



State Democracy Research Initiative

UNIVERSITY OF WISCONSIN LAW SCHOOL

Explainer: The Proposed Voter ID Constitutional Amendment on Wisconsin's April Ballot

Bryna Godar, Staff Attorney
Published: February 24, 2025

On Wisconsin's April 1, 2025, spring election ballot, voters will see a [proposed constitutional amendment](#) asking whether to add a voter ID requirement to the state constitution. Wisconsin already has a state statute that requires voters to present an [acceptable photo ID](#) in order to vote. By constitutionalizing this requirement, the amendment would, if approved, make it more difficult for a future legislature or court to change course on voter ID.

This explainer describes the proposed amendment, lays out the main arguments being made for and against the proposal, and provides national context on voter ID requirements.

Question Voters Will See on Their Ballots

"Photographic identification for voting. Shall section 1m of article III of the constitution be created to require that voters present valid photographic identification verifying their identity in order to vote in any election, subject to exceptions which may be established by law?"

Text of the Proposed Voter Amendment

"Section 1m of article III of the constitution is created to read:

[Article III] Section 1m (1) No qualified elector may cast a ballot in any election unless the elector presents valid photographic identification that verifies the elector's identity and that is issued by this state, the federal government, a federally recognized American Indian tribe or band in this state, or a college or university in this state. The legislature shall by law establish acceptable forms of photographic identification, and the legislature may by law establish exceptions to the requirement under this subsection.

(2) A qualified elector who is unable to present valid photographic identification on election day shall be permitted to cast a provisional ballot. A provisional ballot may not be counted unless the elector presents valid photographic identification at a later time and place as provided by the legislature by law."

Voter ID Background

In 2011, the Republican-controlled Wisconsin legislature enacted a voter ID requirement that is among the [strictest in the country](#). It requires voters to present an acceptable photo ID in order to vote. Acceptable IDs include a [range of state, federal, tribal, and student IDs](#), such as a Wisconsin driver's license, U.S. passport, or certain university and college IDs. If a voter does not have an acceptable ID at the polling place, they can [vote via provisional ballot](#) but [must present an acceptable ID](#) to certain election officials by 4 p.m. on the Friday after election day in order for the vote to count.

The 2011 law faced [numerous lawsuits](#) that paused its implementation for several years, but the voter ID requirement [ultimately survived legal challenges](#) and has been in effect since 2016. No legal challenges are currently pending, but some Republican legislators [have raised concerns about possible attempts to overturn the law](#) now that there is a liberal-leaning majority on the Wisconsin Supreme Court, and they [have cited those concerns](#) as the motivation for seeking to constitutionalize the voter ID requirement. The proposed amendment [passed the legislature on party lines](#), with Republicans supporting it and Democrats opposing it, and lawmakers chose to place it on the ballot at the same election that will [determine whether the state supreme court retains a liberal-leaning majority](#).

Impact of Proposed Voter ID Amendment

The proposed amendment would not change the current voter ID requirements that are outlined in state law. Instead, if approved by voters, the amendment would make it more difficult for a court or future legislature to walk back the existing requirements.

First, the amendment would limit options for challenging the current voter ID laws in state court. For example, a claim that the state's voter ID law violates the Wisconsin Constitution's protections for the right to vote would be far less likely to succeed if the constitution explicitly says that voters must present a photo ID to cast a ballot. Meanwhile, if the amendment is approved, a court would be far more likely to strike down a statute that says voters do *not* need to provide photo IDs than one that requires them.

Second, by inserting an express photo ID mandate in the state constitution, the amendment would bar future legislatures from repealing the existing requirement altogether, except through another constitutional amendment. In Wisconsin, a proposed amendment must pass the legislature in two successive legislative sessions and then gain approval by voters to take effect. This is typically a more difficult hurdle than a regular bill, although it bears noting that the governor cannot veto proposed constitutional amendments. So when the legislature and governor's office are controlled by different parties, as is currently the case, constitutional amendments sometimes become [a more feasible path](#) for advancing legislative priorities that the governor opposes.

Under the proposed amendment, the legislature could still make some modifications to the state's current voter ID requirements through conventional lawmaking. Specifically, the amendment authorizes the legislature to (1) "establish acceptable forms of photographic identification" within the listed parameters, (2) dictate the "time and place" at which an elector who casts a provisional ballot would need to present a photo ID to have their ballot count, and (3) "establish exceptions" to the photo ID requirement. Future legislatures could potentially utilize this "exceptions" provision to soften existing statutory requirements, even if they could not do away with photo ID entirely.

