

1 **AN ACT to amend** 5.90 of the statutes; **relating to:** recounts of machine-readable
2 ballots.

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, when a recount is being conducted, if the ballots are in readable form such that automatic tabulating equipment may be used to count the ballots, the board of canvassers conducting the recount may choose to recount the ballots without the aid of automatic tabulating equipment. If automatic tabulating equipment is to be used, the equipment must be tested prior to the recount.

This draft requires boards of canvassers to use automatic tabulating equipment to recount ballots that are in readable form. The draft provides, however, that a candidate, or elector if the recount is for a referendum question, may petition the circuit court for an order requiring ballots in readable form to be counted by hand or by another method approved by the court. The petition must be filed by the close of business on the next business day after the last day for filing a petition for a recount. To prevail, the petitioner must establish by clear and convincing evidence that due to irregularity, defect, or mistake committed during the voting or canvassing process the results of a recount using automatic tabulating equipment will produce incorrect recount results and that there is a substantial probability that recounting the ballots by hand or another method will produce a more correct result and change the outcome of the election. The court with whom the petition is filed must hear the matter as expeditiously as possible, without a jury. Only if the court determines that the petitioner has made the required showing may the court order a recount of the ballots by hand or other method. The procedure created by the draft is not intended to affect the ability of an aggrieved candidate or elector under current law to appeal the outcome of a recount to circuit court upon completion of the recount.

The draft contains an effective date of, and applies to recounts filed on or after, January 1, 2006.

renumbered 5.90(1) and

1 SECTION 1. 5.90 of the statutes is amended to read:

2 **5.90 Recounts. (1)** Except as otherwise provided in this subchapter, recounts of votes
 3 cast on an electronic voting system shall be conducted in the manner prescribed in s. 9.01. If
 4 Except as provided in sub. (2), if the ballots are in readable form, the board of canvassers may
 5 elect to shall recount the ballots without the aid of with automatic tabulating equipment. If
 6 ~~the board of canvassers elects to use automatic tabulating equipment, the~~ The board of
 7 canvassers shall test the automatic tabulating equipment to be used prior to the recount as
 8 provided in s. 5.84, and then the official ballots or the record of the votes cast shall be recounted
 9 on the automatic tabulating equipment. In addition, the board of canvassers shall check the
 10 ballots for the presence or absence of the initials and other distinguishing marks, shall examine
 11 the ballots marked "Rejected", "Defective" and "Objected to" to determine the propriety of
 12 such labels, and shall compare the "Duplicate Overvoted Ballots" and "Duplicate Damaged
 13 Ballots" with their respective originals to determine the correctness of the duplicates.

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14 **(2)** Any candidate, or any elector when for a referendum, may, by the close of business
 15 on the next business day after the last day for filing a petition for a recount under s. 9.01,
 16 petition the circuit court for an order requiring ballots in readable form under sub. (1) to be
 17 counted by hand or by another method approved by the court. The petitioner in such an action
 18 bears the burden of establishing by clear and convincing evidence that due to ^{an}irregularity,
 19 defect, or mistake committed during the voting or canvassing process the results of a recount
 20 using automatic tabulating equipment will produce incorrect recount results and that there is
 21 a substantial probability that recounting the ballots by hand or another method will produce
 22 a more correct result and change the outcome of the election.

23 **(3)** A court with whom a petition under sub. (2) is filed shall hear the matter as
 24 expeditiously as possible, without a jury. The court may order a recount of the ballots by hand

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1 AN ACT to amend 6.56 (3) of the statutes; relating to: authorizing the elections board
2 to verify voter registration conducted at a polling place.

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 each election the municipal clerk receives a list of all electors who registered to vote on election day. Upon receipt of the list, the clerk is required to make an audit of all such electors. The audit is to be made by 1st class postcard, which is to be marked in such a way so that it will be returned to the clerk if the elector named on the card does not reside at the address given on the postcard. If the postcard is returned undelivered, the clerk is required to change the status of the elector on the registration list from eligible to ineligible and mail the elector a notice of the change in status and provide the name to the district attorney for the county where the polling place is located.

This draft authorizes the state elections board to perform this audit function in lieu of the municipal clerk.

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

3 SECTION 1. 6.56 (3) of the statutes is amended to read:

4 6.56 (3) Upon receipt of the list under sub. (1), the municipal clerk or, board of election
5 commissioners, ^{elections} or board shall make an audit of all electors registering to vote at the polling
6 place or other registration location under s. 6.55 (2) and all electors registering by agent on
7 election day under s. 6.86 (3) (a) 2. The audit shall be made by 1st class postcard. The postcard
8 shall be marked in accordance with postal regulations to ensure that it will be returned to the
9 clerk or, board of election commissioners, ^{elections} or board if the elector does not reside at the address
10 given on the postcard. If any postcard is returned undelivered, or if the clerk or, board of
11 election commissioners, ^{elections} or board is informed of a different address than the one specified by

1 the elector which was apparently improper on the day of the election, the clerk or board of
2 election commissioners, or ^{elections} board shall change the status of the elector from eligible to
3 ineligible on the registration list and mail the elector a notice of the change in status and
4 provide the name to the district attorney for the county where the polling place is located.

5 **SECTION 2. Effective date.** This Act takes effect on January 1, 2006.

6 (END)

1 **AN ACT** *to amend* 6.86 (1) (a) 2., 6.87 (3) (a) and (c), 6.88 (1) and 10.01 (2) (e); and
2 *to create* 6.855 and 7.15 (2m) of the statutes; **relating to:** alternative absentee ballot
3 sites.

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, persons may apply for and vote an absentee ballot at the municipal clerk's office. In addition, absentee ballots that are not voted at the clerk's office are to be returned to the clerk's office in time for delivery to the polls before the polls close on election day.

This draft authorizes the governing body of a municipality (city, village, or town) to direct the municipal clerk to establish an alternate absentee ballot site in lieu of the municipal clerk's office to facilitate absentee ballot applications, voting of absentee ballots, and the return of absentee ballots prior to the close of the polls. Generally, the decision to move the absentee ballot functions to this alternate location, and the location of the alternate location, must be established no later than 14 days prior to the time when absentee ballots are available for voting at a primary, if a primary is required (generally 30 days before a September primary and 21 days before other primaries, including the Spring primary) and may expire no earlier than the day after the election. No absentee ballot functions that are to take place at this alternate location may be conducted at the municipal clerk's office so long as the alternate site is used. The draft requires notice of the alternate location to be prominently displayed in the office of the municipal clerk during the time that absentee ballots are available and requires a notice of the alternate location to be published in a newspaper along with other absentee ballot information required under current law. The draft requires the alternate location to be staffed by the municipal clerk or by employees of the clerk. Observation and electioneering laws would apply to alternate locations established under the draft.

