

2011 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB7)

Received: **04/25/2011**

Received By: **jkuesel**

Wanted: **As time permits**

Companion to LRB:

For: **Jeff Stone (608) 266-8590**

By/Representing: **Michael Pyritz**

May Contact:

Drafter: **jkuesel**

Subject: **Elections - miscellaneous
Transportation - driver licenses**

Addl. Drafters: **agary**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Stone@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Voter identification; residency; signatures; party ticket; corroboration; absentee balloting; registration deadline

Instructions:

Per LRB-1698/6, with permission of Rep. Tauchen per attached E mail, 4/25/11.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 04/25/2011	csicilia 04/26/2011		_____			
/1			jfrantze 04/26/2011	_____	sbasford 04/26/2011	sbasford 04/26/2011	
/2	jkuesel 04/29/2011	csicilia 04/29/2011	rschluet 04/29/2011	_____	lparisi 04/29/2011	lparisi 04/29/2011	

FE Sent For:

<END>

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/?	jkuesel 04/25/2011	csicilia 04/26/2011		_____			
/1 /2	jkuesel 4/29/11	csicilia 4/29/11	jfrantze 04/26/2011	_____	sbasford 04/26/2011	sbasford 04/26/2011	

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12/1	jkuesel 4/25/11	1 jjs 4/26/11		Jb 4/26/11			

FE Sent For:

<END>

Kuesel, Jeffery

To: Arrowood, Craig

Subject: RE: LRB: 1698/6

Craig,

Thanks for letting us know.
Jeff Kuesel

From: Arrowood, Craig

Sent: Monday, April 25, 2011 10:09 AM

To: Kuesel, Jeffery

Cc: Rep.Stone; Rep.Tauchen

Subject: LRB: 1698/6

Rep. Tauchen wants to give Rep. Stone authority to redraft 1698/6 as a sub-amendment.

Craig Arrowood, Jr.

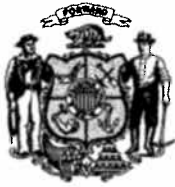
Office of Representative Gary Tauchen

Committee Clerk for Elections and Campaign Reform

Phone: (608) 266-3098

Toll-free: (888) 529-0006

◆♣♥♠



Tue 4/25 9AM
State of Wisconsin
2011 - 2012 LEGISLATURE

S 00931,
LRB-1698/6

JTK&ARG:cjs/nwn/jld/kjf:rs

Assembly Substitute
TO 2011 BILL 7
Assembly

AMDR -
stays

SAV

Gov Cat

changes
in
analysis
only

1 AN ACT *to repeal* 5.64 (1) (ar) 1. a., 5.91 (2), 6.26 (2) (am), 6.36 (5), 6.56 (5), 6.865
2 (3), 6.865 (3m) (c), 7.08 (9), 7.15 (1) (L), 7.50 (2) (a) and 12.13 (3) (v); *to*
3 *renumber* 6.79 (3) and 343.50 (1); *to renumber and amend* 5.02 (18), 6.25 (1),
4 6.85, 6.86 (2m), 6.87 (4) and 6.97 (3); *to consolidate, renumber and amend*
5 6.25 (4) (intro.), (a) and (b); *to amend* 5.05 (13) (title), 5.15 (6) (b), 5.25 (3), 5.35
6 (6) (a) 2., 5.35 (6) (a) 4a., 5.37 (1), 5.37 (4), 5.62 (title), 5.62 (1), 5.62 (2), 5.62 (3),
7 5.62 (5), 5.64 (1) (b), 6.02 (1), 6.02 (2), 6.10 (1), 6.10 (3), 6.10 (4), 6.10 (8), 6.10
8 (10), 6.15 (1), 6.15 (2) (a), 6.15 (2) (d) 1r., 6.15 (3), 6.18, 6.22 (4) (a), 6.22 (4) (b),
9 6.22 (4) (e), 6.22 (6), 6.22 (7), 6.221 (title), 6.221 (1), 6.221 (3), 6.221 (5), 6.24 (2),
10 6.24 (4) (c), 6.24 (4) (d), 6.26 (2) (b), 6.26 (2) (c), 6.26 (2) (cm), 6.29 (1), 6.29 (2)
11 (a), 6.33 (1), 6.33 (2) (b), 6.33 (5) (a), 6.34 (2), 6.34 (3) (a) 7., 6.36 (1) (a), 6.36 (1)
12 (b) 1. a., 6.36 (2) (a), 6.40 (1) (a) 1., 6.50 (8), 6.55 (2) (a) 1., 6.55 (2) (b), 6.55 (2)
13 (c) 1., 6.55 (2) (c) 2., 6.79 (1m), 6.79 (2) (a), 6.79 (2) (d), 6.79 (3) (title), 6.79 (4),
14 6.79 (6), 6.82 (1) (a), 6.82 (2) (a), 6.86 (1) (a) (intro.), 6.86 (1) (a) 3., 6.86 (1) (ac),

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1 6.86 (1) (ar), 6.86 (1) (b), 6.86 (3) (a) 1., 6.86 (3) (a) 2., 6.86 (3) (c), 6.865 (title),
2 6.865 (3m) (a), 6.865 (3m) (b), 6.869, 6.87 (1), 6.87 (2), 6.87 (3) (d), 6.87 (6), 6.875
3 (title), 6.875 (2) (a), 6.875 (3) and (4), 6.875 (6) (a) and (b), 6.875 (6) (c) 1., 6.875
4 (6) (c) 2., 6.875 (6) (e), 6.875 (7), 6.88 (3) (a), 6.92 (1), 6.94, 6.97 (title), 6.97 (1),
5 6.97 (2), 7.08 (2) (b), 7.08 (2) (c), 7.08 (8) (title), 7.10 (3) (a), 7.15 (1) (cm), 7.15
6 (1) (j), 7.23 (1) (e), 7.52 (3) (a), 7.52 (6) (b), 7.60 (5) (a), 7.70 (3) (a), 7.70 (3) (e)
7 1., 8.10 (1), 8.15 (title), 8.15 (1), 8.16 (1), 8.16 (7), 8.17 (1) (b), 8.17 (4), 8.17 (5)
8 (b), 8.19 (3), 8.20 (8) (a), 8.20 (8) (am), 8.20 (9), 8.50 (intro.), 8.50 (2), 8.50 (3) (a),
9 8.50 (3) (b), 8.50 (3) (c), 8.50 (4) (b), 8.50 (4) (fm), 10.01 (2) (d), 10.01 (2) (e), 10.02
10 (3) (form) (a), 10.02 (3) (b) 1., 10.02 (3) (b) 2m., 10.02 (3) (c), 10.06 (1) (f), 10.06
11 (1) (h), 10.06 (1) (i), 10.06 (2) (gm), 10.06 (2) (h), 10.06 (2) (j), 10.06 (3) (cm), 11.06
12 (12) (a) 1., 11.26 (17) (d), 11.31 (3m), 11.31 (7) (a), 11.50 (1) (a) 1., 11.50 (2) (b)
13 4., 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (f), 11.50 (2) (i), 12.03 (2) (b) 3., 12.13
14 (2) (b) 6m., 13.123 (3) (b) 1. a., 59.605 (3) (a) 1., 66.0602 (4) (a), 66.0619 (2m) (b),
15 66.0921 (2), 66.1113 (2) (g), 66.1113 (2) (h), 67.05 (6m) (b), 67.12 (12) (e) 5.,
16 117.22 (2) (e), 121.91 (3) (a), 229.824 (15), 343.06 (1) (L), 343.10 (7) (d), 343.11
17 (1), 343.11 (3), 343.11 (3), 343.14 (3), 343.165 (1) (intro.), 343.165 (2), 343.165
18 (3) (a), 343.165 (4) (a), 343.165 (4) (c), 343.165 (4) (d), 343.165 (5), 343.17 (3) (a)
19 2., 343.17 (5), 343.50 (3), 343.50 (4), 343.50 (5) (a) 1., 343.50 (5m), 343.50 (6) and
20 995.20; **to repeal and recreate** 343.17 (5), 343.50 (1), 343.50 (3), 343.50 (4),
21 343.50 (4g), 343.50 (5) (a) and 343.50 (6); and **to create** 5.02 (6m), 5.02 (16c),
22 5.05 (13) (c) and (d), 5.64 (1) (ar) 1m., 6.10 (1m), 6.15 (2) (bm), 6.22 (2) (e), 6.24
23 (4) (e), 6.25 (1) (b), 6.36 (1) (bm) and (bn), 6.79 (2) (am), 6.79 (3) (b), 6.79 (7), 6.87
24 (4) (a), 6.87 (4) (b) 2., 6.87 (4) (b) 3., 6.87 (4) (b) 4., 6.87 (4) (b) 5., 6.875 (1) (ap)
25 and (asm), 6.875 (2) (d), 6.965, 6.97 (3) (a), 6.97 (3) (c), 7.08 (12), 343.03 (3r),

