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2005 BILL

SA int refs/

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AN ACT ***to repeal*** 5.02 (6m), 6.28 (3), 6.55 (7), 6.56 (2), 6.87 (3) (c) and 12.13 (4); ***to renumber*** 6.36 (2) (c) 1. a. and b.; ***to renumber and amend*** 5.90, 6.22 (4), 6.36 (2) (c) 1. (intro.), 6.36 (2) (c) 2., 6.55 (3) and 7.30 (1); ***to amend*** 5.35 (6) (a) 4a., 6.15 (2) (d) 1r., 6.15 (3), 6.15 (4) (a) to (d), 6.15 (6), 6.21, 6.22 (2) (b), 6.22 (5), 6.24 (4) (d), 6.24 (6), 6.25 (1), 6.25 (2), 6.25 (4) (b), 6.26 (2) (c), 6.26 (3), 6.275 (1) (c), 6.276 (1), 6.28 (1), 6.29 (1), 6.29 (2) (a), 6.29 (2) (b), 6.32 (title), (1) and (4), 6.33 (1), 6.33 (2) (a), 6.36 (1) (a), 6.36 (1) (b) 1. a., 6.36 (2) (a), 6.50 (3), 6.55 (2) (a) 1. (form), 6.55 (2) (b), 6.55 (2) (c) 1., 6.56 (1), 6.56 (3), 6.56 (5), 6.79 (2) (d), 6.79 (4), 6.82 (1) (a), 6.86 (1) (a) (intro.), 6.86 (1) (a) 2., 6.86 (1) (b), 6.86 (3) (a) 2., 6.86 (3) (c), 6.865 (1), 6.865 (3), 6.87 (2) (form), 6.87 (3) (a) and (b), 6.87 (3) (d), 6.87 (4), 6.87 (6), 6.87 (9), 6.875 (4) and (6), 6.88 (1) to (3), 6.93, 6.935, 6.97 (1), 6.97 (2), 7.03 (1) (a), 7.08 (1) (c), 7.08 (8) (title), 7.10 (9), 7.15 (1) (e), 7.15 (11), 7.23 (1) (a), 7.30 (2) (a), 7.30 (2) (am), 7.30 (2) (b), 7.30 (2) (c), 7.30 (4) (a), 7.30 (4) (b) (intro.), 7.30 (4) (b) 1., 7.30 (4) (c), 7.30 (6) (a), 7.30 (6) (b), 7.30 (6) (c), 7.32, 7.33

(3), 7.33 (4), 7.33 (6), 7.37 (2), 7.41, 7.51 (1), 7.51 (2) (c), 7.51 (2) (e), 7.51 (3) (d), 7.51 (4) (a), 7.51 (5) (a), 7.51 (5) (b), 7.53 (1), 7.53 (2) (a), 7.53 (2) (d), 7.60 (2), 8.10 (3) (intro.), 8.15 (4) (a), 8.20 (3), 8.37, 8.40 (2), 9.01 (1) (ag) 1., 1m. and 2., 9.01 (1) (b) (intro.), 9.01 (10), 9.10 (2) (b), 9.10 (2) (d), 9.10 (2) (em) 2., 9.10 (4) (a), 10.01 (2) (e), 10.02 (3) (a), 12.03 (title) and (1), 12.04 (2), 12.07 (2), 12.60 (1) (b), 12.60 (1) (c), 12.60 (1) (d), 17.29, 302.117, 880.33 (9), 973.09 (4m) and 973.176 (2); ***to repeal and recreate*** 12.03 (2) and 12.09; and ***to create*** 5.02 (16g), 5.35 (6) (c), 5.68 (3m), 5.90 (2) and (3), 6.22 (4) (c), 6.22 (4) (f) to (h), 6.22 (5m), 6.26 (2) (cm), 6.26 (4), 6.28 (4), 6.29 (2) (am), 6.34, 6.36 (5), 6.36 (6), 6.55 (2) (cs), 6.55 (3) (b), 6.56 (3m), 6.79 (2) (dm), 6.855, 6.86 (1) (a) 6., 6.86 (1) (ac), 6.86 (1) (c), 6.865 (3m), 6.875 (7), 6.88 (3) (c), 7.10 (1) (d), 7.15 (1m), 7.15 (2m), 7.23 (1) (am), 7.30 (1) (b), 7.30 (6) (am), 7.315, 7.37 (13), 7.41 (5), 7.51 (5) (a) 5., 7.52, 7.53 (2) (a) 3., 7.53 (2m), 9.01 (1) (ag) 2m., 12.035, 12.13 (3) (ze), 301.03 (3a) and 301.03 (20) of the statutes; **relating to:** administration of elections; providing exemptions from and extending the time limit for emergency rule procedures; granting rule–making authority; and providing penalties.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on Election Law Review. The bill makes numerous modifications to the election laws, as described below.

VOTER REGISTRATION

Forms of Identification Required to Register to Vote

BILL

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 a certain time before election day. 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, stats. (i.e., a Wisconsin driver's license).

2. An identification card issued under s. 343.50, stats. (i.e., a Wisconsin identification 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, for an absentee voter, a copy of 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.

The bill establishes one uniform list of documents, any one of which may be used as proof of residence for registration or voting purposes, so long as the document contains the full name and residential address of the individual. The list created by the bill is as follows:

1. A current and valid Wisconsin driver's license.

2. A current and valid Wisconsin identification card.

3. Any other official identification card or license issued by a Wisconsin governmental body or unit.

4. 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.

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

6. A residential lease, unless the person registered to vote by mail.

7. A university, college, or technical college fee or identification card bearing a photograph of the card holder.

8. A utility bill for the period commencing not earlier than 90 days before election day.

9. A bank statement.

10. A paycheck.

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

The bill 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.

Deadline for Registration

Under current law, registration for any election must close at 5 p.m. on the second Wednesday preceding the election. Registration may be accepted after this deadline if the municipal clerk determines that the registration list can be revised to incorporate the registration in time for the election. A person may also register to vote after the official date for the close of registration. Generally, a person may register late by filing with the municipal clerk a registration form completed by the person and acceptable proof of residence or corroboration of residence by one other elector of the municipality. The registration form must be filed in person no later than 5 p.m. or the close of business, whichever is later, on the day before the election. Unless the clerk determines that the registration list can be updated in time for the election, the municipal clerk must issue to the late–registering person a certificate addressed to the inspectors of the proper ward directing that the elector be permitted to vote. The certificate must be presented by the person to the inspectors when he or she arrives at the polling place.

The bill changes the registration deadline from the 2nd Wednesday preceding the election to the 3rd Wednesday preceding the election. Under the bill, registration after this deadline is limited to persons registering in person in the office of the municipal clerk, persons registering at the polls on election day, and hospitalized persons registering via an agent.

Locations for Voter Registration; "Roving" Special Registration Deputies

Under current law, individuals may register to vote at the office of the municipal clerk, at other locations designated by the clerk, at high schools, and at the register of deeds office. In addition, current law authorizes the municipal clerk and the elections board to appoint special registration deputies for the purpose of registering electors of a municipality anywhere throughout the municipality—the so–called "roving registration deputies". Current law also authorizes the appointment of special registration deputies to assist in registering voters at the polls on election day and requires the appointment of special registration deputies at other locations designated for registration by the municipal clerk.

The bill requires "roving" special registration deputies to be trained and to print and sign their names on all registration forms they accept. In addition, the bill subjects all registration forms accepted by such deputies to a letter or postcard audit by the municipal clerk. Under the bill, the municipal clerk and the Elections Board must

maintain a record of the names and addresses of all individuals appointed by the clerk or board as "roving" special registration deputies.

The bill also creates an exemption from requiring the clerk to appoint special registration deputies for registration locations established by the municipal clerk when the clerk and deputy clerks can sufficiently staff the locations. In addition, the bill eliminates the statutory requirement that registration be available at the office of the register of deeds and instead requires that registration be available at the office of the county clerk.