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

4 **SECTION 1.** 6.855 of the statutes is created to read:

1 **6.855 Alternative absentee ballot location.** (1) The governing body of a municipality
 2 may elect to require the municipal clerk or board of election commissioners to designate a site
 3 other than the office of the municipal clerk or board of election commissioners as the location
 4 from which electors of the municipality may request and vote absentee ballots and to which
 5 voted absentee ballots are returned by an elector. An election by a governing body to establish
 6 an alternate site under this section must be made no fewer than 14 days prior to the time that
 7 absentee ballots are available for a primary under s. 7.15 (1) (cm) and shall remain in effect
 8 until at least the day after the election. If the governing body of a municipality makes an
 9 election under this section, no function related to absentee ballots that are to be conducted at
 10 the alternative site may be conducted in the office of the municipal clerk or board of election
 11 commissioners.

12 (2) Notice of the establishment of the alternate site selected under sub. (1) shall be
 13 prominently displayed in the office of the municipal clerk or board of election commissioners
 14 during the time that absentee ballots are available under s. 7.15 (1) (cm).

15 (3) An alternate site under sub. (1) shall be staffed by the municipal clerk or the
 16 executive director of the board of election commissioners, or employees of the clerk or the
 17 board of election commissioners.

18 (4) An alternate site under sub. (1) shall be accessible to all individuals with disabilities.

19 (5) The provisions of ss. 7.41 and 12.03 shall apply to an alternate site under sub. (1).

20 **SECTION 2.** 6.86 (1) (a) 2. of the statutes is amended to read:

21 6.86 (1) (a) 2. In person at the office of the municipal clerk or at an alternate site under
 22 s. 6.855, if applicable.

23 **SECTION 3.** 6.87 (3) (a) and (c) of the statutes are amended to read:

*separate
amendments*

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if a primary is scheduled
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shall prominently display a

The municipal clerk or board of election commissioners

for the election

1 6.87 (3) (a) Except as authorized under par. (d) and as otherwise provided in s. 6.875,
2 the municipal clerk shall mail the absentee ballot postage prepaid for return to the elector's
3 residence unless otherwise directed, or shall deliver it to the elector personally at the clerk's
4 office or at an alternate site under s. 6.855.

5 (c) If an elector's ballot is mailed to a location other than the elector's residence, it shall
6 be prepaid for return when mailed within the United States. If the ballot is delivered to the
7 elector at the clerk's office or alternate site under s. 6.855, the ballot shall be voted at the office
8 or alternate site and may not be removed therefrom.

9 **SECTION 4.** 6.88 (1) of the statutes is amended to read:

10 6.88 (1) When an absentee ballot arrives at the office of the municipal clerk or an
11 alternate site under s. 6.855, the clerk shall enclose it, unopened, in a carrier envelope which
12 shall be securely sealed and endorsed with the name and official title of the clerk, and the
13 words "This envelope contains the ballot of an absent elector and must be opened at the polls
14 during polling hours on election day". If the ballot was received by the elector by facsimile
15 transmission or electronic mail and is accompanied by a separate certificate, the clerk shall
16 enclose the ballot in a certificate envelope and securely append the completed certificate to
17 the outside of the envelope before enclosing the ballot in the carrier envelope. The clerk shall
18 keep the ballot in the clerk's office or at the alternate site until delivered, as required in sub.
19 (2).

20 **SECTION 5.** 7.15 (2m) of the statutes is created to read:

21 **7.15 (2m) Operation of alternate absentee ballot site.** In a municipality in which the
22 governing body has elected to establish an alternate absentee ballot site under s. 6.855, the
23 municipal clerk shall operate such site as though it were his or her office for absentee ballot
24 purposes and shall ensure that such site is adequately staffed.

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1 **AN ACT** *to amend* 6.15 (4) (a) to (e), 6.15 (6), 6.21, 6.36 (2) (a), 6.86 (1) (b), 6.86 (3)
2 (c), 6.87 (6), 6.88 (1), 6.88 (2), 6.88 (3), 6.93, 6.935, 6.97 (1), 6.97 (2), 7.51 (1), 7.51
3 (2) (c), 7.51 (2) (e), 7.51 (3) (d), 7.53 (1), 7.53 (2) (d) and 880.33 (9); and *to create*
4 7.52 and 7.53 (2m) (a), (b), and (c) of the statutes; **relating to:** absentee ballot
5 canvassing procedure.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: Currently, each absentee ballot must be received at the polling place serving an elector's residence no later than 8 p.m. on election night for the ballot to be counted. The municipal clerk or board of election commissioners delivers all absentee ballots received by the clerk or board to the appropriate polling places. The inspectors (poll workers) canvass the absentee ballots, together with the other ballots, publicly on election day by marking the names of the absentee electors on the same poll list that is used to mark the names of the electors who vote in person. Any member of the public may observe the proceedings. Any elector may challenge for cause any absentee ballot that the elector knows or suspects is not cast by a qualified elector, whether the absentee ballot is cast in person at the office of a municipal clerk or board of election commissioners or the ballot is received in some other manner. Unless an absentee ballot is challenged or voted provisionally, it is not identifiable once it is counted, except that an absentee ballot may be distinguished from another ballot because it carries the initials of the municipal clerk or executive director of the board of election commissioners or a designated deputy. The inspectors at each polling place announce the results of each election when the canvass is completed on election night. Each municipal canvass must be completed by 2 p.m. on the day after each election, and each county canvass must begin no later than 9 a.m. on the Thursday following an election.

This bill permits the governing body of any municipality, by ordinance, to discontinue the canvassing of absentee ballots at polling places. Under the bill, if absentee ballots are not canvassed at polling places, the municipal board of canvassers must convene at one or more public

meetings held no earlier than the seventh day after absentee ballots for an election are distributed and no later than 10 a.m. on the day after the election for the purpose of counting absentee ballots. Under the bill, the board of canvassers does not announce the results of its count until the canvass of all absentee ballots is completed on the day after an election. If absentee ballots are not counted at polling places, the bill provides for the municipal board of canvassers to conduct a cross-check of absentee ballots for any potential duplication by electors who also cast ballots in person. To accomplish the cross-check, the municipal board of canvassers numbers each absentee ballot as it is counted, and if the elector who casts the ballot also casts a ballot in person, the absentee ballot is not counted. To allow time for the separate canvass of the absentee ballots to be completed and to reconcile and merge the results with the canvasses conducted at polling places, in those municipalities where absentee ballots are not counted at polling places, the bill allows an additional 24 hours for municipal canvasses to be completed and for county canvasses to begin. The bill permits any elector to challenge any absentee ballot for cause.

Under the bill, if a municipality elects to not count absentee ballots at polling places, the municipality must create a separate board of canvassers to count absentee ballots. If the municipality does elect to establish a separate absentee ballot board of canvassers, the municipality must follow the procedure as stated in 7.53 (2m).

