

**2019 DRAFTING REQUEST**

**Bill**

For: **Shannon Zimmerman (608) 266-1526** Drafter: **mgallagh**  
 By: **Ryan** Secondary Drafters:  
 Date: **3/18/2019** May Contact:

Same as LRB:

Submit via email: **YES**  
 Requester's email: **Rep.Zimmerman@legis.wisconsin.gov**  
 Carbon copy (CC) to: **michael.gallagher@legis.wisconsin.gov**  
**joseph.kreye@legis.wisconsin.gov**

**Pre Topic:**

No specific pre topic given

**Topic:**

Assistance stating name and address at polls

**Instructions:**

See attached

**Drafting History:**

| <u>Vers.</u> | <u>Drafted</u>        | <u>Reviewed</u>       | <u>Submitted</u>     | <u>Jacketed</u>     | <u>Required</u> |
|--------------|-----------------------|-----------------------|----------------------|---------------------|-----------------|
| /?           | mgallagh<br>3/25/2019 | kfollett<br>3/25/2019 |                      |                     |                 |
| /P1          | mgallagh<br>3/29/2019 | kfollett<br>3/29/2019 | mbarman<br>3/25/2019 |                     |                 |
| /1           |                       |                       | mbarman<br>3/29/2019 | mbarman<br>4/1/2019 |                 |

FE Sent For:

<END>

↳ Not Needed

**Gallagher, Michael**

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**From:** Augustyn, Ryan  
**Sent:** Friday, March 15, 2019 10:33 AM  
**To:** Gallagher, Michael  
**Subject:** Bill Draft Request  
**Attachments:** J.2 Comm. memo re Legislative Agenda 3.11.19.pdf

Happy Friday,

We would like to create an exception to s. 6.79 (2) (a), Stats., which requires a voter to “state his or her full name and address” to the poll workers before receiving a serial number. The exception would be: in situations where the voter is unable to speak their name due to disability or medical condition, the voter would be exempted from having to state their name and address, and instead allow either 1) the poll worker would be required to read the voter’s name and address aloud or 2) a person who is assisting the disabled voter to speak the name and address out loud.

Attached is a memo outlining the Elections Commission staff recommendation on that topic (item 1), which the Commission adopted. Specifically:

*The Accessibility Advisory Committee requests that the WEC support legislative changes to allow voters with disabilities to receive assistance from an election inspector or another individual to satisfy the statutory requirement to state the voter’s name and address before receiving a ballot, and work with the Accessibility Advisory Committee and the Legislature to enact such legislation.*

Thank you in advance and let me know if you have any questions,

Ryan Augustyn  
Office of Representative Shannon Zimmerman  
(608) 266-1526

# WISCONSIN ELECTIONS COMMISSION

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INTERIM ADMINISTRATOR MEAGAN WOLFE

## MEMORANDUM

**DATE:** For the March 11, 2019 Commission Meeting

**TO:** Members, Wisconsin Elections Commission

**FROM:** Meagan Wolfe  
Interim Administrator

Prepared and Presented by:  
Michael Haas

**SUBJECT:** Commission Legislative Agenda

At the meeting of December 3, 2018, the Commission adopted a legislative agenda for the 2019 - 20 legislative session which included recommendations related to over 70 items. Commission staff has met with legislative staff and Legislative Reference Bureau drafting attorneys and expects a significant share of those items to be addressed in legislative proposals.

Commission staff is requesting feedback regarding the following three additional items for the legislative agenda.

1. Voter Name and Address Requirement: Wis. Stat. § 6.79(2) states that before receiving a ballot at the polling place, each voter must state their name and address. Periodically we have heard from voters with disabilities who are unable to verbally state their name and address. Given that the Americans with Disabilities Act requires governmental services to be provided to all qualified voters, Commission staff has advised that a voter who is unable to speak their name and address due to a disability should still receive a ballot. In practice, this means that the name and address are verified and stated in another way, such as the election inspector reading the information from a photo ID card, other document, or poll list, or another individual assisting the voter by stating the name and address. These alternatives accomplish the statutory goals of the voter confirming their name and address and permitting election observers to hear that information for each voter.

