

January 7, 2025

Chair Wanggaard, Vice-Chair James, and Honorable Members of the Senate Committee on Judiciary and Public Safety:

The American Civil Liberties Union of Wisconsin appreciates the opportunity to provide written testimony in opposition to Senate Joint Resolution 2, which proposes to enshrine specific photo identification requirements for voting in the state constitution.

Voting is the cornerstone of our democracy and the fundamental right upon which all our civil rights and liberties rest.

Wisconsin's voter ID law is one of the strictest in the country, requiring photo identification that many voters do not have and that many voters cannot easily obtain. Your constituents with disabilities experience the barriers created by this law, the elderly folks in your districts, students and first-time voters, low-income and unhoused voters, and Native, Black, and Latino voters who you represent.

### **Many Wisconsinites Lack Compliant Photo ID for Voting**

In 2020, nearly 3 million voting-age U.S. citizens in Wisconsin, Georgia, Indiana, Kansas, Mississippi, and Tennessee—states with strict photo ID laws—lacked a driver's license, and of those, over 1.3 million did not have the identification needed to vote.<sup>1</sup> Recent data from the Wisconsin Department of Transportation estimates that 31% of Wisconsinites are non-drivers.<sup>2</sup>

According to a 2021 report analyzing the impact of Wisconsin's photo ID law and access to DMV services on voting, “[o]f the 80 permanent DMV service centers in Wisconsin, only 23 operate Monday through Friday, and only seven offer Saturday hours.”<sup>3</sup> Because many DMVs are not located on public transit lines or take hours and significant costs to reach via public transit, inequitable access to DMV services presents enormous barriers to exercising the fundamental right to vote for nondrivers and people with disabilities in both rural and urban areas.

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<sup>1</sup> “Who Lacked Photo ID in 2020?: An Exploration of the American National Election Studies,” University of Maryland Center for Democracy and Civic Engagement (March 13, 2023), [https://www.voteriders.org/wp-content/uploads/2023/04/CDCE\\_VoteRiders\\_ANES2020Report\\_Spring2023.pdf](https://www.voteriders.org/wp-content/uploads/2023/04/CDCE_VoteRiders_ANES2020Report_Spring2023.pdf).

<sup>2</sup> “Wisconsin Geography of the Non-Driver,” Wisconsin Department of Transportation (October 2024), <https://wisconsin.gov/Documents/projects/multimodal/geography-non-driver-flyer-oct-2024.pdf>.

<sup>3</sup> “Getting There is Half the Battle: Wisconsin's Photo ID Law, Access to DMV Services, and the Fight for Our Freedom to Vote,” All Voting is Local, League of Women Voters of Wisconsin, and Wisconsin Disability Vote Coalition (2021), [https://allvotingislocal.org/wp-content/uploads/05192021-WI\\_DMV\\_Access.pdf](https://allvotingislocal.org/wp-content/uploads/05192021-WI_DMV_Access.pdf).

In his 2023-25 Executive Budget, Governor Evers proposed increasing funding to the DMV general operations appropriation for costs associated with expanding hours of operation at DMV service centers; however, this provision was removed from the budget by the Joint Committee on Finance.

If the proposed constitutional text is enacted as currently drafted, the legislature would be precluded from permitting additional categories of photo identification for voting purposes in the future, such as an ID for a federally recognized tribe outside of Wisconsin; an out-of-state driver's license or identification card; employer IDs; a membership or organization ID; or municipal IDs. The permanency of a constitutional amendment also ties the hands of the legislature to respond to future advancements in technology as methods of identification evolve.

### **Strict Photo ID Requirements Are a Solution in Search of a Problem**

In-person voter fraud is vanishingly rare. A study found that, from 2000 to 2012, there were only 31 credible allegations of voter impersonation – the only type of fraud that photo IDs could prevent – during a period of time in which over *1 billion* ballots were cast.<sup>4</sup> That's 0.0000031%.

Meanwhile, research has shown that strict photo ID requirements impact whether eligible voters are able to cast a ballot. One study published in the *Election Law Journal* estimated that thousands of registered voters in Wisconsin were deterred or prevented from voting either because voters did not have a permissible ID to vote under the law or due to confusion over whether an existing ID would comply with the law—which the analysis found disproportionality impacted Black and lower-income Wisconsinites.<sup>5</sup> Research from other states also highlights racially disproportionate access to valid forms of identification under voter identification laws<sup>6</sup> and indicates voter ID laws may reduce voter turnout.<sup>7</sup>

Please consider the consequences of implementing Senate Joint Resolution 2. Democracy works best when eligible voters are not subject to additional barriers that make participating more difficult. The ACLU of Wisconsin opposes this measure and asks that you respect the rights of your constituents by voting no on a measure that would make it harder for them to participate in the voting process.

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<sup>4</sup> Justin Levitt, “A Comprehensive Investigation of Voter Impersonation Finds 31 Credible Incidents Out of One Billion Ballots Cast,” *Washington Post* (Aug. 6, 2014), <https://www.washingtonpost.com/news/wonk/wp/2014/08/06/a-comprehensive-investigation-of-voter-impersonation-finds-31-credible-incidents-out-of-one-billion-ballots-cast/>.

<sup>5</sup> Michael G. DeCrescenzo and Kenneth R. Mayer, “Voter Identification and Nonvoting in Wisconsin—Evidence from the 2016 Election,” *Election Law Journal* (2019), <https://elections.wisc.edu/wp-content/uploads/sites/483/2021/02/Voter-ID-and-Nonvoting-in-Wisconsin.pdf>.

<sup>6</sup> Alex Vandermaas-Peeler, Daniel Cox, “American Democracy in Crisis: The Challenges of Voter Knowledge, Participation, and Polarization,” PRRI (2018), <https://www.prrri.org/research/American-democracy-in-crisis-voters-midterms-trump-election-2018/>.

<sup>7</sup> “Issues Related to State Voter Identification Laws,” U.S. Government Accountability Office (Sept. 2014), <https://www.gao.gov/assets/gao-14-634.pdf>.