

appointed with the advice and consent of the Senate to serve at the pleasure of the Governor and serve staggered four-year terms. The Board also includes three members appointed by the Assembly Speaker and three members appointed by the Senate Majority Leader, each consisting of one majority member, one minority member, and one person employed in the private sector, each of whom serve at the pleasure of the Assembly Speaker and Senate Majority Leader, respectively. The Secretary of the Department of Administration (DOA) and the Secretary of the Department of Revenue (DOR) serve as nonvoting members of the Board. The Board must elect a chairperson from among its nonlegislative members.

The bill would change the composition of the Board, such that the Assembly Speaker and the Senate Majority Leader would each appoint three individuals to staggered four-year terms. The Assembly Minority Leader and the Senate Minority Leader would each appoint one member to a serve four-year term. The legislative appointees could be legislators or private citizens. The Governor would appoint four members to the Board. As a result, there would continue to be 12 voting members of the Board. A vacancy on the Board would be filled in the same manner as the original appointment to the Board, for the remainder of the unexpired term.

Specify that the initial Board members appointed under the bill would be appointed to terms expiring as follows: (a) two of the members appointed by the Assembly Speaker, two of the members appointed by the Senate Majority Leader, and the members appointed by the Assembly Minority Leader and the Senate Minority Leader would expire on October 1, 2022; and (b) one of the members appointed by the Assembly Speaker and one of the members appointed by the Senate Majority Leader would expire on October 1, 2024.

Specify that current members serving at the pleasure of the Assembly Speaker and the Senate Majority Leader on the day before the effective date of the Bill would continue to serve at pleasure pending the appointment of new Board members, but could not serve after January 6, 2019, unless newly appointed in the manner described above.

Appointment of WEDC CEO. Specify that the chief executive officer (CEO) would be nominated by the Board, instead of by the Governor. The CEO would serve at the pleasure of the Board, instead of at the pleasure of the Governor.

Supervision of Economic Development Liaison Position. Specify that the WEDC Board would have the power to appoint and supervise the economic development liaison position that serves as the state's primary point of contact for any matters regarding Foxconn. Under 2017 Act 58, 1.00 unclassified GPR project position was provided to DOA's supervision and management general supervision program operations appropriation for economic development liaison activities under an agreement with WEDC through December 31, 2022. Under the bill, that position would be appointed and supervised by the WEDC Board, rather than DOA.

Identification for Voting Purposes

- 1. Requirements Related to Identification for Voting Purposes.** Modify the list of

identification that may be used for voting purposes to include an unexpired identification card issued by a technical college in the state that is a member of and governed by the technical college system. Specify that the current law requirements for valid university identification cards for voting purposes would apply. Under current law, such valid identification cards must contain the date of issuance and signature of the individual to whom it is issued and contain an expiration date indicating that the card expires no later than two years after the date of issuance if the individual establishes that he or she is enrolled as a student at the university or college on the date that the card is presented.

The following provisions would set in statute the Department of Transportation (DOT) administrative rules (with minor modifications to reflect drafting conventions) associated with the issuance of identification cards and receipts for voting purposes and the related petition process when the required documentation is unavailable. The provisions would also appear to expand the definition of proof of citizenship compared to DOT's rule for the existing petition process when an applicant is unable to provide the proof of name and date of birth required to obtain a voter identification card. Under current DOT rule, proof of citizenship for the petition process is limited to those documents that prove one is a citizen. The provision would incorporate legal permanent resident, conditional resident, or legal presence status into statute, which are currently included in rule for non-voting state identification card purposes. As a result, under the proposed modification, proof of citizenship could include documents that demonstrate lawful presence in the United States.

a. Voter Identification Card Petition Process. Specify that when any applicant who requests an identification card to be provided without charge for voting is unable to provide proof of name and date of birth, and the documents are unavailable to that person, the applicant may make a written petition to the Division of Motor Vehicle's (DMV) administrator for an exception to the related, required documentation. Specify that this petition must include proof of identity and all of the following: (a) a certification of the person's name, date of birth, and current residence street address on the Department's form; (b) an explanation of the circumstances by which the person is unable to provide proof of name and date of birth; and (c) whatever documentation is available that states the person's name and date of birth. Specify that this process could occur in lieu of the current law requirements for providing proof of identify, date of birth, social security status, and address. Define unavailable to mean the applicant does not have the document and would be required to pay a government agency to obtain it.

