

BILL HISTORY FOR ASSEMBLY BILL 343 (LRB -1606)

An Act to amend 6.28 (1), 6.33 (1), 6.35 (1) (intro.), 6.40 (2) (b), 6.45, 6.46, 6.55 (2) (a), 6.79 (1) to (3), 6.79 (5), 6.87 (2), 6.88 (3) (a), 7.08 (1) (c), 7.39 (5), 7.51 (1), 9.01 (1) (b) 11., 12.60 (1) (a), 12.60 (1) (b) and 60.11 (7); and to create 6.35 (1m), 6.36 (4), 6.47, 6.55 (2) (cm), 6.79 (6), 6.87 (6m), 9.01 (1) (b) 12., 12.13 (2) (b) 8. and 12.13 (3) (zm) and (zn) of the statutes; relating to: authorization for electors who are victims of domestic abuse to be listed confidentially on poll and registration lists and providing penalties. (FE)

1999

05-17. A. Introduced by Representatives Kreibich, Petrowski, Suder, Seratti, Sykora, Owens, Klusman, Stone, Huebsch, Spillner, Ryba, Musser, Brandemuehl, F. Lasee, Pettis, Kelso, Kestell, Hahn, Skindrud, Wasserman, Cullen, Boyle, Montgomery, Huber and Lassa; cosponsored by Senators Plache, Huelsman, Roessler, Darling and Clausing.	
05-17. A. Read first time and referred to committee on Campaigns and Elections	189
06-08. A. Fiscal estimate received.	
08-31. A. Assembly amendment 1 offered by Representative Kreibich (LRB a0478)	306
09-01. A. Public hearing held.	
09-01. A. Executive action taken.	
09-09. A. Report Assembly amendment 1 adoption recommended by committee on Campaigns and Elections, Ayes 9, Noes 0	311
09-09. A. Report passage as amended recommended by committee on Campaigns and Elections, Ayes 9, Noes 0	311
09-09. A. Referred to committee on Rules	311
09-16. A. Assembly amendment 2 offered by Representatives Ladwig, Freese and Kreibich (LRB a0577)	322
09-23. A. Placed on calendar 9-29-1999 by committee on Rules.	
09-29. A. Read a second time	356
09-29. A. Assembly amendment 1 adopted	356
09-29. A. Assembly amendment 2 adopted	356
09-29. A. Assembly amendment 3 offered by Representatives Lassa and Kreibich (LRB a0687)	356
09-29. A. Assembly amendment 3 adopted	356
09-29. A. Ordered to a third reading	356
09-29. A. Rules suspended	357
09-29. A. Read a third time and passed, Ayes 97, Noes 0	357
09-29. A. Ordered immediately messaged	357
09-30. S. Received from Assembly	277
09-30. S. Read first time and referred to committee on Economic Development, Housing and Government Operations	278

2000

01-04. S. Public hearing held.	
01-12. S. Executive action taken.	
01-19. S. Report concurrence recommended by committee on Economic Development, Housing and Government Operations, Ayes 5, Noes 0	381
01-19. S. Available for scheduling.	
03-07. S. Read a second time	475
03-07. S. Ordered to a third reading	475
03-07. S. Rules suspended	475
03-07. S. Read a third time and concurred in	475
03-07. S. Ordered immediately messaged	476
03-08. A. Received from Senate concurred in	717

03-16. A. Report correctly enrolled	773
04-13. A. Report approved by the Governor on 4-11-2000	924
1999 Wisconsin Act 49.	
04-13. A. Published 4-25-2000	924

**1999
ENROLLED BILL**

99en AB-343

ADOPTED DOCUMENTS:

Orig Engr SubAmdt

99 -16061 2

Amendments to above (if none, write "NONE"): AA1, AA2, AA3

Corrections - show date (if none, write "NONE"): none

Topic Confidential listing on poll and registration lists of victims of domestic abuse
3/8/00 [Signature]
Date Enrolling Drafter

ELECTRONIC PROCEDURE:

Follow automatic or manual enrolling procedures in *TEXT2000 Reference Guide*, Document Specific Procedures, Ch. 20, Engrossing and Enrolling

DISTRIBUTION:

HOUSE OF ORIGIN:

- 11 copies plus bill jacket
- Secretary of State's envelope containing 4 copies plus newspaper notice

REVISOR OF STATUTES:

- 5 copies

DEPARTMENT OF ADMINISTRATION:

- 2 copies

LRB:

- Drafting file original
- Drafting attorney 1 copy
- Legal section editors 1 copy each
- Reference section 1 copy
- Bill index librarian 1 copy

1999 ASSEMBLY BILL 343

May 17, 1999 - Introduced by Representatives KREIBICH, PETROWSKI, SUDER, SERATTI, SYKORA, OWENS, KLUSMAN, STONE, HUEBSCH, SPILLNER, RYBA, MUSSER, BRANDEMUEHL, F. LASEE, PETTIS, KELSO, KESTELL, HAHN, SKINDRUD, WASSERMAN, CULLEN, BOYLE, MONTGOMERY, HUBER and LASSA, cosponsored by Senators PLACHE, HUELSMAN, ROESSLER, DARLING and CLAUSING. Referred to Committee on Campaigns and Elections.

