

LEAGUE OF WOMEN VOTERS OF WISCONSIN  
EDUCATION NETWORK, INC.  
612 West Main Street, Suite 200  
Madison, WI 53703,

and

MELANIE G. RAMEY  
217 North Meadow Lane  
Madison, WI 53705

Plaintiffs,

v.

SCOTT WALKER  
Governor of the State of Wisconsin  
115 East State Capitol  
Madison, WI 53702,

THOMAS BARLAND  
Members of the Government Accountability Board  
212 East Washington Avenue, Third Floor  
Madison, Wisconsin 53707-7984,

GERALD C. NICHOL  
Member of the Government Accountability Board  
212 East Washington Avenue, Third Floor  
Madison, Wisconsin 53707-7984,

MICHAEL BRENNAN  
Member of the Government Accountability Board  
212 East Washington Avenue, Third Floor  
Madison, Wisconsin 53707-7984,

THOMAS CANE  
Member of the Government Accountability Board  
212 East Washington Avenue, Third Floor  
Madison, Wisconsin 53707-7984,

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ORIGINAL DOCUMENT FILED WITH THE  
COUNTY CLERK OF DANE COUNTY.

CARLO ESQUEVA  
CLERK OF CIRCUIT COURT

**11CV4669**

Case No.: \_\_\_\_\_

Case Code:

CIRCUIT COURT  
DANE COUNTY, WI  
OCT 20 AM 11:09

DAVID G. DEININGER  
Members of the Government Accountability Board  
212 East Washington Avenue, Third Floor  
Madison, Wisconsin 53707-7984,

and

TIMOTHY VOCKE  
Member of the Government Accountability Board  
212 East Washington Avenue, Third Floor  
Madison, Wisconsin 53707-7984,

Defendants.

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**COMPLAINT**

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Plaintiffs League of Women Voters of Wisconsin Education Network, Inc. and  
Melanie G. Ramey, by their attorneys, Cullen Weston Pines & Bach LLP, allege as  
follows:

**INTRODUCTION**

1. This is an action for declaratory and injunctive relief pursuant to Wis. Stat. §806.04, challenging the constitutionality of various portions of 2011 Wisconsin Act 23, providing, inter alia, that any qualified elector seeking to vote must produce a photo ID at the polls in order to vote in Wisconsin elections for local, state, or federal offices, or referenda.

**JURISDICTION AND VENUE**

2. This Court has jurisdiction over this lawsuit pursuant to Wis. Stat. §753.03.

3. Venue lies in this Court pursuant to Wis. Stat. §801.50(3), because the sole defendants are agents of the State of Wisconsin sued in their official capacities.

### PARTIES

4. The League of Women Voters of Wisconsin Education Network, Inc., (“the League”), is a non-partisan member organization. Its principal address is 612 West Main St., Madison, WI 53703.

5. The League was founded in 1920 by the suffragists who had fought to win the right to vote for women. Since then it has continually publically asserted that voting is a fundamental right for all citizens that must be guaranteed. The League has long publically advocated that Wisconsin election laws should provide citizens with maximum opportunities for registration, voting at the polls and absentee voting. It has maintained that election administration should be adequately coordinated and funded to achieve both statewide standards uniformly applied and local municipal effectiveness.

6. The League has opposed photo ID requirements for voting since the first bill proposing voter ID requirements was introduced in the Wisconsin Legislature in 2003, and vigorously opposed the bill which became 2011 Wisconsin Act 23, communicated its opposition to state legislators through attendance at public hearings and otherwise and encouraged its members to contact their legislators in opposition.

7. Melanie G. Ramey is an adult resident and taxpayer of the State of Wisconsin residing at 217 North Meadow Lane, Madison, Wisconsin 53705 and is the current President of the League of Women Voters of Wisconsin Education Network, Inc.

8. Defendant Scott Walker is the Governor of the State of Wisconsin who is sued in his official capacity. Defendant Walker's address is 115 E. State Capitol, Madison, WI 53702. As Governor, Defendant Walker is the chief executive officer of the State of Wisconsin and pursuant to Article V, Section 4, is responsible for the faithful execution of 2011 Wisconsin Act 23.