Provide that if a person applies for and requests an identification card without charge for voting purposes and the person's proof of name and date of birth, or of proof of citizenship, legal permanent resident status, conditional resident status, or legal presence is unavailable, the person may make a written petition to the Department for an exception to the requirement for which proof is unavailable. Specify that the Department provide appropriate translation for any person who is unable to read or understand the petition process instructions and related communications associated with the voter identification card application process. Require that this petition include the person's statement under oath or affirmation of all of the following: (a) that the person is unable to provide proof of name and date of birth or proof of citizenship, legal permanent resident status, conditional resident status, or legal presence; (b) the documents providing any such proof are unavailable to the person; (c) the applicant's name, date of birth, place of birth, and such other birth record information requested by the Department, or the person's alien or U.S. citizenship and immigration service number, or U.S. citizenship certificate number.

b. *Verification of Records.* Upon receiving a petition that meets the requirements of the identification card process described above, require the Department to forward the petition to DMV's central office for processing. Require the Department to provide the person's birth record information to: (a) the Department of Health Services (DHS), for the sole purpose of verification by DHS of the person's birth certificate information or the equivalent document from another jurisdiction, other than a province of Canada; or (b) to a federal agency for the sole purpose of verifying the person's certificate of birth abroad issued by the federal Department of State, or for verifying the person's alien or U.S. citizenship and immigration service number, or U.S. citizenship certificate number. In such instances, require DOT to open a file containing the petition and shall create therein a report with a dated record of events, including all communication to or with the applicant.

c. *Investigation and Processing of Petition Applications.* Provide that DOT may not complete the processing of an application under the petition process prior to receiving verification of the applicant's birth certificate information. Specify that if the Department does not receive verification within 30 days or receives notice that the birth information provided in the application does not match that of the birth record custodian, the Department would be required to promptly notify the person in writing of that failure to verify and request the person contact the Department within 10 days. If the person does not respond to such an inquiry within 10 days, require the Department to send the person a second letter with substantially similar contents. Specify that if the person does not respond to the second letter within 10 days and DOT knows the person's telephone number, the Department would be required to: (a) call the person on the telephone; (b) notify the person that the birth information was not verified; and (c) request the person provide additional information within 10 days.

Specify that if 30 days have elapsed since the date of the first letter sent without contact from the person, DOT must suspend the investigation and send written notice containing the following: (a) that the person has not responded; (b) that the Department has no further leads with which to locate or obtain secondary documentation or verification of birth information; (c) that the Department has suspended its investigation or research until such time as the person contacts the Department; and (d) that if within 180 days after the date of the written notice the person fails to contact DOT the petition will be denied and no further identification card receipts will be issued. Specify that if the person fails to contact the Department within 180 days after the Department suspends the investigation, the Department would be required to deny the petition in writing and inform the person that the Department will resume the investigation if the person contacts the Department to discuss the petition.

Require that whenever an applicant contacts the Department to discuss the petition, the investigation would begin anew, notwithstanding any prior denial due to the person's failure to timely respond. Specify that the applicant would be required to act in good faith and use reasonable efforts to provide additional information that could reasonably lead DOT to discover correct birth information or secondary documentation to assist the Department in processing the application. Require DOT to investigate the petition and any additional information provided as part of this investigation with prompt and due diligence and to use reasonable efforts to locate and obtain the secondary documentation by pursuing leads provided by the person. Specify that such investigations may only be completed within the DMV central office by employees whose regular job duties include investigation and fraud detection and prevention. Provide that if the investigation discovers

new or corrected birth information, DOT would be required to resubmit the new or corrected birth information to the DHS for verification. Require DOT to pay any actual, necessary fees required by the record custodian to obtain the secondary documentation.

d. Other Means of Birth Record Verification. Specify that if DHS does not verify the birth record information within 30 days, DOT may issue an identification card to the person only if it receives the necessary verification, if the person provides proof of name and date of birth or proof of citizenship, legal permanent resident status, conditional resident status or legal presence, or if DOT receives other secondary documentation acceptable to the administrator and deemed sufficient. Provide that this secondary documentation may include the following: (a) a baptismal certificate; (b) hospital birth certificate; (c) a delayed birth certificate; (d) a census record; (e) an early school record; (f) a family bible record; (g) a doctor's record of post-natal care; or (h) other documentation deemed acceptable to the administrator, within his or her reasonable discretion.