Prohibition on Certain Payment for Voter Registration

The bill prohibits any person from compensating any person who obtains voter registrations at a rate that varies in relation to the number of voter registrations obtained. Violators are guilty of a misdemeanor and are subject to a fine of not more than $1,000 or imprisonment for not more than 6 months, or both, for each offense.

Verification of Pre–Election Voter Registration

Under current law, when a municipal clerk receives a voter registration form by mail, the clerk must examine the form for sufficiency. If the form is insufficient to accomplish registration or if the clerk knows or has reliable information that the proposed elector is not qualified, the clerk must notify the proposed elector and request that the elector appear at the clerk's office or other registration center to complete a proper registration or substantiate the information presented. Similarly, if the form is submitted after the close of registration, the clerk must attempt to notify the elector that registration may be completed in the clerk's office or at the polls on election day.

Under current law, if the form is sufficient and the clerk has no reliable information to believe that the proposed elector is not qualified, the clerk must enter the person's name on the registration list and transmit a first class letter or postcard to the registrant identifying the registrant's proper ward or aldermanic district and polling place. If the letter or postcard is returned, the clerk must change the registrant's status to ineligible.

The bill specifies that the clerk must mail the letter or postcard within 10 days of receiving the registration.

Fee for Copy of Registration List

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 by law.

The 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 revenues from the fees will be shared between the state and municipalities (or counties if they perform registration functions on behalf of municipalities). The bill also authorizes the board to promulgate emergency rules to be in effect until permanent rules are promulgated.

Same–Day Voter Registration Verification by Elections Board and Double Voting Audits (I)

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. Also under current law, the municipal clerk must determine if any elector appears to have voted more than once and must attempt to contact each such elector.

BILL

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

Out–of–State Driver's License Holders

~~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 ~~requires the form to contain a space for an applicant who possesses a~~ driver's license issued by another state ~~to provide~~ the license number, issuing state, and expiration date of the license. The information ~~would be included and maintained in the statewide voter registration system but~~ would not be available for general public inspection. In addition, the bill requires the elections board, following each general election, to contact the chief election official in each other state that has issued a valid driver's license to an elector who voted in the election and to inquire whether the elector had voted in that election in that state.

Uniform registration forms

Currently, the Elections Board prescribes the content of registration forms in accordance with statutory requirements. This bill requires the board to create uniform registration forms that must be used throughout the state for purposes of registration.

ABSENTEE BALLOTS

Requesting an Absentee Ballot by Fax or Email

Under current law, any elector who is unable or unwilling to appear at the polling place in his or her ward on election day may vote by absentee ballot. An elector seeking to vote by absentee ballot must generally make a written application to the municipal clerk. An application may be made by one of the following methods: (1) by mail; (2) in person at the office of the municipal clerk; (3) by signing a statement indicating the elector is indefinitely confined or disabled; (4) by agent when the elector is hospitalized; or (5) by delivering an application to a special voting deputy when the elector is an occupant of a nursing home and similar facilities.

The bill authorizes a registered elector, including a registered "overseas elector", or an elector who qualifies as a "military elector", who is unable or unwilling to appear at the polling place in his or her ward on election day to apply for an absentee ballot by making a written application to the municipal clerk by facsimile transmission (fax) or electronic mail (email). The application must contain a copy of the applicant's original signature. When the absentee ballot is returned, the elector must enclose a copy of the absentee ballot request bearing an original signature of the elector along with the ballot. Ballots cast in contravention of this procedure are not to be counted.

Deadline for Requesting Absentee Ballot by Mail

Under current law, requests for absentee ballots made by an elector by mail must be received by the municipal clerk by 5 p.m. on the Friday preceding the election. The bill changes the deadline for such requests to no later than 5 p.m. on the 5th day immediately preceding the election, except for applications submitted by mail by military electors and indefinitely confined electors. Under the bill, applications by mail from these electors retain the current deadline of 5 p.m. on the Friday before the election.

Absentee Ballots for Military Electors – Permanent Ballots

Under current law, "military electors" are defined to be any of the following:

1. Members of a uniformed service (i.e., the U.S. army, navy, air force, marine corps, or coast guard, the commissioned corps of the federal public health service, or the national oceanic and atmospheric administration).

2. Members of the U.S. merchant marine.

3. Civilian employees of the U.S. and civilians officially attached to a uniformed service who are serving outside the U.S.

4. Peace corps volunteers.

5. Spouses and dependents of the above who reside with or accompany them.

In general, and with some exceptions, a military elector is to vote in the ward or election district for the address of his or her residence prior to becoming a military elector. In general, military electors are not required to register as a prerequisite to voting in any election.

A military elector may request an absentee ballot for any election, or for all elections until the individual otherwise requests or until the person no longer qualifies as a military elector. An absentee ballot application from a military elector may be received at any time. In general, as an alternative to a regular absentee ballot request form, a federal postcard registration and absentee ballot request form may be used to apply for an absentee ballot by a military elector if the municipal clerk can determine that the applicant is qualified to vote in the election district where he or she seeks to vote and that the applicant is qualified to receive an absentee ballot as a military elector.

For military electors who are in the uniformed service and on active duty, members of the merchant marine, and the spouse and dependents of such persons who are absent because of the duty or service of the member, current law also provides that such electors may request an absentee ballot for the next 2 general elections. A municipal clerk must comply with such a request except that no absentee ballot may be sent for a succeeding general election if the elector's name appeared on the registration list for a previous general election and no longer appears on the registration list for the succeeding general election. Further, if the elector's address for the succeeding general election is in a municipality that is different from the municipality in which the elector resided for the first general election, current law requires the clerk to forward the request to the clerk of the municipality where the elector resides.

Currently, a municipal clerk must send a ballot, as soon as available, to each military elector who requests a ballot. However, the clerk may not send a ballot for an election if the application is received later than 5 p.m. on the Friday preceding that election. Whenever absentee ballots are sent to military electors, they must be prepared and mailed to make use of the federal free postage laws.

The bill modifies current law to provide that every request by any military elector must be treated as a request for an absentee ballot for all subsequent elections. Under the bill, if a municipal clerk receives a request for an absentee ballot from a military elector, the municipal clerk must send an absentee ballot to the elector for all elections that occur after the request is received. The bill allows a military elector to provide an alternate address on the absentee ballot application and requires the municipal clerk to send an absentee ballot to that alternate address if a ballot sent to the elector's primary address is returned as undeliverable.

The bill authorizes a municipal clerk to stop sending a ballot to a military elector in the following situations: (1) if 2 successive general elections go by and a military elector fails to return an absentee ballot for any election during that time period; (2) if the clerk is reliably informed that the elector is no longer a military elector or no longer resides in the municipality; (3) if the elector is subject to a registration requirement and his or her name no longer appears on the registration list as an eligible elector; or (4) if the elector so requests. Prior to discontinuing sending ballots to a military elector solely for the failure to return absentee ballots, the municipal clerk must notify the elector by mail that no future ballots will be sent unless the elector renews his or her absentee ballot request within 30 days. The bill also requires the municipal clerk to notify a military elector of any action to discontinue sending ballots to the elector not taken at the elector's request within 5 days of taking that action, if possible.

Late–Arriving Absentee Ballots From Military Electors

Under current law, absentee ballots must be returned to the municipal clerk in time for delivery to the polls before the polls close. Any ballot not delivered by this deadline may not be counted.

The bill provides that a vote cast on a ballot cast by a "military elector", as defined above, that is received by the municipal clerk after the close of the polls may, in some situations, still be counted. Under the bill, a vote cast on a ballot that is received after the polls close is considered a valid ballot if it is received by the clerk by the deadline for requesting a recount for the office for which the vote is cast and if it contains a postal service cancellation mark dated on or before the election day for which the ballot was cast. However, under the bill these ballots will not be counted unless a recount occurs.

