

1     **AN ACT** *to repeal and recreate* 12.09 of the statutes; **relating to:** election threats.

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

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This draft was prepared for the joint legislative council’s special committee on election law review.

Current law, in s. 12.09 of the statutes, prevents the making of various election threats. Violations of that section are punishable as a Class I felony (a fine not to exceed \$10,000 or imprisonment not to exceed 3 years and 6 months, or both).

Presently, s. 12.09 is drafted as one paragraph consisting of 3 distinct components, each of which prohibits different conduct. The provision reads as follows:

*No person may personally or through an agent make use of or threaten to make use of force, violence or restraint in order to induce or compel any person to vote or refrain from voting at an election; or, by abduction, duress or any fraudulent device or contrivance, impede or prevent the free exercise of the franchise at an election; or by any act compel, induce or prevail upon an elector either to vote or refrain from voting at any election for or against a particular candidate or referendum.*

This draft, in order to improve the readability of the provision, repeals the provision and recreates it with 3 distinct subsections. The draft makes no substantive changes to the law and violations would still be subject to the same penalties as provided under current law.

This draft contains an effective date of January 1, 2006.

2     **SECTION 1.** 12.09 of the statutes is repealed and recreated to read:

3     **12.09 Election Threats. (1)** No person may personally or through an agent make use  
4     of or threaten to make use of force, violence, or restraint in order to induce or compel any  
5     person to vote or refrain from voting at an election.



dis  
approve  
needed  
or  
multiple  
checks

1 AN ACT to create 6.36 (5) of the statutes; relating to: the fee for receiving a copy of  
2 the statewide voter registration list, and providing an exemption from emergency  
3 rules procedures.

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

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This draft was prepared for the joint legislative council's special committee on election law review.

Under current law, the fee for a copy of a public record may not exceed the actual, necessary, and direct cost of reproduction, unless a fee is otherwise specifically established or authorized to be established. This bill directs the elections board to establish a fee for receiving a copy of the statewide voter registration list. The fee must be established by rule after consultation with county and municipal election officials. The amount of the fee must be set to cover the cost of reproduction and the cost of maintaining the list. The rules must also specify how the fees will be shared between state and local jurisdictions. The draft also authorizes the board to promulgate emergency rules to be in effect until permanent rules are promulgated.

This draft contains an effective date of January 1, 2006.

4 SECTION 1. 6.36 (5) of the statutes is created to read:

5 6.36 (5) The board shall establish by rule the fee for obtaining a copy of the official  
6 registration list, or a portion of the list. The amount of the fee shall be set, after consultation  
7 with county and municipal election officials, at an amount estimated to cover both the cost of  
8 reproduction and the cost of maintaining the list at the state and local level. The rules shall  
9 require that revenues from the fees received shall be shared between the state and local jurisdictions, and shall  
10 specify a method for such allocation.

municipalities  
or their  
designees  
under  
s. 6.33(5)(b)

**NOTE:** This draft directs the elections board to establish a fee for receiving a copy of the statewide voter registration list. The fee must be



1        **AN ACT to amend** 6.32 (4) of the statutes; **relating to:** time for sending address  
 2        verification cards.

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

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This draft was created for the joint legislative council's special committee on election law review.

Under current law, if a clerk receives a registration by mail, the clerk must send a letter or postcard to the registrant, specifying the elector's ward or aldermanic district, or both, if any, and polling place. If the letter or postcard is returned, the clerk must change the status of the elector to ineligible. This draft specifies that the clerk must mail the letter or postcard within 10 days of receiving the registration.

This draft contains an effective date of January 1, 2006.

3        **SECTION 1.** 6.32 (4) of the statutes is amended to read:

4        6.32 (4) If the form is sufficient to accomplish registration and the clerk has no reliable  
 5        information to indicate that the proposed elector is not qualified, the clerk shall enter the  
 6        elector's name on the registration list and transmit a 1st class letter or postcard to the registrant,  
 7        specifying the elector's ward or aldermanic district, or both, if any, and polling place. The  
 8        letter or postcard shall be sent within 10 days of receipt of the registration form. If the letter  
 9        or postcard is returned, or if the clerk is informed of a different address than the one specified  
 10       by the elector, the clerk shall change the status of the elector on the list from eligible to  
 11       ineligible. The letter or postcard shall be marked in accordance with postal regulations to  
 12       ensure that it will be returned to the clerk if the elector does not reside at the address given on  
 13       the letter or postcard.



1        **AN ACT** *to amend* 12.60 (1) (d); *to repeal and recreate* 12.03 (2); and *to create*  
2                    12.035 of the statutes; **relating to:** electioneering at a polling place, the posting or  
3                    distribution of election-related material, and providing for a penalty.

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

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This draft was prepared for the joint legislative council's special committee on election law review.

Under current law, "electioneering" is prohibited at or near the entrances to polling places on election day. Specifically, the law prohibits an election official from engaging in "electioneering" on election day. In addition, the law prohibits any person from engaging in "electioneering" during polling hours on any public property on election day within 100 feet of an entrance to a building containing a polling place. This restriction, though, does not apply to the placement of any material on the bumper of a motor vehicle that is located on such property on election day. A municipal clerk, poll worker, or law enforcement officer is authorized to remove posters or other advertising that violates the prohibitions on "electioneering."

Current law defines "electioneering" as any activity which is intended to influence voting at an election.

Persons who violate the above prohibitions on electioneering may be fined not more than \$1,000, or imprisoned for not more than six months, or both. In addition, any election official who is convicted of violating the electioneering prohibitions is disqualified from acting as an election official for a term of five years from the time of the conviction.

This draft modifies the statutory language regarding "electioneering" to provide that the prohibition on electioneering also applies to electioneering at a polling place.

In addition, the draft prohibits the posting or distribution of election-related material during polling hours on any public property on election day at a polling place or within 100 feet of an entrance to a building containing a polling place. For purposes of the draft, "election-related material" means any written matter which describes, or

purports to describe, the rights or responsibilities of individuals voting or registering to vote at a polling place. The prohibition would not apply to material posted or distributed by the municipal clerk or other election officials or to a bumper sticker on a motor vehicle. The draft authorizes a municipal clerk, election inspector, or law enforcement officer to remove or confiscate unauthorized election-related material. Finally, the draft provides that a violation of the election-related material prohibition is punishable by a forfeiture not to exceed \$100.

This draft contains an effective date of January 1, 2006.

*Am. 7.37(2); 7.41(3)(b)*

1 SECTION 1. 12.03 (2) of the statutes is repealed and recreated to read:

2 12.03 (2) (a) No person may engage in electioneering during polling hours on election  
3 day at a polling place.