9. Judges Thomas Barland, Gerald C. Nichol, Michael Brennan, Thomas Cane, David G. Deininger, and Timothy Vocke are Members of the Government Accountability Board (the Board), and are each sued in their official capacities as members of the Board. The Board's offices are located at 212 East Washington Avenue, Third Floor, P.O. Box 7984, Madison, Wisconsin 53707-7984. The Board is the state agency created by Wis. Stat. § 5.05, and is responsible for the administration of Act 23 and chapters 5 to 12 of the Wisconsin Statutes.

**FACTUAL BACKGROUND TO 2011 WISCONSIN ACT 23**

10. Beginning with the 2012 spring primary, Act 23 imposes on qualified voters an unprecedented condition on voting, requiring them to identify themselves by presenting one of eight forms of photo identification to election officials.

11. Sections 1 and 2 of Act 23 define "identification" and "proof of identification" for Wisconsin electors seeking to exercise their right to vote and strictly limit the allowable forms of voter identification to one of the following containing the elector's name and photograph:

- (a) a Wisconsin driver's license issued by the Wisconsin Department of Transportation ("WisDOT") pursuant to Wis. Stat. § 343;

(b) a photo identification card issued by the WisDOT pursuant to Wis. Stat. § 343.50;

(c) a U.S. military identification card;

(d) a U.S. passport;

(e) a valid U.S. naturalization certificate issued less than 2 years prior to the election;

(f) an unexpired driving receipt or identification card receipt issued under Wis. Stats. §§ 343.11 or 343.50;

(g) an identification card issued by a federally recognized Indian tribe; or

(h) an unexpired Wisconsin university or college student identification card containing an expiration and issuance date no more than two years apart.

12. Sections 16, 19 and 45 of Act 23 require that all qualified electors arriving at a polling location to vote must “present to the officials proof of identification” as delineated in Section 1 of Act 23, and that the officials must verify that the photograph appearing on the identification “reasonably resembles the elector” and that the name on the ID conforms to the name on the poll list.

13. Act 23 amends Wis. Stat. Ch. 6, Subchapter V (Challenging Electors) and provides that electors who do not present the required photo ID, as defined in Sections 1 and 2, shall be offered a provisional ballot, which may be withdrawn and cast as a valid ballot only if the elector presents an approved photo ID at the polling place before the polls close or to the municipal clerk by 4 pm on the Friday after the election.

14. Prior to the enactment of Act 23, Wisconsin electors were not required to present proof of identification to vote at the polls on election day. A registered elector was permitted to vote upon announcing his or her name and address to two inspectors

who confirmed that the voter was registered by locating the voter's name in the poll book not relevant. If an election inspector or any qualified elector had reasonable cause to believe that an elector requesting a ballot was not qualified to vote, the elector could be challenged for cause pursuant to Wis. Stat. Ch. 6, Subch. V. (2009-2010.) The vote of a challenged elector was required to be counted, and the elector was disqualified only upon proof beyond a reasonable doubt that the voter was not a qualified elector. Wis. Stat. 6.95, 6.325 (2009-2010.)

15. Pursuant to Wis. Stat. §6.55, (2009-2010), Wisconsin voters who had not previously registered were able to register in person at the polling place on Election Day by providing an acceptable proof of residence which included: any official ID card issued by a Wisconsin governmental body or employer; a current residential lease; a real estate tax bill for current or prior year; any utility bill issued within the past 90 days; or via a corroborating elector from the same municipality.

16. Act 23 now prohibits an elector from providing proof of residence by corroborator and requires such electors to present the limited types of ID defined by the Act, Sections 1 & 2, and described above in ¶15, in addition to the proof of residency, before they may cast a ballot.

17. Qualified electors who do not possess a form of ID authorized by Act 23 will, in advance of an election at which they desire to vote, be required to obtain a valid ID or they will not be permitted to vote. To obtain a state ID card, an elector must appear in person at the Wisconsin DMV office and next present proof of name, date of birth and identity by documentation accepted by the DOT, such as a certified birth

certificate, U.S. passport, or other documentation; must present proof of residency in a form accepted by the DOT; next present proof of U.S. citizenship or legal presence; and next provide a social security number.

18. In addition to the time spent traveling to the DMV offices, an otherwise qualified elector who travels to the DMV offices will typically spend time waiting there to apply for a state-issued ID. (The ID is not immediately provided. It is mailed – but voter can use the receipt as ID, while valid.)