Under the bill, a certificate envelope sent to a military elector must be clearly labeled so that when it is returned the clerk will know that it is from a military elector. If a certificate envelope that is returned by a military elector after the polls close but before the deadline for the return of such ballots has an illegible postmark, or no postmark, it is presumed that the envelope was timely mailed, unless established otherwise.

The bill directs the municipal clerk to post in his or her office on election night and on an internet site a statement announcing the number of absentee ballots that have not been returned by military electors by the closing of the polls. However, the posting may not include the names or addresses of any military electors.

Under the bill, if a recount petition is filed, the municipal clerk must immediately notify the appropriate board of canvassers as to the number of absentee ballots that were timely received after the polls closed and whether any absentee ballots that were sent to military electors have not been returned. If there are unreturned ballots at the time a recount petition has been filed, the bill provides that the recount may not proceed until all timely returned ballots are delivered by the clerk or 9 a.m. on the day following the last day for filing a recount petition, whichever occurs first.

As soon as practicable after receiving the last late–arriving ballot but in no case later than 9 a.m. on the day following the last day for filing a recount petition, the clerk must transmit to the appropriate board of canvassers all of the late–arriving ballots of military electors received by the clerk.

When the board of canvassers conducting a recount receives late–arriving absentee ballots cast by military electors, the board must first open and record the names of the military electors whose ballots have been received. If the late–arriving ballot cast by a military elector is otherwise valid, the board of canvassers must count the ballot and adjust the original statements, certifications, and determinations. After doing so, the board of canvassers may begin the recount.

Witness for Absentee Ballots

Under current law, military and overseas voters who cast absentee ballots must have a witness who is an adult U.S. citizen. All other absentee ballots must have a witness, but the age and nationality of the witness is not specified. The bill requires all absentee ballots to be witnessed by an adult U.S. citizen.

Elimination of Prepaid Return Postage and Notice of Hours

Generally, under current law, if the municipal clerk sends an absentee ballot to an elector, the ballot must include sufficient return postage to return the ballot from anywhere within the United States. The bill specifies that if the absentee ballot is mailed from outside the United States, the elector must affix sufficient postage for return of the ballot unless the ballot qualifies for mailing free of postage under federal law. The bill also modifies the notice that a clerk must post to include the hours that an elector can cast an absentee ballot in the clerk's office or an alternate site.

Opening Absentee Ballots in Public

Under current law, absentee ballot envelopes must be opened at the polling place during poll hours and the ballots placed in the ballot box without disclosing how the voter voted. When the envelopes are opened, the inspector is required to publicly announce the names or serial numbers of the absent electors casting the ballots.

The bill adds language to ensure that this opening process is done so that election observers may hear and see the process.

Observation of Absentee Voting in Certain Nursing Homes and Other Facilities

Under current law, there is a separate procedure for absentee voting by residents of nursing homes, and certain community–based residential facilities and retirement homes. If a resident of such a facility requests an absentee ballot, the clerk will arrange a time to send 2 special deputies to the facility to facilitate absentee voting by the residents. The time that the deputies visit the home or facility is not announced prior to the visit.

The bill requires the municipal clerk to maintain a list, available to the public, of all of the facilities where an absentee ballot has been requested and when the special deputies will be visiting the facility. In addition, the clerk must post a notice at the facility indicating when the special deputies will be visiting. The bill also allows one observer from each of the recognized political parties whose candidate for governor or president received the greatest numbers of votes in the municipality at the most recent general election to accompany the deputies to observe the distribution of absentee ballots in the common areas of the facility. The deputies are given the same authority as the chief election inspector to monitor this observer's conduct.

Alternate Absentee Ballot Site

Under current law, persons may apply for and vote an absentee ballot at the municipal clerk's office prior to election day. 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.

The bill authorizes the governing body of a municipality (city, village, or town) to establish an alternate absentee ballot voting 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 site must be made 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 the site must be used until at least the day after the election following the primary. No absentee ballot functions that are to take place at this alternate site may be conducted at the municipal clerk's office so long as the alternate site is used. The bill requires notice of the alternate site to be prominently displayed in the office of the municipal clerk beginning on the date that the site is selected and continuing during the time that absentee ballots are available and requires a notice of the alternate site to be published in a newspaper along with other absentee ballot information required under current law and on an Internet site if one is maintained by the municipal clerk. The bill requires the alternate site to be staffed by the municipal clerk or by employees of the clerk. The alternate site must be accessible and located as near as practicable to the office of the clerk, but may not be located so as to afford an advantage to any political party. Observation and electioneering laws would apply to alternate locations established under the bill.

Election Observers

Under current law, any member of the public may be present at any polling place for the purpose of observing an election, except a candidate at that election. The chief inspector at the polling place is authorized to "reasonably limit" the number of persons representing the same organization who are permitted to observe an election at the same time. In addition, the chief inspector is authorized to restrict the location of observers to certain areas at a polling place. Such an area is to be clearly designated as an observation area. Observation areas must be positioned to allow observers to readily observe all public aspects of the voting process. The statutes authorize a chief inspector to order the

removal from a polling place of any observer who commits an overt act which disrupts the operation of the polling place or who engages in electioneering in violation of the law.

Under the statutes, an observer may not view the confidential portion of a registration list relating to an individual who has obtained a confidential listing based on domestic abuse. However, the poll workers must disclose to an observer, upon request, the existence of such a list, the number of electors whose names appear on the list, and the number of those electors who have voted at any point during the election. In addition, an observer may not view the certificate of an absent elector who has obtained such a confidential listing. Current law prohibits any person from refusing to obey a lawful order of a poll worker made for the purpose of enforcing the election laws; engaging in disorderly behavior at or near a polling place; or interrupting or disturbing the voting or canvassing proceedings. A person violating this prohibition may be fined not more than $1,000, or imprisoned for not more than 6 months, or both.

The bill applies the above observation provisions to the municipal clerk's office or an alternate absentee ballot site authorized by the governing body of a municipality on any day that absentee ballots may be cast in that office. However, the observation provisions created by the bill would only apply to offices of municipal clerks that are located in public buildings. Accordingly, these provisions would not apply to clerks whose offices are located in their primary residences. In addition, the prohibition on a "candidate at that election" being an observer is clarified to apply to a candidate whose name appears on the ballot at the polling place or on an absentee ballot to be cast at the clerk's office or alternate site.

Electioneering

Current 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".

The law defines "electioneering" as any activity that 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 6 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 5 years from the time of the conviction.

The bill extends the prohibitions on electioneering to the municipal clerk's office or an alternate absentee ballot site authorized by the governing body of a municipality during times when absentee voting may be conducted in the office or at the alternate site. Specifically, the bill prohibits the clerk, or an employee of the clerk, from engaging in electioneering activities at those locations during the hours that absentee ballots may be cast. In addition, the bill prohibits any person from engaging in electioneering activities during the hours that absentee ballots may be cast in the municipal clerk's office or at an alternate absentee ballot site on any public property within 100 feet of an entrance to a building that contains the clerk's office or the alternate site. Violations of these provisions are subject to the same penalties as provided under current law for electioneering at a polling place.

Option to Count Absentee Ballots at a Central Location

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.

The 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, a municipal board of absentee ballot canvassers, appointed by the municipal clerk, must publicly convene any time after the polls open and before 10 p.m. on election day for the purpose of counting absentee ballots. Under the bill, the board of absentee ballot canvassers does not announce the results of its count until the canvass of all absentee ballots is completed. The bill provides for the board of absentee ballot 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 board of absentee ballot 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. The bill permits any elector to challenge any absentee ballot for cause. The bill extends the time for completion of the municipal canvass by 2 hours but does not extend the time by which the county canvass must begin.

Before enacting such an ordinance, a municipality must notify and consult with the Elections Board concerning the alternative procedure for canvassing absentee ballots that will be used.