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1 343.14 (3m), 343.165 (7), 343.17 (3) (a) 14., 343.50 (1) (c), 343.50 (4g) and 343.50
2 (5) (a) 3. of the statutes; **relating to:** requiring certain identification in order
3 to vote at a polling place or obtain an absentee ballot; absentee voting; late voter
4 registration; a requirement for electors to provide a signature when voting in
5 person at an election; the duration and location of residency for voting purposes;
6 voting a straight party ticket; issuance of operator's licenses and identification
7 cards by the Department of Transportation; the dates of the September primary
8 and certain other election occurrences; voter registration information; the
9 statewide voter registration list; voter registration activities; assisting electors
10 in voting; granting rule-making authority; and providing a penalty.

Analysis by the Legislative Reference Bureau***Identification required for voting***

Under current law, any person who is a U.S. citizen, who is at least 18 years of age, and who has resided in a ward or election district in this state for at least ten days before the election at which the person is voting may vote in that ward or election district at that election unless the person is disqualified from voting, in certain cases specified by law, as the result of a felony conviction or an adjudication of incompetency. With limited exceptions, a person must register before voting and in certain cases must provide proof of residence. With certain limited exceptions, before being permitted to vote at any polling place, an eligible elector currently must provide his or her name and address. If the elector is not registered, the elector must provide a specified form of proof of residence in order to register. If an elector is not able to present any required proof of residence, as an alternative, current law permits an elector's registration information to be corroborated by another qualified elector who resides in the same municipality. In addition, an elector other than a military elector or an overseas elector, as defined by federal law, who registers by mail and who has not voted in an election in this state must provide one of the forms of identification specified by federal law, or a copy thereof if voting by absentee ballot, in order to be permitted to vote. Corroboration may not be substituted for this identification requirement, but an elector who cannot provide the required identification may cast a provisional ballot. The municipal clerk or board of election commissioners must determine whether electors casting provisional ballots are qualified to vote by 4 p.m. on the day after an election.

With certain limited exceptions, this ~~law~~ requires each eligible elector who attempts to register or to vote at the polls on election day to present "proof of

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identification." Under the ~~§§~~, "proof of identification" means an identification document that contains the name of the individual to whom the document was issued, which name conforms to the individual's voter registration, if the individual is required to register to vote, and that contains a photograph of the individual, except as otherwise permitted by the ~~§§~~ (see below). "Identification" means a) one of the following documents issued to the individual that is unexpired or if expired has expired after the date of the most recent general election: an operator's license issued by the Wisconsin Department of Transportation (DOT), an identification card issued by DOT, an identification card issued by a U.S. uniformed service, or a U.S. passport; b) a certificate of U.S. naturalization that was issued not earlier than two years before the date of an election at which it is presented; c) an unexpired driving receipt issued by DOT (see below); d) an unexpired identification card receipt issued by DOT; or e) an identification card issued by a federally recognized Indian tribe in this state. A person whose address is confidential as a result of domestic abuse, sexual assault, or stalking or in certain cases a person who has been required by a law enforcement officer to surrender his or her license (see below) is exempted from the requirement. If a person has applied to DOT for a driver's license or identification card, the person may also present the unexpired driving receipt or identification card receipt (DOT receipt) that DOT issues to the person while the application is processed. Under the ~~§§~~, any person who applies for an absentee ballot, except a military or overseas elector, as defined by federal law, or a person whose address is confidential as a result of domestic abuse, sexual assault, or stalking, must also provide proof of identification or a copy thereof unless: 1) the person has already provided a copy of his or her proof of identification in connection with an absentee ballot cast at a previous election and has not changed his or her name or address since that election; 2) the person has been required by a law enforcement officer to surrender his or her license (see below); 3) the person is indefinitely confined, in which case the person may submit a statement signed by the person who witnesses his or her absentee ballot verifying his or her identity; or 4) the person is an occupant of any nursing home, or is an occupant of a community-based residential facility, retirement home, adult family home, or residential care apartment complex where a municipality sends special voting deputies, in which case the person may submit a statement signed by the deputies verifying his or her identity. The ~~§§~~ continues current requirements for certain electors to verify residence in order to register or to vote, but discontinues the use of corroborating electors to verify residence. If a person receives a citation from a law enforcement officer in any jurisdiction that is dated within 60 days of the date of an election and is required to surrender his or her Wisconsin driver's license at the time the citation is issued, the elector may present an original copy of the citation or notice of intent to revoke or suspend the elector's driver's license in lieu of his or her driver's license or, if the elector is voting an absentee ballot by mail, may enclose a copy of the citation or notice in lieu of a copy of his or her driver's license. In this case, the ~~§§~~ provides that the elector's ballot is received and counted if otherwise valid, but the ballot is marked so it can be identified during the canvassing and recount process if the validity of the ballot is questioned. Under the ~~§§~~, if a person who votes at a polling place fails to provide proof of identification, the

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person may vote provisionally. If a person votes by absentee ballot and fails to provide proof of identification or a copy thereof, unless exempted from the requirement, the ballot is treated as a provisional ballot. A provisional ballot is marked by the poll workers, who immediately contact the municipal clerk or board of election commissioners. The person may then provide the required proof of identification either at the polling place before the closing hour or at the office of the clerk or board. If the person does not provide the required identification to the clerk or board by 4 p.m. on the Friday following the election, the person's vote is not counted.

The ~~bill~~ also directs GAB, in conjunction with the first regularly scheduled primary and election at which the voter identification requirements created by the ~~bill~~ initially apply, to conduct a public informational campaign for the purpose of informing prospective voters of the voter identification requirements created by the ~~bill~~. In addition, the ~~bill~~ directs the board to conduct an ongoing outreach effort to identify and contact groups of electors who may need assistance in obtaining or renewing documents that constitute proof of identification for voting purposes and to provide assistance in obtaining or renewing those documents.

The voting identification requirement under the ~~bill~~ initially applies to voting at the 2012 spring primary. The ~~bill~~ also provides that an elector who votes at a polling place at an election held after the ~~bill~~ becomes law but before the date of the 2012 spring primary shall be requested to present proof of identification but if the elector fails to do so, his or her ballot will still be counted if the elector is otherwise qualified. The ~~bill~~ directs election officials to provide information to electors who do not present proof of identification at elections held prior to the date of the 2012 spring primary so that the electors will be prepared to provide proof of identification at future elections.

Issuance of operator's licenses and identification cards

This ~~bill~~ also permits an elector who is eligible to obtain a Wisconsin identification card to obtain the card from DOT free of charge if the elector is a U.S. citizen who will be at least 18 years of age on the date of the next election and the elector requests that the card be provided without charge for purposes of voting.

Under 2007 Wisconsin Act 20 (the biennial budget act), certain provisions specified in the federal REAL ID Act are incorporated into state law when DOT provides notice that it is ready to implement the federal REAL ID Act. Among these provisions is the requirement that DOT follow certain procedures in processing applications for driver's licenses and identification cards and that each driver's license and identification card include a photograph.

This ~~bill~~ allows DOT, upon the implementation of the federal REAL ID Act in Wisconsin, to process applications for driver's licenses and identification cards in a manner other than that required by REAL ID if the driver's licenses and identification cards are marked to indicate that they are not REAL ID compliant and DOT processes the applications in compliance with DOT practices and procedures applicable immediately prior to implementation of REAL ID. An applicant for a REAL ID noncompliant driver's license or identification card will still be required to provide to DOT: 1) an identification document that includes either the applicant's

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photograph or both the applicant's full legal name and date of birth; 2) documentation showing the applicant's date of birth, which may be the same as item 1); 3) proof of the applicant's social security number or verification that the applicant is not eligible for a social security number; 4) documentation showing the applicant's name and address of principal residence; and 5) documentary proof that the applicant is a U.S. citizen or is otherwise lawfully present in the United States. However, in processing an application for a REAL ID noncompliant driver's license or identification card, DOT is not required to meet the standards for document retention and verification that are imposed for REAL ID compliant products.