4 (b) No person may engage in electioneering during polling hours on any public property  
5 on election day within 100 feet of an entrance to a building containing a polling place.

6 (c) This subsection does not apply to the placement of any material on the bumper of  
7 a motor vehicle that is located on <sup>public</sup> such property on election day.

NOTE: SECTION 1 provides that the prohibition on electioneering applies at a polling place in addition to within 100 feet of an entrance to a building containing a polling place.

8 SECTION 2. 12.035 of the statutes is created to read:

*Posting and distribution of election-related material*

9 12.035 (1) In this section, "election-related material" means any written matter which  
10 describes, or purports to describe, the rights or responsibilities of individuals voting or  
11 registering to vote at a polling place.

12 (2) The legislature finds that posting or distributing election-related material at the  
13 polling place or near the entrance to a polling place on election day may mislead and confuse  
14 electors about their rights and responsibilities regarding the exercise of the franchise and tends  
15 to disrupt the flow of election-day activities at polling places. The legislature finds that the

1 restrictions imposed by this section on the posting or distribution of election-related material  
2 are necessary to protect the compelling governmental interest in orderly and fair elections.

3 (3) (a) No person may post or distribute any election-related material during polling  
4 hours on election day at a polling place.

5 (b) No person may post or distribute any election-related material during polling hours  
6 on any public property on election day within 100 feet of an entrance to a building containing  
7 a polling place.

8 (4) Subsection (3) does not apply to any of the following:

9 (a) *The posting or distribution of*  
10 election-related material ~~posted or distributed~~ by the municipal clerk or other  
*structure*

11 (b) The placement of any material on the bumper of a motor vehicle located on <sup>Public</sup> such  
12 property on election day.

13 (5) A municipal clerk, election inspector, or law enforcement officer may remove  
14 election-related material posted in violation of sub. (3) and may confiscate election-related  
15 material distributed in violation of sub. (3).

*Am, 12.04(2)*  
NOTE: SECTION 2 defines "election-related material," makes legislative findings, prohibits the posting or distribution of election-related material, provides exceptions, and authorizes the removal or confiscation of such material distributed in violation of the prohibition.

16 SECTION 3. 12.60 (1) (d) of the statutes is amended to read:

17 12.60 (1) (d) Whoever violates s. 12.035 or 12.13 (3) (h) may be required to forfeit not  
18 more than \$100.

NOTE: SECTION 3 creates a penalty for violations of the prohibition on election-related material. A person violating a prohibition is subject to a forfeiture of not more than \$100.



1       **AN ACT** *to amend* 7.51 (4) (a) and 7.51 (5) (a) of the statutes; **relating to:** election  
2           inspector statements.

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

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This draft was prepared for the joint legislative council's special committee on election law review.

Under current law, after ballots have been counted and votes recorded on appropriate tally sheets, inspector's statements must be completed in duplicate, and all materials secured and routed to the appropriate clerk. This draft deletes the requirement that inspector's statements be completed in duplicate. Under the draft, the municipal clerk must make copies of the inspector's statement for delivery to the county or school district clerk, or both. The municipal clerk must retain the original statement.

The draft has an effective date of January 1, 2006.

3       <sup>Am. 7.51(1)</sup>  
**SECTION 1.** 7.51 (4) (a) of the statutes is amended to read:

4           7.51 (4) (a) The tally sheets shall state the total number of votes cast for each office and  
5       for each individual receiving votes for that office, whether or not the individual's name  
6       appears on the ballot, and shall state the vote for and against each proposition voted on. Upon  
7       completion of the tally sheets, the inspectors shall immediately complete the inspectors'  
8       ~~statements in duplicate~~ statement. The inspectors shall state the excess, if any, by which the  
9       number of ballots exceeds the number of electors voting as shown by the poll list and shall state  
10      the number of the last elector as shown by the poll lists. At least 3 inspectors, including the  
11      chief inspector and, unless election officials are appointed under s. 7.30 (4) (c) without regard  
12      to party affiliation, at least one inspector representing each political party, shall then certify  
13      to the correctness of the statements statement and tally sheets and sign their names. All other

1 election officials assisting with the tally shall also certify to the correctness of the tally sheets.  
 2 When the tally is complete, the inspectors shall publicly announce the results from the  
 3 statements statement.

**NOTE:** This SECTION deletes the requirement that inspector's statements be completed in duplicate, and requires the chief inspector to make a copy of the inspector's statement unless the election relates only to municipal offices or referenda.

4 **SECTION 2.** 7.51 (5) (a) of the statutes is amended to read:

5 7.51 (5) (a) 1. The inspectors shall make full and accurate return of the votes cast for  
 6 each candidate and proposition on tally sheet forms provided by the municipal clerk for that  
 7 purpose. Each tally sheet shall record the returns for each office or referendum by ward, unless  
 8 combined returns are authorized in accordance with s. 5.15 (6) (b) in which case the tally sheet  
 9 shall record the returns for each group of combined wards.

10 2. After recording the votes, the inspectors shall seal in a carrier envelope outside the  
 11 ballot bag or container ~~one inspectors' statement under sub. (4) (a),~~ one tally sheet, and one  
 12 poll list for delivery to the county clerk, unless the election relates only to municipal or school  
 13 district offices or referenda.

14 3. The inspectors shall also similarly seal <sup>the</sup> ~~one inspectors' statement,~~ one tally sheet, and  
 15 one poll list for delivery to the municipal clerk. For school district elections, except in 1st class  
 16 cities, the inspectors shall similarly seal ~~one inspectors' statement,~~ one tally sheet, and one poll  
 17 list for delivery to the school district clerk.

18 4. The inspectors shall immediately deliver all ballots, statements, tally sheets, lists, and  
 19 envelopes to the municipal clerk.

20 5. Upon receipt of the materials under subd. 4., the municipal clerk shall make sufficient  
 21 copies of the inspectors' statement under sub. (4) (a) and include a copy with any materials

sealed envelope

1 required to be delivered to the county clerk and school district clerk. The municipal clerk shall  
2 retain the original inspectors' statement.

**NOTE:** This SECTION specifies that the municipal clerk must make copies of the inspectors' statement, include a copy with any materials required to be delivered to the county or school district clerk, and retain the original.

3 **SECTION 3. Effective date.** This act takes effect on January 1, 2006.

