



## 2005 SENATE BILL 42

February 2, 2005 - Introduced by Senators LEIBHAM, BROWN, DARLING, S. FITZGERALD, GROTHMAN, HARSDORF, KANAVAS, KEDZIE, A. LASEE, LAZICH, OLSEN, REYNOLDS, ROESSLER, SCHULTZ, STEPP and ZIEN, cosponsored by Representatives STONE, AINSWORTH, ALBERS, BALLWEG, DAVIS, J. FITZGERALD, FREESE, GIELOW, GUNDERSON, GUNDRUM, HAHN, HINES, HONADEL, HUEBSCH, HUNDERTMARK, JENSEN, JESKEWITZ, KAUFERT, KERKMAN, KESTELL, KLEEFISCH, KRAWCZYK, KREIBICH, F. LASEE, LEMAHIEU, LOTHIAN, MEYER, MCCORMICK, MONTGOMERY, MOULTON, MUSSER, NASS, NERISON, NISCHKE, OTT, PETTIS, PRIDEMORE, STRACHOTA, SUDER, TOWNS, TOWNSEND, UNDERHEIM, VAN ROY, VOS, VRAKAS, VUKMIR, WARD, WOOD, ZIEGELBAUER and GOTTLIEB. Referred to Committee on Labor and Election Process Reform.

1     **AN ACT to repeal** 6.56 (5); **to renumber** 6.79 (3); **to renumber and amend** 6.87  
2           (4) and 6.97 (3); **to amend** 5.35 (6) (a) 4a., 6.15 (2) (d) 1r., 6.15 (3), 6.22 (2) (b),  
3           6.24 (4) (d), 6.29 (1), 6.55 (2) (b), 6.55 (2) (c) 1., 6.55 (2) (c) 2., 6.55 (3), 6.79 (2)  
4           (a) and (d), 6.79 (3) (title), 6.79 (4), 6.79 (6), 6.82 (1) (a), 6.86 (1) (ar), 6.86 (3) (a)  
5           1., 6.86 (3) (a) 2., 6.869, 6.87 (3) (d), 6.875 (6), 6.88 (3) (a), 6.97 (1) and (2), 7.08  
6           (8) (title), 10.02 (3) (a), 343.50 (3), 343.50 (4), 343.50 (5) and 343.50 (6); and **to**  
7           **create** 6.15 (2) (bm), 6.15 (2) (d) 1g., 6.79 (3) (b), 6.79 (7), 6.87 (4) (a), 6.87 (4)  
8           (b) 2. to 4., 6.965, 6.97 (3) (a) and (c) and 343.50 (4g) of the statutes; **relating**  
9           **to:** requiring certain identification in order to vote at a polling place or obtain  
10           an absentee ballot, verification of the addresses of electors, and the fee for an  
11           identification card issued by the Department of Transportation.

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### *Analysis by the Legislative Reference Bureau*

With certain limited exceptions, before being permitted to vote at any polling place, an elector currently must provide his or her name and address. If registration is required in order to vote and the elector is not registered, the elector must provide a specified form of proof of residence in order to register. If an elector claims to be

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registered but his or her name does not appear on the appropriate registration list, the elector must complete a certification of eligibility and present acceptable proof of residence in order to vote. In addition, an elector may be required to provide acceptable proof of residence even if registration is not required. (Beginning with the 2006 spring primary election, registration will be required on a statewide basis.) If an elector is not able to present any required proof of residence, as an alternative, current law permits another qualified elector who resides in the same municipality to corroborate the elector's information. In addition, an elector other than a military elector or an overseas elector, as defined by federal law, who registers by mail and who has not voted in a federal election in the municipality where the elector is voting (beginning January 1, 2006, in this state) must provide one of the forms of identification specified by federal law, or a copy thereof if voting by absentee ballot, in order to be permitted to vote. Corroboration may not be substituted for this identification requirement, but an elector who cannot provide the required identification may cast a provisional ballot. The municipal clerk or board of election commissioners must determine whether electors casting provisional ballots are qualified to vote by 4 p.m. on the day after an election.