PRE–ELECTION PROCEDURES

Qualifications of Circulators of Nomination Papers and Petitions

Under current law, each nomination paper and petition for an election must be circulated by a qualified elector of the jurisdiction or district in which the paper or petition is circulated. However, in *Frami v. Ponto*, 255 F. Supp. 962 (W.D. Wis. 2003), a federal district court ruled that this residency requirement is unconstitutional and prevented the state from enforcing the statutory requirement.

The bill removes the residency requirement by providing that a circulator of a nomination paper or petition must be a qualified elector of this state or a U.S. citizen age 18 or over who, if he or she were a resident of the state, would not be disqualified from voting because he or she is incompetent, a felon whose right to vote has not been restored, or involved in a wager or bet depending upon the result of the election.

Notice of School District Referendum

Currently, proposed constitutional amendments and other measures or questions to be submitted to a vote of the people must be filed with the official or agency responsible for preparing the ballots for the election no later than 42 days prior to the election at which the amendment, measure, or question will appear on the ballot.

The bill requires, in addition, that a copy of a measure or question to be submitted to a vote of the people on behalf of a school district be provided to the clerk of each county having territory within the school district no later than ~~42 days prior to the election~~ the end of the next business day after the school district clerk receives the measure or question.

period is 5 days

Contingency Planning Report

The bill requires the elections board to submit a report and recommendations to the legislature on state and local election–related contingency planning efforts and preparedness regarding natural disasters and terrorist activities that may occur at or near election time. The report is due on the first day of the 7th month beginning after publication of the bill as an act.

Guidance to Local Units of Government Regarding Election–Related Purchases

Under current law, the election administration council consists of members of the public and local election officials appointed by the executive director of the elections board. The council is to assist the elections board to establish the state's election administration plan under HAVA.

The bill requires the election administration council to also provide guidance to local units of government concerning the ~~purchasing~~ of election apparatus, ballot forms, and supplies for use in elections in this state to help ensure that competitive prices are obtained.

Term of Appointment for Certain Election Officials

Under current law, election officials are appointed for a 2–year term. The appointments are made in December of each even–numbered year. The bill changes the date that election officials are appointed to December of each odd–numbered year.

Election Official Training

Under current law, the elections board conducts training programs for chief inspectors (chief officials at polling places). No person may serve as a chief inspector if he or she has not been certified by the elections board as having met the requirements prescribed by the board for certification. The elections board must also prescribe requirements for maintaining certification. The elections board may also conduct training programs for other election officials. Municipal clerks and boards of election commissioners are required to train all election officials, and municipalities may require applicants for election official positions to take examinations. Currently, the elections board and municipal clerks and boards of election commissioners may appoint special registration deputies who obtain voter registrations from electors prior to the close of registration and municipal clerks may appoint special voting deputies to conduct voting at nursing homes and certain retirement homes and community–based residential facilities. Currently, the clerks and boards of election commissioners must train the deputies in accordance with rules prescribed by the elections board.

Beginning for elections held in 2008, the bill requires all municipal clerks to receive election training at least once every 2 years. The bill authorizes the elections board to produce and periodically update a video program and make the program available electronically through an Internet–based system for training purposes. Also, the bill requires municipal clerks to train all poll workers other than chief inspectors, who continue to be trained and certified under current law, as well as special registration deputies and special voting deputies pursuant to rules developed by the elections board. The bill provides that no person may serve as a poll worker, special registration deputy, or special voting deputy unless that person has received training required in the bill unless certain unforeseen circumstances occur. Under the bill, municipalities are required to compensate election officials other than special registration deputies and special voting deputies for attendance at training sessions as currently provided.

ELECTION DAY PROCEDURES

High School Student Poll Workers

Generally, a pupil who is 16 or 17 years of age, who is enrolled in grades 9 to 12 in a public or private school, and who has at least a 3.0 grade point average (GPA) may serve as an inspector (poll worker) at the polling place serving the pupil's residence. Approval of the pupil's parent or guardian and of the school principal is required. There must be at least one qualified elector of the state serving at the polling place for a pupil to be appointed and a pupil may not serve as chief inspector. The term of appointment of an inspector lasts for 2 years and until his or her successor is appointed and qualified.

The bill eliminates the minimum GPA requirement and instead authorizes school boards to develop criteria for approving students to serve as poll workers. The bill also modifies the term of service of a high school pupil appointed to serve as an inspector. Under the bill, a high school pupil is appointed for one election only rather than for 2

years. The bill does not prohibit such a pupil from being appointed to serve at future elections.

Poll Closing Procedures When Voters Waiting to Vote

Under current law, any elector waiting to vote, whether within the polling booth or in the line outside the booth at the time the polls officially close must be permitted to vote.

The bill requires ~~an election inspector (poll worker) to~~ each municipal clerk to designate an official of the municipality who must position himself or herself at the end of the line of individuals waiting to vote at the time the polls officially close as a way to mark the end of the line. The bill provides that the official may be a poll worker at the polling place, an employee of the municipal clerk, or a police officer.

Conduct of Election Observers

Under current law, any member of the public may be present at any polling place for the purpose of observing an election, except a candidate at that election. The chief inspector at the polling place is authorized to "reasonably limit" the number of persons representing the same organization who are permitted to observe an election at the same time. In addition, the chief inspector is authorized to restrict the location of observers to certain areas at a polling place. Such an area is to be clearly designated as an observation area. Observation areas must be positioned to allow observers to readily observe all public aspects of the voting process. The statutes authorize a chief inspector to order the removal from a polling place of any observer who commits an overt act which disrupts the operation of the polling place or who engages in electioneering.

Under the statutes, an observer may not view the confidential portion of a registration list relating to an individual who has obtained a confidential listing based on domestic abuse. However, the poll workers must disclose to an observer, upon request, the existence of such a list, the number of electors whose names appear on the list, and the number of those electors who have voted at any point during the election. In addition, an observer may not view the certificate of an absent elector who has obtained such a confidential listing.

Currently, any person who refuses to obey a lawful order of a poll worker made for the purpose of enforcing the election laws, who engages in disorderly behavior at or near a polling place, or who interrupts or disturbs the voting or canvassing proceedings may be fined not more than $1,000, or imprisoned for not more than 6 months, or both.

The bill directs the elections board to promulgate rules regarding the proper conduct of observers at polling places, municipal clerk's offices, or alternate absentee ballot sites, including the interaction of observers with election officials at polling places. The bill requires the rules to be submitted to the legislative council staff for review by the 60th day beginning after publication of the bill as an act.

Proof of Residence Required of Certain Voters

Under current law, effective January 1, 2006, a person, other than a military elector or an overseas elector, who registers to vote by mail and who has not previously voted in an election for national office in Wisconsin must provide identification, as specified by law, before being allowed to vote at an election for national office. A person who is required to provide identification before voting but who fails to do so may cast a provisional ballot which may be counted if the person subsequently presents identification before 4 p.m. on the day after the election.

The bill creates a proof of residence requirement applicable to all persons other than military or overseas electors who register to vote by mail and have not voted in an election in this state.

Election Threats

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, stats., 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.

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

Prohibition on Certain Election–Related Material

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

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.

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

In addition, the bill 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. Similarly, the bill prohibits such conduct in relation to the municipal clerk's office or an alternate absentee ballot site during hours that absentee ballots may be cast therein. For purposes of the bill, "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 or voting by absentee ballot. 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 bill authorizes a municipal clerk, election inspector, or law enforcement officer to remove or confiscate unauthorized election–related material. Finally, the bill provides that a violation of the election–related material prohibition is punishable by a forfeiture not to exceed $100.

Map of Area Served by Polling Place

The bill requires that the municipal clerk or board of election commissioners in municipalities with multiple polling places to prominently post at each polling place a map of the geographic area served by each polling place for that election. The map must display the boundaries of the ward or wards served by the polling place for that election.