4 **(END)**

dm

1        **AN ACT** *to repeal* 5.02 (6m) and 6.55 (7); *to amend* 5.35 (6) (a), 6.29 (2) (a), 6.30 (4),  
 2            6.32, 6.33 (1), 6.36 (2) (a), 6.36 (2) (c) 2., 6.55 (2) (b), 6.55 (2) (c) 1., 6.55 (3), 6.79  
 3            (2) (d), 6.82 (1) (a), 6.86 (3) (c), 6.87 (4), 6.88 (3) (a), 6.97 (1) and (2), 7.08 (8)  
 4            (title) and 10.02 (3) (a); and *to create* 6.34 of the statutes; **relating to:** proof of  
 5            residence required to register to vote and of certain voters appearing at the polls.

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

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This draft was prepared for the joint legislative council's special committee on election law review.

Beginning in the spring of 2006, all voters, with limited exceptions, will need to be registered before they are allowed to vote. Under current law, an elector may register in person or by mail. Generally, registration must be completed by 5 p.m. on the second Wednesday preceding the election. However, a person may register in person on election day at the polls, or after the official close of registration in person in the office of the municipal clerk up until 5 p.m. or the close of business, whichever is later, on the day before the election.

A person who registers to vote at the polls on election day or in person in the municipal clerk's office after the official close of registration must show proof of residence. A document constitutes acceptable proof of residence if it includes the person's current and complete name and a current and complete residential address. The statutes provide a list of examples of documents that constitute acceptable proof of residence if they contain the person's name and address. The statutory list, which is not exhaustive, is set forth below:

1. An operator's license issued under ch. 343 (i.e., a Wisconsin driver's license).
2. An identification card issued under s. 343.50 (i.e., a Wisconsin ID card).

3. Any other official identification card or license issued by a Wisconsin governmental body or unit or by an employer in the normal course of business, but not including a business card.
4. A credit card or plate.
5. A library card.
6. A check-cashing or courtesy card issued by a merchant in the normal course of business.
7. A real estate tax bill or receipt for the current year or the year preceding the date of the election.
8. A residential lease which is effective for a period that includes election day.
9. A university, college, or technical institute fee card.
10. A university, college, or technical institute identification card.
11. An airplane pilot's license.
12. A gas, electric, or telephone service statement for the period commencing not earlier than 90 days before election day.

A person who is required to provide proof of residence under current law but who is unable to provide such proof may have his or her registration information corroborated by another elector who resides in the same municipality. The corroborating elector must then provide proof of his or her residence. In general, under current law, other persons who register to vote need not provide proof of residence.

Under current law, pursuant to requirements of the federal help America vote act of 2002 (HAVA), a person who registers to vote by mail and who has never voted in a federal election in his or her municipality (until December 31, 2005) or in the state (effective January 1, 2006) must present certain identification before being allowed to cast a ballot. A person who fails to do so may cast a provisional ballot and provide the identification later. The identification required under current law is: (1) a current and valid piece of identification containing a photograph of the person; or (2) a copy of a utility bill, bank statement, paycheck, or a check or other document issued by a unit of government that shows the current name and address of the person.

This draft requires proof of residence to be provided whenever registration to vote is made. It does not alter the corroboration alternative under current law and does not extend that alternative to the new proof of residence requirements contained in the draft.

*or, for an absentee voter, a copy of a current and valid piece of identification containing a photograph of the person*

*an elector registers to vote*

*electors who are newly required to provide proof of residence under*

In addition, this draft establishes one uniform list of documents that may be used as proof of residence by both first-time voters who register by mail and by all persons who are required to register to vote so long as the document contains the full name and residential address of the individual. The list created by the draft is as follows:

1. A current and valid Wisconsin driver's license.
2. A current and valid Wisconsin ID card.
3. Any other official identification card or license issued by a Wisconsin governmental body or unit or an identification card issued by an employer in the normal course of business and bearing a photograph of the card holder, but not including a business card.
4. A real estate tax bill or receipt for the current year or the year preceding the date of the election.
5. A university, college, or technical college fee or identification card bearing a photograph of the card holder.
6. A utility bill for the period commencing not earlier than 90 days before election day.
7. A bank statement.
8. A paycheck.
9. A check or other document issued by a unit of government.

Finally, the draft provides that a university, college, or technical college fee or identification card which does not contain the address of the student bearing the card may still be considered acceptable proof of residence if the university, college, or technical college that issued the card provides to the municipal clerk before the election a certified and current list of students who reside in housing sponsored by the university, college, or technical college showing the current address of the students and if the poll worker verifies that the student presenting the card is included on the list.

The draft contains an effective date of January 1, 2006.

1       **SECTION 1.** 5.02 (6m) of the statutes is repealed.

**NOTE:** SECTION 1 repeals the definition of "identification" for purposes of the identification required of first-time voters who register by mail.

2       **SECTION 2.** 5.35 (6) (a) <sup>fa</sup> of the statutes is amended to read:

Am; 6.276(1) x 12 ~~6.36(2)(c)~~ 6.34(1)

10/07/2005

WLC: 0197/3

1 <sup>5.35(6)(a)</sup> 4a. Instructions prescribed by the board for electors for whom identification proof of  
2 residence under s. 6.34 is required under s. 6.36 (2) (c) 2. <sup>6.55(2)</sup>

3 <sup>Am 6.15(2)(d) 1r, 2x + (3)</sup> **SECTION 3.** 6.29 (2) (a) of the statutes is amended to read:

4 6.29 (2) (a) Any qualified elector of a municipality who has not previously filed a  
5 registration form or whose name does not appear on the registration list of the municipality  
6 may register after the close of registration but not later than 5 p.m. or the close of business,  
7 whichever is later, on the day before an election at the office of the municipal clerk and at the  
8 office of the clerk's agent if the clerk delegates responsibility for electronic maintenance of  
9 the registration list to an agent under s. 6.33 (5) (b). The elector shall complete, in the manner  
10 provided under s. 6.33 (2), a registration form containing all information required under s. 6.33  
11 (1). The elector shall also provide acceptable proof of residence under s. ~~6.55 (7)~~ 6.34.  
12 Alternatively, if the elector is unable to provide acceptable proof of residence under s. 6.55  
13 ~~(7)~~ 6.34, the information contained in the registration form shall be corroborated in a statement  
14 that is signed by any other elector of the municipality and that contains the current street  
15 address of the corroborating elector. The corroborating elector shall then provide acceptable  
16 proof of residence under s. ~~6.55 (7)~~ 6.34.