Current law provides for limited exceptions allowing DOT to issue a driver's license that does not contain a photograph of the license holder, including, by DOT rule, a religious belief exception. There are no similar photograph exceptions under current law for identification cards. Under current law, after the implementation of REAL ID, all REAL ID compliant driver's licenses and identification cards must contain a photograph.

Under this ~~bill~~, until the implementation of the federal REAL ID Act, the photograph exception for driver's licenses continues and a new religious belief photograph exception is created for identification cards. After the implementation of REAL ID, this ~~bill~~ creates a religious belief photograph exception for REAL ID noncompliant driver's licenses and identification cards.

Date of September primary

This ~~bill~~ changes the date of the September primary from the 2nd Tuesday in September to the 2nd Tuesday in August and renames it to be the "Partisan Primary". The ~~bill~~ also changes the dates of related election events to accommodate the change in the date of the primary.

Signature requirement for electors voting in person

This ~~bill~~ provides, with limited exceptions, that an elector must also enter his or her signature on the poll list or other separate list when voting in person at a polling place at an election. Under the ~~bill~~, the election officials must require each elector to enter his or her signature on the poll list or other separate list before being permitted to vote. If an elector registers at a polling place on election day, the officials must require the elector to enter the elector's signature on a separate list. The ~~bill~~ also provides that if an elector, due to physical disability, authorized another elector to sign his or her registration form on his or her behalf, the elector is exempt from the signature requirement. In addition, if an elector signed his or her registration form but claims to be unable, due to physical disability, to enter his or her signature on the poll list or other separate list when voting at a particular election, the ~~bill~~ permits the election officials to waive the signature requirement if they find that, due to physical disability, the elector is unable to enter his or her signature. Under the ~~bill~~, the signature requirement initially applies beginning with the 2012 spring primary.

Durational residency requirement for voting

Under current law, with certain limited exceptions, an individual must be a resident of this state and of the municipality and ward, if any, where the elector is voting for ten days before an election to be eligible to vote in the election. This ~~bill~~

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increases this durational residency requirement to 28 consecutive days. Under the ~~bill~~, if an elector who does not meet this residency requirement formerly resided at another location in this state within the 27-day period preceding an election, the elector may vote at that location if the elector is otherwise qualified to vote at that location. Under the ~~bill~~, the residency requirement initially applies beginning with the 2012 spring primary.

Voting a straight party ticket

Under current law, at the general election, an elector may vote a straight party ticket for the candidates of any political party that has a separate ballot or column on the ballot.

This ~~bill~~ eliminates the authority for any elector, other than an overseas or military elector, to vote a straight party ticket. Under federal law, an overseas or military elector may vote a straight party ticket on a write-in absentee ballot for national offices. The ~~bill~~ first applies with respect to the 2012 general election.

Late registration and absentee voting in person

Currently, the deadline for late registration for an election in person at the office of a municipal clerk or board of election commissioners is 5 p.m. or the close of business, whichever is later, on the day before the election. The deadline for absentee voting in person at the office of a municipal clerk or board of election commissioners is 5 p.m. on the day before the election. This ~~bill~~ changes the deadline for late registration in person to 5 p.m. or the close of business, whichever is later, on the Friday before the election. The ~~bill~~ also provides that an elector may vote an absentee ballot in person only during the period beginning with opening of business on the 2nd Monday preceding an election and ending at 5 p.m. or the close of business, whichever is later, on the Friday preceding an election. The changes are effective for elections held on or after the first day of the 2nd month beginning after publication.

Qualification for absentee ballots

Under current law, any qualified elector who for any reason is unable or unwilling to vote at a polling place may vote absentee.

This ~~bill~~ permits a qualified elector to obtain an absentee ballot only if the elector will be absent from the municipality in which he or she is qualified to vote on election day or cannot appear at the appropriate polling place because of age, sickness, handicap, physical disability, employment, jury duty, service as an election official, attendance at a college or university, enrollment in a study program abroad, or religious reasons or because the elector changed his or her residence within this state during the last 27 days before an election. Under the ~~bill~~, no elector under the age of 70 may qualify to obtain an absentee ballot solely because of age.

Absentee voting in residential care apartment complexes and adult family homes

Currently, municipalities must send two special voting deputies (one designated by each major political party if the party wishes) to conduct absentee voting in nursing homes. Municipalities may also send the deputies to conduct absentee voting in community-based residential facilities and retirement homes that qualify for the service in accordance with standards prescribed by law. This ~~bill~~

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permits municipal clerks and boards of election commissioners to send two special voting deputies to conduct absentee voting in adult family homes and residential care apartment complexes that qualify for the service in accordance with similar standards prescribed by law.

Currently, with limited exceptions, an elector must be registered in order to vote in an election in this state. In order to register, an elector must provide certain information on a registration form and affirm the correctness of the information with his or her signature. If an elector is unable, due to physical disability, to sign his or her registration form, the elector may have another person sign on his or her behalf. An elector who has not previously registered may register at the polling place serving his or her residence on election day. Currently, when appearing to vote, an elector must provide his or her name and address to the election officials and in some cases must also provide proof of residence. Currently, an absentee elector may vote by mail or at the office of the municipal clerk of the municipality where he or she resides. The names of registered electors are checked against a poll list consisting of the names of registered electors and the names of other electors are entered on a separate list.

Other absentee voting changes

The ~~bill~~ also makes other various changes in the laws pertaining to absentee voting. Most of the changes relate to absentee voting by military and overseas electors of this state. State law contains different definitions of the terms "military elector" and "overseas elector." One set of definitions mirrors the definitions found in federal law. Under federal law, a "military elector" includes: 1) a member of a uniformed service on active duty who, by reason of that duty, is absent from the residence where the member is otherwise qualified to vote; 2) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the residence where the member is otherwise qualified to vote; and 3) the spouse or dependent of any such member who, by reason of the duty or service of the member, is absent from the residence where the person is otherwise qualified to vote. The federal definition of "overseas elector" includes an elector who resides outside the United States and who is qualified under federal law to vote in elections for national office in this state because the elector last resided in this state immediately prior to the elector's departure from the United States. The other set of definitions applies for certain state purposes and includes all the persons who are included in the federal definitions but also includes other persons. The state definition of the term "military elector" includes: 1) members of a uniformed service who are not on active duty or who are not absent from their residences by reason of their service or both; 2) members of the merchant marine who are not absent from their residences; 3) civilian employees of the United States and civilians officially attached to a uniformed service who are serving outside the United States; 4) Peace Corps volunteers; and 5) spouses and dependents of these persons who are residing with or accompanying them. The state definition of "overseas elector" includes children of persons who qualify as overseas electors under federal law who are U.S. citizens at least 18 years of age, who are not disqualified from voting in this state, and who are not residents of this state. Significant provisions of the ~~bill~~ include:

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1. Under current law, any qualified absentee elector may request an absentee ballot by means of electronic mail or facsimile transmission. If an elector so requests, the elector must mail with his or her voted absentee ballot a copy of an absentee ballot application containing his or her original signature. In addition, an absentee elector may request that his or her absentee ballot be transmitted to him or her by electronic mail or facsimile transmission and a municipal clerk or board of election commissioners may transmit the ballot as requested. This ~~(b)~~ provides that the municipal clerk or board of election commissioners must transmit the ballot if the clerk or board receives a valid request.

2. Current law permits a military or overseas elector, as defined in state law, to cast a vote in any general election in which a federal office is to be filled by writing in the name of a candidate on a blank absentee ballot form prescribed by the U.S. government and returning the ballot to the appropriate municipal clerk or board of election commissioners. This ~~(b)~~ permits a military elector, as defined by state law, to cast such a ballot at any election, including any primary election, at which a federal, state or local office is to be filled and permits an overseas elector, as defined by state law, to cast such a ballot at any election, including any primary election, at which a federal office is to be filled.

