the proposal was before them at the County Board.

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 muddled 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.



Milwaukee County

GOVERNMENT AFFAIRS

AB 723 – PROHIBITING COUNTIES FROM ISSUING AN IDENTIFICATION CARD

Testimony of Eric Peterson, Milwaukee County Government Affairs

Assembly Committee on State Affairs and Government Operations

Wednesday, February 10, 2016

Chairman Swearingen and members –

Thank you for the opportunity to testify today on AB 723 which prohibits counties and towns from issuing an identification card. Milwaukee County opposes this proposal.

It is first important to clarify that these ID cards were never intended to be used for voting purposes nor is it authorized for such purposes in the local ordinances or state statutes. Similarly, it cannot be used to wrongfully obtain public benefits nor is it intended to do so. The proposed ID card, rather, is about helping citizens get up on their own two feet and put them on a road to becoming contributing members of society.

There are many today that will testify as to why having a municipal ID is important for their daily lives. I will concentrate on implementation and fiscal concerns. Speaking for the County Executive, who, in five years, has never proposed a tax levy increase and has greatly reduced County liabilities; the Executive wants to be clear that he shares anyone's concerns about adding costs. He believes that implementation of the municipal ID does not add costs while addressing a gap in service that exists.

In short, the County Executives believes that Milwaukee County can implement the municipal ID under the current statutory structure, while addressing the sponsor's concerns. However, should the Legislature move to enact this legislation, it is critical that Assembly Amendment 1 by Representative Sanfelippo be adopted. This amendment will protect the ability of ANY county and town to issue ID cards to its employees, contractors, vendors, and volunteers as well as allow Milwaukee County to continue its transit pass program and golf discount cards. We thank the authors for the willingness to ensure that our current systems may stay in place, along with those of every Wisconsin County.

Thank you.



WISCONSIN CATHOLIC CONFERENCE

TO: Members, Assembly Committee on State Affairs and Government Operations

FROM: Barbara Sella, Associate Director

DATE: February 10, 2016

RE: Assembly Bill 723 and Senate Bill 533 – Photo Identification Cards

The Wisconsin Catholic Conference (WCC) – the public policy voice for Wisconsin’s bishops – is providing this written testimony on Assembly Bill 723 (and companion Senate Bill 533) for information only.

The bills would prohibit counties and towns (but not cities or villages) from issuing photo identification cards. The bills would also restrict the uses of photo IDs issued by cities or villages.

The WCC supports widespread access to identification documents that allow people to lead healthy, dignified, and productive lives, move safely in their community, and know the true identity of the persons with whom they are dealing.

This position is based on several principles of Catholic social teaching. The first is the option for the poor and vulnerable. This principle requires that any action or public policy be measured first in terms of how it affects those who live in poverty or are vulnerable because of age, disability, ill health, etc. In these situations, having valid identification is critical to obtaining the resources for which these persons are eligible.

The second principle is the call to family, community, and participation. This principle recognizes that humans are social beings and that society benefits when every person is fully engaged and working for the common good. Today more than ever, having valid identification enables a person to be a fully functioning member of society. For example, without a valid ID it is very challenging for an unemployed person to find a job and become self-sufficient.

The third principle refers to the rights and responsibilities of every person to live a decent life. Having valid identification is essential if people are to meet the responsibilities they have to themselves, their families, and their communities. In the case of undocumented immigrants, we also have to remember that many of them have children who are lawful U.S. citizens. It is in the state’s interest to ensure that these children become healthy and contributing members of the community by providing their parents the tools necessary to meet their daily needs.

(over)

We recognize that the authors have amended their bills to allow ID cards for employment, public transit, and access to county or town services and facilities. However, our state can do better. Indeed, we think that the real problem this debate reveals is that Wisconsin's laws overly restrict the ability of people in poverty, or who are otherwise marginalized, to obtain valid identification. In particular, the current system for obtaining a Wisconsin driver's license or a Wisconsin ID card leaves too many people unable to access them. A free Wisconsin ID is only available for those eligible to vote, leaving impoverished citizens who would like to obtain the ID for non-voting purposes unable to do so.

Therefore, we urge lawmakers to improve access to state ID cards. Justice, fairness, and the future vitality of Wisconsin depend on it.



**Testimony to the Assembly Committee on
State Affairs and Government Operations in
Opposition to Assembly Bill 723,
Regulating the Production and Use of Photo Identification
Cards by Local Units of Government**

February 10, 2016

I'm Matt Rothschild, the executive director of the Wisconsin Democracy Campaign, now in its third decade as a good-government watchdog and an advocate for democracy, where everyone's voice is heard and everyone's vote is counted.

We oppose AB723 for the following reasons:

First, it is an assault on local control and home rule, which traditional Republicans actually used to favor but evidently not anymore in Wisconsin.

We've seen this legislature restricting the zoning authority of local governments, and limiting the funding referendums that local school districts can offer, and prohibiting the local regulation of companies like Uber, and trying to make it harder for local citizens to keep control of their municipal water utilities, and even trying to prohibit local communities from regulating "doggy bags" at restaurants and "coffee sleeves" at the neighborhood café.

Now you want to prohibit towns and countries from issuing a photo ID for any resident, except in limited circumstances. That's a huge overreach.

These infringements on local control are infringements on the rights of people to self-govern. Local units of government are closest to the people, and their ability to govern themselves should not be interfered with, unless they are violating constitutional rights or laws.

Second, this appears to be a gratuitous swipe at the city and county of Milwaukee, which late last year voted to approved the spending of \$150,000 on a joint task force to provide local IDs. While it may seem expedient for some politicians to go after Milwaukee, is it really the state legislature's job to tell the elected officials of the city and county of Milwaukee what they can and cannot do?

Third, and very important, this bill could make it harder for people to vote. Currently, according to Wisconsin statute, any "identification card or license issued by a Wisconsin governmental body or unit" can be used as proof of residency when you register to vote, though not when you cast your ballot. This bill would invalidate local IDs when you try to register.

And that's the intention of the bill. That's why the last paragraph of this bill is in there. It specifically says that even city and village IDs cannot be used "to establish proof of residence" for voting. Nor can they be used by someone aiding a disabled person showing proof of residence at the voting booth, or by people in nursing homes who are showing proof of identification to nursing home staff who would vouch for them.

Really: Why make it harder for people to vote?

Finally, the sponsors of the Milwaukee plan for local IDs note that the IDs would be especially helpful to victims of domestic abuse, undocumented immigrants, seniors, former prisoners, members of the transgender community, and homeless people. A local ID could provide these vulnerable members of our society with some dignity and with some increased ability to go about their lives.

The State Legislature should not be interfering with local communities that are simply trying to help out the most vulnerable among them.

For these reasons, the Wisconsin Democracy Campaign opposes AB723. We urge you to vote against it.



LEAGUE OF WOMEN VOTERS®
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February 10, 2016

To: Assembly Committee on State Affairs and Government Operations

Re: Opposition to AB 723

The League of Women Voters of Wisconsin opposes AB 723 as an unneeded intrusion into the affairs of local governments. It does not appear to solve any problem. In particular, the claim by proponents of this legislation that it could somehow prevent voter confusion is specious in light of the recent drastic changes the legislature has made to our election system 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 AB 723 is an intrusion on local government affairs, and it would not solve or prevent any known problem. We urge you to oppose AB 723.

Thank you.