e. Citizenship or Lawful Presence Documentation. Specify that proof of citizenship, legal permanent resident status, conditional resident status, or legal presence would mean any of the following: (a) a U.S. state or local government issued certificate of birth; (b) a valid U.S. passport; (c) a valid foreign passport with appropriate immigration documents, which shall include or be accompanied by federal form I-94, arrival and departure record; (d) a certificate of U.S. citizenship; (e) a U.S. Certificate of naturalization; (f) a valid Department of Homeland Security/U.S. Citizenship and Immigration Services federal form I-551, resident alien registration receipt card issued since 1997; (g) a valid Department of Homeland Security/U.S. Citizenship and Immigration Services federal form I-688, temporary resident identification card; (h) a valid Department of Homeland Security/U.S. Citizenship and Immigration Services federal form I-688B or I-766, employment authorization document; (i) a valid Department of Homeland Security/U.S. Citizenship and Immigration Services federal form I-571, refugee travel document services federal form I-688B or I-766, employment authorization document; (j) Department of Homeland Security/U.S. Citizenship and Immigration Services federal form I-797, notice of action; (k) a Department of Homeland Security/Transportation Security Administration transportation worker identification credential; (l) a U.S. State Department reception and placement program assurance form (refugee version), that includes or is accompanied by federal form I-94, arrival and departure record; and (m) certain documentary proof required under current law related to driver licensure, that is approved by the appropriate federal authority.

f. Proof of Identity. Specify that proof of identity would mean a supporting document identifying the person by name and bearing the person's signature, a reproduction of the person's signature, or a photograph of the person. Provide that acceptable supporting documents would include: (a) a valid operator's license, including a license from another jurisdiction, except a province of Canada, bearing a photograph of the person; (b) military discharge papers; (c) a U.S. government and military dependent identification card; (d) a valid photo identification card issued by Wisconsin or another jurisdiction, except a province of Canada, bearing a photograph of the person; (e) a marriage certificate or certified copy of judgment of divorce; (f) a social security card issued by the Social Security Administration; (g) any document allowed to demonstrate proof of citizenship, legal permanent resident status, conditional resident status or legal presence, if it bears a photograph of the person and was not used as proof of name and date of birth; and (h) Department of Homeland Security/Transportation Security Administration transportation worker identification credential.

g. Proof of Name and Date of Birth. Specify that proof of name and date of birth would mean any of the following: (a) for a person born in Wisconsin, a copy of the person's Wisconsin birth certificate issued and certified in accordance with state law; (b) for a person born in another jurisdiction, other than a province of Canada, a certified birth certificate copy or the equivalent document from that other jurisdiction or a certificate of birth abroad issued by the State Department; (c) a U.S. passport; (d) a valid, unexpired passport issued by a foreign country with a federal I-551 resident alien registration receipt card or a federal I-94 arrival and departure record that bears a photograph of the person and identifies the person's first and last names, and the person's day, month, and year of birth; (e) a Wisconsin operator's license bearing a photograph of the person; (f) a Wisconsin-issued identification card, bearing a photograph of the person, other than an identification card receipt issued under the voter identification card petition process; (g) a federal I-551 permanent resident alien registration receipt card; and (h) a U.S. certificate of naturalization; (i) a certificate of U.S. citizenship; (j) a federal temporary resident card or employment authorization card, I-688, I-688A, I-688B, and I-766; (k) a Native American identification card that is issued by a federally recognized tribe or a band of a federally recognized tribe, is issued in Wisconsin, includes a photograph and signature or reproduction of a signature of the person, and has been approved by the secretary for use as identification; (l) a court order under seal related to the adoption or divorce of the individual or to a name or gender change that includes the person's current full legal name, date of birth, and, in the case of a name change or divorce order, the person's prior name; (m) an Armed Forces of the U.S. common access card or DD Form 2 identification card issued to military personnel; and (n) a Department of Homeland Security/Transportation Security Administration transportation worker identification credential.

In addition, specify that proof of name and date of birth could include a federal I-94 parole edition or refugees version arrival-departure record, together with a certification, on the Department's form, of the person's name and date of birth, a copy of a federal Department of state refugee data center reception and placement program assurance form and a letter from the person's sponsoring agency on its letterhead, supporting the person's application for a Wisconsin identification card or operator's license and confirming the person's identification. Specify that applicants who are unable to provide a reception and placement program assurance form may be issued a Wisconsin identification card or operator's license, but only after their identification has been confirmed by the U.S. Citizenship and Immigration services.

h. Other Provisions Related to Investigation of Petitions. Provide that the DMV administrator may delegate to the deputy administrator or to a bureau director, whose regular responsibilities include driver licensing and identification card issuance, the authority to accept or reject such extraordinary proof of name, date of birth, or U.S. citizenship. Provide that the denial of a written petition submitted to the Department through the petition process would be subject to administrative judicial review. Specify that if the DMV Administrator, or their delegate, determines that an applicant has knowingly made a false statement or knowingly concealed a material fact or otherwise committed a fraud in an application, petition, or additional information, DOT would be required to immediately suspend the investigation and notify the person in writing of the suspension and the reason for the suspension, and refer any suspected fraud to law enforcement.

i. Revival of Petition Process. Provide that a person whose petition is suspended or denied due to a failure to respond in a timely manner may revive the petition at any time by contacting the

