



State of Wisconsin
2015 - 2016 LEGISLATURE

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2015 ASSEMBLY BILL 805

January 25, 2016 - Introduced by Representatives BERCEAU, BILLINGS, BROSTOFF, DANOU, DOYLE, GOYKE, JOHNSON, KOLSTE, OHNSTAD, POPE, SINICKI, SPREITZER, SUBECK, C. TAYLOR, WACHS and ZEPNICK, cosponsored by Senators L. TAYLOR, HARRIS DODD, CARPENTER, C. LARSON, RINGHAND and RISSER. Referred to Committee on Campaigns and Elections.

1 **AN ACT** *to amend* 5.056, 6.24 (3), 6.275 (1) (b), 6.28 (1), 6.30 (1), 6.32, 6.33 (1),
2 6.33 (2) (a), 6.34 (2), 6.35 (1) (intro.), 6.36 (2) (c), 6.40 (1) (a) 1., 6.40 (1) (c), 6.50
3 (10), 6.55 (2) (d), 6.86 (3) (c), 6.87 (4) (b) 1., 7.08 (1) (c), 85.61 (1) and 343.027;
4 and *to create* 6.30 (5), 6.34 (2m), 6.34 (4) and 6.35 (2) of the statutes; **relating**
5 **to:** electronic voter registration, verification of certain registrations, and proof
6 of residence for voting in an election and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Currently, a qualified elector may register to vote at any election by mail, in person at the office of the municipal or county clerk or board of election commissioners for the municipality or county where the elector resides, or by completing a registration form with a special registration deputy no later than the 20th day before the election. A qualified elector may also register to vote at an election in person at the office of the municipal clerk or board of election commissioners for the municipality where the elector resides no later than 5 p.m. on the Friday before the election. In order to register, an elector must provide his or her name and address and certain other information required to ascertain his or her eligibility and must sign the form. An elector must also provide proof of residence. Currently, the clerk or board of election commissioners must verify each registration received by mail or submitted by a special registration deputy by sending a first-class letter or postcard to the registrant at the registrant's address.

ASSEMBLY BILL 805

This bill permits a qualified elector who has a current and valid driver's license or identification card issued by the Department of Transportation (DOT) to register to vote at an election electronically on a secure Internet site maintained by the Government Accountability Board (GAB). The bill requires an electronic registration to be completed no later than the 20th day before an election in order to be valid for that election. Under the bill, a qualified elector enters the same information that appears on the current registration form and authorizes DOT to forward a copy of his or her electronic signature to GAB. The authorization affirms that all information provided by the elector is correct and has the same effect as if the elector signed the form personally. If an elector does not have a current and valid driver's license or identification card, the elector may complete an electronic registration by uploading a copy of the elector's signature and providing the last four digits of the elector's social security number, except that the elector may check a box on the electronic application attesting to the accuracy of the information contained in the application instead of uploading his or her signature. An eligible elector who does not have a driver's license or identification card must also upload a copy of his or her proof of residence. The bill also permits an elector who is currently registered to vote to electronically enter a change of name or address using a similar procedure. In accordance with the existing procedure for verifying registrations that are not received at the office of the municipal clerk or board of election commissioners, the bill provides that when an electronic registration is received, GAB or the clerk or board of election commissioners of the elector's municipality of residence must verify each electronic registration by sending a first-class letter or postcard to the registrant at the registrant's address.

Currently, each municipal clerk and board of election commissioners must maintain a file of voter registration forms for the electors of the municipality. This bill provides that the clerk or board must maintain registrations that are entered electronically in the manner prescribed by GAB, by rule.

The changes first apply with respect to registration for voting at the first spring or partisan primary election that follows the day on which the bill becomes law by at least six months.

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.** 5.056 of the statutes is amended to read:
2 **5.056 Matching program with secretary of transportation.** The
3 administrator of the elections division of the board shall enter into the agreement
4 with the secretary of transportation specified under s. 85.61 (1) to match personally

ASSEMBLY BILL 805

1 identifiable information on the official registration list maintained by the board
2 under s. 6.36 (1) and the information specified in s. 6.34 (2m) with personally
3 identifiable information maintained by the department of transportation.

