

1 By Supervisor Holloway

File No.

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4

A RESOLUTION

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supporting changes to the “Juvenile Justice Code,” specifically State Statute, 938.34 (3), governing the ability of the juvenile court to place a youth in a secure detention facility beyond 30 days and the use of more than one placement to maximize service options available to adjudicated youth

WHEREAS, the sustained population declines at Wisconsin’s Juvenile Correctional Institutions (JCI) has raised per capita costs at the State’s two male juvenile institutions, Ethan Allen School (EAS) in Wales and Lincoln Hills School (LHS) in Irma; and

WHEREAS, in April, 2010, Governor Doyle appointed a statewide Juvenile Corrections Review Committee to determine how best to serve juvenile offenders in the future while reducing costs, including possible consolidation of the two State male JCIs and/or programming; and

WHEREAS, in June, 2010, the Juvenile Corrections Review Committee issued their final report, which stated that while they would not recommend which JCI to close, that “it is not fiscally or programmatically feasible to continue to operate two male JCIs and that the department should proceed with consolidation of EAS and LHS”; and

WHEREAS, should the State ultimately decide to close EAS, even though a majority of JCI placements come from southeastern Wisconsin, Milwaukee County’s only option for male JCI placement would be more than a seven hour round-trip drive away; and

WHEREAS, over the last several years both Milwaukee County and other counties have invested time, effort, and financial resources to develop smart and responsible alternatives to JCI placement, which is the most restrictive response to youth adjudicated delinquent; and

WHEREAS, best practices for community reentry suggest that placement of locations facilitating family contact are critical as well as provide the opportunity to maintain and or engage the resources of the community that can improve the likelihood of successful reentry ; and

WHEREAS, in 2003, Racine County began operating the Alternatives to Corrections through Education (ACE) Program as an innovative alternative to JCI placement, leveraging existing resources and maintaining local control, in response to the increasing use of State JCIs and the length of stays experienced by juveniles; and

44 WHEREAS, in 2009 DCSD met with Racine County officials regarding a possible
45 pilot program to determine if the ACE Program was an appropriate alternative to JCI
46 placement for some Milwaukee County juvenile offenders; and

47
48 WHEREAS, while representatives from Milwaukee County's juvenile justice
49 community recognize that programming such as ACE may be a useful alternative to JCI
50 placement, concern has been raised by Milwaukee County District Attorneys regarding a
51 possible conflict in the language contained in State Statute 938.34 (3); and

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53 WHEREAS, changes in the aforementioned statutory language would allow for more
54 local flexibility in tailoring a short-term secure juvenile placement to individual offenders
55 and would assure that Milwaukee County youth would have the option of placement
56 closer to home; and

57
58 WHEREAS, current State Statute 938.34 (3) (f) 3., would subject the use of a
59 placement in a secure detention facility for purposes of disposition to the adoption of a
60 resolution approved by the County Board of Supervisors under State Statute 938.06 (5);
61 now, therefore,

62
63 BE IT RESOLVED, that the Milwaukee County Board of Supervisors hereby supports
64 changes to the State Statute, 938.34 (3), governing the ability of the circuit court to place a
65 youth in a secure detention facility beyond 30 days and the use of more than one
66 placement to maximize service options available to adjudicated youth; and

67
68 BE IT FURTHER RESOLVED, that the Milwaukee County Board of Supervisors
69 hereby supports the following changes to State Statute 938.34 (3)(f):

70
71 *938.34 (3)(f) A juvenile detention facility or juvenile portion of a county jail that*
72 *meets the standards promulgated by the department by rule, or in a place of*
73 *nonsecure custody designated by the court, and in addition to placements under*
74 *sub. (a), (b), (c), (cm), (d), and (e), subject to all of the following:*

75
76 *938.34 (3) (f) 1. The placement may be for any combination of single or*
77 *consecutive days totaling not more than 180. The juvenile shall be given credit*
78 *against the period of detention or nonsecure custody imposed under this paragraph*
79 *for all time spent in secure detention in connection with the course of conduct for*
80 *which the detention or nonsecure custody was imposed.*

81

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: February 28, 2011

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: A resolution supporting changes to the "Juvenile Justice Code," specifically State Statute, 938.34 (3), governing the ability of the juvenile court to place a youth in a secure detention facility beyond 30 days and the use of more than one placement to maximize service options available to adjudicated youth.

