



2023 ASSEMBLY BILL 571

October 26, 2023 - Introduced by Representatives DITTRICH, MAXEY, MICHALSKI, S. JOHNSON, EDMING, O'CONNOR, MURPHY, CALLAHAN, RETTINGER, ARMSTRONG, MOSES and ROZAR. Referred to Committee on Campaigns and Elections.

1 **AN ACT** *to renumber* 5.84 (1) and 7.315 (2); *to renumber and amend* 6.50 (3);
2 *to amend* 5.056, 5.40 (7), 7.08 (1) (a), 7.08 (1) (c), 7.15 (1m), 85.61 (1) and 301.03
3 (20m); and *to create* 5.057, 5.058, 5.84 (1) (b), 5.84 (4), 6.36 (1) (ae) 3., 6.50 (3)
4 (b) and (c), 6.50 (4m), 7.15 (16), 7.23 (1) (jm), 7.315 (2) (b) and 69.03 (16) of the
5 statutes; **relating to:** maintenance of the voter registration list, training of
6 municipal clerks, data sharing agreements, pre-election procedures, lines at
7 the polls on election day, and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Electronic Registration Information Center

Under current law, if a municipal clerk or board of election commissioners receives reliable information that a voter has moved outside of the municipality, the clerk or board of election commissioners must send a letter or postcard to the voter to verify the voter's address and change the voter's status on the registration list from eligible to ineligible if the voter's address has changed. Under this bill, if the Elections Commission receives reliable information that a voter has moved outside of the municipality specified on the voter's registration or to different address within that municipality, the commission must send a letter or postcard to the voter to verify the voter's address and change the voter's status on the registration list from eligible to ineligible if the voter's address has changed. Under the bill, if the municipal clerk

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or board of election commissioners receives reliable information that a voter has moved, neither the clerk nor the board is required to send a letter or postcard to that elector if the commission has also received reliable information that the elector has moved. In that case, the commission must send a letter or postcard to the elector to verify the voter's address.

Under the bill, information received from the Electronic Registration Information Center, Inc., is considered reliable information for purposes of determining whether a voter has moved. In addition, the bill requires the commission to request available information from ERIC at least once every 90 days and to annually request information from ERIC regarding eligible, but unregistered, residents of this state. Furthermore, the commission must, when it becomes available following an election for a national office, request information from ERIC regarding registered voters who may have voted multiple times in the same election.

Data sharing agreements

Current law requires the administrator of the Elections Commission to enter into an agreement with the secretary of the Department of Transportation to match personally identifiable information on the official registration list maintained by the commission with personally identifiable information maintained by DOT in vehicle registration and license records. The bill requires the administrator and the secretary to update the agreement at least once every two years. In addition, the bill requires DOT to conduct matching of personally identifiable information maintained by DOT with that on the registration list on a daily basis. Under the bill, if the information on the official registration list for an individual does not match the information for the individual maintained by DOT, DOT must provide to the commission the name and date of birth of the individual and the number of the driver's license or identification card issued by DOT to the individual. The bill also requires DOT to indicate to the commission whether the individual reported a change of address for purposes of updating records regarding a driver's license, identification card, or vehicle registration.

Under current law, the municipal clerk must change the registration of deceased electors from eligible to ineligible status by means of checking vital statistics reports. Current law requires the Department of Health Services to establish the Office of Vital Records and to appoint a state registrar to supervise the office. Generally, the Office of Vital Records and the state registrar are responsible for accepting, indexing, and preserving vital records, such as original marriage documents and records of birth, death, and divorce. The bill requires the administrator of the Elections Commission and the state registrar to enter into an agreement to match personally identifiable information from the registration list with the death records maintained by the Office of Vital Records. The administrator and the state registrar must update the agreement at least once every two years. Under the bill, the Office of Vital Records must conduct matching of personally identifiable information on a daily basis and immediately notify the administrator of the Elections Commission of the name, date of birth, date of death, and place of death of any person on the official registration list for which the Office of Vital

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Records has a death record. The commission must then change the registration status of the person from eligible to ineligible.

