



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 451
[2005 Senate Bill 612]

**Administration of Elections and
Other Election Provisions**

Wisconsin Act 451 is legislation originally prepared for the Joint Legislative Council's Special Committee on Election Law Review. The law makes numerous modifications to election laws and related provisions. For a complete and detailed review of the provisions, please refer to Legislative Council Information Memorandum IM-2006-04.

It should be noted that the prefatory note published with the session laws does not reflect the amendments adopted by the Legislature.

Voter Registration

With respect to voter registration, 2005 Act 451 does the following:

- Specifies the forms of identification required to vote.
- Modifies the deadlines for registration.
- Sets requirements for "roving" special registration deputies.
- Prohibits certain payments for obtaining voter registration.
- Changes requirements for mailing letters or postcards to certify mail-in voter registrations.
- Allows the Elections Board to establish a fee for copy of the statewide voter registration list.
- Authorizes the Elections Board to conduct same-day voter registration and double voting audits in lieu of municipal clerk.
- Creates a process to monitor voting by persons presenting out-of-state driver's licenses at general elections.
- Requires the Elections Board to create a uniform registration form.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

Absentee Ballots

With respect to absentee ballots, Act 451 does the following:

- Includes provisions relating to “military electors,” allowing them to more readily obtain absentee ballots, allowing their votes to be considered in certain circumstances if received under specified conditions and requiring all absentee ballots be witnessed by an adult U.S. citizen.
- Provides a procedure for requesting absentee ballots to be sent automatically by municipal clerks for all elections in a calendar year.
- Eliminates the requirement that absentee ballots sent by municipal clerk must include sufficient return postage to return the ballot from anywhere in the United States.
- Provides notices be given when absentee voting in nursing homes and other similar facilities will occur and allowing for certain observers to be present along with special election deputies.
- Allows a municipality to create and operate an alternate absentee ballot site.
- Modifies the regulation of election observers and extends the current prohibition against “electioneering” to the municipal clerk’s office or an alternative absentee ballot site.
- Creates a procedure for the optional use of a central location to count absentee ballots instead of at polling places.

Pre-Election Procedures

With respect to pre-election procedures, Act 451 does the following:

- Eliminates the requirement that a nomination or petition circulator must be a qualified elector of the jurisdiction in which the paper or petition is circulated.
- Changes certain dates relating to notice of school district referendum.
- Requires the Elections Board to submit a report to the Legislature on contingency planning efforts.
- Requires the Election Administration Council to provide additional guidance to local units of government regarding procurement of election-related items.
- Modifies the appointment terms of election officials.
- Requires additional training of municipal clerks and poll workers.

Election Day Procedures

With respect to election day procedures, Act 451 does the following:

- Modifies the provisions relating to high school student poll workers.
- Provides for a means to mark the end of a line of voters waiting to vote at the close of polls with a qualified person.

- Authorizes the Elections Board to promulgate rules relating to the conduct of observers at polling places.
- Creates a proof of residence requirement applicable to all persons other than military or overseas electors who register to vote by mail and have not voted in an election in this state.
- Clarifies the law regarding election threats and “electioneering.”
- Requires placement of map of polling places at each polling place showing geographic area served by each polling place for that election.
- Requires the creation of a list of felons ineligible to vote and a procedure for monitoring the current requirement to prevent felons who are ineligible to vote from voting and for entering the information on the statewide voter registration list.
- Provides for an auditing and reporting mechanism relating to illegal voting by felons.
- Permits the appointment of an additional inspector on a nonpartisan basis to serve as a greeter at the polls.

Post-Election Procedures and Other Election-Related Items

Act 451 provides as follows with regard to post-election procedures:

- Modifies the time deadline for delivery of voter election materials relating to school district elections.
- Deletes the requirement for duplicate signatures on election tally sheets; permitting single signatures and use of copies.
- Modifies the eligibility of county and municipal clerks to serve on board of canvassers.
- Modifies the number of signatures required for certain recall elections.
- Requires retention of unused ballots until at least the day after the latest filing of a recount petition for any office on the ballots.
- Revises recount procedures and sets standards for conducting recount.
- Requires the Elections Board to conduct post-election audits of local election practices.
- Provides that a registrant under the campaign finance law may make a donation from a campaign treasury to the common school fund or to a charitable organization at any time for any reason.

Effective Date: The provisions of the Act generally take effect on July 1, 2006.

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