17 **SECTION 4.** 6.30 (4) of the statutes is amended to read:

18 6.30 (4) BY MAIL. Any eligible elector may register by mail on a form prescribed by  
19 the board and provided by each municipality. The form shall be designed to obtain the  
20 information required in ss. s. 6.33 (1) and to provide for changes authorized under s. 6.40 (1)  
21 (a). The form shall contain a certification by the elector that all statements are true and correct.  
22 The form shall contain instructions regarding the requirement to provide proof of residence  
23 under s. 6.34. The form shall be prepostpaid for return when mailed at any point within the  
24 United States. The form shall be available in the municipal clerk's office and may be

1 distributed by any elector of the municipality. The clerk shall mail a registration form to any  
2 elector upon written or oral request.

3 **SECTION 5.** 6.32 of the statutes is amended to read:

4 **6.32 Verification of mail registrations.** (1) Upon receipt of a registration form which  
5 is submitted by mail under s. 6.30 (4) and proof of residence under s. 6.34, the municipal clerk  
6 shall examine the form and proof of residence for sufficiency.

7 (2) If the form or proof of residence is insufficient to accomplish registration or the clerk  
8 knows or has reliable information that the proposed elector is not qualified, the clerk shall  
9 notify the proposed elector within 5 days, if possible, and request that the elector appear at the  
10 clerk's office or other registration center to complete a proper registration, provide acceptable  
11 proof of residence, or substantiate the information presented.

12 (3) If the form or proof of residence is submitted later than the close of registration, the  
13 clerk shall make a good faith effort to notify the elector that he or she may register at the clerk's  
14 office under s. 6.29 or at the proper polling place or other location designated under s. 6.55  
15 (2).

16 (4) If the form and proof of residence is sufficient to accomplish registration and the  
17 clerk has no reliable information to indicate that the proposed elector is not qualified, the clerk  
18 shall enter the elector's name on the registration list and transmit a 1st class letter or postcard  
19 to the registrant, specifying the elector's ward or aldermanic district, or both, if any, and  
20 polling place. If the letter or postcard is returned, or if the clerk is informed of a different  
21 address than the one specified by the elector, the clerk shall change the status of the elector  
22 on the list from eligible to ineligible. The letter or postcard shall be marked in accordance with  
23 postal regulations to ensure that it will be returned to the clerk if the elector does not reside  
24 at the address given on the letter or postcard.

1           **SECTION 6.** 6.33 (1) of the statutes, as affected by 2003 Wisconsin Act 265, is amended  
2 to read:

3           **6.33 (1)** The municipal clerk shall supply sufficient registration forms as prescribed by  
4 the board printed on loose-leaf sheets or cards to obtain from each applicant information as  
5 to name; date; residence location; citizenship; date of birth; age; the number of a valid  
6 operator's license issued to the elector under ch. 343 or the last 4 digits of the elector's social  
7 security account number; whether the applicant has resided within the ward or election district  
8 for at least 10 days; whether the applicant has lost his or her right to vote; and whether the  
9 applicant is currently registered to vote at any other location. The forms shall also provide a  
10 space for the applicant's signature and the ward and aldermanic district, if any, where the  
11 elector resides and any other information required to determine the offices and referenda for  
12 which the elector is certified to vote. The forms shall also include a space where the clerk may  
13 ~~record an indication of whether the form is received by mail~~ a space where the clerk may  
14 record an indication of the type of identifying document submitted by the elector as proof of  
15 residence under s. 6.34, and a space where the clerk, for any applicant who possesses a valid  
16 voting identification card issued to the person under s. 6.47 (3), may record the identification  
17 serial number appearing on the voting identification card. The form shall contain instructions  
18 regarding the requirement to provide proof of residence under s. 6.34. Each register of deeds  
19 shall obtain sufficient registration forms at the expense of the unit of government by which  
20 he or she is employed for completion by any elector who desires to register to vote at the office  
21 of the register of deeds under s. 6.28 (3).

22           **SECTION 7.** 6.34 of the statutes is created to read:

if registering in person -  
at the office of the municipal  
or county clerk or a registration  
office established under s.  
10.41  
WLC: 0197/3 6.28(1),

Except as authorized in ss. 6.29(2)(c), 6.55(2) and 6.86(3)(a)2,

1 **6.34 Proof of residence required.** (1) Upon completion of a registration form  
2 prescribed under s. 6.33, each elector required to register under s. 6.27 shall provide an  
3 identifying document establishing proof of residence under sub. (2).

in any other manner shall provide a copy of an identifying document

4 (2) (a) Identifying documents used to establish proof of an elector's residence under  
5 sub. (1) shall contain the information required under par. (b) and shall be limited to the  
6 following:

- 7 1. A current and valid operator's license issued under ch. 343.
- 8 2. A current and valid identification card issued under s. 343.50.
- 9 3. Any other official identification card or license issued by a Wisconsin governmental  
10 body or unit.

11 4. An official identification card or license issued by an employer in the normal course  
12 of business that contains a photograph of the card or license holder, but not including a  
13 business card.

14 5. A real estate tax bill or receipt for the current year or the year preceding the date of  
15 the election.

16 6. A university, college, or technical college fee or identification card that contains a  
17 photograph of the card holder. A card under this subdivision that does not contain the  
18 information specified in par. (b) shall be considered acceptable proof of residence if the  
19 university, college, or technical college that issued the card provides a certified and current  
20 list of students who reside in housing sponsored by the university, college, or technical college  
21 to the municipal clerk prior to the election showing the current address of the students and if  
22 the municipal clerk, special registration deputy, or inspector verifies that the student  
23 presenting the card is included on the list.

not a  
military  
elector  
or an  
overseas  
elector  
as  
defined  
in s.  
6.36(2)(c)  
or  
6.36(2)(d)

establishing  
proof  
of  
residence  
under  
sub. (2)

1 7. A utility bill for the period commencing not earlier than 90 days before the day  
2 registration is made.

3 8. A bank statement.

4 9. A paycheck.

5 10. A check or other document issued by a unit of government.

6 (b) The identifying documents prescribed in par. (a) shall contain all of the following  
7 in order to be considered acceptable proof of residence:

8 1. A current and complete name, including both the given and family name.

9 2. A current and complete residential address, including a numbered street address, if  
10 any, and the name of a municipality.

11 (c) Identifying documents specified in par. (a) which are valid for use during a specified  
12 period shall be valid on the day that registration is made in order to constitute acceptable proof  
13 of residence at the election.

NOTE: SECTION 7 creates a new list of documents that constitute acceptable proof of residence so long as the documents contain the person's complete name and address. Documents on the list must be presented by a first-time voter who registers by mail and who has not voted in a federal election in Wisconsin before and by persons registering to vote at the polls on election day.