3. This ~~(b)~~ directs the Government Accountability Board (GAB), with the assistance of county and municipal clerks and boards of election commissioners, to designate at least one freely accessible means of electronic communication which shall be used to: 1) permit a military or overseas elector, as defined by federal law, to request a voter registration or absentee ballot application and to indicate whether he or she wishes to receive the application electronically or by mail; and 2) permit a municipal clerk or board of election commissioners to transmit an application to a military or overseas elector, as defined by federal law, electronically or by mail, as requested by the elector, together with related voting, balloting and election information. The ~~(b)~~ also directs GAB, with the assistance of county and municipal clerks and boards of elections commissioners, to maintain a freely accessible system whereby a military or overseas elector, as defined by federal law, who casts an absentee ballot may ascertain whether the ballot has been received by the appropriate municipal clerk or board. No similar provisions exist currently.

4. Currently, an absentee ballot cast by an elector is void unless it is received at the polling place for the elector's residence by 8 p.m. on election night. However, state law provides that if an elector is a military elector, as defined by federal law, the elector has an additional ten days after the general election and seven days after the September primary for the elector's ballot to be received by his or her municipality if the ballot is postmarked by election day. This ~~(b)~~ extends a similar ten-day dispensation to military electors, as defined by federal law, who are voting in the presidential preference primary or a special federal election.

5. Currently, an elector who is a military elector, as defined by state law, or an overseas elector, as defined by state law, and who applies for an absentee ballot no later than 30 days before an election may cast a blank write-in ballot at that election in lieu of the official printed ballot, for any candidates for federal office whose offices are contested at that election. The ballot is valid only if it is submitted from a location

substitute
amendment

BILL

outside the United States. This ~~§~~ ^{substitute amendment} permits such an elector to cast a blank write-in absentee ballot after official printed ballots become available if he or she applies for an absentee ballot no later than the latest time permitted for application for an absentee ballot under state law. The ~~§~~ also permits a military elector to cast such a ballot even if the ballot is submitted from a location inside the United States, including the elector's permanent residence.

6. Currently, GAB must prescribe uniform instructions for absentee voters. This ~~§~~ provides that the instructions must include the specific means of electronic communication that absentee voters may use to file an application for an absentee ballot, to request a voter registration form, or to change their registrations.

Appointment of special registration deputies

Currently, GAB or the municipal clerk or board of election commissioners of any municipality may appoint special registration deputies to assist qualified electors in completing their voter registration forms prior to the close of registration at locations other than the office of GAB, the office of a municipal clerk or board of election commissioners, or a polling place. Registration forms that are obtained by a special registration deputy are treated in the same manner as registration forms that are received by mail. Any qualified elector of this state may qualify to serve as a special registration deputy. A deputy who is appointed by a municipality may register any qualified elector of the municipality and a deputy who is appointed by the board may register any qualified elector of this state. GAB or a municipal clerk or board of election commissioners may revoke the appointment of an individual for cause, and no individual whose appointment is revoked is eligible for reappointment. This ~~§~~ discontinues appointment and revocation of special registration deputies by GAB.

Proof of residence by students

Currently, certain electors are required to present proof of residence when voting in an election. In order to be valid, any document submitted as proof of residence must contain the current and complete residential address of the document holder, except that the law permits a university, college, or technical college fee or identification card that contains a photograph of the cardholder to be used as proof of residence even if the document does not contain an address if the university, college, or technical college, that issued the card provides a list of students who reside in housing sponsored by the university, college, or technical college to the municipal clerk or board of election commissioners together with the addresses of the students. This ~~§~~ deletes this exception, effective for elections held in 2015, thereby requiring students to use an identification card that contains a current and complete residential address or to present some other form of proof of residence authorized by law. In addition, effective for elections held on the day that the ~~§~~ becomes law, the ~~§~~ deletes the option of using a fee card alone as proof of residence and provides that a student who uses an identification card as proof of residence must present both the identification card and a fee payment receipt that contains the name of the person to whom it was issued and that is dated not earlier than nine months before the date of the election at which the receipt is presented.

BILL***Voter registration information***

This ~~bill~~ requires an elector who registers to vote on or after the day the ~~bill~~ becomes law to provide, in addition to his or her current residence location as presently required, the location of his or her previous residence immediately before moving to his or her current residence location.

Voting residence

Currently, the voting residence of a person is the place where the person's habitation is fixed, without any present intent to move, and to which, when absent, the person intends to return, as evidenced by the person's actions, if any. This ~~bill~~ creates examples of factors that may be considered in determining voting residence, including business pursuits, employment, income sources, residence for income or other tax purposes, residence of parents or any spouse or children, locations of real or personal property, location of any homestead for which an income tax credit is elected, and motor vehicle registrations.

Access to voter registration list

Currently, the statewide voter registration list is open to public inspection. However, only authorized election officials may view certain personal information in the list. This ~~bill~~ permits a municipal clerk or board of election commissioners to provide a law enforcement agency of the federal government or any state or local government with access to this personal information to be used for law enforcement purposes. The ~~bill~~ also permits GAB to provide this personal information to a subunit of the state government of another state to be used for official purposes.

Assisting electors in voting

Currently, an elector who cannot read or write or has difficulty reading, writing, or understanding English or due to a disability is unable to mark a ballot may be assisted by another elector of his or her choice, with certain exceptions. The assistant must certify on the back of the assisted elector's ballot that it was marked with his or her assistance. The election officials must also enter the name and address of the assisting elector on the poll list. This ~~bill~~ deletes the requirement for an assisting elector to make a certification.

Revision of registration list

Currently, municipal clerks and boards of election commissioners must enter registration changes received on the date of an election in the statewide voter registration system within 30 days after the date of that election. This ~~bill~~ permits these updates to be entered within 45 days after a general (November) election and also permits the legal counsel of GAB, upon request of a clerk or board, to permit the clerk or board to enter changes received on the date of the general election within 60 days after the date of that election.

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

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

1 **SECTION 1.** 5.02 (6m) of the statutes is created to read:

2 5.02 **(6m)** "Identification" means any of the following documents issued to an
3 individual:

4 (a) One of the following documents that is unexpired or if expired has expired
5 after the date of the most recent general election:

- 6 1. An operator's license issued under ch. 343.
- 7 2. An identification card issued under s. 343.50.
- 8 3. An identification card issued by a U.S. uniformed service.
- 9 4. A U.S. passport.

10 (b) A certificate of U.S. naturalization that was issued not earlier than 2 years
11 before the date of an election at which it is presented.

12 (c) An unexpired driving receipt under s. 343.11.

13 (d) An unexpired identification card receipt issued under s. 343.50.

14 (e) An identification card issued by a federally recognized Indian tribe in this
15 state.

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

17 5.02 **(16c)** "Proof of identification" means identification that contains the name
18 of the individual to whom the document was issued, which name conforms to the
19 individual's voter registration form, if the individual is required to register to vote,
20 and that contains a photograph of the individual, except as authorized in s. 343.14
21 (3m) or 343.50 (4g).

BILL

1 **SECTION 3.** 5.02 (18) of the statutes is renumbered 5.02 (12s) and amended to
2 read:

3 5.02 (12s) “~~September~~ Partisan primary” means the primary held on the 2nd
4 Tuesday in ~~September~~ August to nominate candidates to be voted for at the general
5 election, and to determine which candidates for state offices other than district
6 attorney may participate in the Wisconsin election campaign fund.

7 **SECTION 4.** 5.05 (13) (title) of the statutes is amended to read:

8 5.05 (13) (title) TOLL-FREE ELECTION INFORMATION ~~EXCHANGE~~ AND REQUESTS.

9 **SECTION 5.** 5.05 (13) (c) and (d) of the statutes are created to read:

10 5.05 (13) (c) The board shall maintain a freely accessible system under which
11 a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, as defined in s.
12 6.34 (1) (b), who casts an absentee ballot may ascertain whether the ballot has been
13 received by the appropriate municipal clerk.

14 (d) The board shall designate and maintain at least one freely accessible means
15 of electronic communication which shall be used for the following purposes:

16 1. To permit a military elector, as defined in s. 6.34 (1) (a), or an overseas elector,
17 as defined in s. 6.34 (1) (b), to request a voter registration application or an
18 application for an absentee ballot at any election at which the elector is qualified to
19 vote in this state.

20 2. To permit a military elector or an overseas elector under subd. 1. to designate
21 whether the elector wishes to receive the applications under subd. 1. electronically
22 or by mail.

23 3. To permit a municipal clerk to transmit to a military elector or an overseas
24 elector under subd. 1. a registration application or absentee ballot application

BILL**SECTION 5**

1 electronically or by mail, as directed by the elector under subd. 2., together with
2 related voting, balloting, and election information.