With certain limited exceptions, this bill requires each person attempting to register or vote at the polls on election day to present a valid Wisconsin driver's license issued by the Department of Transportation (DOT) to the person, a valid, current identification card issued to the person by a U.S. uniformed service, or a valid Wisconsin identification card issued by DOT to the person. A person whose address is confidential as a result of domestic abuse or in certain cases a person who has been required by a law enforcement officer to surrender his or her license (see below) is exempted from the requirement. Under the bill, any person who applies for an absentee ballot, except a military or overseas elector, as defined by federal law, or a person whose address is confidential as a result of domestic abuse, must provide a copy of the license or identification card, unless: 1) the person has already provided a copy of his or her license or identification card in connection with an absentee ballot cast at a previous election and has not changed his or her name or address since that election; 2) the person has been required by a law enforcement officer to surrender his or her license (see below); or 3) the person is indefinitely confined, in which case the person may submit a statement signed by the person who witnesses his or her absentee ballot verifying his or her identity. The bill continues current requirements for certain electors to provide proof of residence in order to register or to vote, but discontinues the use of corroborating electors to verify residence. If a person who votes at a polling place fails to provide a license or identification card, the person may vote provisionally. If a person who votes by absentee ballot and fails to provide a copy of the license or identification card, unless exempted from the requirement, the ballot is treated as a provisional ballot. A provisional ballot is marked by the poll workers, who immediately contact the municipal clerk or board of election commissioners. The person may then provide the required identification either at the polling place before the closing hour or at the office of the clerk or board. If the person does not provide the required identification to the clerk or board by 4 p.m. on the day following the election, the person's vote is not counted. If a person receives

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a citation from a law enforcement officer in any jurisdiction that is dated within 60 days of the date of an election and is required to surrender his or her Wisconsin operator's license at the time the citation is issued, the elector may present an original copy of the citation in lieu of his or her operator's license or, if the elector is voting an absentee ballot by mail, may enclose a copy of the citation in lieu of a copy of his or her operator's license. In this case, the bill provides that the elector's ballot is received and counted if otherwise valid, but the ballot is marked so it can be identified during the canvassing and recount process if the validity of the ballot is questioned.

The bill also permits an elector who is eligible to obtain a Wisconsin identification card to obtain the card from DOT free of charge, if the elector specifically requests not to be charged. The bill permits an applicant to receive a Wisconsin identification card without a photograph being taken, as currently required, if the applicant provides an affidavit stating that he or she has sincerely held religious beliefs against being photographed, that he or she is a member of a religious organization or identifies with the tenets of a religious organization and names that organization, and that the religious tenets of that organization prohibit such photographing.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 5.35 (6) (a) 4a. of the statutes is amended to read:

2           5.35 (6) (a) 4a. Instructions prescribed by the board for electors for whom a  
3           license or identification card is required under s. 6.79 (2) or for whom identification  
4           is required under s. 6.36 (2) (c) 2.

5           **SECTION 2.** 6.15 (2) (bm) of the statutes is created to read:

6           6.15 (2) (bm) Except as authorized in s. 6.79 (7), when making application in  
7           person at the office of the municipal clerk, each applicant shall present a valid  
8           operator's license issued to the person under ch. 343, a valid, current identification  
9           card issued to the person by a U.S. uniformed service, or a valid identification card  
10          issued to the person under s. 343.50.

11          **SECTION 3.** 6.15 (2) (d) 1g. of the statutes is created to read:

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1           6.15 (2) (d) 1g. If the elector makes application in person at the office of the  
2           municipal clerk, the clerk shall verify that the name on the license or identification  
3           card provided by the elector under par. (bm) is the same as the name on the elector's  
4           application and shall verify that any photograph appearing on that document  
5           reasonably resembles the elector.