14 SECTION 8. 6.36 (2) (a) of the statutes, as affected by 2003 Wisconsin Act 265, is  
15 amended to read:

16 6.36 (2) (a) Except as provided in pars. (b) and (c), each registration list prepared for  
17 use as a poll list at a polling place shall contain the full name and address of each registered  
18 elector; a blank column for the entry of the serial number of the electors when they vote; if  
19 the list is prepared for use at an election for national office, an indication next to the name of  
20 each elector for whom identification proof of residence under s. 6.34 is required under par. (c)

*an elector makes application for*

*all applicants for registration except military electors and overseas electors as defined by federal law*

*PAR 1*

proof of residence under s. 6.34

1 ~~2~~; and a form of a certificate stating that the list is a true and complete registration list of the  
2 municipality or the ward or wards for which the list is prepared.

*SECTION RN: 6.36(2)(c) (intro), 1.+2.) 6.34(1) (intro) (a) and (b)*  
3 ~~SECTION 9. 6.36 (2) (c) 2. of the statutes is amended to read:~~ *repealed.*

4 6.36 (2) (c) 2. ~~If the registration list is prepared for use at an election for national office,~~  
5 ~~the list shall contain, next to the name of each elector, an indication of whether identification~~  
6 ~~proof of residence under s. 6.34 is required for the elector to be permitted to vote.~~  
7 Identification Proof of residence under s. 6.34 is required if the elector is not a military elector  
8 or an overseas elector and the elector registers by mail and has not previously voted in an  
9 election for national office in this state.

10 SECTION 10. 6.55 (2) (b) of the statutes is amended to read:

11 6.55 (2) (b) Upon executing the registration form under par. (a), the elector shall provide  
12 acceptable proof of residence under sub. (7) s. 6.34. If the elector cannot provide acceptable  
13 proof of residence, the information contained in the registration form shall be corroborated  
14 in a statement that is signed by any elector who resides in the same municipality as the  
15 registering elector and that contains the current street address of the corroborating elector. The  
16 corroborator shall then provide acceptable proof of residence as provided in sub. (7) s. 6.34.  
17 The signing by the elector executing the registration form and by any corroborator shall be in  
18 the presence of the special registration deputy or inspector. Upon compliance with this  
19 procedure, the elector shall be permitted to cast his or her vote, if the elector complies with

20 all other requirements for voting at the polling place. *If the elector does not provide*  
*proof of residence and the elector's residence is not corroborated by another elector of*  
*the same ward or election district*  
*where the elector resides,*  
*the*  
*inspector*  
*shall offer*  
*the*  
*opportunity*  
*for the*  
*elector to*  
*vote under*  
*s. 6.97.*

21 SECTION 11. 6.55 (2) (c) 1. of the statutes is amended to read:

22 6.55 (2) (c) 1. As an alternative to registration at the polling place under pars. (a) and  
23 (b), the board of election commissioners, or the governing body of any municipality may by  
24 resolution require a person who qualifies as an elector and who is not registered and desires

*the*  
*inspector*  
*shall offer*  
*the*  
*opportunity*  
*for the*  
*elector to*  
*vote under*  
*s. 6.97.*

1 to register on the day of an election to do so at another readily accessible location in the same  
 2 building as the polling place serving the elector's residence or at an alternate polling place  
 3 assigned under s. 5.25 (5) (b), instead of at the polling place serving the elector's residence.  
 4 In such case, the municipal clerk shall prominently post a notice of the registration location  
 5 at the polling place. The municipal clerk, deputy clerk or special registration deputy at the  
 6 registration location shall require such person to execute a registration form as prescribed  
 7 under par. (a) and to provide acceptable proof of residence as provided under sub. (7) s. 6.34.  
 8 If the elector cannot provide acceptable proof of residence, the information contained in the  
 9 registration form shall be corroborated in the manner provided in par. (b). The signing by the  
 10 elector executing the registration form and by any corroborator shall be in the presence of the  
 11 municipal clerk, deputy clerk or special registration deputy. Upon proper completion of  
 12 registration, the municipal clerk, deputy clerk or special registration deputy shall serially  
 13 number the registration and give one copy to the elector for presentation at the polling place  
 14 serving the elector's residence or an alternate polling place assigned under s. 5.25 (5) (b).

*elector does not provide proof of residence and the elector's residence is not corroborated by another elector of the same ward or election district where the elector resides.*

**SECTION 12.** 6.55 (3) of the statutes is amended to read:

16 **6.55 (3)** Any qualified elector in the ward or election district where the elector desires  
 17 to vote whose name does not appear on the registration list but who claims to be registered to  
 18 vote in the election may request permission to vote at the polling place for that ward or election  
 19 district. When the request is made, the inspector shall require the person to give his or her  
 20 name and address. If the elector is not at the polling place which serves the ward or election  
 21 district where the elector resides, the inspector shall provide the elector with directions to the  
 22 correct polling place. If the elector is at the correct polling place, the elector shall then execute  
 23 the following written statement: "I, ....., hereby certify that to the best of my knowledge, I am  
 24 a qualified elector, having resided at .... for at least 10 days immediately preceding this

*If the elector resides, the inspector shall offer the opportunity for the elector to vote under 5.6.97.*

1 election, and that I am not disqualified on any ground from voting, and I have not voted at this  
 2 election and am properly registered to vote in this election." The person shall be required to  
 3 provide acceptable proof of residence as provided under sub. (7) and shall then be given the  
 4 right to vote. If the elector cannot provide acceptable proof of residence, the statement shall  
 5 be certified by the elector and shall be corroborated in a statement that is signed by any other  
 6 elector who resides in the municipality and that contains the current street address of the  
 7 corroborating elector. The corroborator shall then provide acceptable proof of residence as  
 8 provided in sub. (7) complete registration as provided in sub. (2). Whenever the question of  
 9 identity or residence cannot be satisfactorily resolved and the elector cannot be permitted to  
 10 vote, an inspector shall telephone the office of the municipal clerk to reconcile the records at  
 11 the polling place with those at the office.

12 **SECTION 13.** 6.55 (7) of the statutes is repealed.

13 **SECTION 14.** 6.79 (2) (d) of the statutes, as affected by 2003 Wisconsin Act 265, is  
 14 ~~amended to read:~~ *repealed*

15 6.79 (2) (d) If the poll list indicates that identification proof of residence under s. 6.34  
 16 is required, the officials shall require the elector to provide identification proof of residence.  
 17 If identification proof of residence is provided, the officials shall verify that the name and  
 18 address on the identification proof of residence provided is the same as the name and address  
 19 shown on the registration list. If identification proof of residence is required and not provided,  
 20 the officials shall offer the opportunity for the elector to vote under s. 6.97.