1 **SECTION 1.** 6.15 (4) (a) to (e) of the statutes are amended to read:

2 6.15 (4) (a) Clerks holding new resident ballots shall deliver them to the election
3 inspectors in the proper ward or election district where the new residents reside or, in
4 municipalities where absentee ballots are canvassed under s. 7.52, to the municipal board of
5 canvassers when it convenes under s. 7.52 (1), as provided by s. 6.88 for absentee ballots.

6 (b) During polling hours, the inspectors shall open each carrier envelope, announce the
7 elector's name, check the affidavit for proper execution, and check the voting qualifications
8 for the ward, if any. In municipalities where absentee ballots are canvassed under s. 7.52, the
9 municipal board of canvassers shall perform this function at a meeting of the board of
10 canvassers.

1 (c) The inspectors or board of canvassers shall open the inner envelope without
2 examination of the ballot other than is necessary to see that the issuing clerk has endorsed it.

3 (d) Upon satisfactory completion of the procedure under pars. (b) and (c) the inspectors
4 or board of canvassers shall deposit the ballot in the ballot box. The ~~inspectors~~ board of
5 canvassers shall enter the name of each elector voting under this section on the poll list with
6 an indication that the elector is voting under this section or on a separate list maintained for
7 the purpose under s. 6.79 (2) (c).

8 (e) If the person is not a qualified elector in the ward or municipality, or if the envelope
9 is open or has been opened and resealed, the inspectors shall reject the vote. Rejected ballots
10 shall be processed the same as rejected absentee ballots, under s. 6.88 (3) (b).

11 **SECTION 2.** 6.15 (6) of the statutes is amended to read:

12 6.15 (6) DEATH OF ELECTOR. When it appears by due proof to the inspectors or, in
13 municipalities where absentee ballots are canvassed under s. 7.52, when it appears by due
14 proof to the board of canvassers that a person voting under this section at an election has died
15 before the date of the election, the inspectors or board of canvassers shall return the ballot with
16 defective ballots to the issuing official.

17 **SECTION 3.** 6.21 of the statutes is amended to read:

18 **6.21 Deceased electors.** When by due proof it appears to the inspectors or, in
19 municipalities where absentee ballots are canvassed under s. 7.52, when ^{by due proof} it appears ~~by due~~
20 proof to the board of canvassers that a person voting under this section casting an absentee
21 ballot at an election has died before the date of the election, they the inspectors or board of
22 canvassers shall return the ballot with defective ballots to the issuing official. The casting of
23 the ballot of a deceased elector does not invalidate the election.

1 **SECTION 4.** 6.36 (2) (a) of the statutes, as affected by 2003 Wisconsin Act 265, section
2 58b, is amended to read:

3 6.36 **(2)** (a) Except as provided in pars. (b) and (c), each registration list prepared for
4 use as a poll list at a polling place or for purposes of canvassing absentee ballots ^{at an election} shall contain
5 the full name and address of each registered elector; a blank column for the entry of the serial
6 number of the electors when they vote; or the poll list number used by the municipal board
7 of canvassers in canvassing absentee ballots; if the list is prepared for use at an election for
8 national office, an indication next to the name of each elector for whom identification is
9 required under par. (c) 2.; and a form of certificate bearing the certification of the executive
10 director of the board stating that the list is a true and complete registration list of the
11 municipality or the ward or wards for which the list is prepared.

12 **SECTION 5.** 6.86 (1) (b) of the statutes is amended to read:

13 6.86 **(1)** (b) Except as provided in this section, if application is made in writing, the
14 application, signed by the elector, shall be received no later than 5 p.m. on the Friday
15 immediately preceding the election. If application is made in person, the application shall be
16 made no later than 5 p.m. on the day preceding the election. If the elector is making written
17 application and the application indicates that the reason for requesting an absentee ballot is
18 that the elector is a sequestered juror, the application shall be received no later than 5 p.m. on
19 election day. If the application is received after 5 p.m. on the Friday immediately preceding
20 the election, the municipal clerk or the clerk's agent shall immediately take the ballot to the
21 court in which the elector is serving as a juror and deposit it with the judge. The judge shall
22 recess court, as soon as convenient, and give the elector the ballot. The judge shall then
23 witness the voting procedure as provided in s. 6.87 and shall deliver the ballot to the clerk or
24 agent of the clerk who shall deliver it to the polling place or, in municipalities where absentee

1 ballots are canvassed under s. 7.52, to the municipal clerk as required in s. 6.88. If application
2 is made under sub. (2), the application may be received no later than 5 p.m. on the Friday
3 Wednesday immediately preceding the election.

4 **SECTION 6.** 6.86 (3) (c) of the statutes is amended to read:

5 6.86 (3) (c) An application under par. (a) 1. may be made and a registration form under
6 par. (a) 2. may be filed in person at the office of the municipal clerk not earlier than 7 days
7 before an election and not later than 5 p.m. on the day of the before an election. A list of
8 hospitalized electors applying for ballots under par. (a) 1. shall be made by the municipal clerk
9 and used to check that the electors vote only once, and by absentee ballot. If identification is
10 required, the municipal clerk shall so inform the agent and the elector shall enclose
11 identification in the envelope with the ballot. The ballot shall be sealed by the elector and
12 returned to the municipal clerk either by mail or by personal delivery of the agent; but if the
13 ballot is returned on the day of the election, the agent shall make personal delivery at to the
14 polling place serving the hospitalized elector's residence before the closing hour for the ballot
15 to be counted or, in municipalities where absentee ballots are canvassed under s. 7.52, to the
16 municipal clerk no later than 8 p.m. on election day.

17 **SECTION 7.** 6.87 (6) of the statutes is amended to read:

18 6.87 (6) The ballot shall be returned so it is received by the municipal clerk ~~in-time for~~
19 delivery no later than 8 p.m. on election day. Except in municipalities where absentee ballots
20 are canvassed under s. 7.52, if the municipal clerk receives an absentee ballot on election day,
21 the clerk shall secure the ballot and cause the ballot to be delivered to the polls polling place
22 serving the elector's residence before the closing hour. Any ballot not mailed or delivered as
23 provided in this subsection may not be counted.

24 **SECTION 8.** 6.88 (1) of the statutes is amended to read:

1 6.88 (1) When an absentee ballot arrives at the office of the municipal clerk, the clerk
2 shall enclose it, unopened, in a carrier envelope which shall be securely sealed and endorsed
3 with the name and official title of the clerk, and the words "This envelope contains the ballot
4 of an absent elector and must be opened at the polls during polling hours on election day". or,
5 in municipalities where absentee ballots are canvassed under s. 7.52, at a meeting of the ^{stats.}
6 municipal board of canvassers under s. 7.52. ^{12 stats} If the ballot was received by the elector by
7 facsimile transmission or electronic mail and is accompanied by a separate certificate, the
8 clerk shall enclose the ballot in a certificate envelope and securely append the completed
9 certificate to the outside of the envelope before enclosing the ballot in the carrier envelope.
10 The clerk shall keep the ballot in the clerk's office until delivered, as required in sub. (2).