FISCAL EFFECT:

- | | |
|--|--|
| <input checked="" type="checkbox"/> No Direct County Fiscal Impact
<input checked="" type="checkbox"/> Existing Staff Time Required
<input type="checkbox"/> Increase Operating Expenditures
(If checked, check one of two boxes below)
<input type="checkbox"/> Absorbed Within Agency's Budget
<input type="checkbox"/> Not Absorbed Within Agency's Budget
<input type="checkbox"/> Decrease Operating Expenditures
<input type="checkbox"/> Increase Operating Revenues
<input type="checkbox"/> Decrease Operating Revenues | <input type="checkbox"/> Increase Capital Expenditures
<input type="checkbox"/> Decrease Capital Expenditures
<input type="checkbox"/> Increase Capital Revenues
<input type="checkbox"/> Decrease Capital Revenues
<input type="checkbox"/> Use of contingent funds |
|--|--|

Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	0	0
	Revenue	0	0
	Net Cost	0	0
Capital Improvement Budget	Expenditure		
	Revenue		
	Net Cost		

DESCRIPTION OF FISCAL EFFECT

In the space below, you must provide the following information. Attach additional pages if necessary.

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated.¹ If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

This resolution supports changing the State of Wisconsin Juvenile Justice Code to allow juvenile court to place a youth in a secure detention facility beyond 30 days and use more than one placement to maximize service options available to adjudicated youth.

There is no fiscal impact associated with this resolution other than existing staff time required to prepare and communicate the contents of this resolution.

Department/Prepared By Jennifer Collins, County Board

Authorized Signature _____

Did DAS-Fiscal Staff Review? Yes No

¹ If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.

1 By Supervisors Harris and Holloway,
2

3 File No.
4

5 **A RESOLUTION**
6

7 Expressing opposition to any and all attempts to restrict an eligible individual's
8 constitutionally guaranteed right to vote in Wisconsin and specifically expresses opposition
9 to Senate Substitute Amendment 1 to Senate Bill 6.
10

11 WHEREAS, citing previous allegations of widespread voter fraud as a rationale, the
12 Wisconsin State Legislature has proposed Senate Substitute Amendment 1 to Senate Bill 6
13 (SB 6) that makes changes to statutes requiring prospective voters to present certain
14 photographic identification and provide a signature in order to cast a ballot in an election;
15 and
16

17 WHEREAS, according to Wisconsin Attorney General, just 20 cases of voting fraud
18 occurred out of nearly 3 million votes cast in the 2008 presidential election, a
19 "widespread" fraud rate of roughly .00066 per cent of eligible voters; and
20

21 WHEREAS, according to information from the US Attorney's Office and the
22 Wisconsin Attorney General, the allegations of voter fraud that have often been cited as a
23 rationale for restricting voter access are essentially unfounded and baseless; and
24

25 WHEREAS, the proposed legislation implements changes that would negatively
26 impact Wisconsin's high rate of voter participation and threaten to disenfranchise eligible
27 voters by:

- 28 ○ Requiring government-issued "proof of identification" in order to vote, but
29 not accepting college or university ID
- 30 ○ Requiring absentee voters to submit photo ID to receive an absentee ballot,
31 and submit copies of approved photo ID with completed ballots or the ballot
32 will not be counted
- 33 ○ Increasing the residency requirement from 10 days to 28 days
- 34 ○ Eliminates the use of corroboration as an alternative to providing initial proof
35 of residence
- 36 ○ Places numerous new burdens on poll workers, many of whom are already
37 working long election days due to the lack of available poll workers
38

39 WHEREAS, these strictures of the proposed legislation stand to potentially
40 disenfranchise hundreds of thousands Wisconsin residents, with minorities, the elderly, the
41 disabled, and college students being the most negatively impacted; and
42