6           **SECTION 4.** 6.15 (2) (d) 1r. of the statutes is amended to read:

7           6.15 (2) (d) 1r. Upon proper completion of the application and cancellation card,  
8           the municipal clerk shall ~~require the elector to provide acceptable proof of residence~~  
9           ~~under s. 6.55 (7). If the elector cannot provide acceptable proof of residence, the~~  
10          ~~elector may have his or her residence corroborated in a statement that is signed by~~  
11          ~~another elector of the municipality and that contains the current street address of~~  
12          ~~the corroborating elector. If the residence is corroborated by another elector, that~~  
13          ~~elector shall then provide proof of residence under s. 6.55 (7) permit the elector to cast~~  
14          his or her ballot for president and vice president. The elector shall then mark the  
15          ballot in the clerk's presence in a manner that will not disclose his or her vote. The  
16          elector shall then fold the ballot so as to conceal his or her vote. The clerk or elector  
17          shall then place the ballot in an envelope furnished by the clerk.

18          **SECTION 5.** 6.15 (3) of the statutes is amended to read:

19          6.15 (3) PROCEDURE AT POLLING PLACE. An eligible elector may appear at the  
20          polling place for the ward or election district where he or she resides and make  
21          application for a ballot under sub. (2). Except as otherwise provided in this  
22          subsection, an elector who casts a ballot under this subsection shall follow the same  
23          procedure required for casting a ballot at the municipal clerk's office under sub. (2).  
24          The inspectors shall perform the duties of the municipal clerk, except that the  
25          inspectors shall return the cancellation card under sub. (2) (b) to the municipal clerk

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1 and the clerk shall forward the card as provided in sub. (2) (c) if required. Upon  
2 proper completion of the application and cancellation card and ~~submittal of~~  
3 ~~acceptable proof of residence under s. 6.55 (7) or providing corroboration of residence~~  
4 compliance with sub. (2) (d) 1g., the inspectors shall permit the elector to cast his or  
5 her ballot for president and vice president. The elector shall mark the ballot and,  
6 unless the ballot is utilized with an electronic voting system, the elector shall fold the  
7 ballot, and deposit the ballot into the ballot box or give it to the inspector. The  
8 inspector shall deposit it directly into the ballot box. Voting machines or ballots  
9 utilized with electronic voting systems may only be used by electors voting under this  
10 section if they permit voting for president and vice president only.

11 **SECTION 6.** 6.22 (2) (b) of the statutes is amended to read:

12 6.22 (2) (b) Notwithstanding s. 6.87 (4) (b), a military elector shall make and  
13 subscribe to the certification under s. 6.87 (2) before a witness who is an adult U.S.  
14 citizen.

15 **SECTION 7.** 6.24 (4) (d) of the statutes is amended to read:

16 6.24 (4) (d) An overseas elector who is not registered may request both a  
17 registration form and an absentee ballot at the same time, and the municipal clerk  
18 shall send the ballot automatically if the registration form is received within the time  
19 prescribed in s. 6.28 (1). The board shall prescribe a special certificate form for the  
20 envelope in which the absentee ballot for overseas electors is contained, which shall  
21 be substantially similar to that provided under s. 6.87 (2). Notwithstanding s. 6.87  
22 (4) (b), an overseas elector shall make and subscribe to the special certificate form  
23 before a witness who is an adult U.S. citizen.

24 **SECTION 8.** 6.29 (1) of the statutes is amended to read:

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1           6.29 (1) No names may be added to a registration list for any election after the  
2 close of registration, except as authorized under this section or s. 6.28 (1), 6.55 (2),  
3 or 6.86 (3) (a) 2. Any person whose name is not on the registration list but who is  
4 otherwise a qualified elector is entitled to vote at the election upon compliance with  
5 this section, if the person complies with all other requirements for voting at the  
6 polling place.