11 **SECTION 9.** 6.88 (2) of the statutes is amended to read:

12 6.88 (2) When an absentee ballot is received by the municipal clerk prior to the delivery
13 of the official ballots to the election officials of the ward in which the elector resides or, where
14 absentee ballots are canvassed under s. 7.52, the municipal board of canvassers, the municipal
15 clerk shall seal the ballot envelope in the carrier envelope as provided under sub. (1), and shall
16 enclose the envelope in a package and deliver the package to the election inspectors of the
17 proper ward or election district or, in municipalities where absentee ballots are canvassed
18 under s. 7.52, to the municipal board of canvassers when it convenes under s. 7.52. ⁽¹⁾ When the
19 official ballots for the ward or election district have been delivered to the election officials
20 inspectors before the receipt of an absentee ballot, the clerk shall immediately enclose the
21 envelope containing the absentee ballot in a carrier envelope as provided under sub. (1) and
22 deliver it in person to the proper election officials.

23 **SECTION 10.** 6.88 (3) of the statutes is amended to read:

1 6.88 (3) (a) Any Except in municipalities where absentee ballots are canvassed under
2 s. 7.52, at any time between the opening and closing of the polls on election day, the inspectors
3 shall open the carrier envelope only, and announce the name of the absent elector or the
4 identification serial number of the absent elector if the elector has a confidential listing under
5 s. 6.47 (2). When the inspectors find that the certification has been properly executed, the
6 applicant is a qualified elector of the ward or election district, and the applicant has not voted
7 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 is required and
13 no identification is enclosed or the name or address on the document that is provided is not
14 the same as the name and address shown on the poll list, the inspectors shall proceed as
15 provided under s. 6.97 (2). The inspectors shall then deposit the ballot into the proper ballot
16 box and enter the absent elector's name or voting number after his or her name on the poll list
17 in the same manner as if the elector had been present and voted in person.

18 (b) When the inspectors find that a certification is insufficient, that the applicant is not
19 a qualified elector in the ward or election district, that the ballot envelope is open or has been
20 opened and resealed, that the ballot envelope contains more than one ballot of any one kind
21 or, except in municipalities where absentee ballots are canvassed under s. 7.52, that the
22 certificate of an elector who received an absentee ballot by facsimile transmission or
23 electronic mail is missing, or if proof is submitted to the inspectors that an elector voting an
24 absentee ballot has since died, the inspectors shall not count the ballot. The inspectors shall

1 endorse every ballot not counted on the back, "rejected (giving the reason)". The inspectors
2 shall reinsert each rejected ballot into the certificate envelope in which it was delivered and
3 enclose the certificate envelopes and ballots, and securely seal the ballots and envelopes in an
4 envelope marked for rejected absentee ballots. The inspectors shall endorse the envelope,
5 "rejected ballots" with a statement of the ward or election district and date of the election,
6 signed by the chief inspector and one of the inspectors representing each of the 2 major
7 political parties and returned to the municipal clerk in the same manner as official ballots voted
8 at the election.

9 **SECTION 11.** 6.93 of the statutes is amended to read:

10 **6.93 Challenging the absent elector.** The vote of any absent elector may be challenged
11 for cause and the inspectors of election shall have all the power and authority given them to
12 hear and determine the legality of the ballot the same as if the ballot had been voted in person.
13 In municipalities where absentee ballots are canvassed under s. 7.52, the vote of an absentee
14 elector may be challenged as provided in s. 7.52 (5).

15 **SECTION 12.** 6.935 of the statutes is amended to read:

16 **6.935 Challenge based on incompetency.** Section 6.03 (3) applies to any challenge
17 of a person's right to vote under s. 6.92, 6.925 or 6.93, or 7.52 (5) based on an allegation that
18 an elector is incapable of understanding the objective of the elective process and thereby
19 ineligible to vote.

20 **SECTION 13.** 6.97 (1) of the statutes is amended to read:

21 6.97 (1) Whenever any individual who is required to provide identification in order to
22 be permitted to vote appears to vote at a polling place and cannot provide the required
23 identification, or the individual has not provided identification as provided in s. 6.88 (3) (a)
24 or 7.52 (3) (a), the inspectors shall offer the opportunity for the individual to vote under this

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

21 **SECTION 14.** 6.97 (2) of the statutes is amended to read:

22 6.97 (2) Whenever any individual who votes by absentee ballot is required to provide
23 identification in order to be permitted to vote and does not provide the required identification,
24 the inspectors or, in municipalities where absentee ballots are canvassed under s. 7.52, the

1 municipal board of canvassers shall write on the back of the absentee ballot the serial number
2 of the individual corresponding to the number kept at the election on the poll list or other list
3 maintained under s. 6.79 and the notation "s. 6.97". The inspectors or board of canvassers shall
4 indicate on the poll list the fact that the individual is required to provide identification but did
5 not do so. The inspectors or board of canvassers shall promptly notify the municipal clerk or
6 executive director of the municipal board of election commissioners of the name, address, and
7 serial number or in municipalities where absentee ballots are canvassed under s. 7.52, the poll
8 list number of the individual. The inspectors or board of canvassers shall then place the ballot
9 inside an envelope on which the name and serial or poll list number of the elector is entered
10 and shall place the envelope in a separate carrier envelope.

11 **SECTION 15.** 7.51 (1) of the statutes is amended to read:

12 7.51 (1) CANVASS PROCEDURE. Immediately after the polls close the inspectors shall
13 proceed to canvass publicly all votes received at the polling place. In any municipality where
14 an electronic voting system is used, the municipal governing body or board of election
15 commissioners may provide or authorize the municipal clerk or executive director of the board
16 of election commissioners to provide for the adjournment of the canvass to one or more central
17 counting locations for specified polling places in the manner prescribed in subch. III of ch. 5.
18 No central counting location may be used to count votes at a polling place where an electronic
19 voting system is not employed. The canvass, whether conducted at the polling place or at a
20 central counting location, shall continue without adjournment until the canvass is completed
21 and the return statements are made or, in municipalities where absentee ballots are cast under
22 s. 7.52, until the canvass of all ballots cast at the polling place is completed and the return
23 statements for those ballots are made. The inspectors shall not permit access to the name of

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

3 **SECTION 16.** 7.51 (2) (c) of the statutes is amended to read:

4 7.51 (2) (c) Whenever the number of ballots exceeds the number of voting electors as
5 indicated on the poll list, the inspectors shall place all ballots face up to check for blank ballots.
6 In this paragraph, "blank ballot" means a ballot on which no votes are cast for any office or
7 question. The inspectors shall mark, lay aside and preserve any blank ballots. If Except in
8 municipalities where absentee ballots are canvassed under s. 7.52, if the number of ballots still
9 exceeds the number of voting electors, the inspectors shall place all ballots face down and
10 proceed to check for the initials. The inspectors shall mark, lay aside and preserve any ballot
11 not bearing the initials of 2 inspectors or any absentee ballot not bearing the initials of the
12 municipal clerk. During the count the inspectors shall count those ballots cast by challenged
13 electors the same as the other ballots.