1 **AN ACT to amend** 6.28 (1), 6.33 (1), 6.35 (1) (intro.), 6.40 (2) (b), 6.45, 6.46, 6.55
 2 (2) (a), 6.79 (1) to (3), 6.79 (5), 6.87 (2), 6.88 (3) (a), 7.08 (1) (c), 7.39 (5), 7.51 (1),
 3 9.01 (1) (b) 11., 12.60 (1) (a), 12.60 (1) (a), 12.60 (1) (b) and 60.11 (7); and **to**
 4 **create** 6.35 (1m), 6.36 (4), 6.47, 6.55 (2) (cm), 6.79 (6), 6.87 (6m), 9.01 (1) (b) 12.,
 5 12.13 (2) (b) 8. and 12.13 (3) (zm) and (zn) of the statutes; **relating to:**
 6 authorization for electors who are victims of domestic abuse to be listed
 7 confidentially on poll and registration lists and providing penalties.

Analysis by the Legislative Reference Bureau

Currently, the names and addresses of all electors who vote, and in municipalities where registration is required, the names of electors who register to vote, are publicly accessible. Electors must orally disclose their names and addresses at polling places, which are recorded on poll and registration lists. Polling place observers may inspect the lists of names and addresses of registered and actual voters.

This bill permits certain electors to vote or register to vote confidentially. To be eligible for a confidential listing, an elector must have been granted a protective order by a court that is currently in effect restraining another person from having or causing contact with the elector for reasons relating to domestic abuse; the elector must reside in an organized shelter for persons whose personal security is or may be

ASSEMBLY BILL 343

threatened by other persons with whom the residents have had contact; or the elector must present the affidavit of a sheriff or chief of a police department verifying that a person has been charged with or convicted of an offense relating to domestic abuse in which the elector was a victim and reasonably continues to be threatened by that person. Under the bill, an "offense relating to domestic abuse" includes sexual assault, battery, stalking, harassment or sexual exploitation. A confidential listing expires when a protective order expires, when an individual ceases to be a resident of a shelter, when the sheriff or chief of a police department who signed an affidavit notifies a municipal clerk that a judgment in a domestic abuse case has been vacated or that a domestic abuse charge has been dropped, or upon expiration of the two-year period following creation of the listing, whichever first occurs. A listing may be renewed in the same manner as provided for creation of an original listing.

Under the bill, a municipal clerk must still provide access to a confidential name and address to a law enforcement officer for official purposes; to a state or local governmental officer pursuant to a specific law that necessitates obtaining the name or address; pursuant to a court order citing a reason that access to a name or address should be provided; to a clerk of circuit court for purposes of jury selection; or at the request of the protected elector for the purpose of permitting the elector to qualify as a signer on certain petitions.

The bill directs municipal clerks to issue to each elector who is entitled to a confidential listing an identification card containing a unique number issued by the elections board, which may be presented to election inspectors (poll workers) in lieu of providing a name and address. Alternatively, the bill permits an elector where registration is required to give his or her name and identification card number in lieu of an address.

Currently, voters may register at polling places, high schools and various other locations. Under this bill, an elector who wishes to obtain a confidential listing must register at the office of the clerk of the municipality where the elector resides.

The bill provides that polling place observers may not view the name or address of any elector who is entitled to be listed on a poll or registration list confidentially. However, the inspectors must disclose to any observer, upon request, the existence of any confidential list of electors, the number of electors whose names appear on the list and the number of electors who have voted at any point in the proceedings.

The bill prohibits election officials and other persons who are provided confidential information relating to the names and addresses of electors from disclosing that information to other persons who are not authorized to obtain that information. The bill also prohibits an individual from providing false information to a municipal clerk for the purpose of obtaining a confidential listing on a poll or registration list. Violators are guilty of a misdemeanor and are subject to a fine of not more than \$1,000 or imprisonment for not more than six months, or both, for each offense.

ASSEMBLY BILL 343

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 6.28 (1) of the statutes is amended to read:

2 6.28 (1) REGISTRATION LOCATIONS; DEADLINE. Registration in person for any
3 election shall close at 5 p.m. on the 2nd Wednesday preceding the election.
4 Registrations made by mail under s. 6.30 (4) must be delivered to the office of the
5 municipal clerk or postmarked no later than the 2nd Wednesday preceding the
6 election. All applications for registration corrections and additions may be made
7 throughout the year at the office of the city board of election commissioners, at the
8 office of the municipal clerk, at the office of any register of deeds or at other locations
9 provided by the board of election commissioners or the common council in cities over
10 500,000 population or by either or both the municipal clerk, or the common council,
11 village or town board in all other municipalities and may also be made during the
12 school year at any high school by qualified persons under sub. (2) (a). Other
13 registration locations may include but are not limited to fire houses, police stations,
14 public libraries, institutions of higher education, supermarkets, community centers,
15 plants and factories, banks, savings and loan associations and savings banks.
16 Special registration deputies shall be appointed for all locations. An elector who
17 wishes to obtain a confidential listing under s. 6.47 (2) shall register at the office of
18 the municipal clerk of the municipality where the elector resides.