Lists of Felons Ineligible to Vote

Under current law, any person who is convicted of a felony is not eligible to vote. However, if the person is pardoned or the person completes his or her sentence, the person's voting rights are restored. A person who is on probation, parole, or extended supervision has not completed his or her sentence. Under current law, there is no procedure that election officials must use to identify felons who are ineligible to vote and to prevent them from voting.

The bill directs the department of corrections (DOC) to transmit electronically to the elections board, on a continuous basis, a list containing the names of each person who has been convicted of a felony under the laws of this state and whose voting rights have not been restored, together with the date on which DOC expects his or her voting rights to be restored. The bill directs the board to enter the information received from DOC on the statewide voter registration list and to maintain the information on that list so that the information is kept current. Under the bill, the information is open to public inspection.

The bill also directs the elections board to enter on the poll list prepared for each election a notation after the name of any elector who is ineligible to vote on that date because the person's name appears on the current list that DOC provides. In addition, the bill directs the board to provide for each polling place at each election a list of persons whose names do not appear on the registration list but whose names appear on the current list that DOC provides and whose addresses are located within the area served by the polling place. These lists are open to public inspection.

The bill requires poll workers to check the lists and to inform any person whose name appears on the lists that they are ineligible to register to vote or to vote. A person whose name appears on a list and who claims to be eligible to vote may still be allowed to vote, but the person must vote by ballot. The ballot is marked for later examination and it may be reviewed and discounted during a canvass or recount if the appropriate board of canvassers determines that the person who cast the ballot is ineligible to vote.

The bill also requires every person who registers to vote to affirm specifically that he or she has not been convicted of a felony for which he or she has not been pardoned and, if so, whether the person is incarcerated or on probation, parole, or extended supervision resulting from that conviction. Currently, the law requires a person who registers at a polling place only to affirm that he or she is not disqualified on any ground from voting, and does not require any similar affirmation from other late registrants.

In addition, the bill directs the elections board to conduct a postelection audit after each election to determine whether any ineligible felons have been allowed to register and vote after the close of registration. If so, the board is directed to enter a notation reflecting this ineligibility on the registration list and to provide the names of these felons to the district attorney.

Finally, the bill requires DOC to create a form for notifying individuals of their ineligibility to vote. When an inmate who is disqualified from voting is released on parole or extended supervision, the DOC must use the form to notify the person that he or she may not vote until his or her civil rights are restored. The person and a witness must sign the form. The same procedure must be followed for each probationer, and by the court every time it imposes a sentence or places a defendant on probation for a conviction that disqualifies him or her from voting.

Additional Poll Worker: Greeter

Under current law, there must be at least 3 inspectors (poll workers) at each polling place. Municipalities may increase that number and may appoint special registration deputies on a nonpartisan basis to register voters at polling places on election day. Inspectors must be appointed from lists containing the names of eligible electors submitted by party committeemen and committeewomen. If no names or insufficient names are submitted, inspectors are appointed on a nonpartisan basis. Certain high school pupils may also be appointed to serve as inspectors. The party whose candidate for president or governor received the most votes in the area served by the polling place at the most recent general election is entitled to one more appointment than the other party. Alternate officials must also be appointed in a sufficient number to maintain adequate staffing.

The bill provides that each municipality may appoint an additional inspector on a nonpartisan basis who serves as a greeter and substitutes for other inspectors who must

leave the voting room temporarily. Under the bill, the additional inspector is not entitled to participate in the canvassing process.

POST–ELECTION PROCEDURES

Time for Delivery of Election Material

Currently, by 2 p.m. on the day after an election, the municipal clerk must deliver the ballots, statements, tally sheets, lists, and envelopes for the clerk's municipality concerning any county, technical college district, state, or national election to the county clerk. In addition, current law requires the municipal clerk to arrange for delivery of these materials concerning a school district election to the school district clerk, but does not specify a time by which that delivery must take place. The bill sets the deadline for delivery of these materials at 4 p.m. on the day after an election.

Post–Election Inspectors' Statements

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

County and Municipal Clerk Serving on Board of Canvassers

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. The bill allows 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.

Grounds for Recall of Certain Local Elective Offices

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.

The bill 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 bill, "cause" means official misconduct or malfeasance in office.

Retention of Unused Ballots After an Election

The bill provides that unused ballots from an election may not be discarded or destroyed until at least the day after the latest day for the filing of a recount petition for any office on the ballots. In addition, the bill authorizes the county clerk to store any such unused ballots upon request of a municipal clerk of a municipality within the county and authorizes the county clerk to destroy the ballots pursuant to provisions of the bill.

Recount Procedures

Under current law, the state elections board is required to prescribe standard forms and procedures for the making of recounts. Additionally, 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.

The bill requires the procedures developed by the elections board to require boards of canvassers in recounts involving more than one board of canvassers to consult with the

elections board staff prior to beginning any recount to ensure that uniform procedures are used, to the extent practicable, in conducting such recounts.

In addition, the bill requires boards of canvassers to use automatic tabulating equipment to recount ballots that are in machine–readable form. The bill 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 an 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 bill does not 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.

Post–Election Audits

The bill requires the elections board, by no later than December 31, 2006, to prepare recommendations with regard to random post–election audits of local election practices to be conducted in the fall of odd–numbered years. The recommendations must include recommendations on how election practices in a given municipality may be reviewed by election officials of other, similar–sized municipalities and how such audits may be funded by the state. The recommendations must be submitted to the legislature.

Effective date

All changes to the law proposed by the bill take effect on July 1, 2006, or on the day after publication, whichever is later.

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

SECTION 2. 5.02 (16g) of the statutes is created to read:

5.02 **(16g)** "Qualified circulator" means a qualified elector of this state or any U.S. citizen age 18 or older who, if he or she were a resident of this state, would not be disqualified from voting under s. 6.03.

SECTION 3. 5.35 (6) (a) 4a. of the statutes is amended to read:

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

SECTION 4. 5.35 (6) (c) of the statutes is created to read:

5.35 **(6)** (c) At each polling place located in a municipality that is served by more than one polling place for an election, the municipal clerk or board of election commissioners shall prominently post a map of the geographic area served by the polling place for that election. The posting shall clearly show the boundaries of the ward or wards served by the polling place for that election.

SECTION 5. 5.68 (3m) of the statutes is created to read:

5.68 **(3m)** The election administration council shall provide guidance to local units of government concerning the ~~purchasing~~ procurement of election apparatus, ballot forms, materials and supplies for use in elections in this state to help ensure that competitive prices are obtained by those units of government.

SECTION 6. 5.90 of the statutes, as affected by 2005 Wisconsin Act 92, is renumbered 5.90 (1) and amended to read:

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

duplicates. If electronic voting machines are used, the board of canvassers shall perform the recount using the permanent paper record of the votes cast by each elector, as generated by the machines.

SECTION 7. 5.90 (2) and (3) of the statutes are created to read:

5.90 **(2)** Any candidate, or any elector when for a referendum, may, by the close of business on the next business day after the last day for filing a petition for a recount under s. 9.01, petition the circuit court for an order requiring ballots in readable form under sub. (1) to be counted by hand or by another method approved by the court. The petitioner in such an action bears the burden of establishing by clear and convincing evidence that due to an 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.

(3) A court with whom a petition under sub. (2) is filed shall hear the matter as expeditiously as possible, without a jury. The court may order a recount of the ballots by hand or another method only if it determines that the petitioner has established by clear and convincing evidence that due to an 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. Nothing in this section affects the right of a candidate or elector aggrieved by the recount to appeal to circuit court under s. 9.01 (6) upon completion of the recount.