19. Wisconsin's DMV offices are generally only open on weekdays, between 8:30 a.m. and 4:30 p.m. No DMV offices are open on weekends, and a small number are occasionally open until 5:30 p.m. Many DMVs are open only a few hours a month, and not every county has a DMV office.

20. The burden imposed upon otherwise qualified electors to procure permissible form of photo identification to vote is further exacerbated by state policy which instructs DMV representatives not to advise electors that the \$28 fee for such ID is waived if the applicant seeks the ID for the purpose of voting, unless the elector specifically request a free ID for purposes of voting. The \$28 fee is charged to any elector who fails to affirmatively request a free ID for voting. Further, if electors seeking to replace a previously issued ID that was lost or destroyed through no fault of voter, the fee is not waived and the elector must pay a replacement fee of \$16.

21. Obtaining the necessary underlying documentation to obtain a state ID or other valid ID for voting also requires the payment of fees and presentation of supporting documentation. To obtain a Wisconsin birth certificate, an elector must pay

a \$20 fee and present a form of identification accepted by the Wisconsin Office of Vital Records. Individuals who have changed their names must provide documents that evidence their name change. Obtaining out-of-state birth certificates requires a range of varying requirements, imposing costs, procedures, and the investment of time on the part of the voter and some states take as long as six to eight weeks to provide birth certificates after they have been requested.

22. Alternative documentation such as passports, naturalization certificates, and court orders with seals likewise require the payment of fees, presentation of supporting documentation, submission of correct forms, and related requirements.

23. The ostensible and putative legislative purpose of the photo ID requirement created by Act 23 is to ensure the integrity of the ballot and prevent vote fraud in Wisconsin elections.

24. The photo ID requirement imposed by Act 23 will not prevent voting by persons rendered ineligible after a conviction, nor will it prevent electors from attempting to vote more than once..



**CLAIM FOR UNCONSTITUTIONALITY OF ACT 23:**

**ACT 23 IMPOSES AN ADDITIONAL AND UNLAWFUL QUALIFICATION TO VOTE UNENUMERATED IN ART. III, SEC. 1 AND THEREBY PROHIBITED BY ARTICLE III, SEC. 2 OF THE WISCONSIN CONSTITUTION.**

25. Plaintiffs incorporate and reallege paragraphs 1 through 27.

26. The qualifications for voting are set forth in Article III, Sec. 1 which provides: "Every United States citizen age 18 or older who is a resident of any election district in this state is a qualified elector of that district."

27. Article III, Section 2 of the Wisconsin Constitution provides the exclusive basis for which laws may be created to implement the constitutional requirements for voting. Laws may be enacted:

1) Defining residency.

2) Providing for registration of electors.

3) Providing for absentee voting.

4) Excluding from the right of suffrage persons (a) convicted of a felony, unless restored to civil rights, (b) adjudged by a court to be incompetent or partially incompetent, unless the judgment specifies that the person is capable of understanding the objective of the elective process or the judgment is set aside.

5) subject to ratification by the people at a general election, extending the right of suffrage to additional classes.

28. The Wisconsin Constitution does not authorize the Legislature to exclude an elector from the right of suffrage for any reason other than those set out in Article III, Section 2, or to impose additional qualifications on the right to vote that are not expressly set out by Article III, Sec. 1.

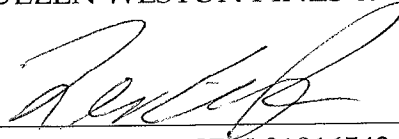
29. Act 23 excludes from suffrage constitutionally qualified electors who do not present the limited forms of acceptable identification and thus Act 23 violates Article III, Sections 1 &2 of the Wisconsin Constitution.

WHEREFORE, the Plaintiffs request judgment as follows:

- A. A declaration that 2011 Act 23 is unconstitutional;
- B. For the costs, fees and disbursements of this action, and,
- C. For such other relief as the Court may deem just and proper.

Dated this 20th day of October, 2011.

CULLEN WESTON PINES & BACH LLP



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*Attorneys for League of Women Voters of Wisconsin  
Network Fund, Inc. and Melanie G. Ramey*