14 **SECTION 17.** 7.51 (2) (e) of the statutes is amended to read:

15 7.51 (2) (e) If, Except in municipalities where absentee ballots are canvassed under s.
16 7.52, if after any ballots have been laid aside, the number of ballots still exceeds the total
17 number of electors recorded on the poll list, the inspectors shall separate the absentee ballots
18 from the other ballots. If there is an excess number of absentee ballots, the inspectors shall
19 place the absentee ballots in the ballot box and one of the inspectors shall publicly and without
20 examination draw therefrom by chance the number of ballots equal to the excess number of
21 absentee ballots. If there is an excess number of other nonabsentee ballots, the inspectors shall
22 place those ballots in the ballot box and one of the inspectors shall publicly and without
23 examination draw therefrom by chance the number of ballots equal to the excess number of
24 those ballots. All ballots so removed may not be counted but shall be specially marked as

1 having been removed by the inspectors on original canvass due to an excess number of ballots,
 2 set aside and preserved. When the number of ballots and total shown on the poll list agree,
 3 the inspectors shall return all ballots to be counted to the ballot box and shall turn the ballot
 4 box in such manner as to thoroughly mix the ballots. The inspectors shall then open, count
 5 and record the number of votes. When the ballots are counted, the inspectors shall separate
 6 them into piles for ballots similarly voted. Objections may be made to placement of ballots
 7 in the piles at the time the separation is made.

8 **SECTION 18.** 7.51 (3) (d) of the statutes is amended to read:

9 7.51 (3) (d) All Except in municipalities where absentee ballots are canvassed under
 10 s. 7.52, all absentee certificate envelopes which have been opened shall be returned by the
 11 inspectors to the municipal clerk in a securely sealed carrier envelope which is clearly marked
 12 “used absentee certificate envelopes”. The envelopes shall be signed by the chief inspector
 13 and 2 other inspectors. Except when the ballots are used in a municipal or school district
 14 election only, the municipal clerk shall transmit the used envelopes to the county clerk.

15 **SECTION 19.** 7.52 of the statutes is created to read:

16 **7.52 Canvassing of absentee ballots.** (1) The governing body of any municipality
 17 may provide by ordinance that, in lieu of canvassing absentee ballots at polling places under
 18 s. 6.88, the municipal absentee ballot board of canvassers designated under ss. 7.53 (1) or (2)
 19 and 7.53 ^(2m) ~~(2) (m)~~ shall canvass all absentee ballots at all elections held in the municipality.
 20 Thereafter, at every election, the absentee ballot board of canvassers shall, at one or more times
 21 no earlier than the 7th day after absentee ballots are distributed for each election under s. 7.15
 22 (1) (cm) and no later than 10 a.m. on the day after an election, publicly convene to count the
 23 absentee ballots for the municipality. The municipal clerk shall give at least 48 hours' notice
 24 of any meeting under this subsection. Any member of the public has the same right of access

*potential
deadline
problem* →

Am: 7.51 (5) (b)

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1 to a meeting of the municipal absentee ballot board of canvassers under this subsection that
2 the individual would have under s. 7.41 to observe the proceedings at a polling place. The
3 absentee ballot board of canvassers may order the removal of any individual exercising the
4 right to observe the proceedings if the individual disrupts the meeting.

5 (2) In counting the absentee ballots, the absentee ballot board of canvassers shall use
6 2 duplicate copies of a single poll list for the entire municipality prepared in accordance with
7 s. 6.36 (2). Upon accepting each absentee ballot, the absentee ballot board of canvassers shall
8 enter a poll list number on the poll list next to the name of the elector who voted the ballot,
9 beginning with the number one. If the elector's name does not appear on the poll list, the
10 absentee ballot board of canvassers shall enter the number on a separate list maintained under
11 this subsection.

12 (3) (a) The absentee ballot board of canvassers shall first open the carrier envelope only,
13 and announce the name of the absent elector or the identification serial number of the absent
14 elector if the elector has a confidential listing under s. 6.47 (2). When the absentee ballot board
15 of canvassers finds that the certification has been properly executed, the applicant is a
16 qualified elector of the ward or election district, and the applicant has not voted in the election,
17 the absentee ballot board of canvassers shall enter an indication on the poll list next to the
18 applicant's name indicating an absentee ballot is cast by the elector. The absentee ballot board
19 of canvassers shall then open the envelope containing the ballot in a manner so as not to deface
20 or destroy the certification thereon. The absentee ballot board of canvassers shall take out the
21 ballot without unfolding it or permitting it to be unfolded or examined. Unless the ballot is
22 cast under s. 6.95, the absentee ballot board of canvassers shall verify that the ballot has been
23 endorsed by the issuing clerk. If the poll list indicates that identification is required and no
24 identification is enclosed or the name or address on the document that is provided is not the

1 same as the name and address shown on the poll list, the absentee ballot board of canvassers
2 shall proceed as provided under s. 6.97 (2). The absentee ballot board of canvassers shall mark
3 the poll list number of each elector who casts an absentee ballot on the back of the elector's
4 ballot. The absentee ballot board of canvassers shall then deposit the ballot into the proper
5 ballot box and enter the absent elector's name or poll list number after his or her name on the
6 poll list.

7 (b) When the absentee ballot board of canvassers finds that a certification is insufficient,
8 that the applicant is not a qualified elector in the ward or election district, that the ballot
9 envelope is open or has been opened and resealed, that the ballot envelope contains more than
10 one ballot of any one kind, or that the certificate of an elector who received an absentee ballot
11 by facsimile transmission or electronic mail is missing, or if proof is submitted to the absentee
12 ballot board of canvassers that an elector voting an absentee ballot has since died, the absentee
13 ballot board of canvassers shall not count the ballot. Each member of the absentee ballot board
14 of canvassers shall endorse every ballot not counted on the back as "rejected (giving the
15 reason)." The absentee ballot board of canvassers shall reinsert each rejected ballot into the
16 certificate envelope in which it was delivered and enclose the certificate envelopes and ballots,
17 and securely seal the ballots and envelopes in an envelope marked for rejected absentee
18 ballots. The absentee ballot board of canvassers shall endorse the envelope as "rejected
19 ballots," with a statement of the ward or election district and date of the election, and each
20 member of the absentee ballot board of canvassers shall sign the statement. The absentee
21 ballot board of canvassers shall then return the envelope containing the ballots to the
22 municipal clerk.