43 WHEREAS, according to a 2005 study by the University of Wisconsin – Milwaukee,
44 55% of African-American men, 49% of African-American women, 46% of Hispanic men

45 and 59% of Hispanic women in Wisconsin lack state-issued photographic identification
46 (“Driver License Status of the Voting Age Population in Wisconsin”, 2005); and
47

48 WHEREAS, the same UWM study found there were over 177,000 persons aged 65
49 and over and nearly 100,000 persons aged 35-64 in Wisconsin who had neither a driver’s
50 license nor a state-issued photo ID; and

51 WHEREAS, SB 6 as drafted would create additional and unnecessary transportation,
52 witnessing, and financial barriers for Wisconsin’s 600,000 residents with disabilities, a
53 population which already votes 10 to 15% less than other voters according to Disability
54 Rights Wisconsin; and
55

56 WHEREAS, SB 6 would also present significant barriers, and potential
57 disenfranchisement, for those out-of-state students who have retained their home-state
58 identification as their permanent address, but are otherwise eligible to vote in Wisconsin
59 elections; and
60

61 WHEREAS, in a fiscal note attached to the legislation, the Wisconsin Department of
62 Transportation has estimated Voter ID would result in implementation costs to taxpayers of
63 approximately \$1.7 million and annual net loss of \$2.7 million in revenue, further
64 hindering that agency’s already strained fiscal position; and
65

66 WHEREAS, Article III, Section I of the Wisconsin State Constitution guarantees the
67 right to vote to all Wisconsin residents age 18 and over; now, therefore,
68

69 BE IT RESOLVED, for the reasons listed above that the Milwaukee County Board of
70 Supervisors hereby opposes any and all attempts to restrict an eligible individual’s
71 constitutionally guaranteed right to vote in Wisconsin, and specifically expresses
72 opposition to Senate Substitute Amendment 1 to Senate Bill 6; and
73

74 BE IT FURTHER RESOLVED that the Milwaukee County Intergovernmental
75 Relations staff are authorized and directed to communicate this position to the Wisconsin
76 State Legislature as part of the Milwaukee County legislative agenda.
77

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: March 8, 2011

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: A resolution opposing any and all attempts to restrict an eligible individual's constitutionally guaranteed right to vote in Wisconsin, and specifically expresses opposition to Senate Substitute Amendment 1 to Senate Bill 6

FISCAL EFFECT:

- | | |
|--|--|
| <input checked="" type="checkbox"/> No Direct County Fiscal Impact | <input type="checkbox"/> Increase Capital Expenditures |
| <input checked="" type="checkbox"/> Existing Staff Time Required | <input type="checkbox"/> Decrease Capital Expenditures |
| <input type="checkbox"/> Increase Operating Expenditures
(If checked, check one of two boxes below) | <input type="checkbox"/> Increase Capital Revenues |
| <input type="checkbox"/> Absorbed Within Agency's Budget | <input type="checkbox"/> Decrease Capital Revenues |
| <input type="checkbox"/> Not Absorbed Within Agency's Budget | |
| <input type="checkbox"/> Decrease Operating Expenditures | <input type="checkbox"/> Use of contingent funds |
| <input type="checkbox"/> Increase Operating Revenues | |
| <input type="checkbox"/> Decrease Operating Revenues | |

Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	0	0
	Revenue	0	0
	Net Cost	0	0
Capital Improvement Budget	Expenditure		
	Revenue		
	Net Cost		

DESCRIPTION OF FISCAL EFFECT

In the space below, you must provide the following information. Attach additional pages if necessary.

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated. ¹ If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

Adoption of this resolution will not result in an increase in tax levy, but will require Intergovernmental Relations staff to include this position as part of Milwaukee County's legislative agenda.