3 **SECTION 6.** 5.15 (6) (b) of the statutes is amended to read:

4 5.15 **(6)** (b) No later than 60 days before each ~~September~~ partisan primary and
5 general election, and no later than 30 days before each other election the governing
6 body of any municipality may by resolution combine 2 or more wards for voting
7 purposes to facilitate using a common polling place. Whenever wards are so
8 combined, the original ward numbers shall continue to be utilized for all official
9 purposes. Except as otherwise authorized under this paragraph, every municipality
10 having a population of 35,000 or more shall maintain separate returns for each ward
11 so combined. In municipalities having a population of less than 35,000, the
12 governing body may provide in the resolution that returns shall be maintained only
13 for each group of combined wards at any election. Whenever a governing body
14 provides for common ballot boxes and ballots or voting machines, separate returns
15 shall be maintained for each separate ballot required under ss. 5.62 and 5.64 at the
16 ~~September~~ partisan primary and general election. The municipal clerk shall
17 transmit a copy of the resolution to the county clerk of each county in which the
18 municipality is contained. In municipalities having a population of less than 35,000,
19 the resolution shall remain in effect for each election until modified or rescinded, or
20 until a new division is made under this section.

21 **SECTION 7.** 5.25 (3) of the statutes is amended to read:

22 5.25 **(3)** Polling places shall be established for each ~~September~~ partisan
23 primary and general election at least 60 days before the election, and for each other
24 election at least 30 days before the election.

25 **SECTION 8.** 5.35 (6) (a) 2. of the statutes is amended to read:

BILL

1 5.35 (6) (a) 2. A copy of the election fraud laws provided in s. 12.13 (1) and (3)
2 (intro), (d), (f), (g), (k), (L), (o), (q), (r), (u), ~~(v)~~ and (x), together with the applicable
3 penalties provided in s. 12.60 (1).

4 **SECTION 9.** 5.35 (6) (a) 4a. of the statutes is amended to read:

5 5.35 (6) (a) 4a. Instructions prescribed by the board for electors for whom proof
6 of identification is required under s. 6.79 (2) or for whom proof of residence under s.
7 6.34 is required under s. 6.55 (2).

8 **SECTION 10.** 5.37 (1) of the statutes is amended to read:

9 5.37 (1) Voting machines shall give every elector a reasonable opportunity to
10 vote for any person for any office and on any proposition the elector is entitled to vote
11 on, assure privacy to the elector so no one will know how the elector is voting or has
12 voted, preclude the electors from voting for persons or propositions upon which they
13 are not entitled to vote and from voting more than once for the same office or on the
14 same proposition. Voting machines shall be constructed to lock so they cannot be
15 manipulated, tampered with, or show the number of votes registered for any
16 candidate or proposition while voting is in progress. The machines ~~shall provide a~~
17 ~~method for electors to vote a straight party ticket,~~ shall permit voting a split ticket
18 and shall record each vote cast.

19 **SECTION 11.** 5.37 (4) of the statutes is amended to read:

20 5.37 (4) Voting machines may be used at primary elections when they comply
21 with subs. (1) and (2) and the following provisions: All candidates' names entitled to
22 appear on the ballots at the primary shall appear on the machine; the elector cannot
23 vote for candidates of more than one party, whenever the restriction applies, and an
24 elector who votes for candidates of any party may not vote for independent
25 candidates at the ~~September~~ partisan primary; the elector may secretly select the

BILL**SECTION 11**

1 party for which he or she wishes to vote, or the independent candidates in the case
2 of the ~~September~~ partisan primary; the elector may vote for as many candidates for
3 each office as he or she is lawfully entitled to vote for, but no more.

4 **SECTION 12.** 5.62 (title) of the statutes is amended to read:

5 **5.62** (title) **~~September~~ Partisan primary ballots.**

6 **SECTION 13.** 5.62 (1) of the statutes is amended to read:

7 5.62 (1) (a) At ~~September primaries~~ the partisan primary, the following ballot
8 shall be provided for the nomination of candidates of recognized political parties for
9 national, state and county offices and independent candidates for state office in each
10 ward, in the same form as prescribed by the board under s. 7.08 (1) (a), except as
11 authorized in s. 5.655. The ballots shall be made up of the several party tickets with
12 each party entitled to participate in the primary under par. (b) or sub. (2) having its
13 own ballot, except as authorized in s. 5.655. The independent candidates for state
14 office other than district attorney shall have a separate ballot for all such candidates
15 as under s. 5.64 (1) (e), except as authorized in s. 5.655. The ballots shall be secured
16 together at the bottom. The party ballot of the party receiving the most votes for
17 president or governor at the last general election shall be on top with the other
18 parties arranged in descending order based on their vote for president or governor
19 at the last general election. The ballots of parties qualifying under sub. (2) shall be
20 placed after the parties qualifying under par. (b), in the same order in which the
21 parties filed petitions with the board. Any ballot required under par. (b) 2. shall be
22 placed next in order. The ballot listing the independent candidates shall be placed
23 at the bottom. At polling places where voting machines are used, each party and the
24 independent candidates shall be represented in one or more separate columns or
25 rows on the ballot. At polling places where an electronic voting system is used other

BILL

1 than an electronic voting machine, each party and the independent candidates may
2 be represented in separate columns or rows on the ballot.

3 (b) 1. Except as provided in subd. 2. and s. 5.64 (1) (e) 2., every recognized
4 political party listed on the official ballot at the last gubernatorial election whose
5 candidate for any statewide office received at least 1% of the total votes cast for that
6 office and, if the last general election was also a presidential election, every
7 recognized political party listed on the ballot at that election whose candidate for
8 president received at least 1% of the total vote cast for that office shall have a
9 separate primary ballot or one or more separate columns or rows on the primary
10 ballot as prescribed in par. (a) and a separate column on the general election ballot
11 in every ward and election district. An organization which was listed as
12 “independent” at the last general election and whose candidate meets the same
13 qualification shall receive the same ballot status upon petition of the chairperson
14 and secretary of the organization to the board requesting such status and specifying
15 their party name, which may not duplicate the name of an existing party. A petition
16 under this subdivision may be filed no later than 5 p.m. on ~~June~~ May 1 in the year
17 of each general election.

18 2. Subdivision 1. applies to a party within any assembly district or county at
19 any ~~September~~ partisan primary election only if at least one candidate of the party
20 for any national, state or county office qualifies to have his or her name appear on
21 the ballot under the name of that party within that assembly district or county. The
22 county clerk or county board of election commissioners shall provide a combined
23 separate ballot or one or more separate columns or rows on the ballot that will permit
24 an elector to cast a vote for a write-in candidate for the nomination of any such party
25 for each national, state and county office whenever that party qualifies to be

BILL**SECTION 13**

1 represented on a separate primary ballot or in one or more separate columns or rows
2 under subd. 1. but does not qualify under this subdivision. The ballot shall include
3 the name of each party qualifying for a separate ballot or one or more separate
4 columns or rows on the ballot under each office, with the names of the candidates for
5 each such party appearing in the same order in which the ballots of the parties would
6 appear under par. (a).

7 **SECTION 14.** 5.62 (2) of the statutes is amended to read:

8 5.62 (2) (a) Except as provided in par. (b) and s. 5.64 (1) (e) 2., any political
9 organization may be represented on a separate primary ballot or in one or more
10 separate columns or rows on the primary ballot as prescribed in sub. (1) (a) and in
11 a separate column on the general election ballot in every ward and election district.
12 To qualify for a separate ballot under this paragraph, the political organization shall,
13 not later than 5 p.m. on ~~June~~ May 1 in the year of the ~~September~~ partisan primary,
14 file with the board a petition requesting separate ballot status. The petition shall
15 be signed by at least 10,000 electors, including at least 1,000 electors residing in each
16 of at least 3 separate congressional districts. The petition shall conform to the
17 requirements of s. 8.40. No signature obtained before January 1 in the year of filing
18 is valid. When the candidates of a political organization filing a valid petition fulfill
19 the requirements prescribed by law, they shall appear on a separate ballot or one or
20 more separate columns or rows on the ballot for the period ending with the following
21 general election.