Several statutes specify that voters may obtain assistance during various stages of the voting process, including completing a registration application, requesting an absentee ballot, and marking a ballot. Also, Wis. Stat. § 5.36 states that an individual with a disability may notify their municipal clerk to request a specific type of accommodation at the polling place. The statutes do not specifically address assistance with the requirement to state a voter's name and address, especially without notifying the municipal clerk in advance.

The Commission discussed this issue with its Accessibility Advisory Committee at its meeting on February 27, 2019. The Advisory Committee consists of representatives of organizations which work with and advocate on behalf of persons with disabilities. Committee members expressed concerns with the potential that an election inspector may strictly apply the requirement for a voter to state their name and address and deny a ballot to a voter who is unable to verbalize that information, or at least to discourage individuals from voting in the first place. Some members of the Committee advocated for completely removing the requirement for all voters. After discussion regarding the right of election observers to hear the voter's name and address and transparency in the voting process, the Committee adopted a motion requesting that the Elections Commission request a change in the statutes to specifically address the requirement. The Committee passed the following motion:

The Accessibility Advisory Committee requests that the WEC support legislative changes to allow voters with disabilities to receive assistance from an election inspector or another individual to satisfy the statutory requirement to state the voter's name and address before receiving a ballot, and work with the Accessibility Advisory Committee and the Legislature to enact such legislation.

2. Ballot Harvesting Statutes: Media attention on absentee voting improprieties in a North Carolina Congressional election has generated discussion regarding whether Wisconsin Statutes adequately address potential issues with "ballot harvesting." The practice of ballot harvesting involves an individual collecting marked absentee ballots from voters and returning them to the local clerk. In North Carolina a political operative allegedly did not return some absentee ballots collected from voters and also altered votes on some collected ballots.

Wisconsin Statutes do not prohibit the return of absentee ballots by individuals other than the voter. Commission staff is not aware of efforts of any political campaign or other organization systematically contacting absentee voters to collect marked ballots and offering to return them to the clerk. However, given that the Statutes require the Commission to offer a subscription service providing continually updated information about the issuance and return of individual absentee ballots, a greater potential may exist for absentee voters to be contacted and asked if they need assistance in returning their ballot.

Wis. Stat. § 12.13(3)(m) prohibits fraudulently changing a ballot of an elector so the elector is prevented from voting for whom the elector intended, and violations are punishable as a Class I felony. This addresses one of the risks of ballot harvesting. Several provisions of Section 12.13 may be interpreted to prohibit failing to return a marked absentee ballot collected from another voter but contain general language which may not be clearly on point. The Commission could request that the Legislature insert language into Section 12.13(3)(m) to clearly prohibit failing or refusing to deliver a marked ballot collected from another voter to the municipal clerk or polling place, and to classify violations as a Class I felony.

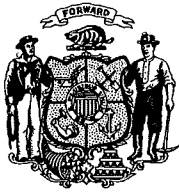
3. Certification Deadline in Absence of a Potential Recount: Following the completion of the official canvass at the local, county, and state levels, the appropriate filing officer issues a

certificate of election to the winning candidates. Whether at the level of a municipality (Wis. Stat. § 7.53(4)), school district (Wis. Stat. § 7.53(3)(a)), county (Wis. Stat. § 7.60(6)) or state (Wis. Stat. 7.70(5)), the filing officer may not issue the certificate of election until the expiration of the time for filing a recount, which is three days after the official canvass is completed. When a recount petition is filed, the certificate of election is not issued until the completion of the recount or any court action resulting from the recount.

Legislation was enacted in 2017 to limit the right to request a recount to an “aggrieved party,” which is defined as a candidate who lost by no more than 40 votes when the total votes cast for the office was 4,000 or fewer, or a candidate who lost by no more than one percent of the total votes cast for the office when that total exceeds 4,000. That legislation did not amend the timeline for issuing a certificate of election when the initial canvass results indicate there is no aggrieved party that may request a recount. In some cases, clerks and even the Commission would benefit from being able to issue certificates of election sooner when there is no candidate qualified to request a recount. The Commission could request that the Legislature update the relevant statutes to permit certificates of election after completion of the official canvass when there is no aggrieved party.