Under current law, the Department of Corrections must transmit to the commission, on a continuous basis, a list containing the name of each living person who has been convicted of a felony and whose civil rights have not been restored, together with the person's residential address and the date on which DOC expects the person's civil rights to be restored. The bill requires DOC to transmit this information to the commission on a daily basis. In addition, the bill requires the secretary of DOC and the administrator of the Elections Commission to enter into an agreement to match personally identifiable information from the registration list with the personally identifiable information maintained by DOC and update that agreement at least once every two years.

Electronic voting equipment

Current law requires the municipal clerk of each municipality that employs an electronic voting system that uses automatic tabulating equipment at a polling place or a central count location to conduct a public test of the equipment not more than 10 days before an election. Under the bill, the municipal clerk is also required to conduct a test of the equipment according to specifications recommended by the equipment manufacturer and to conduct that test prior to the public test of the equipment under current law. In addition, the bill requires the Elections Commission to promulgate rules for training municipal clerks for the testing of automatic tabulating equipment and for the use of tamper-evident seals on all electronic voting equipment.

Under current law, a municipal clerk must notify, in writing, the county clerk and the administrator of the Elections Commission whenever the municipality adopts and purchases voting machines or an electronic voting system. The bill requires that the municipal clerk notify the county clerk and the administrator also whenever the municipality adopts and rents voting machines or an electronic voting system.

Training

Current law requires each municipal clerk to attend training sponsored by the Elections Commission at least once every two years. Current law also requires the commission to prescribe by rule the contents of the training. Under the bill, each municipal clerk is required to complete at least three hours of training prior to conducting an election for the first time. The bill also requires the commission to notify the county clerk, prior to an election, if a municipal clerk in the county fails to attend the required training prior to conducting an election for the first time or fails to attend annual training sponsored by the commission. If a county clerk receives such a notification, the county clerk must facilitate the training of the municipal clerk and may assume the election duties of the municipal clerk for that election. Under the bill, if the county clerk facilitates the training or assumes the election duties of the municipal clerk, the municipality must reimburse the county for all reasonable expenses incurred by the county for providing training to the municipal clerk or for assuming the election duties of the municipal clerk.

ASSEMBLY BILL 571***Vacancies***

The bill requires a municipality to notify the Elections Commission of a vacancy in the position of municipal clerk and requires the commission to notify the county clerk of that vacancy. Under the bill, if the vacancy occurs within 20 days prior to the date of an election and a deputy municipal clerk has not been appointed prior to that election, the county clerk may assume the duties of the municipal clerk with regard to that election or designate another qualified individual to assume those duties.

Default dates

The bill requires the Elections Commission to remove any default birthdate or registration date in the official registration list and to replace those dates with actual dates. Currently, the registration list contains a number of default dates that resulted from the migration of a past registration system to the current one.

Reviewing forms

Finally, the bill requires the Elections Commission to review at least once every four years all forms that the commission provides to the public, including ballot and registration forms. The bill also requires the commission to review the forms for accessibility, usability, clarity, and readability and to update the forms as needed.

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 commission administrator shall enter into the agreement with the secretary of
4 transportation specified under s. 85.61 (1) to match personally identifiable
5 information on the official registration list maintained by the commission under s.
6 6.36 (1) and the information specified in s. 6.34 (2m) with personally identifiable
7 information maintained by the department of transportation. The administrator
8 and the secretary shall update the agreement at least once every 2 years.

9 **SECTION 2.** 5.057 of the statutes is created to read:

10 **5.057 Matching program with the state registrar.** The commission
11 administrator shall enter into the agreement specified under s. 69.03 (16) with the

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1 state registrar appointed under s. 69.02 (1) (b) to match personally identifiable
2 information on the official registration list maintained by the commission under s.
3 6.36 (1) and the information specified in s. 6.34 (2m) with personally identifiable
4 information and vital statistics maintained by the state registrar. The administrator
5 and the registrar shall update the agreement at least once every 2 years.

6 **SECTION 3.** 5.058 of the statutes is created to read:

7 **5.058 Matching program with the department of corrections.** The
8 commission administrator shall enter into the agreement with the secretary of
9 corrections specified under s. 301.03 (20m) to match personally identifiable
10 information on the official registration list maintained by the commission under s.
11 6.36 (1) and the information specified in s. 6.34 (2m) with the personally identifiable
12 information provided under s. 301.03 (20m). The administrator and the secretary
13 shall update the agreement at least once every 2 years.