SECTION 8. 6.15 (2) (d) 1r. of the statutes is amended to read:

6.15 **(2)** (d) 1r. Upon proper completion of the application and cancellation card, the municipal clerk shall require the elector to provide ~~acceptable~~ proof of residence under s. ~~6.55 (7)~~ 6.34. If the elector cannot provide ~~acceptable~~ proof of residence, the elector may have his or her residence corroborated in a statement that is signed by another elector of the municipality and that contains the current street address of the corroborating elector. If the residence is corroborated by another elector, that elector shall then provide proof of residence under s. ~~6.55 (7)~~ 6.34. The elector shall then mark the ballot in the clerk's presence in a manner that will not disclose his or her vote. The elector shall then fold the ballot so as to conceal his or her vote. The clerk or elector shall then place the ballot in an envelope furnished by the clerk.

SECTION 9. 6.15 (3) of the statutes is amended to read:

6.15 **(3)** PROCEDURE AT POLLING PLACE. An eligible elector may appear at the polling place for the ward or election district where he or she resides and make application for a ballot under sub. (2). Except as otherwise provided in this subsection, an elector who casts a ballot under this subsection shall follow the same procedure required for casting a ballot at the municipal clerk's office under sub. (2). The inspectors shall perform the duties of the municipal clerk, except that the inspectors shall return the cancellation card under sub. (2) (b) to the municipal clerk and the clerk shall forward the card as provided in sub. (2) (c) if required. Upon proper completion of the application and cancellation card and submittal of ~~acceptable~~ proof of residence under s. ~~6.55 (7)~~ 6.34 or providing corroboration of residence, the inspectors shall permit the elector to cast his or her ballot for president and vice president. The elector shall mark the ballot and, unless the ballot is utilized with an electronic voting system, the elector shall fold the ballot, and deposit the ballot into the ballot box or give it to the inspector. The inspector shall deposit it

directly into the ballot box. Voting machines or ballots utilized with electronic voting systems may only be used by electors voting under this section if they permit voting for president and vice president only.

SECTION 10. 6.15 (4) (a) to (d) of the statutes are amended to read:

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

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

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

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

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

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

SECTION 12. 6.21 of the statutes is amended to read:

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

SECTION 13. 6.22 (2) (b) of the statutes is amended to read:

6.22 **(2)** (b) ~~Notwithstanding s. 6.87 (4), a~~ A military elector shall make and subscribe to the certification under s. 6.87 (2) before a witness who is an adult U.S. citizen.

SECTION 14. 6.22 (4) of the statutes is renumbered 6.22 (4) (a) amended to read:

6.22 **(4)** (a) ~~An~~ A request for an absentee ballot by an individual who qualifies as a military elector ~~may~~ shall be treated as a request for an absentee ballot ~~for any election, or~~ for all elections ~~until the individual otherwise requests or until the individual no longer qualifies as a military elector~~. Upon receiving a timely request for an absentee ballot under par. (b) by an individual who qualifies as a military elector, the municipal clerk shall send or transmit to the elector an absentee ballot

for all elections that occur in the municipality or portion thereof where the elector resides beginning on the date that the clerk receives the request.

(b) A military elector's application may be received at any time. The municipal clerk shall not send a ballot for an election if the application is received later than 5 p.m. on the Friday preceding that election unless s. 6.87 (3) (d) applies. The municipal clerk shall send a ballot, as soon as available, to each military elector who requests a ballot.

(d) The board shall prescribe the instructions for marking and returning ballots and the municipal clerk shall enclose instructions with each ballot and shall also enclose supplemental instructions for local elections. The envelope, return envelope and instructions may not contain the name of any candidate appearing on the enclosed ballots other than that of the municipal clerk affixed in the fulfillment of his or her duties. Each certificate envelope that is mailed or transmitted to a military elector under this section shall be clearly labeled as "Cast by a military elector under s. 6.22, Wis. stats., and may be eligible to be counted after election day".

(e) Whenever the material is mailed, the material shall be prepared and mailed to make use of the federal free postage laws. If the material does not qualify for mailing without postage under federal free postage laws, the municipal clerk shall pay the postage required for mailing to the military elector. If the return envelope qualifies for mailing free of postage under federal free postage laws, the clerk shall affix the appropriate legend required by U.S. postal regulations. Otherwise the municipal clerk shall pay the postage required for return when the ballot is mailed from within the United States. If the ballot is not mailed by the military elector from within the United States the military elector shall provide return postage. The

mailing list established under this subsection shall be kept current in the same manner as provided in s. 6.86 (2) (b).

SECTION 15. 6.22 (4) (c) of the statutes is created to read:

6.22 **(4)** (c) A military elector may indicate an alternate address on his or her absentee ballot application. If the elector's ballot is returned as undeliverable prior to the deadline for return of absentee ballots under s. 6.87 (6), and the elector remains eligible to receive absentee ballots under this section, the municipal clerk shall immediately send or transmit an absentee ballot to the elector at the alternate address.

SECTION 16. 6.22 (4) (f) to (h) of the statutes are created to read:

6.22 **(4)** (f) If there occur 2 successive general elections at which a military elector fails to return an absentee ballot sent or transmitted to the elector under par. (a) and the elector has not cast an absentee ballot at any intervening election, if the municipal clerk is reliably informed that the elector is no longer a military elector or no longer resides in the municipality, or if the elector so requests, the clerk shall discontinue sending or transmitting absentee ballots to the elector under this subsection. If a military elector who has requested an absentee ballot changes his or her residence from the municipality where a request is filed to another municipality in this state, the municipal clerk of the municipality who received the request shall notify the clerk of the municipality to which the elector's residence is changed of the date of the request or the latest renewal under par. (g) and the date of the most recent absentee ballot received by the clerk. The municipal clerk who is so notified shall treat the request as having been made to him or her.

(g) Prior to any discontinuance of the service provided to a military elector under this subsection solely for failure to return absentee ballots, the municipal clerk

shall mail the elector a 1st class letter or postcard notifying the elector that an absentee ballot will no longer be sent to the elector unless the elector renews his or her request within 30 days of the date of the notification.

(h) The municipal clerk shall notify a military elector of any action under par. (f) that is not taken at the elector's request within 5 days of taking that action, if possible.

SECTION 17. 6.22 (5) of the statutes is amended to read:

6.22 **(5)** VOTING PROCEDURE. Except as authorized in sub. (5m) and s. 6.25, the ballot shall be marked and returned, deposited and recorded in the same manner as other absentee ballots. In addition, the certification under s. 6.87 (2) shall have a statement of the elector's birth date. Failure to return any unused ballots in a primary election does not invalidate the ballot on which the elector casts his or her votes.

SECTION 18. 6.22 (5m) of the statutes is created to read:

6.22 **(5m)** TREATMENT OF BALLOTS RECEIVED AFTER CLOSE OF POLLS. (a) A vote cast on a ballot cast under this section that is received by the municipal clerk after the close of the polls but before the deadline for filing a petition for a recount under s. 9.01 (1) (a) for the office for which the vote is cast shall be treated as valid if the envelope in which the ballot was received bears a postal service cancellation mark dated on or before the election day for which the ballot was cast, but may only be counted for purposes of a recount under s. 9.01.

(b) For purposes of par. (a), if a certificate envelope is not postmarked or has a postmark that is not legible to the municipal clerk, board of canvassers, or the board of absentee ballot canvassers in municipalities where absentee ballots are canvassed under s. 7.52, and the envelope was received by mail from the U.S. postal service, it

is presumed that the envelope was placed in the mail on or before election day, unless established by a preponderance of the evidence to the contrary.

(c) No later than the closing hour of the polls, the municipal clerk of each municipality shall post at his or her office, at any alternate site under s. 6.855, and on the Internet at a site announced by the clerk before the polls open, and shall make available to any person upon request, a statement of the number of absentee ballots that the clerk has mailed or transmitted to military electors under this section and that have not been returned by the closing hour on election day. The posting shall not include the names or addresses of any military electors.

