

WISCONSIN ELECTIONS COMMISSION

212 EAST WASHINGTON AVENUE, 3RD FLOOR
POST OFFICE BOX 7984
MADISON, WI 53707-7984
(608) 261-2028
ELECTIONS@WI.GOV
ELECTIONS.WI.GOV



COMMISSIONERS

BEVERLY R. GILL
JULIE M. GLANCEY
ANN S. JACOBS
STEVE KING
DON MILLIS
MARK L. THOMSEN

ADMINISTRATOR MICHAEL HAAS

MEMORANDUM

DATE: July 20, 2016

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

FROM: Michael Haas
Interim Administrator

Nathan W. Judnic
Legal Counsel

SUBJECT: High Priority Communication: Photo ID Litigation – Court Order Requiring Implementation of Affidavit Option in Lieu of Photo ID

On July 19, 2016, Federal District Judge Lynn Adelman in the Eastern District of Wisconsin issued an order requiring the Wisconsin Elections Commission to implement an affidavit option for voters unable to obtain an acceptable photo ID with reasonable effort. A copy of the order accompanies the memorandum. The order requires the affidavit to be in place for the **November 8, 2016 General Election**, therefore there is no change in the Voter Photo ID process and there is no affidavit option for the upcoming August 9, 2016 Partisan Primary. In addition, the Department of Justice may seek an appeal and stay of the order, and we will notify local officials if any future court action modifies this guidance.

The Commission is required to train election officials on how to inform voters without a qualifying photo ID at the polls about the affidavit option. The Commission is also required to use reasonable efforts to inform voters about the affidavit option, and will need to revise Voter Photo ID publicity materials to include information about the affidavit option being available for the November election.

The order specifies the contents of the affidavit which will be offered by election officials and completed by the voter. The order states that the affidavit must contain the following language:

I declare under penalty of perjury that I am the individual identified below, and that I have been unable to obtain acceptable photo identification with reasonable effort. This is due to the following reason(s):

- Lack of transportation
- Lack of birth certificate or other documents need to obtain photo ID
- Work schedule
- Disability or illness
- Family responsibilities
- Other (please identify): _____

The affidavit must also have spaces for voters to print and sign their name, and provide the date it is signed. There may also be spaces for election officials to enter administrative information such as the polling location at which the affidavit was received. The affidavit does not have to be notarized or sworn before an officer that can administer oaths or affirmations. The Commission has begun the process of creating the affidavit form, and will provide it to all election officials once it is complete.

The Commission is required to ensure that copies of the affidavit are available at the polls and to those who vote by absentee ballot. If voters complete and submit an affidavit, they are to receive a regular ballot. No person may challenge the sufficiency of the reason given by the voter for failing to obtain an ID.

The Commission will provide further implementation and training details to elections officials and voters as they become available. Again, please note that the affidavit option is not available for the August 9, 2016 Partisan Primary.

If you have questions with respect to this memorandum, please contact the Wisconsin Elections Commission HelpDesk at 608-261-2028 or elections@wi.gov.