



2021 ASSEMBLY BILL 761

December 7, 2021 - Introduced by Representatives RAMTHUN, BROOKS, ALLEN, BEHNKE, BRANDTJEN, CABRAL-GUEVARA, GUNDRUM, HORLACHER, MURPHY and WICHGERS, cosponsored by Senator JACQUE. Referred to Committee on Campaigns and Elections.

- 1 **AN ACT** *to repeal* 6.50 (4); and *to create* 6.50 (4m) of the statutes; **relating to:**
2 removal of deceased individuals from the official voter registration list and
3 providing a penalty.

Analysis by the Legislative Reference Bureau

Current law requires a municipal clerk or board of election commissioners to change the registration of deceased voters from eligible to ineligible status by means of checking vital statistics reports, which the state registrar publishes annually.

This bill eliminates that requirement and requires that the Elections Commission to do all of the following at least monthly:

1. Seek and obtain the most recent records of all deaths of residents of Wisconsin.
2. Compare the death records with the official voter registration list maintained by the commission.
3. Upon making that comparison, for each voter whose first and last name, address, and date of birth are found on a death record, remove the elector from the registration list and maintain a record of the commission's action.

Additionally, for each elector who currently appears on the registration list as ineligible because he or she is deceased, the Elections Commission must remove the elector from the registration list and maintain a record of the commission's action.

Finally, under current law, criminal penalties are provided for election officials who commit certain specified kinds of election fraud. Otherwise, the willful neglect or refusal of an election official to perform a duty prescribed under the election laws

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is punishable by disqualification to act as an election official for five years. Under the bill, a member of the Elections Commission or its staff who willfully neglects or refuses to perform any of the duties prescribed in the bill is guilty of a Class I felony. A Class I felony is punishable by a fine of up to \$10,000 or imprisonment of up to three years and six months, or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

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.** 6.50 (4) of the statutes is repealed.

2 **SECTION 2.** 6.50 (4m) of the statutes is created to read:

3 6.50 (**4m**) (a) At least monthly, the commission shall do all of the following:

4 1. Seek and obtain the most recent records of all deaths of residents of this state.

5 2. Compare the death records obtained under subd. 1. with the registration list.

6 3. Upon comparison under subd. 2., for each elector whose first and last name,
7 address, and date of birth are found on a death record, remove the elector from the
8 registration list and maintain a record of the commission's action.

9 (b) A member of the commission or of the commission staff who willfully
10 neglects or refuses to perform any of the duties prescribed under this subsection or
11 under 2021 Wisconsin Act (this act), section 3, is guilty of a Class I felony.

12 **SECTION 3. Nonstatutory provisions.**

13 (1) No later than the 30th day after the effective date of this subsection, for each
14 elector who appears on the official registration list maintained under s. 6.36 as
15 ineligible because he or she is deceased, the elections commission shall remove the
16 elector from the registration list and maintain a record of the commission's action.

17

(END)