23 (4) (a) The absentee ballot board of canvassers shall then open the ballot box and
24 remove and count the number of ballots therein without examination except as is necessary

1 to ascertain that each is a single ballot. If 2 or more ballots are folded together so as to appear
2 as a single ballot, the absentee ballot board of canvassers shall lay them aside until the count
3 is completed; and if, after a comparison of the count and the appearance of the ballots it appears
4 to the absentee ballot board of canvassers that the ballots folded together were voted by the
5 same person they shall not be counted but the absentee ballot board of canvassers shall mark
6 them as to the reason for removal, set them aside, and carefully preserve them. The absentee
7 ballot board of canvassers shall then proceed under par. (b).

8 (b) When during the counting of the ballots cast at an election the absentee ballot board
9 of canvassers finds that a ballot is so defective that it cannot determine with reasonable
10 certainty for whom it was cast, the absentee ballot board of canvassers shall so mark the ballot
11 and preserve it. The absentee ballot board of canvassers shall not count the vote cast on the
12 ballot for any office for which it determines the ballot to be defective.

13 (c) Whenever the number of ballots exceeds the number of voting electors as indicated
14 on the poll list, the absentee ballot board of canvassers shall place all ballots face up to check
15 for blank ballots. In this paragraph, "blank ballot" means a ballot on which no votes are cast
16 for any office or question. The absentee ballot board of canvassers shall mark, lay aside, and
17 preserve any blank ballots. If the number of ballots still exceeds the number of voting electors,
18 the absentee ballot board of canvassers shall place all ballots face down and proceed to check
19 for the initials. The inspectors shall mark, lay aside, and preserve any ballot not bearing the
20 initials of the municipal clerk. During the count the absentee ballot board of canvassers shall
21 count those ballots cast by challenged electors the same as the other ballots.

22 (d) The absentee ballot board of canvassers shall keep a written statement, in duplicate,
23 of the number of ballots set aside and the number of defective ballots and challenged ballots.
24 The statement shall contain a record of the reasons for setting aside each ballot and the reasons

1 why each defective or challenged ballot is defective or challenged. The absentee ballot board
2 of canvassers shall certify that the statement is correct, sign it, and attach it to the tally sheets.

3 (e) If, after any ballots have been set aside, the number of ballots still exceeds the total
4 number of electors recorded on the poll list, the absentee ballot board of canvassers shall place
5 the absentee ballots in the ballot box and one of the members shall publicly and without
6 examination draw therefrom by chance the number of ballots equal to the excess number of
7 ballots. All ballots so removed shall not be counted but shall be specially marked as having
8 been removed by the absentee ballot board of canvassers on original canvass due to an excess
9 number of ballots, set aside, and preserved. When the number of ballots and total shown on
10 the poll list agree, the absentee ballot board of canvassers shall return all ballots to be counted
11 to the ballot box and shall turn the ballot box in such manner as to thoroughly mix the ballots.
12 The absentee ballot board of canvassers shall then open, count, and record the number of votes.
13 When the ballots are counted, the absentee ballot board of canvassers shall separate them into
14 piles for ballots similarly voted. Objections may be made to placement of ballots in the piles
15 at the time the separation is made.

16 (f) If corrected ballots under s. 5.06 (6) or 5.72 (3) are distributed under s. 7.10 (3), only
17 the votes cast on the corrected ballots may be counted for any office or referendum in which
18 the original ballots differ from the corrected ballots.

19 (g) The absentee ballot board of canvassers shall place together all ballots counted by
20 it which relate to any national, state, or county office or any state, county, or technical college
21 district referendum and secure them together so that they cannot be untied or tampered with
22 without breaking the seal. The secured ballots, together with any ballots marked "Defective,"
23 shall then be secured by the absentee ballot board of canvassers in the ballot container in such
24 a manner that the container cannot be opened without breaking the seals or locks, or destroying

1 the container. The absentee ballot board of canvassers shall place the ballots cast under s. 6.97
2 in a separate, securely sealed carrier envelope which is clearly marked "Section 6.97 ballots."
3 Each member of the absentee ballot board of canvassers shall sign the carrier envelope. The
4 carrier envelope shall not be placed in the ballot container. The absentee ballot board of
5 canvassers shall then deliver the ballots to the municipal clerk in the ballot container and
6 carrier envelope.

7 (h) For ballots that relate only to municipal or school district offices or referenda, the
8 absentee ballot board of canvassers, in lieu of par. (a), after counting the ballots shall return
9 them to the proper ballot boxes, lock the boxes, paste paper over the slots, sign their names
10 to the paper, and deliver them and the keys therefor to the municipal or school district clerk.
11 The clerk shall retain the ballots until destruction is authorized under s. 7.23.

12 (i) All absentee certificate envelopes ^{that} which have been opened shall be returned by the
13 absentee ballot board of canvassers to the municipal clerk in a securely sealed carrier envelope
14 that is clearly marked "used absentee certificate envelopes." The envelopes shall be signed
15 by each member of the absentee ballot board of canvassers. Except when the ballots are used
16 in a municipal or school district election only, the municipal clerk shall transmit the used
17 envelopes to the county clerk.

18 (5) The vote of any absent elector may be challenged for cause and the absentee ballot
19 board of canvassers shall have all the power and authority given the inspectors to hear and
20 determine the legality of the ballot the same as if the ballot had been voted in person.

21 (6) (a) The absentee ballot board of canvassers shall review each certificate envelope
22 to determine whether any absentee ballot is cast by an elector whose name appears on the poll
23 list as ineligible to vote at the election. If the absentee ballot board of canvassers receives an
24 absentee ballot that has been cast by an elector whose name appears on the poll list as ineligible

1 to vote, the inspectors shall challenge the ballot in the same manner as provided for inspectors
2 making challenges under s. 6.92 and shall treat the ballot in the manner as provided for
3 treatment of challenged ballots by inspectors under s. 6.95.

4 (b) Any elector may challenge for cause any absentee ballot other than a ballot that was
5 cast in person under s. 6.86 (1) (a) 2. or under s. 6.873. For the purpose of deciding upon ballots
6 that are challenged for any reason, the absentee ballot board of canvassers may call before it
7 any person whose absentee ballot is challenged if the person is available to be called. If the
8 person challenged refuses to answer fully any relevant questions put to him or her by the
9 absentee ballot board of canvassers under s. 6.92, the absentee ballot board of canvassers shall
10 reject the elector's vote. If the challenge is not withdrawn after the person offering to vote has
11 answered the questions, one of the members of the absentee ballot board of canvassers shall
12 administer to the person the following oath or affirmation: "You do solemnly swear (or affirm)
13 that: you are 18 years of age; you are a citizen of the United States; you are now and for 10
14 days have been a resident of this ward except under s. 6.02 (2); you have not voted at this
15 election; you have not made any bet or wager or become directly or indirectly interested in
16 any bet or wager depending upon the result of this election; you are not on any other ground
17 disqualified to vote at this election." If the person challenged refuses to take the oath or
18 affirmation, the person's vote shall be rejected. If the person challenged answers fully all
19 relevant questions put to the elector by the board of canvassers under s. 6.92, takes the oath
20 or affirmation, and fulfills the applicable registration requirements, and if the answers to the
21 questions given by the person indicate that the person meets the voting qualification
22 requirements, the person's vote shall be received.