7           **SECTION 9.** 6.55 (2) (b) of the statutes is amended to read:

8           6.55 (2) (b) Upon executing the registration form under par. (a), except as  
9 authorized under s. 6.79 (7), the elector shall be required by a special registration  
10 deputy or inspector to present a valid operator's license issued to the elector under  
11 ch. 343, a valid, current identification card issued to the elector by a U.S. uniformed  
12 service, or a valid identification card issued to the elector under s. 343.50. If any  
13 document presented is not acceptable proof of residence under sub. (7), the elector  
14 shall also provide acceptable proof of residence under sub. (7). If the elector cannot  
15 provide acceptable proof of residence, the information contained in the registration  
16 form shall be corroborated in a statement that is signed by any elector who resides  
17 in the same municipality as the registering elector and that contains the current  
18 street address of the corroborating elector. The corroborator shall then provide  
19 acceptable proof of residence as provided in sub. (7). The signing by the elector  
20 executing the registration form and by any corroborator shall be in the presence of  
21 the special registration deputy or inspector. Upon compliance with this procedure,  
22 the elector shall be permitted to cast his or her vote, if the elector complies with all  
23 other requirements for voting at the polling place.

24           **SECTION 10.** 6.55 (2) (c) 1. of the statutes is amended to read:

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1           6.55 (2) (c) 1. As an alternative to registration at the polling place under pars.  
2 (a) and (b), the board of election commissioners, or the governing body of any  
3 municipality may by resolution require a person who qualifies as an elector and who  
4 is not registered and desires to register on the day of an election to do so at another  
5 readily accessible location in the same building as the polling place serving the  
6 elector's residence or at an alternate polling place assigned under s. 5.25 (5) (b),  
7 instead of at the polling place serving the elector's residence. In such case, the  
8 municipal clerk shall prominently post a notice of the registration location at the  
9 polling place. The municipal clerk, deputy clerk or special registration deputy at the  
10 registration location shall require such person to execute a registration form as  
11 prescribed under par. (a) and, except as authorized in s. 6.79 (7), to present a valid  
12 operator's license issued to the elector under ch. 343, a valid, current identification  
13 card issued to the elector by a U.S. uniformed service, or a valid identification card  
14 issued to the elector under s. 343.50. If any document presented by the elector is not  
15 acceptable proof of residence under sub. (7), the person shall also provide acceptable  
16 proof of residence as provided under sub. (7). If the elector cannot provide acceptable  
17 proof of residence, the information contained in the registration form shall be  
18 corroborated in the manner provided in par. (b). The signing by the elector executing  
19 the registration form ~~and by any corroborator,~~ except as provided under par. (a) shall  
20 be in the presence of the municipal clerk, deputy clerk, or special registration deputy.  
21 Upon proper completion of registration, the municipal clerk, deputy clerk, or special  
22 registration deputy shall serially number the registration and give one copy to the  
23 elector for presentation at the polling place serving the elector's residence or an  
24 alternate polling place assigned under s. 5.25 (5) (b).

25           **SECTION 11.** 6.55 (2) (c) 2. of the statutes is amended to read:

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1           6.55 (2) (c) 2. Upon compliance with the procedures under subd. 1., the  
2 municipal clerk or deputy clerk shall issue a certificate addressed to the inspectors  
3 of the proper polling place directing that the elector be permitted to cast his or her  
4 vote if the elector complies with all requirements for voting at the polling place. The  
5 clerk shall enter the name and address of the elector on the face of the certificate.  
6 ~~If the elector's registration is corroborated, the clerk shall also enter the name and~~  
7 ~~address of the corroborator on the face of the certificate.~~ The certificate shall be  
8 numbered serially and prepared in duplicate. The municipal clerk shall preserve one  
9 copy in his or her office.

10           **SECTION 12.** 6.55 (3) of the statutes is amended to read:

11           6.55 (3) Any qualified elector in the ward or election district where the elector  
12 desires to vote whose name does not appear on the registration list but who claims  
13 to be registered to vote in the election may request permission to vote at the polling  
14 place for that ward or election district. When the request is made, the inspector shall  
15 require the person elector to give his or her name and address. If the elector is not  
16 at the polling place which serves the ward or election district where the elector  
17 resides, the inspector shall provide the elector with directions to the correct polling  
18 place. If the elector is at the correct polling place, the elector shall then execute the  
19 following written statement: "I, ..., hereby certify that to the best of my knowledge,  
20 I am a qualified elector, having resided at .... for at least 10 days immediately  
21 preceding this election, and that I am not disqualified on any ground from voting, and  
22 I have not voted at this election and am properly registered to vote in this election."  
23 ~~The person~~ Except as authorized in s. 6.79 (7), the elector shall be required to ~~provide~~  
24 present a valid operator's license issued to the elector under ch. 343, a valid, current  
25 identification card issued to the elector by a U.S. uniformed service, or a valid