21 *✓ Am; 6.79(4)*  
**SECTION 15.** 6.82 (1) (a) of the statutes is amended to read:

22 **6.82 (1) (a)** When any inspectors are informed that an elector is at the entrance to the  
 23 polling place who as a result of disability is unable to enter the polling place, they shall permit  
 24 the elector to be assisted in marking a ballot by any individual selected by the elector, except

1 the elector's employer or an agent of that employer or an officer or agent of a labor  
 2 organization which represents the elector. The individual selected by the elector shall provide  
 3 identification proof of residence under s. 6.34 for the assisted elector, whenever required, and  
 4 all other information necessary for the elector to obtain a ballot under s. 6.79 (2). The  
 5 inspectors shall issue a ballot to the individual selected by the elector and shall accompany the  
 6 individual to the polling place entrance where the assistance is to be given. If the ballot is a  
 7 paper ballot, the assisting individual shall fold the ballot after the ballot is marked by the  
 8 assisting individual. The assisting individual shall then immediately take the ballot into the  
 9 polling place and give the ballot to an inspector. The inspector shall distinctly announce that  
 10 he or she has "a ballot offered by .... (stating person's name), an elector who, as a result of  
 11 disability, is unable to enter the polling place without assistance". The inspector shall then ask,  
 12 "Does anyone object to the reception of this ballot?" If no objection is made, the inspectors  
 13 shall record the elector's name under s. 6.79 and deposit the ballot in the ballot box, and shall  
 14 make a notation on the poll list: "Ballot received at poll entrance".

Am 6.86  
 (c) (a) (int)

✓ Am; 6.86(3)(a) 2.

15 **SECTION 16.** 6.86 (3) (c) of the statutes is amended to read:

16 6.86 (3) (c) An application under par. (a) 1. may be made and a registration form under  
 17 par. (a) 2. may be filed in person at the office of the municipal clerk not earlier than 7 days  
 18 before an election and not later than 5 p.m. on the day of the election. A list of hospitalized  
 19 electors applying for ballots under par. (a) 1. shall be made by the municipal clerk and used  
 20 to check that the electors vote only once, and by absentee ballot. ~~If identification proof of~~  
 21 residence under s. 6.34 is required, the municipal clerk shall so inform the agent and the elector  
 22 shall enclose identification proof of residence in the envelope with the ballot. The ballot shall  
 23 be sealed by the elector and returned to the municipal clerk either by mail or by personal  
 24 delivery of the agent; but if the ballot is returned on the day of the election, the agent shall make

that proof of residence  
 is  
 required

See Am, 6.87(3)(d) to strike ref to 6.97(e) sub (1) -> 6.86(1)

1 personal delivery at the polling place serving the hospitalized elector's residence before the  
2 closing hour for the ballot to be counted.

See Am, 6.865(1) x 12 6.36(2)(c) 6.34(1)

3 SECTION 17. 6.87 (4) of the statutes, as affected by 2005 Wisconsin Act 265, is amended  
4 to read:

5 6.87 (4) Except as otherwise provided in s. 6.875, the elector voting absentee shall make  
6 and subscribe to the certification before one witness. The absent elector, in the presence of  
7 the witness, shall mark the ballot in a manner that will not disclose how the elector's vote is  
8 cast. The elector shall then, still in the presence of the witness, fold the ballots so each is  
9 separate and so that the elector conceals the markings thereon and deposit them in the proper  
10 envelope. If a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot so  
11 that the elector conceals the markings thereon and deposit the ballot in the proper envelope.  
12 ~~If the elector has registered by mail and has not, or is not certain whether the elector has,~~  
13 ~~previously voted in an election for national office in this state, the elector shall enclose~~  
14 ~~identification proof of residence under s. 6.34 in the envelope. Identification Proof of~~  
15 ~~residence is required if the elector is not a military elector or an overseas elector, as defined~~  
16 ~~in s. 6.36 (2) (c), and the elector registered by mail and has not voted in an election for national~~  
17 ~~office in the municipality where the elector is voting.~~ The elector may receive assistance under  
18 sub. (5). The return envelope shall then be sealed. The witness may not be a candidate. The  
19 envelope shall be mailed by the elector, postage prepaid, or delivered in person, to the  
20 municipal clerk issuing the ballot or ballots. Failure to return an unused ballot in a primary  
21 does not invalidate the ballot on which the elector's votes are cast. Return of more than one  
22 marked ballot in a primary or return of a ballot prepared under s. 5.655 or a ballot used with  
23 an electronic voting system in a primary which is marked for candidates of more than one party  
24 invalidates all votes cast by the elector for candidates in the primary.

1           **SECTION 18.** 6.88 (3) (a) of the statutes is amended to read:

2           6.88 (3) (a) Any time between the opening and closing of the polls on election day, the  
3 inspectors shall open the carrier envelope only, and announce the name of the absent elector  
4 or the identification serial number of the absent elector if the elector has a confidential listing  
5 under s. 6.47 (2). When the inspectors find that the certification has been properly executed,  
6 the applicant is a qualified elector of the ward or election district, and the applicant has not  
7 voted in the election, they shall enter an indication on the poll list next to the applicant's name  
8 indicating an absentee ballot is cast by the elector. They shall then open the envelope  
9 containing the ballot in a manner so as not to deface or destroy the certification thereon. The  
10 inspectors shall take out the ballot without unfolding it or permitting it to be unfolded or  
11 examined. Unless the ballot is cast under s. 6.95, the inspectors shall verify that the ballot has  
12 been endorsed by the issuing clerk. ~~If the poll list indicates that identification proof of~~  
13 ~~residence under s. 6.34 is required and no identification proof of residence is enclosed or the~~  
14 ~~name or address on the document that is provided is not the same as the name and address~~  
15 ~~shown on the poll list, the inspectors shall proceed as provided under s. 6.97 (2).~~ The  
16 inspectors shall then deposit the ballot into the proper ballot box and enter the absent elector's  
17 name or voting number after his or her name on the poll list in the same manner as if the elector  
18 had been present and voted in person.