19 **SECTION 2.** 6.33 (1) of the statutes is amended to read:

20 6.33 (1) The municipal clerk shall supply sufficient registration forms as
21 prescribed by the board printed on loose-leaf sheets or cards to obtain from each

ASSEMBLY BILL 343

SECTION 2

1 applicant information as to name, date, residence location, citizenship, age, whether
 2 the applicant has resided within the ward or election district for at least 10 days,
 3 whether the applicant has lost his or her right to vote, and whether the applicant is
 4 currently registered to vote at any other location, and shall provide a space for the
 5 applicant's signature. The forms shall also include a space for the identification
 6 serial number of any elector who is issued such a number under s. 6.47 (3). Each
 7 register of deeds shall obtain sufficient registration forms at the expense of the unit
 8 of government by which he or she is employed for completion by any elector who
 9 desires to register to vote.

10 SECTION 3. 6.35 (1) (intro.) of the statutes is amended to read:

11 6.35 (1) (intro.) Under the direction of the municipal clerk or board of election
 12 commissioners, the original registration forms shall be filed in one of the following
 13 ways, except as provided in sub. (1m):

14 SECTION 4. 6.35 (1m) of the statutes is created to read:

15 6.35 (1m) Original registration forms of electors who have obtained a
 16 confidential listing under s. 6.47 (2) shall be filed in alphabetical order after the
 17 forms of the other electors.

18 SECTION 5. 6.36 (4) of the statutes is created to read:

19 6.36 (4) The names and ~~addresses~~ of electors who have obtained a confidential
 20 listing under s. 6.47 (2) shall appear separately after the remainder of the list. These
 21 names and ~~addresses~~ shall be arranged alphabetically by last name.

22 SECTION 6. 6.40 (2) (b) of the statutes is amended to read:

23 6.40 (2) (b) In addition to the revision which is required under s. 6.50,
 24 municipal clerks may conduct door-to-door and mail registration canvasses at any
 25 time. The door-to-door canvass shall consist of both the deletion from the

identification serial numbers AA 2 ✓

serial numbers AA 2 ✓

4-17 AA 2

ASSEMBLY BILL 343

1 registration list of the names of electors who no longer reside at the address for which
2 they are registered and the addition to the registration list of the names of electors
3 who reside at that address. The mail canvass shall consist of the municipal clerk
4 examining the registration records and canceling the registration of electors after
5 the mailing of notices in accordance with s. 6.50 (1) and (2) or (2m). The mail canvass
6 may also consist of adding to the registration list the names of eligible electors. Both
7 door-to-door and mail canvasses whenever made shall be made throughout the
8 municipality in a uniform manner. An elector who wishes to obtain a confidential
9 listing under s. 6.47 (2) shall register at the office of the municipal clerk of the
10 municipality where the elector resides.

11 **SECTION 7.** 6.45 of the statutes is amended to read:

12 **6.45 Access to registration list.** (1) After the deadline for revision of the
13 registration list, the municipal clerk shall make copies of the list for election use.

14 (1m) The registration list and any supplemental lists which are prepared at
15 polling places or other registration locations under s. 6.55, shall be open to public
16 inspection. Under the regulations prescribed by the municipal clerk, any person may
17 copy the registration list at the office of the clerk. A registration list maintained at
18 a polling place may be examined by an observer when such use does not interfere
19 with the conduct of the election. This subsection does not apply to information that
20 is confidential under s. 6.47.

21 (2) The municipal clerk shall furnish upon request to each candidate who has
22 filed nomination papers for an office which represents at least part of the residents
23 of the municipality one copy of the current registration list for those areas for which
24 he or she is a candidate for a fee not to exceed the cost of reproduction. The clerk shall

ASSEMBLY BILL 343**SECTION 7**

1 exclude information that is confidential under s. 6.47 (2) from copies of the list, except
2 as authorized under s. 6.47 (8).

3 **SECTION 8.** 6.46 of the statutes is amended to read:

4 **6.46 Poll lists; copying. (1)** Poll lists shall be preserved by the municipal
5 clerk until destruction or other disposition is authorized under s. 7.23, ~~and~~.

6 (2) Poll lists shall be open to public inspection, except as provided in s. 6.47.