Department to discuss the petition application. Require that if a person revives a petition, DOT would have to immediately issue, and continue to reissue, an identification card receipt to the person in accordance with the newly created statutory criteria for identification card receipt issuance. However, require that the Department first require the person to take a photograph if required by statute. Require DOT to grant a petition if the Department concludes, on the basis of secondary documentation or other corroborating information, that it is more likely than not that the name, date of birth, and U.S. citizenship provided in the application is correct.

j. Issuance and Use of Identification Card for Voting Purposes Receipt. Require the Department to issue a receipt at no charge to any applicant applying for an identification card for voting purposes, such that this receipt would constitute a temporary identification card while the application is being processed. Specify that this receipt would be valid for a period not to exceed 60 days and would be required to be marked in accordance with federal law.

Specify that if the Department issues a receipt to an applicant petitioning the Department due to the unavailability of the documentation required for identification card issuance, DOT would have to do all of the following: (a) issue the receipt not later than the sixth working day after the person made the petition and shall deliver the receipt by first class mail, except that if a petition is filed or revived within seven days before or two days after a statewide election the Department shall issue a receipt not later than 24 hours after the petition is filed or revived and shall deliver the receipt by overnight or next-day mail; (b) issue a new receipt to the person not later than 10 days before the expiration date of the prior receipt, and having a date of issuance that is the same as the expiration date of the prior receipt; (c) continue to reissue identification card receipts to a person unless DOT lawfully cancels the identification card receipt, upon the issuance of an operator's license or identification card to the person, or upon the person's request, or upon the denial of the application, or upon return to the Department of a receipt as nondeliverable, or upon the person's failure to contact the Department to discuss the petition for a period of 180 days or more, or whenever DOT receives information that prohibits issuance of an identification card. DOT would be required to have the person take a photograph prior to reissuing an identification card receipt if the photograph of the person on file with the Department is eight or more years old. Require DOT to issue a replacement identification card receipt under this process upon the request of the person to whom it is issued if the receipt is lost or destroyed.

Specify that an identification card receipt would constitute a temporary identification card while the application is being processed under the petition process and shall be valid for a period not to exceed 60 days. Require DOT to clearly mark the receipt "FOR VOTING PURPOSES ONLY," as validated for use for the purposes of voting. Provide that a receipt would have to contain the same information specified driver licenses, including: (a) the date of issuance; (b) the expiration date; (c) the name and signature of the person to whom it was issued; and (d) except for those with a sincerely held religious belief against being photographed, a photograph of the individual to whom it was issued, and may contain such further information as the Department deems necessary.

Require DOT to cancel or refuse to issue a voter identification card receipt, as currently allowed for state non-voter identification cards, as follows: (a) upon identification card cancelation; (b) upon the issuance of an operator's license or identification card to the person; (c) upon the person's request; (d) upon the denial of the application; (e) upon return to DOT of a receipt as nondeliverable;

or (f) whenever the Department receives information that prohibits issuance of the identification card. Specify that DOT would not be able to issue a receipt to a person after the denial of a petition unless the person revives an investigation.

Require that whenever any person, after receiving the identification card receipt, moves from the address named in the application or is notified by the local authorities or by the postal authorities that the address so named has been changed, the person would have to notify DOT of his or her change of address within 30 days. Specify that upon receiving a notice of change of address, DOT would be required to promptly issue a new receipt under the receipt process showing the correct address and having the expiration date of the prior receipt.

k. Voter and Non-Voter Identification Card Content and Design. Specify that DOT may issue an identification card bearing a name other than the name that appears on a supporting document if the person provides evidence acceptable to the Department that the person has used the name in a manner that qualifies the name as being legally changed under the common law of Wisconsin, including evidence of the person's prior name, changed name, the length of time the person has consistently and continuously used the changed name, an affirmation that the person no longer uses the prior name, and an affirmation that the person did not change his or her name for a dishonest or fraudulent purpose or to the injury of any other person. Specify that in such cases, DOT Department shall mark an identification card as is required of REAL ID non-compliant driver licenses.

Specify that DOT would be required to approve a name change requested by a person who cannot provide supporting documentation of a lawful change of name but who does one of the following: (a) provides proof of identity in the new name, and the Department receives from the federal Social Security Administration evidence or confirmation of the name change; or (b) applies for an identification card and provides an affidavit declaring all facts required under for identification card issuance to prove a name change under the common law of Wisconsin.

In addition, for voter identification cards issued through the petition process, the card would be required, in addition to any other required legend or design, to be of the design specified for state driver licenses and include a marking similar or identical to the marking necessary for REAL ID non-compliant driver licenses.