4 **SECTION 2.** 6.24 (3) of the statutes is amended to read:

5 6.24 (3) REGISTRATION. The overseas elector shall register in the municipality
6 where he or she was last domiciled or where the overseas elector's parent was last
7 domiciled on a form prescribed by the board designed to ascertain the elector's
8 qualifications under this section. The form shall be substantially similar to the
9 original form under s. 6.33 (1), insofar as applicable. Registration shall be
10 accomplished in accordance with s. 6.30 (4) or (5).

11 **SECTION 3.** 6.275 (1) (b) of the statutes is amended to read:

12 6.275 (1) (b) The total number of electors of the municipality residing in that
13 county who were preregistered on the deadline specified in s. 6.28 (1), including valid
14 mail registrations which are postmarked by that day and valid electronic
15 registrations entered under s. 6.30 (5).

16 **SECTION 4.** 6.28 (1) of the statutes is amended to read:

17 6.28 (1) REGISTRATION LOCATIONS; DEADLINE. Except as authorized in ss. 6.29,
18 6.55 (2), and 6.86 (3) (a) 2., registration in person for any election shall close at 5 p.m.
19 on the 3rd Wednesday preceding the election. Registrations made by mail under s.
20 6.30 (4) must be delivered to the office of the municipal clerk or postmarked no later
21 than the 3rd Wednesday preceding the election. Electronic registration for an
22 election under s. 6.30 (5) shall close at midnight on the 3rd Wednesday preceding the
23 election. All applications for registration corrections and additions may be made
24 throughout the year at the office of the city board of election commissioners, at the
25 office of the municipal clerk, at the office of the county clerk, or at other locations

ASSEMBLY BILL 805

1 provided by the board of election commissioners or the common council in cities over
2 500,000 population or by either or both the municipal clerk, or the common council,
3 village or town board in all other municipalities. Other registration locations may
4 include but are not limited to fire houses, police stations, public libraries, institutions
5 of higher education, supermarkets, community centers, plants and factories, banks,
6 savings and loan associations and savings banks. Special registration deputies shall
7 be appointed for each location unless the location can be sufficiently staffed by the
8 board of election commissioners or the municipal clerk or his or her deputies. An
9 elector who wishes to obtain a confidential listing under s. 6.47 (2) shall register at
10 the office of the municipal clerk of the municipality where the elector resides.

11 **SECTION 5.** 6.30 (1) of the statutes is amended to read:

12 6.30 (1) **IN PERSON.** An elector shall apply for registration in person, except as
13 provided under ~~sub.~~ subs. (4) and (5) and s. 6.86 (3) (a) 2.

14 **SECTION 6.** 6.30 (5) of the statutes is created to read:

15 6.30 (5) **BY ELECTRONIC APPLICATION.** Any eligible elector may register
16 electronically in the manner prescribed by the board. The board shall maintain on
17 the Internet a secure registration form that enables the elector to enter the
18 information required under s. 6.33 (1) electronically. The form shall contain an
19 authorization for the board to obtain from the department of transportation an
20 electronic copy of the applicant's signature, which signature shall constitute an
21 affirmation that all information provided by the elector is correct and shall have the
22 same effect as if the applicant had signed the application personally. Upon submittal
23 of the electronic application, the board shall obtain from the department of
24 transportation a copy of the electronic signature of the applicant and shall integrate
25 the signature into the applicant's electronic application. If an eligible elector does

ASSEMBLY BILL 805

1 not hold a current and valid operator's license issued under ch. 343 or a current and
2 valid identification card issued under s. 343.50, the elector shall upload a copy of the
3 elector's signature to the registration form and provide on the registration form the
4 last 4 digits of the elector's social security number, except that an eligible elector may
5 check a box on the electronic application attesting to the accuracy of the information
6 contained in the application instead of uploading his or her signature. An eligible
7 elector who does not hold a current and valid operator's license issued under ch. 343
8 or a current and valid identification card issued under s. 343.50 shall also upload to
9 the registration form a copy of his or her identifying document to establish proof of
10 residence, as provided under s. 6.34. The board shall maintain the electronically
11 integrated application on file together with nonelectronic applications and shall
12 notify the municipal clerk or board of election commissioners of the municipality
13 where the applicant resides of its receipt of each completed application. The board
14 shall also permit any elector to make changes in his or her registration authorized
15 under s. 6.40 (1) at the same Internet site that is used by electors for original
16 registration under this subsection. An elector shall attest to the correctness of any
17 changes in the same manner as provided in this subsection for information entered
18 on an application for original registration.