19           **SECTION 19.** 6.97 (1) ~~and (2)~~ of the statutes are amended to read:

20           6.97 (1) Whenever any individual who is required to provide identification proof of  
21 ~~residence under s. 6.34 in order to be permitted to vote appears to vote at a polling place and~~  
22 cannot provide the required identification proof of residence, the inspectors shall offer the  
23 opportunity for the individual to vote under this section. If the individual wishes to vote, the  
24 inspectors shall provide the elector with an envelope marked "Ballot under s. 6.97, stats." on

1 which the serial number of the elector is entered and shall require the individual to execute  
2 on the envelope a written affirmation stating that the individual is a qualified elector of the  
3 ward or election district where he or she offers to vote and is eligible to vote in the election.  
4 The inspectors shall, before giving the elector a ballot, write on the back of the ballot the serial  
5 number of the individual corresponding to the number kept at the election on the poll list or  
6 other list maintained under s. 6.79 and the notation "s. 6.97". If voting machines are used in  
7 the municipality where the individual is voting, the individual's vote may be received only  
8 upon an absentee ballot furnished by the municipal clerk which shall have the corresponding  
9 number from the poll list or other list maintained under s. 6.79 and the notation "s. 6.97"  
10 written on the back of the ballot by the inspectors before the ballot is given to the elector. When  
11 receiving the individual's ballot, the inspectors shall provide the individual with written  
12 voting information prescribed by the board under s. 7.08 (8). The inspectors shall indicate on  
13 the list the fact that the individual is required to provide identification proof of residence but <sup>for registration</sup>  
14 did not do so. The inspectors shall notify the individual that he or she may provide  
15 identification proof of residence to the municipal clerk or executive director of the municipal  
16 board of election commissioners. The inspectors shall also promptly notify the municipal  
17 clerk or executive director of the name, address, and serial number of the individual. The  
18 inspectors shall then place the ballot inside the envelope and place the envelope in a separate  
19 carrier envelope.

20 <sup>SECTION # RP; 6.97(2)</sup>  
(2) Whenever any individual who votes by absentee ballot is required to provide  
21 identification proof of residence under s. 6.34 in order to be permitted to vote and does not  
22 provide the required identification proof of residence, the inspectors shall write on the back  
23 of the absentee ballot the serial number of the individual corresponding to the number kept  
24 at the election on the poll list or other list maintained under s. 6.79 and the notation "s. 6.97".

1 The inspectors shall indicate on the list the fact that the individual is required to provide  
 2 identification but did not do so. The inspectors shall promptly notify the municipal clerk or  
 3 executive director of the municipal board of election commissioners of the name, address, and  
 4 serial number of the individual. The inspectors shall then place the ballot inside an envelope  
 5 on which the name and serial number of the elector is entered and shall place the envelope in  
 6 a separate carrier envelope.

7 **SECTION 20.** 7.08 (8) (title) of the statutes is amended to read:

8 7.08 (8) (title) ELECTORS VOTING WITHOUT IDENTIFICATION PROOF OF RESIDENCE OR  
 9 PURSUANT TO COURT ORDER.

10 **SECTION 21.** 10.02 (3) (a) of the statutes is amended to read:

11 10.02 (3) (a) Upon entering the polling place and before being permitted to vote, an  
 12 elector shall state his or her name and address and provide identification proof of residence  
 13 ~~under s. 6.34 if required by federal law.~~ Where ballots are distributed to electors, the initials  
 14 of 2 inspectors must appear on the ballot. Upon being permitted to vote, the elector shall retire  
 15 alone to a voting booth or machine and cast his or her ballot, except that an elector who is a  
 16 parent or guardian may be accompanied by the elector's minor child or minor ward. An  
 17 election official may inform the elector of the proper manner for casting a vote, but the official  
 18 may not in any manner advise or indicate a particular voting choice.

19 **SECTION 22. Effective date.** This act takes effect on January 1, 2006.

20 (END)

*If an elector is not registered to vote, an elector may register to vote at the polling place serving his or her residence if the elector provides proof of residence or the elector's registration is verified by another elector of the same ward or election district where the elector resides.*

1        **AN ACT to amend** 7.53 (2) (a) and 7.60 (2) of the statutes; **relating to:** county and  
2            municipal clerks serving on boards of canvassers.

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

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This draft was prepared for the joint legislative council's special committee on election law review.

Generally, under current law, the municipal and county board of canvassers is composed of the municipal or county clerk and 2 appointed members. No person may serve on the board if he or she is a candidate at an election to be canvassed. This draft would allow the county and municipal clerk to continue to serve on the respective board of canvassers if the clerk is a candidate as long as he or she has no opponent on the ballot, or, in the event of a recount, the office the clerk is seeking is not a subject of the recount.

The draft has an effective date of January 1, 2006.

3            **SECTION 1.** 7.53 (2) (a) of the statutes is amended to read:

4            7.53 (2) (a) 1. Except as provided in par. (c), the municipal board of canvassers for  
5            municipal elections in each municipality utilizing more than one polling place shall be  
6            composed of the municipal clerk and 2 other qualified electors of the municipality appointed  
7            by the clerk. The members of the board of canvassers shall serve for 2-year terms  
8            commencing on January 1 of each odd-numbered year, except that any member who is  
9            appointed to fill a permanent vacancy shall serve for the unexpired term of the original  
10            appointee.

11            2. If the municipal clerk's office is vacant, or if the clerk cannot perform his or her duties  
12            ~~or if the clerk is a candidate at an election being canvassed,~~ the mayor, president or board

1 chairperson of the municipality shall designate another qualified elector of the municipality  
2 to serve in lieu of the clerk for that election.

3 3. If the clerk is a candidate at an election at an election being canvassed, the clerk may  
4 perform his or her duties on the board only if the clerk does not have an opponent whose name  
5 appears on the ballot, or, in the case of a recount, if the office the clerk is seeking is not a subject  
6 of the recount. If the clerk is a candidate at the election being canvassed and has an opponent  
7 whose name appears on the ballot, or if the office the clerk is seeking is a subject of a recount,  
8 the mayor, president, or board chairperson of the municipality shall designate another  
9 qualified elector of the municipality to serve in lieu of the clerk for that election.

10 4. If any other member of the board of canvassers is a candidate at the election being  
11 canvassed, the clerk shall appoint another qualified elector of the municipality to temporarily  
12 fill the vacancy.

*SEE CH; 7.53(2)(4) 3.*

NOTE: This SECTION allows the municipal clerk to continue to serve on the municipal board of canvassers if the clerk is a candidate as long as he or she has no opponent whose name appears on the ballot, or, in the event of a recount, the office the clerk is seeking is not a subject of the recount.