22 (b) Paragraph (a) applies to a party within any assembly district or county at
23 any ~~September~~ partisan primary election only if at least one candidate of the party
24 for any national, state or county office qualifies to have his or her name appear on
25 the ballot under the name of that party within that assembly district or county. The

BILL

1 county clerk or county board of election commissioners shall provide a combined
2 separate ballot or one or more separate columns or rows on the ballot that will permit
3 an elector to cast a vote for a write-in candidate for the nomination of any such party
4 for each national, state and county office whenever that party qualifies to be
5 represented on a separate primary ballot or in one or more separate columns or rows
6 under par. (a) but does not qualify under this paragraph. The ballot shall include the
7 name of each party qualifying for a separate ballot or one or more separate columns
8 or rows on the ballot under each office, with the names of the candidates for each such
9 party appearing in the same order in which the ballots of the parties would appear
10 under sub. (1) (a).

11 **SECTION 15.** 5.62 (3) of the statutes is amended to read:

12 5.62 (3) The board shall designate the official primary ballot arrangement for
13 statewide offices and district attorney within each prosecutorial district by using the
14 same procedure as provided in s. 5.60 (1) (b). On each ballot and on each separate
15 column or row on the ballot, the candidates for office shall be listed together with the
16 offices which they seek in the following order whenever these offices appear on the
17 ~~September~~ partisan primary ballot: governor, lieutenant governor, attorney general,
18 secretary of state, state treasurer, U.S. senator, U.S. representative in congress,
19 state senator, representative to the assembly, district attorney and the county offices.
20 Below the names of the independent candidates shall appear the party or principle
21 of the candidates, if any, in 5 words or less, as shown on their nomination papers.

22 **SECTION 16.** 5.62 (5) of the statutes is amended to read:

23 5.62 (5) At the ~~September~~ partisan primary, an elector may vote for the
24 candidates of only one party, or the elector may vote for any of the independent
25 candidates for state office listed; but the elector may not vote for more than one

BILL**SECTION 16**

1 candidate for a single office. A space shall be provided on the ballot for an elector to
2 write in the name of his or her choice as a party candidate for any office, including
3 a party candidate of a party whose name appears on the ballot, column or row
4 designated for independent candidates, as provided in sub. (1) (b) or (2) (b), but no
5 space shall be provided to write in the names of independent candidates.

6 **SECTION 17.** 5.64 (1) (ar) 1. a. of the statutes is repealed.

7 **SECTION 18.** 5.64 (1) (ar) 1m. of the statutes is created to read:

8 5.64 (1) (ar) 1m. When voting for president and vice president, the ballot shall
9 permit an elector to vote only for the candidates on one ticket jointly or to write in
10 the names of persons in both spaces.

11 **SECTION 19.** 5.64 (1) (b) of the statutes is amended to read:

12 5.64 (1) (b) The names of the candidates for the offices of president and vice
13 president that are certified under s. 8.16 (7) or that are contained in nomination
14 papers filed under s. 8.20 shall appear on the ballot in the form prescribed in s. 7.08
15 (2) (a). The names of the candidates on the regular party tickets nominated at the
16 primary or replacements appointed under s. 8.35 (2) shall appear in a separate
17 column under the party designation. The columns shall be arranged from left to right
18 according to rank, based on the number of votes received by each party's candidate
19 for president or governor at the last general election beginning with the party that
20 received the most votes. To the right of the columns for parties qualifying under s.
21 5.62 (1) (b) shall be placed the columns for parties qualifying under s. 5.62 (2) in the
22 same order in which the parties filed petitions with the board. Any column required
23 under par. (e) 2. shall be placed next in order. To the right of the party columns shall
24 be a column for the names of independent candidates for each office, or more than

BILL

1 one column if the first column does not provide sufficient space for the names of all
2 such candidates.

3 **SECTION 20.** 5.91 (2) of the statutes is repealed.

4 **SECTION 21.** 6.02 (1) of the statutes is amended to read:

5 6.02 (1) Every U.S. citizen age 18 or older who has resided in an election district
6 or ward for ~~40~~ 28 consecutive days before any election where the citizen offers to vote
7 is an eligible elector.

8 **SECTION 22.** 6.02 (2) of the statutes is amended to read:

9 6.02 (2) Any U.S. citizen age 18 or older who moves within this state later than
10 ~~40~~ 28 days before an election shall vote at his or her previous ward or election district
11 if the person is otherwise qualified. If the elector can comply with the ~~40-day~~ 28-day
12 residence requirement at the new address and is otherwise qualified, he or she may
13 vote in the new ward or election district.

14 **SECTION 23.** 6.10 (1) of the statutes is amended to read:

15 6.10 (1) The residence of a person is the place where the principal or primary
16 home or place of abode is located, where the person's habitation is fixed, without any
17 present intent to move, and to which, when absent, the person ~~intends~~ has the
18 present intent to return, regardless of the duration of the absence.

19 **SECTION 24.** 6.10 (1m) of the statutes is created to read:

20 6.10 (1m) In determining the principal or primary home or place of abode of
21 a person, the following circumstances may be taken into account: business pursuits;
22 employment; income sources; residence for income or other tax purposes; residence
23 of the person's parents, spouse, or children, if any; leaseholds; situs of real and
24 personal property; location of any homestead for which a credit is elected under
25 subch. VIII of ch. 71; and motor vehicle registrations.

BILL**SECTION 25**

1 **SECTION 25.** 6.10 (3) of the statutes is amended to read:

2 6.10 (3) When an elector moves ~~from one ward to another or~~ his or her residence
3 from one ward or municipality to another ward or municipality within the state ~~after~~
4 ~~the last registration day but~~ at least ~~10~~ 28 days before the election, the elector may
5 vote in and be considered a resident of the new ward or municipality where residing
6 upon transferring registration under s. 6.40 (1) or upon registering at the proper
7 polling place or other registration location in the new ward or municipality under s.
8 6.55 (2) or 6.86 (3) (a) 2. If the elector moves ~~within 10~~ his or her residence later than
9 28 days of before an election, the elector shall vote in the elector's ~~old~~ former ward
10 or municipality if otherwise qualified to vote there.

11 **SECTION 26.** 6.10 (4) of the statutes is amended to read:

12 6.10 (4) The residence of an unmarried person sleeping in one ward and
13 boarding in another is the place where the person sleeps. The residence of an
14 unmarried person in a transient vocation, a teacher or a student who boards at
15 different places for part of the week, month, or year, if one of the places is the
16 residence of the person's parents, is the place of the parents' residence unless through
17 registration or similar act the person elects to establish a residence elsewhere. If the
18 person has no parents and if the person has not registered elsewhere, the person's
19 residence shall be at the place ~~which~~ that the person considered his or her residence
20 in preference to any other for at least ~~10~~ 28 consecutive days before an election. If
21 this place is within the municipality, the person is entitled to all the privileges and
22 subject to all the duties of other citizens having their residence there, including
23 voting.

24 **SECTION 27.** 6.10 (8) of the statutes is amended to read:

BILL

1 6.10 (8) No person gains a residence in any ward or election district of this state
2 while there for temporary purposes only without the intention of making that ward
3 or election district the person's home but with the intention of leaving it when the
4 person has accomplished the purpose that brought the person there.

5 **SECTION 28.** 6.10 (10) of the statutes is amended to read:

6 6.10 (10) If a person who established residence in this state moves to another
7 state with an intent to make a permanent residence there, or, if while there the
8 person exercises the right to vote as a citizen of that state by voting, the person loses
9 ~~Wisconsin~~ residence in this state.

10 **SECTION 29.** 6.15 (1) of the statutes is amended to read:

11 6.15 (1) QUALIFICATIONS. Any person who was or who is ~~a qualified~~ an eligible
12 elector under ss. 6.02 and 6.03, except that he or she has been a resident of this state
13 for less than ~~10~~ 28 consecutive days prior to the date of the presidential election, is
14 entitled to vote for the president and vice president but for no other offices. The fact
15 that the person was not registered to vote in the state from which he or she moved
16 does not prevent voting in this state if the elector is otherwise qualified.

