



December 1, 2011

## **Frequently Asked Questions: Wisconsin Technical College Student IDs and the New Voter ID Law**

### ***Why do technical college IDs count for voter ID under the new law?***

Because the law clearly says so. The new Wisconsin law states that approved IDs for voting include, "An unexpired identification card issued by a university or college in this state that is accredited, as defined in s. 39.30 (1) (d)."

### ***But aren't some people arguing that technical colleges are not colleges?***

Wisconsin technical colleges issue fully recognized associate degrees. Wisconsin technical college credits transfer widely. This is the common definition of "college;" a school that issues recognized transfer credits and degrees at the associate level or higher.

### ***Then why does the voter registration law list "universities, colleges and technical colleges" while the voter ID law says "universities or colleges?"***

The voter registration law is from before 1994 when technical "institutes" became "colleges" in state law. A correction was made replacing only the word "institutes" with "colleges" throughout state law. This is the only reason the two sections read differently. One is pre-1994 and was corrected, while the new law didn't need to distinguish technical colleges among all colleges.

### ***Do Wisconsin technical colleges meet the new law's accreditation test?***

Yes, they meet all three of the tests in Wis. Stats. § 39.30(1)(d): "An 'accredited' institution is an institution accredited by a nationally recognized accrediting agency...." Wisconsin technical colleges are accredited by the Higher Learning Commission of the Northcentral Association of Colleges, the exact same "gold standard" accreditation as all UW System institutions and all private non-profit independents such as Marquette, MSOE and Ripon. Technical colleges also meet the other two tests in the statute. They are accredited by the state board of nursing and their credits transfer to and from other accredited colleges.

***There was an attempt to add “technical colleges” after “colleges and universities” by an Assembly amendment to the voter ID bill. That amendment failed. Does that mean they were not intended to be included?***

No. The amendment was one of 80 failed amendments offered between the two houses over floor sessions and caucus meetings totaling 12 hours on this bill. It is just as plausible a reason as any other that the amendment failed because technical colleges were already understood to be included in the new law. Regardless, the plain language of a law always carries the most weight in statutory interpretation. A failed amendment carries very little by comparison.

***Aren't some legislators saying they never intended to include technical college student IDs?***

Again, what the law says carries more weight than what an individual legislator thinks after the fact. We are not aware of any discussion to exclude technical college IDs in any hearing, public discussion, bill summary, caucus meeting or floor debate leading up to the bill becoming law. The first time we know that any person said technical college IDs were not included was when the Government Accountability Board (GAB) incorrectly read the new law that way months after the new law was published.

***Aren't technical college students most likely to live at home and to have other types of ID for voting?***

It doesn't matter. The law clearly includes technical college students and they should be included as long as the IDs meet the same format requirements of other college IDs. Some technical colleges have residence halls and all technical colleges enroll students who have moved to the area to attend that college.

***What is the status of technical college IDs for voting at this time?***

Currently, a person may use a technical college ID to *register* to vote. For voting itself, the GAB ruling of November 9<sup>th</sup> stands that allows technical college IDs to be used as voter ID (if they meet the format requirements). However, the Legislature's "rules" committee passed a motion on November 15<sup>th</sup> stating that it considers the GAB's plain reading of the law to be "an interpretation" that is the defacto equivalent of the GAB having made a new administrative rule. New administrative rules are subject to review by the Governor (first) followed by approval of the Legislature. This means the GAB has been ordered to write a formal rule for review and approval. It is not clear what the draft rule will say, if it will be accepted or not, or what the timetable is for any final clear decision that can be counted upon by election officials and voters.

*For more information, contact Paul Gabriel, Wisconsin Technical College District Boards Association, [pgabriel@districtboards.org](mailto:pgabriel@districtboards.org), 608 266-9430, who prepared this document and is responsible for its content.*