19 **SECTION 7.** 6.32 of the statutes is amended to read:

20 **6.32 Verification of certain registrations.** (1) Upon receipt of a
21 registration form that is submitted by mail under s. 6.30 (4) or by electronic
22 application under s. 6.30 (5) or that is submitted by a special registration deputy
23 appointed under s. 6.26, the board or municipal clerk shall examine the form for
24 sufficiency.

ASSEMBLY BILL 805

1 (2) If the form is insufficient to accomplish registration or the board or clerk
2 knows or has reliable information that the proposed elector is not qualified, the board
3 or clerk shall notify the proposed elector within 5 days, if possible, and request that
4 the elector appear at the clerk's office or ~~other~~ another registration center location
5 to complete a proper registration or substantiate the information presented.

6 (3) If the form is submitted later than the close of registration, the board or
7 clerk shall make a good faith effort to notify the elector that he or she may register
8 at the clerk's office under s. 6.29 or at the proper polling place or other location
9 designated under s. 6.55 (2).

10 (4) If the form is sufficient to accomplish registration and the board or clerk has
11 no reliable information to indicate that the proposed elector is not qualified, the
12 board or clerk shall enter the elector's name on the registration list and transmit a
13 1st class letter or postcard to the registrant, specifying the elector's ward ~~or~~ and
14 aldermanic district, or both, if any, and polling place. The letter or postcard shall be
15 sent within 10 days of receipt of the form. If the letter or postcard is returned, or if
16 the board or clerk is informed of a different address than the one specified by the
17 elector, the board or clerk shall change the status of the elector on the list from
18 eligible to ineligible. The letter or postcard shall be marked in accordance with postal
19 regulations to ensure that it will be returned to the board or clerk if the elector does
20 not reside at the address given on the letter or postcard.

21 **SECTION 8.** 6.33 (1) of the statutes is amended to read:

22 6.33 (1) The board shall prescribe the format, size, and shape of registration
23 forms. All nonelectronic forms shall be printed on cards and each item of information
24 shall be of uniform font size, as prescribed by the board. Except as otherwise
25 provided in this subsection, electronic forms shall contain the same information as

ASSEMBLY BILL 805

1 nonelectronic forms. The municipal clerk shall supply sufficient forms to meet voter
2 registration needs. The forms shall be designed to obtain from each applicant
3 information as to name; date; residence location; location of previous residence
4 immediately before moving to current residence location; citizenship; date of birth;
5 age; the number of a current and valid operator's license issued to the elector under
6 ch. 343 or the last 4 digits of the elector's social security account number; whether
7 the applicant has resided within the ward or election district for at least 28 the
8 number of consecutive days specified in s. 6.02 (1); whether the applicant has been
9 convicted of a felony for which he or she has not been pardoned, and if so, whether
10 the applicant is incarcerated, or on parole, probation, or extended supervision;
11 whether the applicant is disqualified on any other ground from voting; and whether
12 the applicant is currently registered to vote at any other location. The Except as
13 provided in s. 6.30 (5), the form shall include a space for the applicant's signature.
14 Below the space for the signature, the form shall state "Falsification of information
15 on this form is punishable under Wisconsin law as a Class I felony.". The form shall
16 include a space to enter the name of any special registration deputy under s. 6.26 or
17 6.55 (6) or inspector, municipal clerk, or deputy clerk under s. 6.55 (2) who obtains
18 the form and a space for the deputy, inspector, clerk, or deputy clerk to sign his or her
19 name, affirming that the deputy, inspector, clerk, or deputy clerk has accepted the
20 form. The form shall include a space for entry of the ward and aldermanic district,
21 if any, where the elector resides and any other information required to determine the
22 offices and referenda for which the elector is certified to vote. The form shall also
23 include a space where the clerk may record an indication of whether the form is
24 received by mail or by electronic application, a space where the clerk shall record an
25 indication of the type of identifying document submitted by the elector as proof of