(d) All ballots received by the municipal clerk under this subsection by the deadline specified in par. (a) shall be carefully preserved by the municipal clerk until destruction or other disposition is authorized under s. 7.23. If a petition for a recount is filed under s. 9.01, the clerk shall immediately notify the appropriate board of canvassers as to whether any absentee ballots that have been mailed or transmitted to military electors under this section have been received after the closing of the polls or have not been returned.

(dm) If the clerk notifies the board of canvassers that any ballots that have been mailed or transmitted to military electors under this section have not been returned, the board of canvassers shall not proceed with the recount until all such ballots have been returned to the clerk and transmitted to the board of canvassers, or 9 a.m. on the day following the last day for filing of a petition for the recount, whichever occurs first.

(e) The clerk shall transmit to the appropriate board of canvassers all ballots received under par. (a) by the clerk as soon as practicable after receiving the last

ballot but in no case later than 9 a.m. on the day following the last day for filing a petition for the recount under s. 9.01.

(f) Whenever a board of canvassers conducting a recount receives absentee ballots cast by military electors as provided in par. (e), the board of canvassers shall first proceed to open and record the names of the military electors whose ballots have been received. If the ballot cast by a military elector is otherwise valid, the board of canvassers shall count the vote cast on the ballot for the office being recounted and shall adjust the original statements, certifications, and determinations accordingly.

(g) The board of canvassers shall then proceed with the recount under s. 9.01 (1) (b).

SECTION 19. 6.24 (4) (d) of the statutes is amended to read:

6.24 **(4)** (d) An overseas elector who is not registered may request both a registration form and an absentee ballot at the same time, and the municipal clerk shall send the ballot automatically if the registration form is received within the time prescribed in s. 6.28 (1). The board shall prescribe a special certificate form for the envelope in which the absentee ballot for overseas electors is contained, which shall be substantially similar to that provided under s. 6.87 (2). ~~Notwithstanding s. 6.87 (4), an~~ An overseas elector shall make and subscribe to the special certificate form before a witness who is an adult U.S. citizen.

SECTION 20. 6.24 (6) of the statutes is amended to read:

6.24 **(6)** INSTRUCTIONS AND HANDLING. The municipal clerk shall send a ballot, as soon as available, to each overseas elector by whom a request has been made. The board shall prescribe the instructions for marking and returning ballots and the municipal clerk shall enclose such instructions with each ballot. The envelope, return envelope and instructions may not contain the name of any candidate

appearing on the enclosed ballots other than that of the municipal clerk affixed in the fulfillment of his or her duties. Except as authorized in s. 6.87 (3), the municipal clerk shall mail the material ~~postage prepaid to any place in the world. The~~, with sufficient postage to ensure that the elector receives the ballot, unless the material qualifies for mailing free of postage under federal free postage laws. If the return envelope qualifies for mailing free of postage under federal free postage laws, the clerk shall affix the appropriate legend required by U.S. postal regulations. Otherwise, the municipal clerk shall pay the postage required for return when the ballot is mailed from within the United States. If the ballot is not mailed by the overseas elector from within the United States, the overseas elector shall provide return postage.

SECTION 21. 6.25 (1) of the statutes is amended to read:

6.25 **(1)** Any individual who qualifies as a military elector under s. 6.22 (1) (b) or an overseas elector under s. 6.24 (1) and who transmits an application for an official absentee ballot for a general election no later than 30 days before election day may, in lieu of the official ballot, cast a federal write–in absentee ballot prescribed under 42 USC 1973ff–2 for any candidate or for all of the candidates of any recognized political party for national office listed on the official ballot at the general election if the federal write–in absentee ballot is received by the appropriate municipal clerk no later than the time prescribed in s. 6.87 (6) or, for purposes of a recount, within the period authorized in s. 6.22 (5m) (a).

SECTION 22. 6.25 (2) of the statutes is amended to read:

6.25 **(2)** Any individual who qualifies as a military elector under s. 6.22 (1) (b) and who transmits an application for an official absentee ballot for any election no later than 30 days before election day may, in lieu of the official ballot, cast a write–in

absentee ballot for any candidate or for all of the candidates of any recognized political party listed on the official ballot at the election if the write–in absentee ballot is received by the appropriate municipal clerk no later than the time prescribed in s. 6.87 (6) or, for purposes of a recount, within the period authorized under s. 6.22 (5m) (a). The ballot shall contain the information required under s. 5.55 whenever applicable and on the face shall indicate the type and date of election and shall list the offices to be filled and the number of votes that each elector may cast for each office. The ballot shall include a number of spaces under each office equal to the number of votes permitted to be cast for that office for the elector to write in the names of candidates.

SECTION 23. 6.25 (4) (b) of the statutes is amended to read:

6.25 **(4)** (b) The elector submitting the ballot does not submit an official ballot within the time prescribed in s. 6.87 (6) or, for purposes of a recount, within the period authorized under s. 6.22 (5m) (a).

SECTION 24. 6.26 (2) (c) of the statutes is amended to read:

6.26 **(2)** (c) No individual may serve as a special registration deputy in a municipality unless the individual is appointed by the municipal clerk or board of election commissioners of the municipality or the individual is appointed by the elections board to serve all municipalities and the individual completes training required under s. 7.315.

SECTION 25. 6.26 (2) (cm) of the statutes is created to read:

6.26 **(2)** (cm) The board and each municipal clerk shall maintain a record of the names and addresses of each individual who is appointed by the board or the clerk to serve as a special registration deputy under this section and who has complied

with the training requirements for service as a special registration deputy under s. 7.315 (1) (b) 1.

SECTION 26. 6.26 (3) of the statutes is amended to read:

6.26 **(3)** The board shall, by rule, prescribe procedures for appointment of special registration deputies, for revocation of appointments of special registration deputies, and for training of special registration deputies by municipal clerks and boards of election commissioners. The procedures shall be coordinated with training programs for special registration deputies conducted by municipal clerks under s. 7.315 and shall be formulated to promote increased registration of electors consistent with the needs of municipal clerks and boards of election commissioners to efficiently administer the registration process.

SECTION 27. 6.26 (4) of the statutes is created to read:

6.26 **(4)** Each special registration deputy under this section who obtains a registration form from an elector shall print his or her name on and sign the form, affirming that the deputy has accepted the form.

SECTION 28. 6.275 (1) (c) of the statutes is amended to read:

6.275 **(1)** (c) The total number of electors of the municipality residing in that county who registered after the close of registration and prior to the day of the primary or election under ss. ~~6.28 (1),~~ 6.29~~,~~ and 6.86 (3) (a) 2.

SECTION 29. 6.276 (1) of the statutes is amended to read:

6.276 **(1)** In this section, "military elector" and "overseas elector" have the meanings given in s. ~~6.36 (2) (c)~~ 6.34 (1).

SECTION 30. 6.28 (1) of the statutes is amended to read:

6.28 **(1)** REGISTRATION LOCATIONS; DEADLINE. Except as authorized in ss. 6.29, 6.55 (2), and 6.86 (3) (a) 2., registration in person for any election shall close at 5 p.m.

on the ~~2nd~~ 3rd Wednesday preceding the election. Registrations made by mail under s. 6.30 (4) must be delivered to the office of the municipal clerk or postmarked no later than the ~~2nd Wednesday~~ 3rd Wednesday preceding the election. ~~An application for registration in person or by mail may be accepted for placement on the registration list after the specified deadline, if the municipal clerk determines that the registration list can be revised to incorporate the registration in time for the election.~~ All applications for registration corrections and additions may be made throughout the year at the office of the city board of election commissioners, at the office of the municipal clerk, ~~at the office of any register of deeds~~ at the office of the county clerk, or at other locations provided by the board of election commissioners or the common council in cities over 500,000 population or by either or both the municipal clerk, or the common council, village or town board in all other municipalities and may also be made during the school year at any high school by qualified persons under sub. (2) (a). Other registration locations may include but are not limited to fire houses, police stations, public libraries, institutions of higher education, supermarkets, community centers, plants and factories, banks, savings and loan associations and savings banks. Special registration deputies shall be appointed for ~~all locations~~ each location unless the location can be sufficiently staffed by the board of election commissioners or the municipal clerk or his or her deputies. An elector who wishes to obtain a confidential listing under s. 6.47 (2) shall register at the office of the municipal clerk of the municipality where the elector resides.

