



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-5451/1  
JK:cjs

## 2023 SENATE BILL 938

January 19, 2024 - Introduced by Senators LARSON, SPREITZER, CARPENTER, L. JOHNSON, ROYS, SMITH, TAYLOR and WIRCH, cosponsored by Representatives EMERSON, BARE, CONLEY, HONG, J. ANDERSON, JACOBSON, JOERS, MADISON, MOORE OMOKUNDE, NEUBAUER, OHNSTAD, ORTIZ-VELEZ, PALMERI, RATCLIFF, STUBBS, SUBECK and HAYWOOD. Referred to Committee on Shared Revenue, Elections and Consumer Protection.

\*\*\*AUTHORS SUBJECT TO CHANGE\*\*\*

1 **AN ACT to amend** 5.02 (6m) (f) of the statutes; **relating to:** student identification  
2 used for voting.

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### *Analysis by the Legislative Reference Bureau*

Current law allows an individual to use as voter identification an unexpired identification card issued by a technical college, college, or university in this state if the card meets certain criteria. The card must have an expiration date that is no later than two years after the date it was issued, and the individual must establish proof of enrollment. The U.S. Court of Appeals for the 7th Circuit held that the requirement to present both an unexpired identification card and proof of enrollment had no rational basis and was therefore unconstitutional. See, *Luft v. Evers*, 963 F.3d 665 (2020). This bill allows a student to use an expired student identification card under certain circumstances. Under the bill, a student does not need to present proof of enrollment if using an unexpired identification card, but must provide proof of enrollment if using an expired identification card. In addition, the bill requires each technical college in this state and each UW System institution to issue student identification cards that meet the criteria to be used as voter identification no later than August 1, 2024.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