17 **SECTION 30.** 6.15 (2) (a) of the statutes is amended to read:

18 6.15 (2) (a) The elector's request for the application form may be made in person
19 to the municipal clerk of the municipality where the person resides. Application may
20 be made not sooner than ~~9~~ 27 days nor later than 5 p.m. on the day before the election,
21 or may be made at the proper polling place in the ward or election district in which
22 the elector resides. If an elector makes application before election day, the
23 application form shall be returned to the municipal clerk after the affidavit has been
24 signed in the presence of the clerk or any officer authorized by law to administer
25 oaths. The affidavit shall be in substantially the following form:

BILL

1 STATE OF WISCONSIN

2 County of

3 I,, do solemnly swear that I am a citizen of the United States; that prior to
4 establishing Wisconsin residence, my legal residence was in the (town) (village)
5 (city) of, state of, residing at (street address); that on the day of the next
6 presidential election, I shall be at least 18 years of age and that I have been a legal
7 resident of the state of Wisconsin since, (year), residing at (street address),
8 in the [... ward of the aldermanic district of] the (town) (village) (city) of, county
9 of; that I have resided in the state less than ~~10~~ 28 consecutive days, that I am
10 qualified to vote for president and vice president at the election to be held November
11, (year), that I am not voting at any other place in this election and that I hereby
12 make application for an official presidential ballot, in accordance with section 6.15
13 of the Wisconsin statutes.

14 Signed

15 P.O. Address

16 Subscribed and sworn to before me this day of, (year)

17(Name)

18(Title)

19 **SECTION 31.** 6.15 (2) (bm) of the statutes is created to read:

20 6.15 (2) (bm) Except as authorized in s. 6.79 (7), when making application in
21 person at the office of the municipal clerk, each applicant shall present proof of
22 identification. If any document presented by the applicant is not proof of residence
23 under s. 6.34, the applicant shall also present proof of residence under s. 6.34. The
24 clerk shall verify that the name on the proof of identification presented by the elector

BILL

1 conforms to the name on the elector's application and shall verify that any
2 photograph appearing on that document reasonably resembles the elector.

3 **SECTION 32.** 6.15 (2) (d) 1r. of the statutes is amended to read:

4 6.15 (2) (d) 1r. Upon proper completion of the application and cancellation card,
5 the municipal clerk shall ~~require the elector to provide proof of residence under s.~~
6 ~~6.34. If the elector cannot provide proof of residence, the elector may have his or her~~
7 ~~residence corroborated in a statement that is signed by another elector of the~~
8 ~~municipality and that contains the current street address of the corroborating~~
9 ~~elector. If the residence is corroborated by another elector, that elector shall then~~
10 ~~provide proof of residence under s. 6.34~~ permit the elector to cast his or her ballot for
11 president and vice president. The elector shall then mark the ballot in the clerk's
12 presence in a manner that will not disclose his or her vote. The elector shall then fold
13 the ballot so as to conceal his or her vote. The clerk or elector shall then place the
14 ballot in an envelope furnished by the clerk.

15 **SECTION 33.** 6.15 (3) of the statutes is amended to read:

16 6.15 (3) PROCEDURE AT POLLING PLACE. An eligible elector may appear at the
17 polling place for the ward or election district where he or she resides and make
18 application for a ballot under sub. (2). Except as otherwise provided in this
19 subsection, an elector who casts a ballot under this subsection shall follow the same
20 procedure required for casting a ballot at the municipal clerk's office under sub. (2).
21 The inspectors shall perform the duties of the municipal clerk, except that the
22 inspectors shall return the cancellation card under sub. (2) (b) to the municipal clerk
23 and the clerk shall forward the card as provided in sub. (2) (c) if required. Upon
24 proper completion of the application and cancellation card and ~~submittal of proof of~~
25 ~~residence under s. 6.34 or providing corroboration of residence~~ verification of the

BILL**SECTION 33**

1 proof of identification and proof of residence, whenever required, as provided in sub.
2 (2) (bm), the inspectors shall permit the elector to cast his or her ballot for president
3 and vice president. The elector shall mark the ballot and, unless the ballot is utilized
4 with an electronic voting system, the elector shall fold the ballot, and deposit the
5 ballot into the ballot box or give it to the inspector. The inspector shall deposit it
6 directly into the ballot box. Voting machines or ballots utilized with electronic voting
7 systems may only be used by electors voting under this section if they permit voting
8 for president and vice president only.

9 **SECTION 34.** 6.18 of the statutes is amended to read:

10 **6.18 Former residents.** If ineligible to qualify as an elector in the state to
11 which the elector has moved, any former qualified Wisconsin elector may vote an
12 absentee ballot in the ward of the elector's prior residence in any presidential election
13 occurring within 24 months after leaving Wisconsin by requesting an application
14 form and returning it, properly executed, to the municipal clerk of the elector's prior
15 Wisconsin residence. When requesting an application form for an absentee ballot,
16 the applicant shall specify the applicant's eligibility for only the presidential ballot.
17 Unless application is made under s. 6.86 (1) (ac), or the applicant is exempted from
18 providing proof of identification under s. 6.87 (4) (b) 2. or 3., or the applicant is a
19 military or overseas elector, the elector shall enclose a copy of his or her proof of
20 identification or any authorized substitute document with his or her application.
21 The municipal clerk shall verify that the name on the proof of identification conforms
22 to the name on the application. The clerk shall not issue a ballot to an elector who
23 is required to enclose a copy of proof of identification or an authorized substitute
24 document with his or her application unless the copy is enclosed and the proof is

BILL

1 verified by the clerk. The application form shall require the following information
2 and be in substantially the following form:

3 This form shall be returned to the municipal clerk’s office. Application must be
4 received in sufficient time for ballots to be mailed and returned prior to any
5 presidential election at which applicant wishes to vote. Complete all statements in
6 full.

7 APPLICATION FOR PRESIDENTIAL
8 ELECTOR’S ABSENTEE BALLOT.

9 (To be voted at the Presidential Election
10 on November, (year)

11 I, hereby swear or affirm that I am a citizen of the United States, formerly
12 residing at in the ward aldermanic district (city, town, village) of, County
13 of for ~~10~~ 28 consecutive days prior to leaving the State of Wisconsin. I, do
14 solemnly swear or affirm that I do not qualify to register or vote under the laws of
15 the State of(State you now reside in) where I am presently residing. A citizen must
16 be a resident of: State(Insert time) County(Insert time) City, Town or Village
17(Insert time), in order to be eligible to register or vote therein. I further swear or
18 affirm that my legal residence was established in the State of(the State where you
19 now reside) on Month Day Year.

20 Signed

21 Address(Present address)

22(City)(State)

23 Subscribed and sworn to before me this day of (year)

24(Notary Public, or other officer authorized to administer oaths.)

25(County)

BILL

1 My Commission expires
2 MAIL BALLOT TO:
3 NAME
4 ADDRESS
5 CITY STATE ZIP CODE

6 *Penalties for Violations.* Whoever swears falsely to any absent elector affidavit
7 under this section may be fined not more than \$1,000 or imprisoned for not more than
8 6 months or both. Whoever intentionally votes more than once in an election may
9 be fined not more than \$10,000 or imprisoned for not more than 3 years and 6 months
10 or both.

11(Municipal Clerk)

12(Municipality)

13 **SECTION 35.** 6.22 (2) (e) of the statutes is created to read:

14 6.22 (2) (e) A military elector may file an application for an absentee ballot by
15 means of electronic mail or facsimile transmission in the manner prescribed in s. 6.86
16 (1) (ac). Upon receipt of a valid application, the municipal clerk shall send the elector
17 an absentee ballot or, if the elector so requests, shall transmit an absentee ballot to
18 the elector by means of electronic mail or facsimile transmission in the manner
19 prescribed in s. 6.87 (3) (d).

20 **SECTION 36.** 6.22 (4) (a) of the statutes is amended to read:

21 6.22 (4) (a) A request for an absentee ballot by an individual who qualifies as
22 a military elector shall be treated as a request for an absentee ballot for all elections
23 unless the individual otherwise requests. Upon receiving a timely request for an
24 absentee ballot under par. (b) by an individual who qualifies as a military elector, the
25 municipal clerk shall send or transmit to the elector an absentee ballot for all

BILL

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

3 **SECTION 37.** 6.22 (4) (b) of the statutes is amended to read:

4 6.22 **(4)** (b) A military elector's application may be received at any time. The
5 municipal clerk shall not send or transmit a ballot for an election if the application
6 is received later than 5 p.m. on the Friday preceding that election. The municipal
7 clerk shall send or transmit a ballot, as soon as available, to each military elector who
8 ~~requests~~ files a timely request for a ballot.