23 (7) The absentee ballot board of canvassers shall maintain tally sheets on forms
24 provided by the municipal clerk, which shall state the total number of votes cast for each office

1 and for each individual receiving votes for that office, whether or not the individual's name
2 appears on the ballot, and shall state the vote for and against each proposition voted on. If the
3 absentee ballot board of canvassers recesses without completing the canvass of the absentee
4 ballots, the municipal clerk shall secure the tally sheets, together with all ballots, envelopes,
5 and other materials, and shall deliver them to the absentee ballot board of canvassers at its next
6 meeting under sub. (1). Upon completion of the canvass of the absentee ballots, the absentee
7 ballot board of canvassers shall immediately complete statements in duplicate. The
8 statements shall state the excess, if any, by which the number of ballots exceeds the number
9 of electors voting as shown by the poll list used by the absentee ballot board of canvassers
10 under this section and shall state the poll list number of the last elector as shown by the poll
11 list. Each member of the absentee ballot board of canvassers shall then certify to the
12 correctness of the statements and tally sheets and sign their names. All other election officials
13 assisting with the tally shall also certify to the correctness of the tally sheets. If the absentee
14 ballot board of canvassers meets under sub. (1) before the day after election day, the canvassers
15 shall not announce the results and the records of the count are not open to public inspection
16 and copying under s. 19.35 (1). When the tally is complete, the absentee ballot board of
17 canvassers shall publicly announce the results from the statements and the records of the count
18 are open to public inspection and copying under s. 19.35 (1).

19 (8) The absentee ballot board of canvassers shall make full and accurate return of the
20 votes cast for each candidate and proposition on the tally sheet forms. Each tally sheet shall
21 record the returns for each office or referendum by ward, unless combined returns are
22 authorized in accordance with s. 5.15 (6) (b), in which case the tally sheet shall record the
23 returns for each group of combined wards. After recording the votes, the absentee ballot board
24 of canvassers shall seal in a carrier envelope outside the ballot bag or container one inspector's

1 statement under sub. (4) (d), one tally sheet, and one poll list for delivery to the county clerk,
 2 unless the election relates only to municipal or school district offices or referenda. The
 3 absentee ballot board of canvassers shall also similarly seal one statement, one tally sheet, and
 4 one poll list for delivery to the municipal clerk.

5 (9) The governing body of any municipality that has provided by ordinance enacted
 6 under sub. (1) for the canvassing of absentee ballots at all elections held in the municipality
 7 under this section may by similar action rescind that decision. Thereafter, the absentee ballots
 8 at all elections held in the municipality shall be canvassed as provided in s. 6.88.

9 SECTION 20. 7.53 (1) of the statutes is amended to read:

10 7.53 (1) MUNICIPALITIES WITH ONE POLLING PLACE. Where the municipality constitutes
 11 one ward or combines all wards to utilize a single polling place under s. 5.15 (6) (b), the
 12 canvass of the votes cast at the polling place shall be conducted publicly under s. 7.51 and the
 13 inspectors shall act as the municipal board of canvassers. In municipalities where absentee
 14 ballots are canvassed under ss. 7.52 and 7.53 (2) (m), after the canvass of the absentee ballots
 15 is completed under s. 7.52, the absentee ballot board of canvassers shall reconcile the poll list
 16 of the electors who vote by absentee ballot with the corresponding poll list of the electors who
 17 vote in person to ensure that no elector is allowed to cast more than one ballot. If an elector
 18 who votes in person has submitted an absentee ballot, the absentee ballot is void. Upon
 19 completion of the canvass under this section and any canvass that is conducted under s. 7.52
 20 and ascertainment of the results by the inspectors or, in municipalities where absentee ballots
 21 are canvassed under s. 7.52, by the inspectors and the absentee ballot board of canvassers, the
 22 municipal clerk shall publicly read to the inspectors or the absentee ballot board of canvassers
 23 the names of the persons voted for and the number of votes for each person for each municipal
 24 office, the names of the persons declared by the inspectors ^{or} board of canvassers to have won

Consistency
 to (2m)

(2m)

or

1 nomination or election to each municipal office, and the number of votes cast for and against
2 each municipal referendum question.

3 **SECTION 21.** 7.53 (2) (d) of the statutes is amended to read:

4 7.53 (2) (d) The municipal board of canvassers shall publicly canvass the returns of
5 every municipal election. The canvass shall begin within 24 hours after the polls close except
6 in municipalities where absentee ballots are canvassed under s. 7.52. In municipalities where
7 absentee ballots are canvassed under s. 7.52, the canvass shall begin as soon as possible after
8 the canvass of absentee ballots is completed under s. 7.52 but no later than 9 a.m. on the 2nd
9 day after election day. After any canvass of the absentee ballots is completed under s. 7.52,
10 the board of canvassers shall reconcile the poll list of the electors who vote by absentee ballot
11 with the corresponding poll list of the electors who vote in person to ensure that no elector is
12 allowed to cast more than one ballot. If an elector who votes in person has submitted an
13 absentee ballot, the absentee ballot is void. At the spring election, the board of canvassers shall
14 publicly declare the results on or before the 2nd Tuesday in April. The board of canvassers
15 shall prepare a statement showing the results of each election for any municipal office and each
16 municipal referendum. After each primary for municipal offices, the board of canvassers shall
17 prepare a statement certifying the names of those persons who have won nomination to office.
18 After each other election for a municipal office and each municipal referendum, the board of
19 canvassers shall prepare a determination showing the names of the persons who are elected
20 to each municipal office and the results of each municipal referendum. The board of
21 canvassers shall file each statement and determination in the office of the municipal clerk or
22 board of election commissioners.

23 **SECTION 22.** 7.53 (2m) (a), (b), and (c) of the statutes are created to read:

1 7.53 (2m) (a) If the municipality elects to count absentee ballots in the manner provided
 2 for in 7.52, the municipality ^{shall} ~~must~~ establish a separate absentee ballot board of canvassers
 3 under the procedure provided in ^{par.} ~~sub.~~ (b).