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1 identification card issued to the elector under s. 343.50. If any document presented  
2 by the elector is not acceptable proof of residence, the elector shall also present  
3 acceptable proof of residence as provided under sub. (7) and shall then be given the  
4 right to vote. ~~If the elector cannot provide acceptable proof of residence, the~~  
5 ~~statement shall be certified by the elector and shall be corroborated in a statement~~  
6 ~~that is signed by any other elector who resides in the municipality and that contains~~  
7 ~~the current street address of the corroborating elector. The corroborator shall then~~  
8 ~~provide acceptable proof of residence as provided in sub. (7).~~ Whenever the question  
9 of identity or residence cannot be satisfactorily resolved and the elector cannot be  
10 permitted to vote, an inspector shall telephone the office of the municipal clerk to  
11 reconcile the records at the polling place with those at the office.

12 **SECTION 13.** 6.56 (5) of the statutes is repealed.

13 **SECTION 14.** 6.79 (2) (a) and (d) of the statutes, as affected by 2003 Wisconsin  
14 Act 265, section 96, are amended to read:

15 6.79 (2) VOTING PROCEDURE. (a) Unless information on the poll list is entered  
16 electronically, the municipal clerk shall supply the inspectors with 2 copies of the  
17 most current official registration list or lists prepared under s. 6.36 (2) (a) for use as  
18 poll lists at the polling place. Except as provided in ~~sub.~~ subs. (6) and (7), each ~~person~~  
19 elector, before receiving a serial number, shall state his or her full name and address  
20 and present to the officials a valid operator's license issued to the elector under ch.  
21 343, a valid, current identification card issued to the elector by a U.S. uniformed  
22 service, or a valid identification card issued to the elector under s. 343.50. The  
23 officials shall verify that the name and address provided by the ~~person~~ elector are the  
24 same as the ~~person's~~ elector's name and address on the poll list.

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1 (d) If the poll list indicates that identification is required and the document  
2 provided by the elector under par. (a) does not constitute identification, the officials  
3 shall require the elector to provide identification. If identification is provided, the  
4 officials shall verify that the name and address on the identification provided is the  
5 same as the name and address shown on the registration list. If identification is  
6 required and not provided, or if the elector does not present a license or identification  
7 card under par. (a), whenever required, the officials shall offer the opportunity for  
8 the elector to vote under s. 6.97.

9 **SECTION 15.** 6.79 (3) (title) of the statutes is amended to read:

10 6.79 (3) (title) REFUSAL TO GIVE NAME AND ADDRESS AND FAILURE TO PRESENT  
11 IDENTIFICATION.

12 **SECTION 16.** 6.79 (3) of the statutes is renumbered 6.79 (3) (a).

13 **SECTION 17.** 6.79 (3) (b) of the statutes is created to read:

14 6.79 (3) (b) If a license or identification card under sub. (2) is not provided by  
15 the elector or if the name or any photograph appearing on the document that is  
16 provided cannot be verified by the officials, the elector shall not be permitted to vote,  
17 except as authorized under sub. (6) or (7) and except that if the elector is entitled to  
18 cast a provisional ballot under s. 6.97, the officials shall offer the opportunity for the  
19 elector to vote under s. 6.97.