Department/Prepared By County Board / Ceschin

Authorized Signature _____

Did DAS-Fiscal Staff Review? Yes No

¹ If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2011 Senate Bill 6	Senate Substitute Amendment 1, As Amended
<i>Memo published:</i> February 25, 2011	<i>Contact:</i> Jessica Karls-Ruplinger, Staff Attorney (266-2230) Katie Bender-Olson, Staff Attorney (266-2988)

Senate Substitute Amendment 1, as amended by Senate Amendment 1 to Senate Substitute Amendment 1, to 2011 Senate Bill 6 makes changes to statutes, relating to requiring certain identification in order to vote at a polling place or obtain an absentee ballot; absentee voting procedure in certain residential care apartment complexes and adult family homes; a requirement for electors to provide a signature when voting in person at an election; the duration of residency for voting purposes; and issuance of operator’s licenses and identification cards by the Department of Transportation (DOT).

Residency

Under *current law*, an individual must be a resident of an election district or ward for 10 days before an election to be eligible to vote in the election. When an elector moves from one ward or municipality in Wisconsin to another within 10 days of an election, the elector may vote in his or her former ward or municipality if otherwise qualified to vote there.

Senate Bill 6 does not amend this provision.

Senate Substitute Amendment 1 increases the residency requirement from 10 days to 28 days. The substitute amendment further provides that an elector who moves his or her residence from one ward or municipality in Wisconsin to another later than 28 days before an election may vote in his or her former ward or municipality if otherwise qualified to vote there.

Senate Amendment 1 to Senate Substitute Amendment 1 provides that the residency requirement in the substitute amendment is 28 *consecutive* days.

Corroboration

Under *current law*, an elector who registers to vote less than 20 days prior to an election generally must provide proof of residence or, if the elector cannot provide proof of residence, another elector from the municipality may corroborate the information contained in the elector’s registration form.

Senate Bill 6 eliminates the use of corroboration as an alternative to providing proof of residence when registering to vote.

Senate Substitute Amendment 1 also eliminates the use of corroboration as an alternative to providing proof of residence when registering to vote.

Proof of Identification

Under *current law*, an elector voting in person at the polls or by absentee ballot is not required to present identification other than proof of residence.

Senate Bill 6 requires an elector to present a valid operator's license issued by DOT, a valid, current identification card issued by a U.S. uniformed service, a valid identification card issued by DOT, or, after the state implements the provisions of the federal REAL ID Act, a valid identification certificate issued by DOT, in order to vote.

Senate Substitute Amendment 1 provides, instead, that an elector must present proof of identification to vote. "Proof of identification" means identification that contains the name of the individual to whom the document was issued, which name conforms to the individual's voter registration form, if the individual is required to register to vote, and that contains a photograph of the individual. "Identification" means any of the following documents issued to an individual:

- One of the following documents that is unexpired or, if expired, has expired after the date of the most recent general election: (1) an operator's license issued by DOT; (2) an identification card issued by DOT; (3) an identification card issued by a U.S. uniformed service; or (4) a U.S. passport.
- A certificate of U.S. naturalization that was issued not earlier than two years before the date of an election at which it is presented.
- An unexpired driving receipt issued by DOT.
- An unexpired identification card receipt issued by DOT.
- An identification card issued by a federally recognized Indian tribe in this state.

In addition, *Senate Substitute Amendment 1* requires that the clerk or election official verify that the name on the proof of identification presented by the elector conforms to the name on the elector's application or registration form and that any photograph appearing on that document reasonably resembles the elector.

Exceptions to Requirement for Photo Identification

Senate Bill 6 creates exceptions to its general requirement that electors present photo identification or a copy thereof when voting. The bill creates exemptions for electors whose addresses are confidential as a result of domestic abuse, sexual assault, or stalking; electors who have surrendered their operator's licenses to law enforcement within 60 days of an election; electors who are indefinitely confined due to age, physical illness, infirmity, or disability; electors in nursing homes, community-based residential facilities, retirement homes, adult family homes, or residential care apartment complexes; military and overseas electors; and absentee electors who provided a copy of identification with a previous absentee ballot and have not changed their names or addresses.

Senate Substitute Amendment 1 provides the same exceptions to its general requirement for photo identification when voting.