ASSEMBLY BILL 805

1 residence under s. 6.34 or an indication that the elector's information in lieu of proof
2 of residence was verified under s. 6.34 (2m), the name of the entity or institution that
3 issued the identifying document, and, if the identifying document includes a number
4 that applies only to the individual holding that document, that number. The form
5 shall also include a space where the clerk, for any applicant who possesses a valid
6 voting identification card issued to the person under s. 6.47 (3), may record the
7 identification serial number appearing on the voting identification card. Each
8 county clerk shall obtain sufficient registration forms for completion by an elector
9 who desires to register to vote at the office of the county clerk under s. 6.28 (4).

10 **SECTION 9.** 6.33 (2) (a) of the statutes is amended to read:

11 6.33 (2) (a) All information may be recorded by any person, except that the ward
12 and aldermanic district, if any, other geographic information under sub. (1), the
13 indication of whether the registration is received by mail or by electronic application,
14 the type of identifying document submitted by the elector as proof of residence under
15 s. 6.34 or an indication that the elector's information in lieu of proof of residence was
16 verified under s. 6.34 (2m), and any information relating to an applicant's voting
17 identification card shall be recorded by the clerk. ~~Each~~ Except as provided in s. 6.30
18 (5), each applicant shall sign his or her own name unless the applicant is unable to
19 sign his or her name due to physical disability. In such case, the applicant may
20 authorize another elector to sign the form on his or her behalf. If the applicant so
21 authorizes, the elector signing the form shall attest to a statement that the
22 application is made upon request and by authorization of a named elector who is
23 unable to sign the form due to physical disability.

24 **SECTION 10.** 6.34 (2) of the statutes is amended to read:

ASSEMBLY BILL 805

1 6.34 (2) ~~Upon~~ Except as provided in sub. (2m), upon completion of a registration
2 form prescribed under s. 6.33, each eligible elector who is required to register under
3 s. 6.27, who is not a military elector or an overseas elector, shall provide an
4 identifying document that establishes proof of residence under sub. (3). If the elector
5 registered by mail or by electronic application, the identifying document may not be
6 a residential lease.

7 **SECTION 11.** 6.34 (2m) of the statutes is created to read:

8 6.34 (2m) An elector who registers by electronic application under s. 6.30 (5)
9 is not required to provide proof of residence under sub. (2) if, at the time of
10 registration, the elector provides the number of a current and valid operator's license
11 issued under ch. 343 together with the elector's name and date of birth and the board
12 is able to verify the information using the system maintained under sub. (4).

13 **SECTION 12.** 6.34 (4) of the statutes is created to read:

14 6.34 (4) The board shall maintain a system that electronically verifies, on an
15 instant basis, information submitted in lieu of proof of residence under sub. (2m),
16 using the information maintained by the department of transportation pursuant to
17 the board's agreement with the secretary of transportation under s. 85.61 (1).

18 **SECTION 13.** 6.35 (1) (intro.) of the statutes is amended to read:

19 6.35 (1) (intro.) Under the direction of the municipal clerk or board of election
20 commissioners, the original registration forms shall be filed in one of the following
21 ways, except as provided in ~~sub.~~ subs. (1m) and (2):

22 **SECTION 14.** 6.35 (2) of the statutes is created to read:

23 6.35 (2) The board shall prescribe, by rule, the procedure and methods by which
24 municipal clerks and boards of election commissioners shall maintain records of
25 registrations that are entered electronically under s. 6.30 (5).

ASSEMBLY BILL 805

1 **SECTION 15.** 6.36 (2) (c) of the statutes is amended to read:

2 6.36 (2) (c) The list shall contain, next to the name of each elector, an indication
3 of whether proof of residence under s. 6.34 is required for the elector to be permitted
4 to vote. If proof of residence is provided, the type of identifying document submitted
5 by the elector and the name of the entity or institution that issued the identifying
6 document, or an indication that the elector's information in lieu of proof of residence
7 was verified under s. 6.34 (2m), shall be entered on the list in the space provided.
8 ~~Proof~~ Except as provided in s. 6.34 (2m), proof of residence is required if the elector
9 is not a military elector or an overseas elector and the elector registers by mail or by
10 electronic application and has not previously voted in an election in this state.