14 **SECTION 4.** 5.40 (7) of the statutes is amended to read:

15 5.40 (7) Whenever a municipality adopts and purchases or rents voting
16 machines or an electronic voting system, or adopts and purchases or rents a different
17 type of voting machine or electronic voting system from the type it was previously
18 using, the municipal clerk or executive director of the municipal board of election
19 commissioners shall promptly notify the county clerk or executive director of the
20 county board of election commissioners and the administrator of the elections
21 commission in writing.

22 **SECTION 5.** 5.84 (1) of the statutes is renumbered 5.84 (1) (a).

23 **SECTION 6.** 5.84 (1) (b) of the statutes is created to read:

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1 5.84 (1) (b) Prior to the test of automatic tabulating equipment open to the
2 public under par. (a), the municipal clerk shall conduct a test of the equipment
3 according to specifications recommended by the equipment manufacturer.

4 **SECTION 7.** 5.84 (4) of the statutes is created to read:

5 5.84 (4) The commission shall promulgate rules for training municipal clerks
6 for the testing of equipment under sub. (1) and for the use of tamper-evident seals
7 on all electronic voting equipment.

8 **SECTION 8.** 6.36 (1) (ae) 3. of the statutes is created to read:

9 6.36 (1) (ae) 3. If the chief election officer enters into an agreement under subd.
10 1., the commission shall request available information from the Electronic
11 Registration Information Center, Inc., at least once every 90 days, except as follows:

12 a. The commission shall annually request information from the Electronic
13 Registration Information Center, Inc., regarding eligible, but unregistered residents
14 of this state.

15 b. The commission shall, when it becomes available following an election for
16 a national office, request information from the Electronic Registration Information
17 Center, Inc., regarding registered voters who may have voted multiple times in the
18 same election.

19 **SECTION 9.** 6.50 (3) of the statutes is renumbered 6.50 (3) (a) and amended to
20 read:

21 6.50 (3) (a) Upon receipt of reliable information that a registered elector has
22 changed his or her residence to a location outside of the municipality, the municipal
23 clerk or board of election commissioners shall notify the elector by mailing a notice
24 by 1st class mail to the elector's registration address stating the source of the
25 information. All municipal departments and agencies receiving information that a

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1 registered elector has changed his or her residence shall notify the clerk or board of
2 election commissioners. If the elector no longer resides in the municipality or fails
3 to apply for continuation of registration within 30 days of the date the notice is
4 mailed, the clerk or board of election commissioners shall change the elector's
5 registration from eligible to ineligible status. Upon receipt of reliable information
6 that a registered elector has changed his or her residence within the municipality,
7 the municipal clerk or board of election commissioners shall change the elector's
8 registration and mail the elector a notice of the change. This subsection paragraph
9 does not restrict the right of an elector to challenge any registration under s. 6.325,
10 6.48, 6.925, 6.93, or 7.52 (5). This paragraph does not apply if the commission also
11 receives reliable information that the registered elector has changed his or her
12 residence to a location outside of the municipality and sends notice to the elector
13 under par. (b).

14 **SECTION 10.** 6.50 (3) (b) and (c) of the statutes are created to read:

15 6.50 (3) (b) If the commission receives reliable information that a registered
16 elector has changed his or her residence to a location outside of the municipality
17 specified on the elector's registration or to a different address within the
18 municipality specified on the elector's registration, the commission shall notify the
19 elector by mailing a notice by 1st class mail to the elector's registration address
20 stating the source of the information. If the elector no longer resides in the
21 municipality specified on the elector's registration, resides at a different address
22 within that municipality, or fails to apply for continuation of registration within 30
23 days of the date the notice is mailed, the commission shall change the elector's
24 registration from eligible to ineligible status. This paragraph does not restrict the

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1 right of an elector to challenge any registration under s. 6.325, 6.48, 6.925, 6.93, or
2 7.52 (5).

