



WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO

2005 Senate Bill 42

Senate Substitute
Amendment 1 and Senate
Amendment 9 to Senate
Substitute Amendment 1

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Contact: Nicholas Zavos, Staff Attorney (266-1308)

SENATE BILL 42

Senate Bill 42 generally requires voters and persons registering to vote at the polls to present a photo identification card before being allowed to vote and before being allowed to register to vote at the polls. The bill allows three acceptable forms of identification: a Wisconsin driver's license, a Wisconsin identification card issued by the Department of Transportation (DOT), or an identification card issued by a U.S. uniformed service. The bill also deletes the ability of persons to have their eligibility to vote via another elector in the municipality.

SENATE SUBSTITUTE AMENDMENT 1

Technical Changes

Senate Substitute Amendment 1 makes a number of modifications to the bill to correct incorrect cross-references, to incorporate consistent terminology, and to otherwise aid in the effectuation of the bill's intent by making other nonsubstantive changes. Those changes are described below. The changes are identified by the item number in the amendment.

Items 1, 2, and 21: Deletes the current law penalty for falsely corroborating another elector's information because the bill deletes the authorization to corroborate.

Item 3: Makes clear that when a person who is a qualified elector but who has been a resident of the state for less than 10 days, appears at the clerk's office or the polls to vote in a presidential election for president and vice president and provides identification under the bill that is not sufficient proof of residence, the person must also provide acceptable proof of residence.

Item 4: Deletes additional references to the corroboration process in current law that were inadvertently missed in the drafting of the bill.

Items 5 through 10: Changes the word “elector” to “person” for purposes of consistency with similar uses in the bill.

Item 11: Clarifies, in accordance with the intent of the bill, that poll workers must verify the name and address *stated* by the elector when appearing to vote as under current law, rather than the address provided on an identification card.

Item 12: Changes the title of a provision of the bill to provide consistency with the intent of the provision and to avoid inconsistency with defined terms under current law.

Items 13 and 19: Makes minor changes so that the bill consistently refers to “U.S. uniformed service.”

Item 14: Clarifies that the *agent* of a hospitalized absent elector presents the identification document required for the elector to vote.

Item 15: Corrects an internal statutory reference.

Items 16 and 17: Deletes unnecessary internal statutory references.

Item 18: Corrects an internal statutory reference.

Item 20: Adds the word “valid” to “current identification card” to be consistent with other uses in the bill.

Items 22 and 23: Deletes an unnecessary reference to a statutory section that is not treated by the bill.

Suspended or Revoked License

Under the bill, a person who has had to surrender his or her driver’s license due to the receipt of a citation from a law enforcement officer in any jurisdiction within 60 days before the date of an election may be allowed to vote if he or she presents an original copy of the citation in lieu of his or her driver’s license.

The substitute amendment would extend the above-described provision to a person who has had to surrender his or her driver’s license due to the receipt of a “notice of intent to revoke or suspend” the person’s license. Presenting an original copy of such notice in lieu of a driver’s license would allow the person to vote.

Nursing Homes, Retirement Homes, and Other Similar Facilities

Under current law, to facilitate voting by residents of nursing homes, qualified retirement homes, or qualified community-based residential facilities, the municipal clerk or board of election commissioners of each municipality in which one or more of these facilities are located must appoint at

least two special voting deputies affiliated with different political parties, if available. Special voting deputies in each municipality are required, not later than 5 p.m. on the Friday preceding an election, to arrange one or more convenient times with the administrator of each facility to conduct absentee voting for the election. The timing may be no earlier than the fourth Monday preceding the election and no later than 5 p.m. on the Monday preceding the election. Upon visiting the facility at the designated time, the deputies are required to administer the oath and may, upon request of the elector who is requesting to vote absentee, assist the elector in marking or punching the elector's ballot. Upon request of the elector, a relative of the elector who is present in the room is also permitted to assist the elector in marking or punching the elector's ballot, but all voting must be conducted in the presence of the deputies. Upon completion of the voting, the deputies are required to promptly deliver, either personally or by first class mail, any absentee ballot applications and the sealed certificate-affidavit envelope containing each ballot to the clerk or board of election commissioners of the municipality in which the elector casting the ballot resides, within such time as will permit delivery to the polling place serving the elector's residence on election day.

Senate Substitute Amendment 1 authorizes an elector who is voting absentee and who is a resident of a nursing home, community-based residential facility, or retirement home to, instead of providing one of the forms of identification required under the bill, provide a statement signed by both special registration deputies that contains the name and address of the elector and verifies the name and address are correct. The statement must then be enclosed in the absentee ballot certificate envelope for return to the clerk.

In addition, the municipal clerk may adopt those procedures for qualified residential care apartment complexes and qualified adult family homes if the clerk finds any of the following:

- A significant number of occupants of the complex or home lack adequate transportation to the appropriate polling place.
- A significant number of occupants of the complex or home may need assistance in voting.
- A significant number of occupants of the complex or home are 60 years of age or over.
- A significant number of occupants of the complex or home are "indefinitely confined electors."

If the municipal clerk does not send special voting deputies to a complex or home covered by the amendment, an occupant of such complex or home may, in lieu of providing a copy of required identification, submit with his or her absentee ballot a statement signed by the person who witnesses the voting of the ballot that contains: (1) the certification of the manager of the complex or home indicating that the elector resides in the complex or home and the complex or home is certified or registered as required by law; (2) the name and address of the elector; and (3) a verification that the name and address are correct.

SIMPLE AMENDMENT 9

Senate Amendment 9 to Senate Substitute Amendment 1 (the simple amendment) adds a new set of requirements relating to felons. First, the simple amendment requires the Department of Corrections

(DOC) to transmit to the Elections Board (the board), on a continuing basis, a list of every living person who has been convicted of a felony in Wisconsin and whose civil rights have not been restored. The list must contain the individual's address and the date on which the department expects the individual's rights to be restored. The board is directed to include the information contained in that DOC list in the statewide voter registration list. In addition, each registration list prepared for use as a poll list must contain any information relating to the elector that appears on that list, and a special notation if the elector is ineligible to vote because of a felony conviction. The simple amendment also requires the election inspectors to review each absentee envelope to see whether it was cast by an individual that the poll list indicates is ineligible to vote because of a felony conviction.

Second, the simple amendment requires the Elections Board to provide to each municipal clerk a list for use at each polling place. The list must contain the name of each person whose name appears on the DOC list whose address is located in the areas served by the polling place and who is *not* listed on the poll list. For every elector who registers at the polls on election day, and for every elector who claims to have registered but whose name does not appear on the registration list, the inspector must review the list to see whether the elector's name appears. If the elector's name appears on the list, the inspector must inform the elector that he or she is ineligible to vote. If the elector still maintains that he or she is eligible to vote, the elector may cast a challenged ballot.

Third, the simple amendment requires DOC to create a form for notifying individuals of their ineligibility to vote. Under the amendment, when an inmate who is disqualified from voting is released to parole or extended supervision, the department 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.

LEGISLATIVE HISTORY

Senate Substitute Amendment 1 was offered by the Senate Committee on Labor and Election Process Reform and was recommended for adoption on a vote of Ayes, 4; Noes, 1. On May 12, 2005, Senate Amendment 9 to Senate Substitute Amendment 1 was adopted on the Senator floor by a vote of Ayes, 33; Noes, 0. Also, on May 12, Senate Substitute Amendment 1 was adopted by a vote of Ayes, 21; Noes, 12.

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