

WISCONSIN ELECTIONS COMMISSION

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MEMORANDUM

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

FROM: Meagan Wolfe
Interim Administrator

DATE: January 17, 2019

SUBJECT: Federal Court Ruling in *One Wisconsin Institute* Case – In-Person Absentee Voting Hours Permitted After Ballots Printed

The U.S. District Court has issued a ruling to enjoin provisions of recently-enacted legislation which would have restricted the timeframe for in-person absentee voting, prohibited voters from using an expired student ID card, and prohibited voters from using a receipt for a temporary State ID issued by the Division of Motor Vehicles as an acceptable form of photo identification after 60 days from its issuance. As a result of the ruling, the rules related to in-person absentee voting and the Photo ID Law for the 2019 spring elections will be the same as the rules that were in effect for the 2018 General Election, subject to any further rulings by the 7th Circuit Court of Appeals in the *One Wisconsin Institute et al. v. Thomsen et al.* case.

In December, the Legislature passed and the Governor signed 2017 Act 369 into law. One provision of the legislation restricted in-person absentee voting to a period from 14 days prior to an election until the Sunday before the election, while also permitting municipalities to use multiple locations for in-person absentee voting. In his ruling, Judge Peterson determined that the limit on in-person absentee voting hours violated an injunction previously issued by the Court when it found that similar statutory restrictions were unconstitutional. As a result, a municipality may conduct in-person absentee voting for the Spring Primary and the Spring Election on any days it chooses after ballots are available until the Sunday before the election.

The Court also enjoined provisions of Act 369 regarding the use of expired student ID cards and receipts for temporary State ID cards. As a result, consistent with the Court's previous injunction, a student ID card may be used as photo ID even if it is expired. Also, receipts issued by the Division of Motor Vehicles to an elector using the ID Petition Process are valid for up to 180 days.

As we have previously communicated, the Court's initial ruling in the *One Wisconsin Institute* case is on appeal to the 7th Circuit Court of Appeals. We will provide additional guidance when a decision is

issued and in the meantime, elections will be conducted under the same rules that have been in place since the 2016 General Election.

If you have questions regarding these matters, please contact the Help Desk at 608-261-2028 or elections@wi.gov.