**Recommended Motion:**

The Commission adopts the additional items outlined above to be included in its legislative agenda and directs staff to work with the Legislature to enact appropriate statutory changes.



Today makes

LRB-2487(2)

MPG: k

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

181

1 **AN ACT ...; relating to:** the requirement for stating name and address prior to  
2 voting.

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***Analysis by the Legislative Reference Bureau***

Current law requires a voter to state his or her name and address at the polling place before being permitted to vote. A victim of domestic abuse, sexual assault, or stalking who has obtained a confidential listing is not required to state his or her name and address, but instead may present an identification card issued by the municipal clerk that contains the person's name and the municipality or county of the person's residence.

Under the bill, if a voter is unable to state his or her name and address because of a physical disability, the voter may present his or her identification to the election official who verifies that the identification conforms to current law requirements. The election official, or another person selected by the voter, must then state the voter's name and address.

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

3 **SECTION 1.** 6.79 (2) (a) of the statutes is amended to read:  
4 6.79 (2) (a) Unless information on the poll list is entered electronically, the  
5 municipal clerk shall supply the inspectors with 2 copies of the most current official

1 registration list or lists prepared under s. 6.36 (2) (a) for use as poll lists at the polling  
2 place. Except as provided in subs. (6) ~~and~~, (7), and (8), each eligible elector, before  
3 receiving a serial number, shall state his or her full name and address and present  
4 to the officials proof of identification. The officials shall verify that the name on the  
5 proof of identification presented by the elector conforms to the name on the poll list  
6 or separate list and shall verify that any photograph appearing on that document  
7 reasonably resembles the elector. The officials shall then require the elector to enter  
8 his or her signature on the poll list, supplemental list, or separate list maintained  
9 under par. (c) unless the elector is exempt from the signature requirement under s.  
10 6.36 (2) (a). The officials shall verify that the name and address stated by the elector  
11 conform to the elector's name and address on the poll list.

12 **SECTION 2.** 6.79 (8) of the statutes is created to read:

13 **6.79 (8) VOTER UNABLE TO STATE NAME AND ADDRESS.** An elector is not required  
14 to state his or her name and address under sub. (2) (a) if the elector is unable to do  
15 so because of a physical disability, but an election official, or another person selected  
16 by the elector, shall state the elector's name and address after the election official  
17 verifies the elector's proof of identification under sub. (2) (a).

18 (END)

## Gallagher, Michael

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**From:** Augustyn, Ryan  
**Sent:** Thursday, March 28, 2019 5:11 PM  
**To:** Gallagher, Michael  
**Subject:** LRB 2487 relating to the requirement for stating name and address prior to voting.

Hi Mike,

One minor change to LRB 2487, relating to the requirement for stating name and address prior to voting:

Please delete the word "physical" from page 2, line 15. The reason for the change is a concern about putting election officials in the position to determine the disability.

Otherwise we should be ready for a /1. Please also release the draft to Senator Bernier's office.

Thank you,

Ryan Augustyn  
Office of Representative Shannon Zimmerman  
(608) 266-1526





**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

- 1 **AN ACT to amend** 6.79 (2) (a); and **to create** 6.79 (8) of the statutes; **relating**  
2 **to:** the requirement for stating name and address prior to voting.

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***Analysis by the Legislative Reference Bureau***

Current law requires a voter to state his or her name and address at the polling place before being permitted to vote. A victim of domestic abuse, sexual assault, or stalking who has obtained a confidential listing is not required to state his or her name and address, but instead may present an identification card issued by the municipal clerk that contains the person's name and the municipality or county of the person's residence.

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**SECTION 1**

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16 by the elector, shall state the elector's name and address after the election official  
17 verifies the elector's proof of identification under sub. (2) (a).

18 (END)

**Walker, Dan**

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**From:** Rep.Zimmerman  
**Sent:** Friday, March 29, 2019 2:26 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -2487/1

Please Jacket LRB -2487/1 for the ASSEMBLY.