11 **SECTION 16.** 6.40 (1) (a) 1. of the statutes is amended to read:

12 6.40 (1) (a) 1. Any registered elector may transfer registration after a change
13 of residence within the state by filing in person with the municipal clerk of the
14 municipality where the elector resides or by mailing to the municipal clerk a signed
15 request stating his or her present address, affirming that this will be his or her
16 residence for ~~28~~ the number of consecutive days specified in s. 6.02 (1) prior to the
17 election, and providing the address where he or she was last registered.
18 Alternatively, the elector may transfer his or her registration at the proper polling
19 place or other registration location under s. 6.02 (2) in accordance with s. 6.55 (2) (a),
20 or the elector may transfer his or her registration electronically under s. 6.30 (5). If
21 an elector is voting in the ward or election district where the elector formerly resided,
22 the change shall be effective for the next election.

23 **SECTION 17.** 6.40 (1) (c) of the statutes is amended to read:

24 6.40 (1) (c) *Name change.* Whenever an elector's name is legally changed,
25 including a change by marriage or divorce, the elector shall transfer his or her

ASSEMBLY BILL 805

1 registration to his or her legal name by appearing in person or mailing to the
2 municipal clerk a signed request for a transfer of registration to such name.
3 Alternatively, a registered elector may make notification of a name change at his or
4 her polling place under s. 6.55 (2) (d), or the elector may make notification of a name
5 change electronically under s. 6.30 (5).

6 **SECTION 18.** 6.50 (10) of the statutes is amended to read:

7 6.50 (10) Any qualified elector whose registration is changed from eligible to
8 ineligible status under this section may reregister as provided under s. 6.28 (1), 6.29
9 (2), 6.30 (5), or 6.55 (2).

10 **SECTION 19.** 6.55 (2) (d) of the statutes is amended to read:

11 6.55 (2) (d) A registered elector who has changed his or her name but resides
12 at the same address, and has not notified the municipal clerk previously provided
13 notice of the change under s. 6.40 (1) (c), shall notify the inspector of the change
14 before voting. The inspector shall then notify the municipal clerk at the time when
15 materials are returned under s. 6.56 (1). If an elector has changed both a name and
16 address, the elector shall register at the polling place or other registration location
17 under pars. (a) and (b).

18 **SECTION 20.** 6.86 (3) (c) of the statutes is amended to read:

19 6.86 (3) (c) An application under par. (a) 1. may be made and a registration form
20 under par. (a) 2. may be filed in person at the office of the municipal clerk not earlier
21 than 7 days before an election and not later than 5 p.m. on the day of the election.
22 A list of hospitalized electors applying for ballots under par. (a) 1. shall be made by
23 the municipal clerk and used to check that the electors vote only once, and by
24 absentee ballot. If Except as provided in s. 6.34 (2m), if the elector is registering for
25 the election after the close of registration or if the elector registered by mail or by

ASSEMBLY BILL 805**SECTION 20**

1 electronic application and has not voted in an election in this state, the municipal
2 clerk shall inform the agent that proof of residence under s. 6.34 is required and the
3 elector shall enclose proof of residence under s. 6.34 in the envelope with the ballot.
4 The clerk shall verify that the name on any required proof of identification presented
5 by the agent conforms to the name on the elector's application. The clerk shall then
6 enter his or her initials on the carrier envelope indicating that the agent presented
7 proof of identification to the clerk. The agent is not required to enter a signature on
8 the registration list. The ballot shall be sealed by the elector and returned to the
9 municipal clerk either by mail or by personal delivery of the agent; but if the ballot
10 is returned on the day of the election, the agent shall make personal delivery to the
11 polling place serving the hospitalized elector's residence before the closing hour or,
12 in municipalities where absentee ballots are canvassed under s. 7.52, to the
13 municipal clerk no later than 8 p.m. on election day.