3 (c) Information received from the Electronic Registration Information Center,
4 Inc., is reliable information for purposes of this subsection. If a municipal clerk or
5 board of election commissioners receives information from the Electronic
6 Registration Information Center, Inc., that a voter has changed residence, the clerk
7 or board shall comply with the requirements under par. (a). If the commission
8 receives such information, the commission shall comply with the requirements
9 under par. (b).

10 **SECTION 11.** 6.50 (4m) of the statutes is created to read:

11 6.50 (4m) If the commission determines, on the basis of the information
12 received under s. 69.03 (16), 85.61 (1), or 301.03 (20m), that a person on the official
13 registration list maintained by the commission under s. 6.36 (1) is deceased or not
14 otherwise an eligible elector, the commission shall change the status of the person's
15 registration from eligible to ineligible. No notice need be sent of registration changes
16 made under this subsection with regard to a deceased elector. This subsection does
17 not relieve a municipal clerk or board of election commissioners from the
18 responsibility for changing the status of registered electors as otherwise provided
19 under this chapter.

20 **SECTION 12.** 7.08 (1) (a) of the statutes is amended to read:

21 7.08 (1) (a) Prescribe all official ballot forms necessary under chs. 5 to 10 and
22 12 and revise the official ballot forms to harmonize with legislation and the current
23 official status of the political parties whenever necessary. The commission shall
24 include on each ballot form, in the space for official endorsement, markings or spaces
25 for identifying a ballot as an overvoted ballot, a duplicate overvoted ballot, a

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1 damaged ballot, or a duplicate damaged ballot, and for writing an identifying serial
2 number. The commission shall provide one copy of each ballot form without charge
3 to each county and municipal clerk and board of election commissioners. The
4 commission shall distribute or arrange for distribution of additional copies. The
5 prescribed forms shall be substantially followed in all elections under chs. 5 to 10 and
6 12. The commission shall review the ballot forms prescribed under this paragraph
7 at least once every 4 years and update the forms as needed. The commission shall
8 review the forms for accessibility, usability, clarity, and readability.

9 **SECTION 13.** 7.08 (1) (c) of the statutes is amended to read:

10 7.08 (1) (c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (4) and (5), 6.33
11 (1), 6.47 (1) (am) 2. and (3), 6.55 (2), and 6.86 (2) to (3). All such forms shall contain
12 a statement of the penalty applicable to false or fraudulent registration or voting
13 through use of the form. Forms are not required to be furnished by the commission.
14 The commission shall review all forms prescribed under this paragraph and all other
15 forms created, maintained, and distributed by the commission, at least once every
16 4 years and shall update the forms as needed. The commission shall review the forms
17 for accessibility, usability, clarity, and readability.

18 **SECTION 14.** 7.15 (1m) of the statutes is amended to read:

19 7.15 (1m) ATTEND TRAINING. Each municipal clerk shall, at least once every 2
20 years during the period beginning on January 1 of each even-numbered year and
21 ending on December 31 of the following year, attend a training program sponsored
22 by the commission under ss. 7.31 and 7.315. Each municipal clerk shall attend at
23 least 3 hours of training before conducting an election for the first time.

24 **SECTION 15.** 7.15 (16) of the statutes is created to read:

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1 7.15 (16) VACANCIES. The governing body of a municipality shall notify the
2 commission of a vacancy in the position of municipal clerk no later than 30 days after
3 the date on which the vacancy occurs and shall notify the commission when a vacancy
4 in the office of the municipal clerk is filled no later than 30 days after the date on
5 which the clerk assumes his or her duties. The commission shall notify the county
6 clerk of any notice it receives under this subsection from a municipality in the county.
7 If a vacancy in the office of the municipal clerk occurs within 20 days prior to the date
8 of an election and a deputy municipal clerk has not been appointed prior to that
9 election, the county clerk may, as prescribed by rule under s. 7.315 (2) (b), assume
10 the duties under s. 7.15 (1) of the municipal clerk with regard to that election or
11 designate another qualified individual to assume those duties.

12 **SECTION 16.** 7.23 (1) (jm) of the statutes is created to read:

13 7.23 (1) (jm) Materials related to the tests conducted under s. 5.84 (1) may be
14 destroyed 22 months after the election for which the municipal clerk conducted the
15 tests.

16 **SECTION 17.** 7.315 (2) of the statutes is renumbered 7.315 (2) (a).