SECTION 31. 6.28 (3) of the statutes is repealed.

SECTION 32. 6.28 (4) of the statutes is created to read:

6.28 **(4)** AT THE OFFICE OF THE COUNTY CLERK. Any person shall be given an opportunity to register to vote at the office of the county clerk for the county in which

the person's residence is located. An applicant may complete the required registration form under s. 6.33. Unless the county clerk performs registration functions for the municipality where the elector resides under s. 6.33 (5) (b), the county clerk shall forward the form submitted by an elector to the appropriate municipal clerk, or to the board of election commissioners in cities over 500,000 population within 5 days of receipt. The clerk shall forward the form immediately whenever registration closes within 5 days of receipt.

SECTION 33. 6.29 (1) of the statutes is amended to read:

6.29 **(1)** No names may be added to a registration list for any election after the close of registration, except as authorized under this section or s. ~~6.28 (1),~~ 6.55 (2)~~,~~ or 6.86 (3) (a) 2. Any person whose name is not on the registration list but who is otherwise a qualified elector is entitled to vote at the election upon compliance with this section.

SECTION 34. 6.29 (2) (a) of the statutes is amended to read:

6.29 **(2)** (a) Any qualified elector of a municipality who has not previously filed a registration form or whose name does not appear on the registration list of the municipality may register after the close of registration but not later than 5 p.m. or the close of business, whichever is later, on the day before an election at the office of the municipal clerk and at the office of the clerk's agent if the clerk delegates responsibility for electronic maintenance of the registration list to an agent under s. 6.33 (5) (b). The elector shall complete, in the manner provided under s. 6.33 (2), a registration form containing all information required under s. 6.33 (1). The registration form shall also contain the following certification: "I, ..., hereby certify that, to the best of my knowledge, I am a qualified elector, having resided at ... for at least 10 days immediately preceding this election, and I have not voted at this

election". The elector shall also provide ~~acceptable~~ proof of residence under s. ~~6.55 (7)~~ 6.34. Alternatively, if the elector is unable to provide ~~acceptable~~ proof of residence under s. ~~6.55 (7)~~ 6.34, the information contained in the registration form shall be corroborated in a statement that is signed by any other elector of the municipality and that contains the current street address of the corroborating elector. The corroborating elector shall then provide ~~acceptable~~ proof of residence under s. ~~6.55 (7)~~ 6.34.

SECTION 35. 6.29 (2) (am) of the statutes is created to read:

6.29 **(2)** (am) The board shall provide to each municipal clerk a list prepared for use at each municipal clerk's office showing the name and address of each person whose name appears on the list provided by the department of corrections under s. 301.03 (20) as ineligible to vote on the date of the election, whose address is located in the municipality, and whose name does not appear on the registration list for that municipality. Prior to permitting an elector to register to vote under this subsection, the municipal clerk shall review the list. If the name of an elector who wishes to register to vote appears on the list, the municipal clerk shall inform the elector that the elector is ineligible to register to vote. If the elector maintains that he or she is eligible to vote in the election, the municipal clerk shall permit the elector to register to vote but shall mark the elector's registration form as "ineligible to vote per Department of Corrections." If the elector wishes to vote, the municipal clerk shall challenge the elector's ballot in the same manner as provided for inspectors who challenge ballots under s. 6.79 (2) (dm).

SECTION 36. 6.29 (2) (b) of the statutes is amended to read:

6.29 **(2)** (b) ~~Unless the municipal clerk determines that the registration list will be revised to incorporate the registration in time for the election, upon~~ Upon the

filing of the registration form required by this section, the municipal clerk or clerk's agent under s. 6.33 (5) (b) shall issue a certificate containing the name and address of the elector addressed to the inspectors of the proper ward or election district directing that the elector be permitted to cast his or her vote if the elector complies with all requirements for voting at the polling place. The certificate shall be numbered serially, prepared in duplicate and one copy preserved in the office of the municipal clerk.

SECTION 37. 6.32 (title), (1) and (4) of the statutes are amended to read:

6.32 (title) **Verification of ~~mail~~ certain registrations. (1)** Upon receipt of a registration form ~~which~~ that is submitted by mail under s. 6.30 (4) or that is submitted by a special registration deputy appointed under s. 6.26, the municipal clerk shall examine the form for sufficiency.

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

SECTION 38. 6.33 (1) of the statutes, as affected by 2003 Wisconsin Act 265, section 49b, is amended to read:

6.33 **(1)** The ~~municipal clerk shall supply sufficient registration forms as prescribed by the~~ board shall prescribe the format, size, and shape of registration forms. All forms shall be printed on ~~loose–leaf sheets or~~ cards and each item of information shall be of uniform font size, as prescribed by the board. The municipal clerk shall supply sufficient form to meet voter registration needs. The forms shall be designed to obtain from each applicant information as to name; date; residence location; citizenship; date of birth; age; the number of a valid operator's license issued to the elector under ch. 343 or the last 4 digits of the elector's social security account number; ~~if the applicant possesses a valid driver's license issued by another state, the state, license number, and expiration date of the license;~~ whether the applicant has resided within the ward or election district for at least 10 days; whether the applicant has ~~lost his or her right to vote;~~ been convicted of a felony for which he or she has not been pardoned, and if so, whether the applicant is incarcerated, or on parole, probation, or extended supervision; whether the applicant is disqualified on any other ground from voting; and whether the applicant is currently registered to vote at any other location. The ~~forms~~ form shall ~~also provide~~ include a space for the applicant's signature and the signature of any corroborating elector. The form shall include a space to enter the name of any special registration deputy under s. 6.26 or 6.55 (6) or inspector, municipal clerk, or deputy clerk under s. 6.55 (2) who obtains the form and a space for the deputy, inspector, clerk, or deputy clerk to sign his or her name, affirming that the deputy, inspector, clerk, or deputy clerk has accepted the form. The form shall include a space for entry of the ward and aldermanic district, if any, where the elector resides and any other information required to determine the offices and referenda for which the elector is certified to vote. The ~~forms~~ form shall also include a space where the clerk may record an

indication of whether the form is received by mail, a space where the clerk may record an indication of the type of identifying document submitted by the elector as proof of residence under s. 6.34, whenever required, and a space where the clerk, for any applicant who possesses a valid voting identification card issued to the person under s. 6.47 (3), may record the identification serial number appearing on the voting identification card. ~~Each register of deeds shall obtain sufficient registration forms at the expense of the unit of government by which he or she is employed for completion by any elector who desires to register to vote at the office of the register of deeds under s. 6.28 (3).~~ Each county clerk shall obtain sufficient registration forms for completion by an elector who desires to register to vote at the office of the county clerk under s. 6.28 (4).

SECTION 39. 6.33 (2) (a) of the statutes, as affected by 2003 Wisconsin Act 265, section 49b, is amended to read:

6.33 **(2)** (a) All information may be recorded by any person, except that the ward and aldermanic district, if any, other geographic information under sub. (1), the indication of whether the registration is received by mail, the type of identifying document submitted by the elector as proof of residence under s. 6.34, whenever required, and any information relating to an applicant's voting identification card shall be recorded by the clerk. Each applicant shall sign his or her own name unless the applicant is unable to sign his or her name due to physical disability. In such case, the applicant may authorize another elector to sign the form on his or her behalf. If the applicant so authorizes, the elector signing the form shall attest to a statement that the application is made upon request and by authorization of a named elector who is unable to sign the form due to physical disability.

SECTION 40. 6.34 of the statutes is created to read: