



## Wisconsin Department of Transportation

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**DATE:** October 4, 2016

**TO:** Members, Joint Committee for Review of Administrative Rules  
  
The Honorable Steve Nass, Co-Chair  
The Honorable Joan Ballweg, Co-Chair

**FROM:** Mark Gottlieb, P.E., Secretary  
Wisconsin Department of Transportation

**SUBJECT:** Emergency Rule Extension Request  
EmR1618, relating to: Operator's Licenses and Identification Cards

Thank you for giving me the opportunity to testify in support of a 60-day extension of EmR1618, the Wisconsin Department of Transportation's (WisDOT) emergency administrative rule under Trans 102 (the Emergency Rule), which expires on October 9, 2016. Please note that, while Trans 102 relates to both "operator's licenses and identification cards," the proposed Emergency Rule extension relates only to identification (ID) cards.

Since July 1, 2011, in accordance with state law, WisDOT's Division of Motor Vehicles (DMV) has been issuing ID cards to individuals requesting them free of charge for voting purposes. In September 2014, DMV amended its rules to establish the identification card petition process (IDPP), which allows DMV to work with customers to obtain verification of a person's name, date of birth and U.S. citizenship – without the customer incurring a fee to obtain the necessary documentation. This process also sets forth procedures for DMV to accept secondary documentation if an applicant's birth records are not available to verify a person's name, date of birth and U.S. citizenship.

Of the total number of ID card applicants, less than 2% of applicants have entered the IDPP. Since its creation in September 2014, more than 1,350 customers have utilized the IDPP to obtain a free Wisconsin ID card for voting purposes.

This rulemaking preserves the integrity of the existing verification process utilized by DMV in issuing ID cards to applicants free of charge for voting purposes and preserves the public welfare by ensuring that qualified applicants will be able to obtain such identification with reasonable effort before next month's scheduled election. First, the emergency rule creates a temporary identification card receipt that is acceptable for voting purposes while DMV processes the petition for a permanent ID card. Next, the rule implements IDPP best practices, timelines and standards to limit DMV discretion and ensure consistent processing

of petitions. Finally, the emergency rule incorporates factors identified in applicable legal decisions.

Below is a more-detailed summary of the specific provisions included in Emergency Rule. Our DMV Administrator, Kristina Boardman, who is also available today, will provide an overview of these provisions.

- 1) Creates a 60-day temporary ID card receipt that is usable for voting purposes, while the petition application is being processed.
  - a. DMV is required to mail a receipt to the petitioner not later than the 6<sup>th</sup> working day after the petition application is submitted.
  - b. The receipt is automatically renewed for an additional 60 days, if the application has not yet been resolved, up to a total of 180 days, or as long as the applicant continues to communicate with DMV regarding the resolution of their petition application.
- 2) Authorizes DMV to recognize common law name changes with submittal of a signed affidavit, assuming the current name is on file with the U.S. Social Security Administration.
- 3) Authorizes a customer without a social security number (SSN) to enter DMV's existing identification card petition process (the IDPP) and obtain a receipt valid for the purposes of voting.
- 4) Requires petitions to be processed at DMV's Central Office in Madison, and for trained researchers to work with petitioners to verify birth information.
- 5) Requires DMV to maintain a written file of all petitioner activity and communications for reference.
- 6) Articulates collaborative communication expectations of both DMV staff and the petitioner, including the efforts to locate required documentation.
- 7) Requires DMV to pay record custodians for secondary documentation, if birth records are not available.
- 8) Specifies to whom the DMV Administrator may delegate authority to accept or reject secondary documentation for the issuance of an ID card via the IDPP.
- 9) Establishes provisions for cancelling receipts, or discontinuing to renew receipts.

On August 4, 2016, WisDOT held a public hearing on both the Emergency Rule and the permanent rule. There was no attendance at the public hearing, nor did the WisDOT receive any public written comments. It is anticipated that the permanent rule, CR 16-040, will be submitted to the Legislature for review in early December.

Again, thank you for the opportunity to speak in support of extending Emergency Rule 1618. Extension of this Emergency Rule will ensure that the WisDOT can continue processing

free ID card applications using the updated identification card petition process until the permanent rule takes effect.

If you have any questions, please contact me or Nate Yahn, WisDOT legislative advisor, at (608) 266-1114.