14 **SECTION 21.** 6.87 (4) (b) 1. of the statutes is amended to read:

15 6.87 (4) (b) 1. Except as otherwise provided in s. 6.875, the elector voting
16 absentee shall make and subscribe to the certification before one witness who is an
17 adult U.S. citizen. The absent elector, in the presence of the witness, shall mark the
18 ballot in a manner that will not disclose how the elector's vote is cast. The elector
19 shall then, still in the presence of the witness, fold the ballots so each is separate and
20 so that the elector conceals the markings thereon and deposit them in the proper
21 envelope. If a consolidated ballot under s. 5.655 is used, the elector shall fold the
22 ballot so that the elector conceals the markings thereon and deposit the ballot in the
23 proper envelope. If proof of residence under s. 6.34 is required and the document
24 enclosed by the elector under this subdivision does not constitute proof of residence
25 under s. 6.34, the elector shall also enclose proof of residence under s. 6.34 in the

ASSEMBLY BILL 805

1 envelope. ~~Proof~~ Except as provided in s. 6.34 (2m), proof of residence is required if
2 the elector is not a military elector or an overseas elector and the elector registered
3 by mail or by electronic application and has not voted in an election in this state. If
4 the elector requested a ballot by means of facsimile transmission or electronic mail
5 under s. 6.86 (1) (ac), the elector shall enclose in the envelope a copy of the request
6 which bears an original signature of the elector. The elector may receive assistance
7 under sub. (5). The return envelope shall then be sealed. The witness may not be
8 a candidate. The envelope shall be mailed by the elector, or delivered in person, to
9 the municipal clerk issuing the ballot or ballots. If the envelope is mailed from a
10 location outside the United States, the elector shall affix sufficient postage unless the
11 ballot qualifies for delivery free of postage under federal law. Failure to return an
12 unused ballot in a primary does not invalidate the ballot on which the elector's votes
13 are cast. Return of more than one marked ballot in a primary or return of a ballot
14 prepared under s. 5.655 or a ballot used with an electronic voting system in a primary
15 which is marked for candidates of more than one party invalidates all votes cast by
16 the elector for candidates in the primary.

17 **SECTION 22.** 7.08 (1) (c) of the statutes is amended to read:

18 7.08 (1) (c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (4) and (5), 6.33
19 (1), 6.40 (1) (a), 6.47 (1) (am) 2. and (3), 6.55 (2), and 6.86 (2) to (3). All such forms
20 shall contain a statement of the penalty applicable to false or fraudulent registration
21 or voting through use of the form. Forms are not required to be furnished by the
22 board.

23 **SECTION 23.** 85.61 (1) of the statutes is amended to read:

24 85.61 (1) The secretary of transportation and the administrator of the elections
25 division of the government accountability board shall enter into an agreement to

ASSEMBLY BILL 805

1 match personally identifiable information on the official registration list maintained
2 by the government accountability board under s. 6.36 (1) and the information
3 specified in s. 6.34 (2m) with personally identifiable information in the operating
4 record file database under ch. 343 and vehicle registration records under ch. 341 to
5 the extent required to enable the secretary of transportation and the administrator
6 of the elections division of the government accountability board to verify the accuracy
7 of the information provided for the purpose of voter registration.

8 **SECTION 24.** 343.027 of the statutes is amended to read:

9 **343.027 Confidentiality of signatures.** Any signature collected under this
10 chapter may be maintained by the department and shall be kept confidential, except
11 that the department shall release a signature or a facsimile of a signature to the
12 department of revenue for the purposes of administering state taxes and collecting
13 debt, to the government accountability board, in electronic or digital format, for the
14 purposes specified in s. 6.30 (5), to the person to whom the signature relates, to a
15 court, district attorney, county corporation counsel, city, village, or town attorney,
16 law enforcement agency, or to the driver licensing agency of another jurisdiction.

17 **SECTION 25. Nonstatutory provisions.**

18 (1) No later than the 20th day following the end of each calendar quarter, the
19 government accountability board and the department of transportation shall each
20 report to the appropriate standing committees of the legislature in the manner
21 provided in section 13.172 (3) of the statutes concerning its progress in implementing
22 an electronic voter registration system. The board and department shall continue
23 to file reports under this subsection until the board determines that implementation
24 is complete and the performance of the system is satisfactory.

25 **SECTION 26. Initial applicability.**