7 The municipal clerk shall furnish upon request to each candidate who has filed
8 nomination papers for an office which represents at least part of the municipality one
9 copy of the current poll list for those areas for which he or she is a candidate for a fee
10 not to exceed the cost of reproduction. If a copying machine is not accessible, the clerk
11 shall remove the lists from the office for the purposes of copying, and return them
12 immediately thereafter. The clerk shall exclude information that is confidential
13 under s. 6.47 (2) from copies of the list, except as authorized under s. 6.47 (8).

14 **SECTION 9.** 6.47 of the statutes is created to read:

15 **6.47 Confidentiality of information relating to victims of domestic**
16 **abuse. (1)** In this section:

17 (a) "Eligible individual" means:

18 1. An individual who has been granted a protective order that is in effect.

19 2. An individual who files an affidavit with the municipal clerk of the
20 municipality where the individual resides, on a form prescribed by the board, which
21 is signed by a sheriff or the chief of a police department and directed to the municipal
22 clerk, and which verifies that a person has been charged with or convicted of an
23 offense relating to domestic abuse in which the individual was a victim and
24 reasonably continues to be threatened by that person.

25 3. An individual who resides in a shelter.

ASSEMBLY BILL 343

1 (b) "Offense relating to domestic abuse" means an offense specified in s. 940.19,
2 940.20 (1m), 940.201, 940.22, 940.225, 940.32, 947.013, 948.02, 948.025, 948.06,
3 948.09 or 948.095.

4 (c) "Protected individual" means an individual whose name and address is
5 confidential under sub. (2).

6 (d) "Protective order" means a temporary restraining order or an injunction
7 issued under s. 813.12. *or 813.125 (AA3)*

8 (e) "Shelter" means a place where at least 4 unrelated individuals reside that
9 provides residential shelter to individuals whose personal security is or may be
10 threatened by family members or other persons with whom the individuals have had
11 contact.

12 (2) Except as authorized in sub. (8), the municipal clerk shall withhold from
13 public inspection under s. 19.35 (1) the name and address of any eligible individual
14 whose name appears on a poll list or registration list if the individual files a valid
15 written request with the clerk to protect the individual's confidentiality. To be valid,
16 a request under this subsection must be accompanied by a copy of a protective order
17 that is in effect, an affidavit under sub. (1) (a) 2. that is dated within 30 days of the
18 date of the request or a statement signed by the operator or an authorized agent of
19 the operator of a shelter that is dated within 30 days of the date of the request and
20 that indicates that the operator operates the shelter and that the individual making
21 the request resides in the shelter. A physically disabled individual who appears
22 personally at the office of the municipal clerk accompanied by another elector of this
23 state may designate that elector to make a request under this subsection on his or
24 her behalf.

8-3

AA2

1 (3) Upon listing of an elector under sub. (2), the municipal clerk shall issue to
2 the elector a voting identification card on a form prescribed by the board that shall
3 contain the elector's name and address and a unique identification serial number
4 issued by the board. The number issued to an elector under this subsection shall not
5 be changed for so long as the elector continues to qualify for a listing under sub. (2).

6 (4) Except as provided in sub. (5), a confidential listing under sub. (2) expires
7 on the date that a protective order expires, the date that the protected individual
8 ceases to reside in a shelter or at the end of the 24-month period that follows creation
9 or renewal of the listing under sub. (2), whichever is earlier.

10 (5) (a) The municipal clerk shall cancel a confidential listing under sub. (2) if:

- 11 1. The clerk receives notification from a sheriff or chief of police under sub. (8).
- 12 2. The name of the protected individual is legally changed.
- 13 3. The protected individual changes his or her address without notifying the
14 municipal clerk.
- 15 4. The municipal clerk finds that the protected individual provided false
16 information to the clerk for the purpose of obtaining a confidential listing under sub.
17 (2).

18 (b) An individual whose confidential listing is canceled under par. (a) may file
19 a new request and qualify under sub. (2) to obtain a renewal of the listing.

20 (6) Upon expiration of a confidential listing on a registration list under sub. (2),
21 the municipal clerk shall cancel the registration of the protected individual unless
22 the individual files a new request and qualifies under sub. (2) to obtain a renewal of
23 the listing or unless the individual applies for and qualifies to obtain a
24 nonconfidential voter registration. Except as authorized in sub. (8), the municipal
25 clerk shall withhold from public inspection under s. 19.35 (1) the name and address

ASSEMBLY BILL 343

1 of any individual whose registration is canceled under this subsection if the
2 individual qualified for a confidential listing at the time of that listing.

3 (7) (a) If the municipal clerk has notice that a confidential listing under sub.
4 (2) is scheduled to expire, the municipal clerk shall provide 30 days' notice to the
5 protected individual of the scheduled expiration of the listing.

6 (b) If notice to a protected individual is not provided under par. (a), the
7 municipal clerk shall provide notice to the subject individual upon canceling a
8 confidential listing under sub. (2).

9 (8) The municipal clerk shall provide access to a name and address under sub.
10 (2):

11 (a) To a law enforcement officer for official purposes.