13 SECTION 2. 7.60 (2) of the statutes is amended to read:

14 7.60 (2) COUNTY BOARD OF CANVASSERS. The county clerk and 2 qualified electors of  
15 the county appointed by the clerk constitute the county board of canvassers. The members  
16 of the board of canvassers shall serve for 2-year terms commencing on January 1 of each  
17 odd-numbered year, except that any member who is appointed to fill a permanent vacancy  
18 shall serve for the unexpired term of the original appointee. One member of the board of  
19 canvassers shall belong to a political party other than the clerk's. The county clerk shall  
20 designate a deputy clerk who shall perform the clerk's duties as a member of the board of  
21 canvassers in the event that the county clerk's office is vacant, or the clerk cannot perform his

1 or her duties, or the clerk is a candidate at an election being canvassed. If the county clerk and  
2 designated deputy clerk are both unable to perform their duties, the county executive or, if  
3 there is no county executive, the chairperson of the county board of supervisors shall designate  
4 another qualified elector of the county to perform the clerk's duties. If a member other than  
5 the clerk cannot perform his or her duties, the clerk shall appoint another member to serve.  
6 No Except as otherwise provided in this subsection, no person may serve on the county board  
7 of canvassers if the person is a candidate for an office to be canvassed by that board. If the  
8 clerk is a candidate at an election being canvassed, the clerk may perform his or her duties on  
9 the board only if the clerk has no opponent whose name appears on the ballot, or, in the case  
10 of a recount, if the office the clerk is seeking is not a subject of the recount. If lists of candidates  
11 for the county board of canvassers are submitted to the county clerk by political party county  
12 committees, the lists shall consist of at least 3 names and the clerk shall choose the board  
13 members from the lists. Where there is a county board of election commissioners, it shall serve  
14 as the board of canvassers. If the county board of election commissioners serves as the board  
15 of canvassers, the executive director of the county board of election commissioners shall serve  
16 as a member of the board of canvassers to fill a temporary vacancy on that board.

**NOTE:** This SECTION allows the county clerk to continue to serve on the county board of canvassers if the clerk is a candidate as long as he or she has no opponent whose name appears on the ballot, or, in the event of a recount, the office the clerk is seeking is not a subject of the recount.

17 **SECTION 3. Effective date.** This act takes effect on January 1, 2006.

18 (END)

1       **AN ACT** *to amend* 9.10 (2) (b), 9.10 (2) (d) and 9.10 (4) (a) of the statutes; **relating**  
2       **to:** establishing a requirement that a petition for the recall of a city, village, town, or  
3       school district officer include a statement of the grounds that constitute cause for the  
4       recall.

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

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This draft was prepared for the joint legislative council's special committee on election law review.

Under current law, a petition for the recall of a city, village, town, or school district officer, in addition to other requirements, must state a reason for the recall that is related to the official responsibilities of the officer. Current law also provides for the removal of elective village, town, and school district officers and certain elective city officers, for cause, after notice and a hearing. Under current law, inefficiency, neglect of duty, official misconduct, or malfeasance in office constitute cause for removal from office.

This draft requires a petition for the recall of a city, village, town, or school district officer to contain a statement of the grounds that constitute each cause for the recall. Under the draft, "cause" means official misconduct or malfeasance in office.

The draft contains an effective date of January 1, 2006.

5       **SECTION 1.** 9.10 (2) (b) of the statutes is amended to read:

6       9.10 (2) (b) A recall petition for requesting the recall of a city, village, town or school  
7       district officer shall contain a statement of a reason for the recall which is related to the  
8       official responsibilities of the official for whom removal is sought each cause for the recall  
9       and the grounds that constitute each cause. In this paragraph, "cause" means official  
10      misconduct or malfeasance in office.

**NOTE:** SECTION 1 requires that a petition for the recall of a city, village, town or school district officer contain a statement of the "cause" for the recall and the grounds that constitute such cause. For purposes of this provision "cause" means official misconduct or malfeasance in office.

1           **SECTION 2.** 9.10 (2) (d) of the statutes is amended to read:

2           9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless the  
3 petitioner first files a registration statement under s. 11.05 (1) or (2) with the filing officer with  
4 whom the petition is filed. The petitioner shall append to the registration a statement  
5 indicating his or her intent to circulate a recall petition, the name of the officer for whom recall  
6 is sought and, in the case of a petition for the recall of a city, village, town or school district  
7 officer, a statement of a reason for the recall which is related to the official responsibilities of  
8 the official for whom removal is sought each cause, as defined in par. (b), for the recall and  
9 the grounds that constitute each cause. No petitioner may circulate a petition for the recall of  
10 an officer prior to completing registration. The last date that a petition for the recall of a state,  
11 congressional, legislative, judicial or county officer may be offered for filing is 5 p.m. on the  
12 60th day commencing after registration. The last date that a petition for the recall of a city,  
13 village, town or school district officer may be offered for filing is 5 p.m. on the 30th day  
14 commencing after registration. After the recall petition has been offered for filing, no name  
15 may be added or removed. No signature may be counted unless the date of the signature is  
16 within the period provided in this paragraph.

17           **SECTION 3.** 9.10 (4) (a) of the statutes is amended to read:

18           9.10 (4) (a) Within 10 days after a petition for the recall of a city, village, town, or school  
19 district official, officer is offered for filing, the officer against whom the petition is filed may  
20 file a written challenge with the municipal clerk or board of election commissioners or school  
21 district clerk with whom it is filed, specifying any alleged insufficiency. If a challenge is filed,

1 the petitioner may file a written rebuttal to the challenge with the clerk or board of election  
2 commissioners within 5 days after the challenge is filed. If a rebuttal is filed, the officer against  
3 whom the petition is filed may file a reply to any new matter raised in the rebuttal within 2 days  
4 after the rebuttal is filed. Within 14 days after the expiration of the time allowed for filing a  
5 reply to a rebuttal, the clerk or board of election commissioners shall file the certificate or an  
6 amended certificate. Within 31 days after the petition is offered for filing, the clerk or board  
7 of election commissioners shall determine by careful examination of the face of the petition  
8 whether the petition is sufficient and shall so state in a certificate attached to the petition. If  
9 the petition is found to be insufficient, the certificate shall state the particulars creating the  
10 insufficiency. The petition may be amended to correct any insufficiency within 5 days  
11 following the affixing of the original certificate. Within 2 days after the offering of the  
12 amended petition for filing, the clerk or board of election commissioners shall again carefully  
13 examine the face of the petition to determine sufficiency and shall attach to the petition a  
14 certificate stating the findings. Immediately upon finding an original or amended petition  
15 sufficient, except in cities over 500,000 population, the municipal clerk or school district  
16 clerk shall transmit the petition to the governing body or to the school board. Immediately  
17 upon finding an original or amended petition sufficient, in cities over 500,000 population, the  
18 board of election commissioners shall file the petition in its office.

19 **SECTION 4. Initial applicability.**

20 (1) This act first applies with respect to petitions for recall that are offered for filing on  
21 the effective date of this subsection.

22 **SECTION 5. Effective date.** This act takes effect on January 1, 2006.

23 (END)