4 (b) Except as provided in par. (c), the municipal absentee ballot board of canvassers for
 5 municipal elections in each municipality utilizing more than one polling place shall be
 6 composed of the municipal clerk or ^{a qualified elector of the municipality} ~~an appointee~~ and 2 ^{other} qualified electors of the ^{designated}
 7 municipality appointed by the clerk. The members of the absentee ballot board of canvassers ^{by the}
 8 shall serve for 2-year terms commencing on January 1 of each odd-numbered year, except
 9 that any member who is appointed to fill a permanent vacancy shall serve for the unexpired
 10 term of the original appointee. If the municipal clerk's office is vacant, if the clerk cannot
 11 perform his or her duties or if the clerk is a candidate at an election being canvassed, the mayor,
 12 president or board chairperson of the municipality shall designate another qualified elector of
 13 the municipality to serve in lieu of the clerk for that election. If any other member of the
 14 absentee ballot board of canvassers is a candidate at the election being canvassed, the clerk
 15 shall appoint another qualified elector of the municipality to temporarily fill the vacancy.

16 (c) Nothing in this ^{subsection precludes a} ~~SECTION~~ shall ~~preclude~~ the municipal clerk from appointing
 17 individuals to the absentee ballot board of canvassers who are simultaneously serving on any
 18 other board of canvassers.

*potential
 dead-end
 problem*

Am; 7.60(3)

SECTION 23. 880.33 (9) of the statutes is amended to read:

20 880.33 (9) All the rights and privileges afforded a proposed incompetent under this
 21 section shall be given to any person who is alleged to be ineligible to register to vote or to vote
 22 in an election by reason that such person is incapable of understanding the objective of the
 23 elective process. The determination of the court shall be limited to a finding that the elector
 24 is either eligible or ineligible to register to vote or to vote in an election by reason that the

1 person is or is not capable of understanding the objective of the elective process. The
2 determination of the court shall be communicated in writing by the clerk of court to the
3 election official or agency charged under s. 6.48, 6.92, 6.925 ~~or~~, 6.93, or 7.52 (5) with the
4 responsibility for determining challenges to registration and voting which may be directed
5 against that elector. The determination may be reviewed as provided in s. 880.34 (4) and (5)
6 and any subsequent determination of the court shall be likewise communicated by the clerk
7 of court.

8 **SECTION 24. Effective date.**

9 (1) This act takes effect on January 1, 2006, or the day after publication, whichever is
10 later.

11 (END)

Kuesel, Jeffery

From: Conlin, Robert
Sent: Wednesday, November 30, 2005 11:03 AM
To: Kuesel, Jeffery
Subject: 190/2

Jeff:

Tracey sent you a copy of WLC 190/2 which should have been in the Election Law package but which we inadvertently omitted. The minutes from the last meeting of the Committee clearly indicate that the draft was to be included in the committee's final recommendations. Please advise if you have questions.

Bob Conlin

Senior Staff Attorney
Wisconsin Legislative Council Staff
608-266-2298

1 **AN ACT** *to amend* 6.33 (1) and 6.36 (1) (a) and (b) 1. a.; and *to create* 6.36 (4) of the
2 statutes; **relating to:** registration with out-of-state driver's licenses.

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 voter registration form must contain space for an individual to provide, among other things, either a valid operator's license number or the last 4 digits of the applicant's social security number. This bill would require the form to contain a space for the applicant to provide an out-of-state driver's license number, if the applicant possesses one. The number would be included and maintained in the statewide voter registration system but would not be available for general public inspection. In addition, the bill would require the elections board to contact the chief election official in each state for which an out-of-state driver's license number has been submitted and inquire whether the individual had voted in that state.

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

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

4 **6.33 (1)** The municipal clerk shall supply sufficient registration forms as prescribed by
5 the board printed on loose-leaf sheets or cards to obtain from each applicant information as
6 to name; date; residence location; citizenship; date of birth; age; the number of a valid
7 operator's license issued to the elector under ch. 343 or the last 4 digits of the elector's social
8 security account number; out-of-state driver's license number, if the applicant possesses one;
9 whether the applicant has resided within the ward or election district for at least 10 days;
10 whether the applicant has lost his or her right to vote; and whether the applicant is currently
11 registered to vote at any other location. The forms shall also provide a space for the applicant's

1 signature and the ward and aldermanic district, if any, where the elector resides and any other
2 information required to determine the offices and referenda for which the elector is certified
3 to vote. The forms shall also include a space where the clerk may record an indication of
4 whether the form is received by mail and a space where the clerk, for any applicant who
5 possesses a valid voting identification card issued to the person under s. 6.47 (3), may record
6 the identification serial number appearing on the voting identification card. Each register of
7 deeds shall obtain sufficient registration forms at the expense of the unit of government by
8 which he or she is employed for completion by any elector who desires to register to vote at
9 the office of the register of deeds under s. 6.28 (3)

NOTE: This SECTION adds to the registration form a space for the registrant to disclose an out-of-state driver's license, if the applicant possesses one.

10 **SECTION 2.** 6.36 (1) (a) and (b) 1. a. of the statutes is amended to read:

11 6.36 (1) (a) The board shall compile and maintain electronically an official registration
12 list. The list shall contain the name and address of each registered elector in the state, the date
13 of birth of the elector, the ward and aldermanic district of the elector, if any, and, for each
14 elector, a unique registration identification number assigned by the board, the number of a
15 valid operator's license issued to the elector under ch. 343, if any, or the last 4 digits of the
16 elector's social security account number, if any, the number of a valid out-of-state driver's
17 license, if any, any identification serial number issued to the elector under s. 6.47 (3), the date
18 of any election in which the elector votes, an indication of whether the elector is an overseas
19 elector, as defined in s. 6.24 (1), an indication of any accommodation required under s. 5.25
20 (4) (a) to permit voting by the elector, an indication of the method by which the elector's
21 registration form was received, and such other information as may be determined by the board
22 to facilitate administration of elector registration requirements.

1 (b) 1. a. No person other than an employee of the board, a municipal clerk, a deputy
2 clerk, an executive director of a city board of election commissioners, or a deputy designated
3 by the executive director may view the date of birth, registration identification number,
4 operator's license number, or social security account number of an elector, out-of-state
5 driver's license number, the address of an elector to whom an identification serial number is
6 issued under s. 6.47 (3), or any indication of an accommodation required under s. 5.25 (4) (a)
7 to permit voting by an elector.

NOTE: This SECTION adds to the information maintained in the registration list the elector's out-of-state driver's license number, if any and provides that such number is not available for general public inspection.

8 **SECTION 3.** 6.36 (4) of the statutes is created to read:

9 6.36 (4) After each election, the board shall contact the chief election official in each
10 state for which an applicant has submitted an out-of-state license number under sub. (1). The
11 board shall inquire whether the individual who provided the out-of-state driver's license
12 number voted in that state.

NOTE: This SECTION requires the elections board to contact the election officials in other states to see if individuals who provided out-of-state driver's license numbers at registration voted in that state.

13 **SECTION 4. Effective date.** This act takes effect on January 1, 2006.

14 (END)