12 (b) To a state or local governmental officer pursuant to a specific law that
13 necessitates obtaining the name or address.

14 (c) Pursuant to a court order citing a reason that access to the name or address
15 should be provided.

16 (d) To a clerk of circuit court for purposes of s. 756.04 (5) (a).

17 (e) At the request of a protected individual, for purposes of permitting that
18 individual to sign a petition under s. 59.05 (2) or a protest petition, consent or counter
19 petition under s. 125.05.

20 (9) No person who obtains access to a name or address under sub. (8) may
21 disclose the name or address to any person other than a public employe for the same
22 purpose for which the information was obtained.

23 (10) If a sheriff or chief of a police department who signs an affidavit under sub.
24 (1) (a) 2. obtains information that the person who was charged with an offense
25 relating to domestic abuse is no longer so charged or that the person's judgment of

ASSEMBLY BILL 343**SECTION 9**

1 conviction has been vacated, and the charge or conviction was the sole basis for the
2 affidavit, the sheriff or chief shall provide written notice of that information to the
3 municipal clerk to whom the affidavit was directed.

4 **SECTION 10.** 6.55 (2) (a) of the statutes is amended to read:

5 6.55 (2) (a) Except where the procedure under par. (c) or (cm) is employed, any
6 person who qualifies as an elector in the ward or election district where he or she
7 desires to vote, but has not previously filed a registration form, or was registered at
8 another location in a municipality where registration is required, may request
9 permission to vote at the polling place for that ward or election district, or at an
10 alternate polling place assigned under s. 5.25 (5) (b). When a proper request is made,
11 the inspector shall require the person to execute a registration form prescribed by
12 the board which shall contain the following certification:

13 “I, ..., hereby certify that to the best of my knowledge, I am a qualified elector,
14 having resided at for at least 10 days immediately preceding this election, and
15 that I am not disqualified on any ground from voting, and I have not voted, at this
16 election.” If a change of address is made from outside the municipality, the elector
17 shall file a cancellation under s. 6.40 (1) (b) 6.

18 **SECTION 11.** 6.55 (2) (cm) of the statutes is created to read:

19 6.55 (2) (cm) If an elector who is not registered wishes to obtain a confidential
20 listing under s. 6.47 (2), the elector shall register at the office of the municipal clerk
21 of the municipality where the elector resides. Upon completion of registration, the
22 municipal clerk or a deputy clerk shall serially number the registration form and
23 issue a voting identification card to the elector under s. 6.47 (3). ~~The clerk shall~~
24 ~~provide one copy of the registration form to the elector.~~ The elector may vote at the

AA2 ✓

11-2 ✓
AA2

AA2 ✓
X

1 polling place serving his or her residence by presenting the identification card and
2 ~~the copy of the registration form~~ to the inspectors.

3 SECTION 12. 6.79 (1) to (3) of the statutes are amended to read:

4 6.79 (1) MUNICIPALITIES WITHOUT REGISTRATION. ~~Where~~ Except as provided in
5 sub. (6) (a), where there is no registration, before being permitted to vote, each person
6 shall state his or her full name and address. The officials shall record each name and
7 address on a poll list in the same order as the votes are cast. If the residence of the
8 elector does not have a number, the election officials shall, in the appropriate space,
9 write "none". Alternatively, the municipal clerk may maintain a poll list consisting
10 of the full name and address of electors compiled from previous elections. Whenever
11 an elector appears to vote, the officials shall verify the correctness of the elector's
12 name and address, and shall enter a serial number next to the name of the elector
13 in the order that the votes are cast, beginning with the number one. If the name and
14 address of an elector do not appear on the prepared poll list, the officials shall record
15 the name, address and serial number of the elector at the bottom of the list. The
16 officials may require any elector to provide identification, including acceptable proof
17 of residence, or to have another elector corroborate his or her information in
18 accordance with the procedure specified in s. 6.55 (2) (b) before permitting the elector
19 to vote. An elector who presents an identification card under sub. (6) (a) is not
20 required to provide separate identification. The officials shall maintain a separate
21 list of those persons voting under ss. 6.15 and 6.24.

22 (2) MUNICIPALITIES WITH REGISTRATION. ~~Where~~ Except as provided in sub. (6) (b),
23 where there is registration, each person, before receiving a voting number, shall state
24 his or her full name and address. Upon the prepared registration list, after the name
25 of each elector, the officials shall enter the serial number of the vote as it is polled,

ASSEMBLY BILL 343**SECTION 12**

1 beginning with number one. Each elector shall receive a slip bearing the same serial
2 number. A separate list shall be maintained for electors who are voting under s. 6.15,
3 6.29 or 6.55 (2) or (3) and electors who are reassigned from another polling place
4 under s. 5.25 (5) (b). Each such elector shall have his or her full name, address and
5 serial number likewise recorded and shall be given a slip bearing such number.