Government Accountability Board Requirements

Senate Bill 6 requires the Government Accountability Board (GAB) to conduct a public information campaign in conjunction with the first regularly scheduled primary and election at which the voter identification requirements of the bill apply for the purpose of informing prospective voters of the new voter identification requirements. The bill also requires GAB to engage in outreach to identify and contact groups of electors who may need assistance in obtaining or renewing a license or identification card for voting and provide assistance in obtaining or renewing a license or identification card.

Senate Substitute Amendment 1 includes the same requirements that GAB conduct a public information campaign and engage in outreach efforts.

Absentee Voting

Senate Bill 6 provides that if a qualified elector applies for an absentee ballot in person at the clerk's office, the clerk may not issue the elector an absentee ballot unless the elector presents a valid operator's license issued by DOT, a valid, current identification card issued by a U.S. uniformed service, or a valid identification card issued by DOT. The clerk must make a copy of the document presented by the elector and must enclose the copy in the certificate envelope.

Senate Substitute Amendment 1 replaces the copy requirement with a requirement that the clerk enter his or her initials on the certificate envelope indicating that the absentee elector presented proof of identification to the clerk.

In addition, *Senate Bill 6* provides that when an elector returns an absentee ballot, the elector must enclose a copy of the license or identification card in the envelope, unless otherwise exempted.

Senate Substitute Amendment 1 provides that when an elector makes an application for an absentee ballot, the elector must enclose a copy of his or her proof of identification or any authorized substitute document with his or her application. The municipal clerk must verify that the name on the proof of identification conforms to the name on the application. The clerk may not issue an absentee ballot to an elector who is required to enclose a copy of proof of identification or an authorized substitute document with his or her application unless the copy is enclosed and the proof is verified by the clerk.

Lastly, *Senate Bill 6* provides that an agent may apply for and obtain a ballot for a hospitalized absent elector by presenting a form prescribed by GAB and containing the required information supplied by the hospitalized elector and signed by that elector. The agent must generally present the license or identification card. The clerk must make a copy of the document presented by the agent and must enclose the copy in the certificate envelope.

Senate Substitute Amendment 1 replaces the copy requirement with a requirement that the GAB form include a space for the municipal clerk or deputy clerk to enter his or her initials indicating the agent presented proof of identification to the clerk on behalf of the elector.

Signature Requirement

Senate Bill 6 does not contain provisions relating to signature requirements.

Senate Substitute Amendment 1 requires that an elector enter his or her signature on the poll list, supplemental list, or other separate list when voting in person at an election, unless exempt by reason of the elector's physical disability. Each registration list prepared for use as a poll list at a polling place or for purposes of canvassing absentee ballots at an election must contain a space for entry of the elector's signature, or, if another person signed the elector's registration form for the elector by reason of the elector's physical disability, the word "exempt."

In addition, ***Senate Substitute Amendment 1*** provides that if an elector previously signed his or her registration form or is exempt from a registration requirement and is unable, due to physical disability, to enter his or her signature at the election, the officials must waive the signature requirement if the officials determine that the elector is unable, due to physical disability, to enter his or her signature. In such case, the officials must enter next to the name and address of the elector on the poll, supplemental, or separate list the words "exempt by order of inspectors." If both officials do not waive the signature requirement and the elector wishes to vote, the official or officials who do not waive the requirement must require the elector to vote by ballot and must challenge the elector's ballot. The challenged elector may then provide evidence of his or her physical disability to the board of canvassers charged with initially canvassing the returns prior to the completion of the initial canvass.

Lastly, ***Senate Substitute Amendment 1*** also applies the signature requirement provisions to absentee voting in person.

Senate Amendment 1 to Senate Substitute Amendment 1 removes the signature requirement for absentee voting in person.

Challenging Voters

Under ***current law***, each inspector must challenge for cause any person offering to vote whom the inspector knows or suspects is not a qualified elector.

Senate Bill 6 does not amend this provision.

Senate Substitute Amendment 1 also requires that an inspector challenge for cause any person offering to vote who does not adhere to any voting requirement under ch. 6, Stats.

