



2007 ASSEMBLY BILL 903

March 4, 2008 - Introduced by Representatives STONE, ALBERS, TOWNSEND, LEMAHIEU, NASS, JESKEWITZ, PRIDEMORE, BALLWEG and STRACHOTA, cosponsored by Senators LEIBHAM, COWLES, ROESSLER and GROTHMAN. Referred to Committee on Elections and Constitutional Law.

- 1 **AN ACT to amend** 6.56 (3), 6.56 (3m), 6.56 (4) and 6.56 (5) of the statutes;
2 **relating to:** verification of the eligibility of voters whose names do not appear
3 on registration lists or who appear to have voted more than once.

Analysis by the Legislative Reference Bureau

Current law requires the officials at each polling place where voter registration is required to maintain a list of persons who register to vote at the polling place on election day. After each election, these lists must be given to the municipal clerk or Board of Election Commissioners, who must then audit the lists to ensure that each voter is properly registered. The Government Accountability Board may elect to perform this audit on behalf of the municipal clerk or Board of Election Commissioners. This audit generally consists of mailing a postcard to the address given by the voter. Current law also requires the clerk or Board of Election Commissioners, after each election, or the Government Accountability Board if the board so elects, to carefully check to ensure that no person has been allowed to vote more than once. If a postcard mailed by the clerk or Board of Election Commissioners is returned undelivered or the clerk or Board of Election Commissioners is informed that the address given by the voter was apparently incorrect on election day, or if it appears that a person voted more than once, the clerk or Board of Election Commissioners must provide the name of the voter to the district attorney. If the person voted after having his or her registration information corroborated by another elector, the name of the corroborator must also be provided to the district attorney. Current law also requires the Government Accountability Board, after the

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close of registration for each election, to compare the list of new voters with a list of persons whose names are transmitted to the board by the Department of Corrections as the result of a felony conviction and to report the name of any felon who appears to have voted illegally to the district attorney.

Under this bill, the clerk or Board of Election Commissioners, or the Government Accountability Board if the board so elects, must perform the required audit within one month after each election. If a postcard is returned undelivered, if the clerk or Board of Election Commissioners is informed that the address given by a voter was apparently incorrect on election day, or if it appears that a person voted more than once, the clerk or board must notify both the district attorney and the appropriate municipal or county law enforcement agency, and must provide the name of the person who voted and the name of any corroborator. The bill requires the law enforcement agency to investigate the matter within 14 days and report the results of the investigation to the district attorney. The district attorney must then file a report with the clerk or Board of Election Commissioners within 14 days, indicating the results of the investigation and any action the district attorney intends to prosecute as a result of the investigation. The bill also requires the Government Accountability Board to report the name of each felon who appears to have voted illegally to the appropriate municipal or county law enforcement agency, which must similarly report its findings to the board and district attorney. The district attorney must then similarly report to the board concerning the results of the investigation and any action the district attorney intends to take as a result of the investigation.

For further information see the *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 .

2 **SECTION 1.** 6.56 (3) of the statutes is amended to read:

3 6.56 (3) Upon receipt of the list under sub. (1), the municipal clerk or board of

4 election commissioners shall make an audit of all electors registering to vote at the

5 polling place or other registration location under s. 6.55 (2) and all electors

6 registering by agent on election day under s. 6.86 (3) (a) 2. unless the clerk or board

7 of election commissioners receives notice from the board under sub. (7) that the board

8 will perform the audit. The audit shall be made by 1st class postcard. The postcard

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1 shall be marked in accordance with postal regulations to ensure that it will be
2 returned to the clerk, board of election commissioners, or government accountability
3 board if the elector does not reside at the address given on the postcard. ~~If any No~~
4 later than one month after the election, the clerk or board of election commissioners
5 shall notify the district attorney and the appropriate municipal police department
6 or, if there is no appropriate municipal police department, the appropriate county
7 sheriff of each postcard that is returned undelivered, or if and of each notification
8 that the clerk, board of election commissioners, or government accountability board
9 is informed of receives indicating a different address than the one specified by the
10 elector which was apparently improper on the day of the election, the clerk, board of
11 election commissioners, or government accountability board and shall change the
12 status of the elector from eligible to ineligible on the registration list, and mail the
13 elector a notice of the change in status, and provide the name of the elector to the
14 district attorney for the county where the polling place is located and the government
15 accountability board. If a postcard is returned undelivered or a notification of a
16 different address under this subsection is received later than one month after the
17 election, the clerk or board of election commissioners shall promptly notify the
18 government accountability board, the district attorney and appropriate municipal
19 police department or county sheriff under this subsection. No later than 14 days
20 after receiving information under this subsection, the municipal police department
21 or county sheriff shall investigate the matter and report the results of the
22 investigation to the government accountability board and the district attorney. No
23 later than 14 days after receiving this report, the district attorney shall file a report
24 with the government accountability board and the appropriate municipal clerk or