6 **(3) REFUSAL TO GIVE NAME AND ADDRESS.** If Except as provided in sub. (6), if any
7 elector offering to vote at any polling place refuses to give his or her name and
8 address, the elector may not be permitted to vote.

9 **SECTION 13.** 6.79 (5) of the statutes is amended to read:

10 **6.79 (5) POLL LIST FORMS.** Poll lists shall be kept on forms designed by the board
11 to be substantially similar to the standard registration list forms used in
12 municipalities where registration is required and shall require, for each person
13 offering to vote, the entry of the person's full name and address, except as otherwise
14 required under sub. (6) (a).

15 **SECTION 14.** 6.79 (6) of the statutes is created to read:

16 **6.79 (6) CONFIDENTIAL NAMES AND ADDRESSES.** (a) In municipalities where there
17 is no registration, an elector who has a confidential listing under s. 6.47 (2) may
18 present an identification card issued under s. 6.47 (3) in lieu of providing his or her
19 name and address. If the elector resides in the area served by the polling place, the
20 inspectors shall then enter the elector's name and identification serial number on the
21 poll list in a section following the other names, shall issue a voting serial number to
22 the elector and shall record that number on the poll list and permit the elector to vote.

23 (b) In municipalities where registration is required, an elector who has a
24 confidential listing under s. 6.47 (2) may present his or her identification card issued
25 under s. 6.47 (3) or may give his or her name and identification serial number issued

ASSEMBLY BILL 343

1 under s. 6.47 (3). If the elector's name and identification serial number appear on the
2 confidential portion of the list, the inspectors shall issue a voting serial number to
3 the elector, record that number on the registration list and permit the elector to vote.

4 **SECTION 15.** 6.87 (2) of the statutes is amended to read:

5 6.87 (2) The municipal clerk shall place the ballot in an unsealed envelope
6 furnished by the clerk. The envelope shall have the name, official title and
7 post-office address of the clerk upon its face. The other side of the envelope shall
8 have a printed certificate-affidavit in substantially the following form:

9 [STATE OF

10 County of]

11 or

12 [(name of foreign country and city or other jurisdictional unit)]

13 I, ..., (certify) (do solemnly swear) subject to the penalties of s. 12.60 (1) (b), Wis.
14 Stats. for false statements that I am a resident of the [... ward of the] (town) (village)
15 of ..., or of the ... aldermanic district in the city of ..., residing at ... in said city, the
16 county of ..., state of Wisconsin, and am entitled to vote in the (ward) (election
17 district) at the election to be held on ...; that I am not voting at any other location
18 in this election; that I cannot appear at the polling place in the (ward) (election
19 district) on election day because I expect to be absent from the municipality or
20 because of age, sickness, handicap, physical disability, religious reasons, jury duty,
21 service as an election official, or because I have changed my residence within the
22 state from one ward or election district to another within 10 days before the election.

23 I (certify) (swear) that I exhibited the enclosed ballot unmarked to the (2 witnesses)
24 (person administering the oath), that I then in (their) (his) (her) presence and in the
25 presence of no other person marked the ballot and enclosed and sealed the same in

13-22^v AA2

ASSEMBLY BILL 343**SECTION 15**

1 this envelope in such a manner that no one but myself and any person rendering
 2 assistance under s. 6.87 (5), Wis. Stats., if I requested assistance, could know how I
 3 voted.

4 Signed

5 Identification serial number, if any:

6 The (2 witnesses) (person administering the oath) shall execute either of the
 7 following as appropriate:

8 We, the undersigned witnesses, subject to the penalties of s. 12.60 (1) (b), Wis.
 9 Stats., for false statements, certify that the above statements are true and the voting
 10 procedure was executed as there stated. Neither of us is a candidate for any office
 11 on the enclosed ballot (except in the case of an incumbent municipal clerk). The
 12 elector was not solicited or advised by us to vote for or against any candidate or
 13 measure.

14(Name)

15(Address)

16(Name)

17(Address)

18 Subscribed and sworn to before me this day of, A.D.,, and I hereby
 19 certify that I am not a candidate on the ballot upon which the affiant voted (unless
 20 I am an incumbent municipal clerk), that the voting procedure above was executed
 21 as therein stated, and that the affiant was not solicited or advised by me to vote for
 22 or against any candidate or measure.

23(Name)

24(Title)

25(State or nation)

ASSEMBLY BILL 343

1 **SECTION 16.** 6.87 (6m) of the statutes is created to read:

2 6.87 **(6m)** Except as authorized in s. 6.47 (8), the municipal clerk shall withhold
3 from public inspection under s. 19.35 (1) the name and address of any absent elector
4 who obtains a confidential listing under s. 6.47 (2).