9 **SECTION 38.** 6.22 (4) (e) of the statutes is amended to read:

10 6.22 **(4)** (e) Whenever the material is mailed, the material shall be prepared
11 and mailed to make use of the federal free postage laws. If the material does not
12 qualify for mailing without postage under federal free postage laws, the municipal
13 clerk shall pay the postage required for mailing to the military elector. If the return
14 envelope qualifies for mailing free of postage under federal free postage laws, the
15 clerk shall affix the appropriate legend required by U.S. postal regulations.
16 Otherwise the municipal clerk shall pay the postage required for return when the
17 ballot is mailed from within the United States. If the ballot is not mailed by the
18 military elector from within the United States the military elector shall provide
19 return postage. ~~The mailing list established under this subsection shall be kept~~
20 ~~current in the same manner as provided in s. 6.86 (2) (b).~~

21 **SECTION 39.** 6.22 (6) of the statutes is amended to read:

22 6.22 **(6)** **MILITARY ELECTOR LIST.** Each municipal clerk shall keep an up-to-date
23 list of all eligible military electors who reside in the municipality; ~~city clerks shall~~
24 ~~keep the lists by wards~~ in the format prescribed by the board. The list shall contain
25 the name, latest-known military residence and military mailing address of each

BILL**SECTION 39**

1 military elector. The list shall indicate whether each elector whose name appears on
2 the list is a military elector, as defined in s. ~~6.36 (2) (e)~~ 6.34 (1), and has so certified
3 under s. 6.865 (3m). All persons over 18 years of age or who will be 18 years old prior
4 to an election shall be listed and remain on the list for the duration of their tour of
5 duty. The list shall be kept current through all possible means. Each clerk shall
6 exercise reasonable care to avoid duplication of names or listing anyone who is not
7 eligible to vote. Each clerk shall distribute ~~2 copies of~~ one copy of the list to the
8 ~~appropriate ward~~ each polling place in the municipality for use on election day.

9 **SECTION 40.** 6.22 (7) of the statutes is amended to read:

10 6.22 (7) EXTENSION OF PRIVILEGE. This section applies to all military electors for
11 ~~10~~ 28 days after the date of discharge from a uniformed service or termination of
12 services or employment of individuals specified in sub. (1) (b) 1. to 4.

13 **SECTION 41.** 6.221 (title) of the statutes is amended to read:

14 **6.221 (title) Counting of absentee ballots for certain military electors;**
15 **~~September partisan~~ primary and general election.**

16 **SECTION 42.** 6.221 (1) of the statutes is amended to read:

17 6.221 (1) In this section, “military elector” has the meaning given in s. ~~6.36 (2)~~
18 ~~(e)~~ 6.34 (1) and active duty status for any election is determined as of election day.

19 **SECTION 43.** 6.221 (3) of the statutes is amended to read:

20 6.221 (3) (a) At the ~~September partisan~~ primary, a ballot that is cast under s.
21 6.22 by an elector who is a military elector, that is received by mail from the U. S.
22 postal service, and that is postmarked no later than election day shall be counted as
23 provided in this section if it is received by a municipal clerk no later than 5 p.m. on
24 the 7th day after the election.

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1 (b) At the general election, the presidential preference primary, or a special
2 election for national office, a ballot that is cast under s. 6.22 by an elector who is a
3 military elector, that is received by mail from the U.S. postal service, and that is
4 postmarked no later than election day shall be counted as provided in this section if
5 it is received by a municipal clerk no later than 5 p.m. on the 10th day after the
6 election.

7 **SECTION 44.** 6.221 (5) of the statutes is amended to read:

8 6.221 (5) No later than the closing hour of the polls on the day of the ~~September~~
9 partisan primary and the day of the general election, the municipal clerk of each
10 municipality shall post at his or her office and on the Internet at a site announced
11 by the clerk before the polls open, and shall make available to any person upon
12 request, a statement of the number of absentee ballots that the clerk has mailed or
13 transmitted to military electors under this section and that have not been returned
14 to the polling places where the electors reside by the closing hour on election day. The
15 posting shall not include the names or addresses of any military electors.

16 **SECTION 45.** 6.24 (2) of the statutes is amended to read:

17 6.24 (2) ELIGIBILITY. An overseas elector under sub. (1) may vote in any election
18 for national office, including the ~~September~~ partisan primary and presidential
19 preference primary and any special primary or election. Such elector may not vote
20 in an election for state or local office. An overseas elector shall vote in the ward or
21 election district in which the elector was last domiciled or in which the elector's
22 parent was last domiciled prior to departure from the United States.

23 **SECTION 46.** 6.24 (4) (c) of the statutes is amended to read:

24 6.24 (4) (c) Upon receipt of a timely application from an individual who
25 qualifies as an overseas elector and who has registered to vote in a municipality

BILL**SECTION 46**

1 under sub. (3), the municipal clerk of the municipality shall send or transmit an
2 absentee ballot to the individual for all subsequent elections for national office to be
3 held during the year in which the ballot is requested, except as otherwise provided
4 in this paragraph, unless the individual otherwise requests or until the individual
5 no longer qualifies as an overseas elector: of the municipality. The clerk shall not
6 send or transmit an absentee ballot for an election if the overseas elector's name
7 appeared on the registration list in eligible status for a previous election following
8 the date of the application but no longer appears on the list in eligible status. The
9 municipal clerk shall ensure that any envelope containing the absentee ballot is
10 clearly marked as not forwardable. If an overseas elector who files an application
11 under this subsection no longer resides at the same address that is indicated on the
12 application form, the elector shall so notify the municipal clerk.

13 **SECTION 47.** 6.24 (4) (d) of the statutes is amended to read:

14 6.24 (4) (d) An overseas elector who is not registered may request both a
15 registration form and an absentee ballot at the same time, and the municipal clerk
16 shall send or transmit the ballot automatically if the registration form is received
17 within the time prescribed in s. 6.28 (1). The board shall prescribe a special
18 certificate form for the envelope in which the absentee ballot for overseas electors is
19 contained, which shall be substantially similar to that provided under s. 6.87 (2). An
20 overseas elector shall make and subscribe to the special certificate form before a
21 witness who is an adult U.S. citizen.

22 **SECTION 48.** 6.24 (4) (e) of the statutes is created to read:

23 6.24 (4) (e) An overseas elector may file an application for an absentee ballot
24 by means of electronic mail or facsimile transmission in the manner prescribed in s.
25 6.86 (1) (ac). Upon receipt of a valid application, the municipal clerk shall send the

BILL

1 elector an absentee ballot or, if the elector so requests, shall transmit an absentee
2 ballot to the elector by means of electronic mail or facsimile transmission in the
3 manner prescribed in s. 6.87 (3) (d).

4 **SECTION 49.** 6.25 (1) of the statutes is is renumbered 6.25 (1) (a) and amended
5 to read:

6 6.25 (1) (a) Any individual who qualifies as a military elector under s. 6.22 (1)
7 (b) ~~or an overseas elector under s. 6.24 (1)~~ and who transmits an application for an
8 official absentee ballot for ~~a general election~~ any election, including a primary
9 election, no later than ~~30 days before election day~~ the latest time specified for the
10 elector in s. 6.86 (1) (b) may, in lieu of the official ballot, cast a federal write-in
11 absentee ballot prescribed under 42 USC 1973ff-2 for any candidate for an office
12 listed on the official ballot or for all of the candidates of any recognized political party
13 for ~~national office~~ the offices listed on the official ballot at ~~the general~~ that election
14 if the federal write-in absentee ballot is received by the appropriate municipal clerk
15 no later than the applicable time prescribed in s. 6.221 (3) or 6.87 (6).

16 **SECTION 50.** 6.25 (1) (b) of the statutes is created to read:

17 6.25 (1) (b) Any individual who qualifies as an overseas elector under s. 6.24
18 (1) and who transmits an application for an official absentee ballot for an election for
19 national office, including a primary election, no later than the latest time specified
20 for an elector in s. 6.86 (1) (b) may, in lieu of the official ballot, cast a federal write-in
21 absentee ballot prescribed under 42 USC 1973ff-2 for any candidate or for all
22 candidates of any recognized political party for national office listed on the official
23 ballot at that election, if the federal write-in absentee ballot is received by the
24 appropriate municipal clerk no later than the applicable time prescribed in s. 6.87
25 (6).