17 **SECTION 18.** 7.315 (2) (b) of the statutes is created to read:

18 7.315 (2) (b) The commission shall, as prescribed by rule of the commission,
19 notify the county clerk if a municipal clerk in the county fails to attend the required
20 3 hours of training prior to conducting an election for the first time or fails to complete
21 the annual training conducted by the commission. The commission shall provide the
22 notice under this paragraph no less than 20 days prior to an election being held in
23 the municipality. If the county clerk receives a notice under this paragraph, the
24 county clerk shall, as prescribed by rule of the commission, facilitate the training of
25 the municipal clerk and may, as prescribed by rule of the commission, assume the

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1 duties under s. 7.15 (1) of the municipal clerk for that election or designate another
2 qualified individual to assume those duties. The municipality shall reimburse the
3 county for all reasonable expenses incurred by the county for providing training to
4 the municipal clerk or for assuming the election duties of the municipal clerk.

5 **SECTION 19.** 69.03 (16) of the statutes is created to read:

6 69.03 (16) Enter into an agreement with the administrator of the elections
7 commission to match personally identifiable information on the official registration
8 list maintained by the commission under s. 6.36 (1) and the information specified in
9 s. 6.34 (2m) with personally identifiable information and the death records
10 maintained by the office of vital records established under s. 69.02 (1) (a) to the extent
11 required to enable the state registrar and the administrator of the elections
12 commission to verify the accuracy of the information provided for the purpose of voter
13 registration and changing registration status as provided under s. 6.50 (4) and (4m).
14 The registrar and the administrator shall update the agreement at least once every
15 2 years. The office of vital records shall conduct matching of personally identifiable
16 information as described in this subsection on a daily basis and shall immediately
17 notify the administrator of the elections commission of the name, date of birth, date
18 of death, and place of death of any person on the official registration list maintained
19 by the commission under s. 6.36 (1) for which the office of vital records has a death
20 record.

21 **SECTION 20.** 85.61 (1) of the statutes is amended to read:

22 85.61 (1) The secretary of transportation and the administrator of the elections
23 commission shall enter into an agreement to match personally identifiable
24 information on the official registration list maintained by the commission under s.
25 6.36 (1) and the information specified in s. 6.34 (2m) with personally identifiable

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1 information in the operating record file database under ch. 343 and vehicle
2 registration records under ch. 341 to the extent required to enable the secretary of
3 transportation and the administrator of the elections commission to verify the
4 accuracy of the information provided for the purpose of voter registration. The
5 secretary and the administrator shall update the agreement at least once every 2
6 years. The department shall conduct matching of personally identifiable
7 information as described in this subsection on a daily basis. If the information on the
8 official registration list for an individual does not match the information for the
9 individual maintained by the department, the department shall provide to the
10 administrator of the elections commission the name and date of birth of the
11 individual and the number of the operator's license issued under ch. 343 to the
12 individual or the number of the identification card issued under s. 343.50 to the
13 individual. The department shall also indicate to the administrator whether the
14 individual reported a change of address for purposes of updating records regarding
15 an operator's license, identification card, or vehicle registration.

16 **SECTION 21.** 301.03 (20m) of the statutes is amended to read:

17 301.03 **(20m)** Transmit to the elections commission, on a continuous daily
18 basis, a list containing the name of each living person who has been convicted of a
19 felony under the laws of this state and whose civil rights have not been restored,
20 together with his or her residential address and the date on which the department
21 expects his or her civil rights to be restored. The secretary and the administrator of
22 the elections commission shall enter into an agreement to match personally
23 identifiable information on the official registration list maintained by the
24 commission under s. 6.36 (1) and the information specified in s. 6.34 (2m) with the

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1 personally identifiable information provided under this subsection. The secretary
2 and the administrator shall update the agreement at least once every 2 years.

3 **SECTION 22. Nonstatutory provisions.**

4 (1) DEFAULT DATES. The elections commission shall remove any default
5 birthdate or registration date in the official registration list maintained by the
6 commission under s. 6.36 (1) no later than the first day of the 6th month beginning
7 after the effective date of this subsection and replace those dates with the actual
8 birthdate and registration date of the affected elector.

9 (END)