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1 board of election commissioners indicating the results of each investigation and any
2 action that the district attorney intends to prosecute as a result of each investigation.

3 **SECTION 2.** 6.56 (3m) of the statutes is amended to read:

4 6.56 (3m) As soon as possible after all information relating to registrations
5 after the close of registration for an election is entered on the registration list
6 following the election under s. 6.33 (5) (a), the board shall compare the list of new
7 registrants whose names do not appear on the poll lists for the election because the
8 names were added after the board certified the poll lists for use at the election with
9 the list containing the names transmitted to the board by the department of
10 corrections under s. 301.03 (20m) as of election day. If the board finds that the name
11 of any person whose name appears on the list transmitted under s. 301.03 (20m) has
12 been added to the registration list, the board shall enter on the list the information
13 transmitted to the board under s. 301.03 (20m) and shall notify the district attorney
14 for the county where the polling place is located and the appropriate municipal police
15 department or county sheriff under sub. (3) that the person appears to have voted
16 illegally at the election. No later than 14 days after receiving information under this
17 subsection, the municipal police department or county sheriff shall investigate the
18 matter and report the results of the investigation to the government accountability
19 board and the district attorney. No later than 14 days after receiving this report, the
20 district attorney shall file a report with the government accountability board
21 indicating the results of each investigation and any action the district attorney
22 intends to prosecute as a result of each investigation.

23 **SECTION 3.** 6.56 (4) of the statutes is amended to read:

24 6.56 (4) ~~After~~ No later than one month after each election, the municipal clerk
25 or board of election commissioners shall perform an audit to assure that no person

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1 has been allowed to vote more than once. Whenever the municipal clerk or board of
2 election commissioners has good reason to believe that a person has voted more than
3 once in an election, the clerk or board of election commissioners shall send the person
4 a 1st class letter marked in accordance with postal regulations to ensure that it will
5 be returned to the clerk if the elector does not reside at the address given on the letter.
6 The letter shall inform the person that all registrations relating to that person may
7 be changed from eligible to ineligible status within 7 days unless the person contacts
8 the office of the clerk to clarify the matter. A copy of the letter and of any subsequent
9 information received from or about the addressee shall be sent to the district attorney
10 for the county where the person resides and the board and the appropriate municipal
11 police department or, if there is no appropriate municipal police department, the
12 appropriate county sheriff. No later than 14 days after receiving information under
13 this subsection, the municipal police department or county sheriff shall investigate
14 the matter and report the results of the investigation to the district attorney. No later
15 than 14 days after receiving this report, the district attorney shall file a report with
16 the appropriate municipal clerk or board of election commissioners indicating the
17 results of each investigation and any action that the district attorney intends to
18 prosecute as a result of each investigation.

19 **SECTION 4.** 6.56 (5) of the statutes is amended to read:

20 6.56 (5) Whenever any letter or postcard mailed under this section is returned
21 undelivered, or whenever the U.S. postal service notifies the clerk or board of election
22 commissioners of an improper address which was apparently improper on the day
23 of the election or whenever it otherwise appears that a person has voted who is not
24 qualified or has voted more than once in an election, and the person has been
25 permitted to vote after corroboration was made under s. 6.55 (2) or 6.86 (3) (a) 2., the

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1 name of the corroborator shall also be provided to the district attorney for the county
2 where the person resides and, the government accountability board and the
3 appropriate municipal police department or, if there is no appropriate municipal
4 police department, the appropriate county sheriff. No later than 14 days after
5 receiving information under this subsection, the municipal police department or
6 county sheriff shall investigate the matter and report the results of the investigation
7 to the district attorney. No later than 14 days after receiving this report, the district
8 attorney shall file a report with the appropriate municipal clerk or board of election
9 commissioners indicating the results of each investigation and any action the district
10 attorney intends to prosecute as a result of each investigation.

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(END)