The Voter ID Debate

The debate over whether to enshrine a voter ID requirement in the state constitution has largely mirrored the debate over whether such a requirement should exist in the first place. Proponents argue that voter ID requirements [improve election security and increase public confidence in elections](#). Opponents meanwhile point out that, even where photo ID is not required, verifiable [incidents of voter fraud are extremely low](#), and other safeguards exist to ensure electoral integrity. As opponents see it, voter ID requirements can impair the right to vote and undermine the fairness of elections by [imposing unnecessary barriers](#) that [disproportionately impact](#) people of color, older voters, those with disabilities, low-income communities, rural voters, and others who have more difficulty obtaining an ID.

When it comes to amending the state constitution, there is an additional layer to the argument: Does a voter ID requirement belong in the state's foundational governing document as opposed to remaining a matter of statutory policy? Proponents and opponents agree that constitutionalizing voter ID will insulate it both from being overturned in court or changed by a subsequent legislature. But they differ on whether that's a good thing. [Proponents are concerned about](#) a liberal-leaning Wisconsin Supreme Court overturning the law or a future Democratic-controlled legislature walking back its requirements. Opponents conversely are more comfortable leaving open these possibilities. Some have also argued that [voter ID regulations do not belong in the state constitution](#) given the need to adapt election laws to new practices or changing technologies over time. Indeed, the vast majority of the rules that govern Wisconsin's elections are set forth in statutes and regulations, not in the constitution.

National Context

Nationally, voter ID laws are common, but it is rare for states to enshrine those requirements in their state constitutions.

[According to the National Conference of State Legislatures \(NCSL\)](#), 36 states have laws requiring or requesting voter ID for in-person voting. The specifics of these laws vary widely. Wisconsin is one of nine states that NCSL has classified as having a "strict" photo ID requirement for voting, meaning that voters without an acceptable photo ID must vote on a provisional ballot and take steps after election day, such as showing a photo ID to election officials, to ensure their

votes are counted. The other 27 states with voter ID laws have more flexibility and/or allow for non-photo IDs. For example, in Iowa, voters without an accepted ID can [still cast a regular ballot](#) if another registered voter in the precinct attests to their identity or if they prove their identity using other accepted documents. The remaining 14 states and Washington, D.C., do not require the presentation of IDs at the polling place and instead use other methods to verify voters' identities.

Of the 36 states with voter ID laws, only a few have constitutionally enshrined those regulations. In the past two decades, voters in eight states have seen various constitutional amendments involving voter ID on their ballots. In four of these states—[Arkansas](#) (2018), [Mississippi](#) (2011), [Nebraska](#) (2022), and [North Carolina](#) (2018)—voters [opted to add voter ID requirements](#) to their state constitutions. Similarly, Nevada voters [adopted such an amendment once in 2024](#), but they will have to vote for it again in 2026 for it to take effect. In Missouri, voters approved a constitutional amendment in 2016 that [allows the legislature to require photo ID](#), but the constitution itself does not make voter ID mandatory. And, in 2012, Minnesota became the only state to have its voters [reject a voter ID amendment](#) that appeared on the ballot. Meanwhile, Michigan voters in 2022 approved a [constitutional provision that prohibits lawmakers from imposing a strict photo ID requirement](#)—instead, if voters lack a photo ID at the polling place, the Michigan Constitution gives them right to execute an affidavit verifying their identity and then cast a regular ballot.

By and large, however, voter ID regulations are instead codified in state statutes, reflecting a policy choice that subsequent legislatures can change by passing a new law.

Conclusion

Whether or not the proposed constitutional amendment passes, the existing voter ID requirements enacted in 2011 will remain in effect for now. The key question for voters in April is whether to make it more difficult to change or remove those requirements in the future. A majority of “Yes” votes would enshrine the voter photo ID requirement in the state constitution. Any future changes to the provision would require a new constitutional amendment to pass in two successive legislative sessions and then garner a majority of votes from Wisconsin voters. A majority of “No” votes would leave the Wisconsin Constitution unchanged and would also leave unchanged the current statutory voter ID requirement.