5 **SECTION 17.** 6.88 (3) (a) of the statutes is amended to read:

6 6.88 **(3)** (a) Any time between the opening and closing of the polls on election
7 day, the inspectors shall open the carrier envelope only, and announce the ~~absent~~
8 ~~elector's name~~ of the absent elector or the identification serial number of the absent
9 elector if the elector has a confidential listing under s. 6.47 (2). When the inspectors
10 find that the certification or affidavit has been properly executed, the applicant is a
11 qualified elector of the ward or election district, and the applicant has not voted in
12 the election, they shall enter an indication on the poll or registration list next to the
13 applicant's name indicating an absentee ballot is cast by the elector. They shall then
14 open the envelope containing the ballot in a manner so as not to deface or destroy the
15 affidavit or certification thereon. The inspectors shall take out the ballot without
16 unfolding it or permitting it to be unfolded or examined. Unless the ballot is cast
17 under s. 6.95, the inspectors shall verify that the ballot has been endorsed by the
18 issuing clerk. The inspectors shall deposit the ballot in the proper ballot box and
19 enter the absent elector's name or voting number after his or her name on the poll
20 or registration list the same as if the elector had been present and voted in person.

21 **SECTION 18.** 7.08 (1) (c) of the statutes is amended to read:

22 7.08 **(1)** (c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (3) and (4), 6.33
23 (1), 6.40 (1) (b), 6.47 (1) (a) 2. and (3), 6.55 (2) and (3), 6.79 (5) and 6.86 (2) and (3).
24 All such forms shall contain a statement of the penalty applicable to false or

ASSEMBLY BILL 343

SECTION 18

1 fraudulent registration or voting through use of the form. Forms are not required
2 to be furnished by the board.

3 **SECTION 19.** 7.39 (5) of the statutes is amended to read:

4 7.39 (5) POLL POSITIONS. Observers of election proceedings, as a matter of right,
5 shall be so positioned at the polls by the chief inspector as to reasonably be enabled
6 to closely observe proceedings and hear instructions given to voters. No observer
7 may view the registration form of an elector who has obtained a confidential listing AA-2
8 under s. 6.47 (2) or the confidential portion of a registration list maintained under
9 s. 6.36 (4) or poll list maintained under s. 6.79 (6). However, the inspectors shall
10 disclose to any observer, upon request, the existence of such a list, the number of
11 electors whose names appear on the list and the number of those electors who have
12 voted at any point in the proceedings. No observer may view the certificate-affidavit
13 form of an absent elector who obtains a confidential listing under s. 6.47 (2).

14 **SECTION 20.** 7.51 (1) of the statutes is amended to read:

15 7.51 (1) CANVASS PROCEDURE. Immediately after the polls close the inspectors
16 shall proceed to canvass publicly all votes received at the polling place. In any
17 municipality where an electronic voting system is used, the municipal governing
18 body or board of election commissioners may provide or authorize the municipal
19 clerk or executive director of the board of election commissioners to provide for the
20 adjournment of the canvass to one or more central counting locations for specified
21 polling places in the manner prescribed in subch. III of ch. 5. No central counting
22 location may be used to count votes at a polling place where an electronic voting
23 system is not employed. The canvass, whether conducted at the polling place or at
24 the central counting location, shall continue without adjournment until the canvass
25 is completed and the return statements are made. The inspectors shall not permit

ASSEMBLY BILL 343

1 access to the name and address of any elector who has obtained a confidential listing
2 under s. 6.47 (2) during the canvass, except as authorized in s. 6.47 (8).

3 SECTION 21. 9.01 (1) (b) 11. of the statutes is amended to read:

4 9.01 (1) (b) 11. All steps of the recount shall be performed publicly. All Except
5 as provided in subd. 12., all materials and ballots may be viewed and identified by
6 the candidates, the person demanding the recount and their authorized
7 representatives and counsel, but only members of the board of canvassers and
8 tabulators assisting them may touch any of the materials or ballots. The candidates,
9 the person demanding the recount and their authorized representatives and counsel
10 may object to the counting of any ballot. Any errors shall be corrected.

11 SECTION 22. 9.01 (1) (b) 12. of the statutes is created to read:

12 9.01 (1) (b) 12. Except as authorized in s. 6.47 (8), the board of canvassers shall
13 not permit access to the name or address of any elector who has obtained a
14 confidential listing under s. 6.47 (2) during the recanvass.

15 SECTION 23. 12.13 (2) (b) 8. of the statutes is created to read:

16 12.13 (2) (b) 8. Intentionally disclose the name or address of any elector who
17 obtains a confidential listing under s. 6.47 (2) to any person who is not authorized
18 by law to obtain that information.

19 SECTION 24. 12.13 (3) (zm) and (zn) of the statutes are created to read:

20 12.13 (3) (zm) Wilfully provide to a municipal clerk false information for the
21 purpose of obtaining a confidential listing under s. 6.47 (2) for that person or another
22 person.

23 (zn) Disclose to any person information provided under s. 6.47 (8) when not
24 authorized to do so.