Voters Not Providing Proof of Identification

Senate Bill 6 provides that if an elector is required to provide a license or identification card or copy thereof and fails to do so, the elector bears the burden of correcting the omission by providing the license or identification card or copy thereof at the polling place before the closing hour or at the office of the municipal clerk or board of election commissioners *no later than 4 p.m. on the day after the election*.

Senate Substitute Amendment 1 provides that if an elector is required to provide proof of identification or a copy thereof and fails to do so, the elector bears the burden of correcting the omission by providing the proof of identification or copy thereof at the polling place before the closing hour or at the office of the municipal clerk or board of election commissioners *no later than 4 p.m. on the Friday after the election*.

Identification Certificates

Senate Bill 6 creates an identification certificate to be issued by DOT that would be available when DOT implements the provisions of the federal REAL ID Act. Under the bill, an elector may present a valid identification certificate issued by DOT, instead of a license or identification, to vote.

Senate Substitute Amendment 1 removes the provisions relating to identification certificates.

Operator's Licenses and Identification Cards

Senate Substitute Amendment 1 creates REAL ID noncompliant operator's licenses and identification cards to be issued by DOT. Such licenses and identification cards will be available when REAL ID is implemented in this state.

In addition, prior to the implementation of REAL ID in this state, *Senate Substitute Amendment 1* allows identification cards to be issued without a photo if the applicant provides to DOT an affidavit stating that the applicant has a sincerely held religious belief against being photographed; identifying the religion to which he or she belongs or the tenets of which he or she adheres to; and stating that the tenets of the religion prohibit him or her from being photographed.

Senate Substitute Amendment 1 also provides that DOT may issue an identification card without charge to an elector who is a U.S. citizen and will be at least 18 years of age on the date of the next election, if the elector requests that the identification card be provided without charge for purposes of voting.

Lastly, *Senate Substitute Amendment 1* provides that DOT may issue driving receipts and identification card receipts that constitute temporary operator's licenses and identification cards that are valid for a period not to exceed 60 days.

Elections Held Prior to 2012 Spring Primary

Senate Substitute Amendment 1 provides that no elector who votes by absentee ballot at an election held prior to the 2012 Spring Primary is required to provide proof of identification, and an elector who votes at a polling place at an election held prior to the date of the 2012 Spring Primary must be requested by the election officials to present proof of identification. However, if the elector does not present proof of identification, and the elector is otherwise qualified, the elector's ballot must be counted without the necessity of presenting proof of identification and without the necessity of casting a provisional ballot.

Further, *Senate Substitute Amendment 1* provides that if any elector who votes at a polling place at an election held prior to the 2012 Spring Primary does not provide proof of identification and would be required to provide proof of identification but for this provision, the election official who provides that elector with a ballot must also provide to the elector written information prescribed by GAB. The GAB information must briefly describing the voter identification requirement created by this bill and inform the elector that he or she will be required to comply with that requirement when voting at future elections beginning with the 2012 Spring Primary unless an exemption applies.

Senate Amendment 1 to Senate Substitute Amendment 1 also provides that no elector who has resided in the ward or election district where he or she offers to vote for at least 10 days is required to meet any increased durational residency requirement at any election held prior to the 2012 Spring Primary.

Initial Applicability

Senate Bill 6 provides that the bill, if enacted, first applies with respect to voting at the first spring or September primary election that follows the effective date of the bill by at least 60 days.

Senate Substitute Amendment 1 removes the initial applicability provision.

Legislative History

Senate Substitute Amendment 1 was offered by Senators Lazich and Leibham. On February 22, 2011, the Senate Committee on Transportation and Elections recommended adoption of the substitute amendment and recommended passage of Senate Bill 6, as amended, on votes of Ayes, 3, Noes, 0.

Senate Amendment 1 to Senate Substitute Amendment 1 was offered by Senator Leibham. On February 24, 2011, the Senate adopted Senate Amendment 1 on a voice vote and adopted Senate Substitute Amendment 1 on a vote of Ayes, 19; Noes, 0.

JKR:KBO:ty:ksm