25 SECTION 25. 12.60 (1) (a) of the statutes is amended to read:

ASSEMBLY BILL 343

SECTION 25

1 12.60 (1) (a) Whoever violates s. 12.09, 12.11 or 12.13 (1), (2) (b) 1. to 7. or (3)
2 (a), (e), (f), (j), (k), (L), (m), (y) or (z) may be fined not more than \$10,000 or imprisoned
3 not more than 3 years in the Wisconsin state prisons or both.

4 **SECTION 26.** 12.60 (1) (a) of the statutes, as affected by 1997 Wisconsin Act 283,
5 is amended to read:

6 12.60 (1) (a) Whoever violates s. 12.09, 12.11 or 12.13 (1), (2) (b) 1. to 7. or (3)
7 (a), (e), (f), (j), (k), (L), (m), (y) or (z) may be fined not more than \$10,000 or imprisoned
8 for not more than 4 years and 6 months or both.

9 **SECTION 27.** 12.60 (1) (b) of the statutes is amended to read:

10 12.60 (1) (b) Whoever violates s. 12.03, 12.05, 12.07, 12.08 or 12.13 (2) (b) 8., (3)
11 (b), (c), (d), (g), (i) ~~or~~, (n) to (x), (zm) or (zn) may be fined not more than \$1,000, or
12 imprisoned not more than 6 months or both.

13 **SECTION 28.** 60.11 (7) of the statutes is amended to read:

14 60.11 (7) POLL LIST. An annual town meeting may require the clerk of the town
15 meeting to keep a poll list with the name and address of every elector voting at the
16 meeting. If an elector of the town obtains a confidential listing under s. 6.47 (2) and
17 presents an identification card issued under s. 6.47 (3), the clerk shall record the
18 identification serial number of the elector in lieu of the elector's address.

19 **SECTION 29. Effective dates.** This act takes effect on the day after publication,
20 except as follows:

21 (1) The treatment of section 12.60 (1) (a) (by SECTION 26) of the statutes takes
22 effect on December 31, 1999.

23

(END)

**ASSEMBLY AMENDMENT 1,
TO 1999 ASSEMBLY BILL 343**

August 31, 1999 - Offered by Representative KREIBICH.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 16, line 13: after that line insert:

3 **SECTION 19m.** 7.41 (4) of the statutes is created to read:

4 7.41 (4) An individual exercising the right under sub. (1) may not view any
5 records to which access by observers is prohibited under s. 7.39 (5). The inspectors
6 shall disclose to such an individual, upon request, the existence of confidential
7 records specified in s. 7.39 (5) and the information required to be provided to
8 observers under s. 7.39 (5).

9 (END)

✓
16-13

**ASSEMBLY AMENDMENT 2,
TO 1999 ASSEMBLY BILL 343**

September 16, 1999 – Offered by Representatives LADWIG, FREESE and KREIBICH.

1 At the locations indicated, amend the bill as follows:

2 ✓ ① Page 4, line 17: after that line insert:

3 "SECTION 4g. 6.36 (2) of the statutes is renumbered 6.36 (2) (a) and amended

4 to read:

5 6.36 (2) (a) The Except as provided in par. (b), the registration lists shall
6 contain the full name and address of each registered elector, a blank column for the
7 entry of the serial number of the electors when they vote, and a form of a certificate
8 stating that each list is a true and complete combined check and registration list of
9 the respective wards.

10 SECTION 4r. 6.36 (2) (b) of the statutes is created to read:

11 6.36 (2) (b) If an elector obtains a confidential listing under s. 6.47 (2), the
12 registration list shall be prepared such that the address of the elector does not appear
13 on copies of the list that are used at polling places."

✓
4-17

1 ✓ 2. Page 4, line 19: delete “addresses” and substitute “identification serial
2 numbers”.

3 ✓ 3. Page 4, line 21: delete “addresses” and substitute “serial numbers”.

4 (4) Page 8, line 3: delete “elector’s name and address” and substitute “name of
5 the municipality issuing the card and in the case of a town, the county in which the
6 town is located, the elector’s name, the ward in which the elector resides, if any.”

7 ✓ 5. Page 10, line 23: delete the material beginning with “The clerk” and ending
8 with “elector.” on line 24.

9 ✓ 6. Page 11, line 1: delete “and”.

10 (7) Page 11, line 2: delete “the copy of the registration form” and substitute “or
11 by providing his or her name and identification serial number”.

12 ✓ 8. Page 13, line 22: after “election.” insert “An elector who provides an
13 identification serial number issued under s. 6.47 (3) need not provide a street
14 address.”

15 ✓ 9. Page 16, line 7: delete the material beginning with “the” and ending with
16 “or” on line 8.

17 ✓ 10. Page 17, line 1: delete “and address”.

18 ✓ 11. Page 17, line 13: delete “or address”.

19

(END)

**ASSEMBLY AMENDMENT 3,
TO 1999 ASSEMBLY BILL 343**

September 29, 1999 – Offered by Representatives LASSA and KREIBICH.

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 7, line 7: after “813.12” insert “or 813.125”.

3 (END)