20 **SECTION 18.** 6.79 (4) of the statutes is amended to read:

21 6.79 (4) SUPPLEMENTAL INFORMATION. ~~When any elector provides acceptable~~  
22 ~~proof of residence under s. 6.15, 6.29 or 6.55 (2) or (3), the election officials shall enter~~  
23 ~~the type of identifying document provided on the poll list, or separate list maintained~~  
24 ~~under sub. (2) (c). If the document submitted as proof of identity or residence~~  
25 ~~includes a number which applies only to the individual holding that document, the~~

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1 ~~election officials shall also enter that number on the list. When any elector~~  
2 ~~corroborates the registration identity or residence of any person offering to vote~~  
3 ~~under s. 6.55 (2) (b) or (c) or (3), or the registration identity or residence of any person~~  
4 ~~registering on election day under s. 6.86 (3) (a) 2., the election officials shall also enter~~  
5 ~~the name and address of the corroborator next to the name of the elector whose~~  
6 ~~information is being corroborated on the poll list, or the separate list maintained~~  
7 ~~under sub. (2) (e). When any person offering to vote has been challenged and taken~~  
8 ~~the oath, following the person's name on the poll list, the officials shall enter the word~~  
9 ~~"Sworn".~~

10 **SECTION 19.** 6.79 (6) of the statutes is amended to read:

11 6.79 (6) CONFIDENTIAL NAMES AND ADDRESSES. An elector who has a confidential  
12 listing under s. 6.47 (2) may present his or her identification card issued under s. 6.47  
13 (3), or give his or her name and identification serial number issued under s. 6.47 (3),  
14 in lieu of stating his or her name and address and presenting a license or  
15 identification card under sub. (2). If the elector's name and identification serial  
16 number appear on the confidential portion of the list, the inspectors shall issue a  
17 voting serial number to the elector, record that number on the poll list and permit  
18 the elector to vote.

19 **SECTION 20.** 6.79 (7) of the statutes is created to read:

20 6.79 (7) LICENSE SURRENDER. If an elector receives a citation from a law  
21 enforcement officer in any jurisdiction that is dated within 60 days of the date of an  
22 election and is required to surrender his or her operator's license issued to the elector  
23 under ch. 343 at the time the citation is issued, the elector may present an original  
24 copy of the citation in lieu of an operator's license under ch. 343. In such case, the  
25 elector shall cast his or her ballot under s. 6.965.

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1           **SECTION 21.** 6.82 (1) (a) of the statutes is amended to read:

2           6.82 (1) (a) When any inspectors are informed that an elector is at the entrance  
3 to the polling place who as a result of disability is unable to enter the polling place,  
4 they shall permit the elector to be assisted in marking a ballot by any individual  
5 selected by the elector, except the elector's employer or an agent of that employer or  
6 an officer or agent of a labor organization which represents the elector. The Except  
7 as authorized in s. 6.79 (6) and (7), the individual selected by the elector shall present  
8 to the inspectors a valid operator's license issued to the elector under ch. 343, a valid,  
9 current identification card issued to the elector by a uniformed service, or a valid  
10 identification card issued to the elector under s. 343.50 and, if the license or  
11 identification card does not constitute identification, shall also provide identification  
12 for the assisted elector, whenever required, and all other information necessary for  
13 the elector to obtain a ballot under s. 6.79 (2). The inspectors shall issue a ballot to  
14 the individual selected by the elector and shall accompany the individual to the  
15 polling place entrance where the assistance is to be given. If the ballot is a paper  
16 ballot, the assisting individual shall fold the ballot after the ballot is marked by the  
17 assisting individual. The assisting individual shall then immediately take the ballot  
18 into the polling place and give the ballot to an inspector. The inspector shall  
19 distinctly announce that he or she has "a ballot offered by .... (stating person's name),  
20 an elector who, as a result of disability, is unable to enter the polling place without  
21 assistance". The inspector shall then ask, "Does anyone object to the reception of this  
22 ballot?" If no objection is made, the inspectors shall record the elector's name under  
23 s. 6.79 and deposit the ballot in the ballot box, and shall make a notation on the poll  
24 list: "Ballot received at poll entrance".

25           **SECTION 22.** 6.86 (1) (ar) of the statutes is amended to read:

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1           6.86 (1) (ar) Except as authorized in s. 6.875 (6), the municipal clerk shall not  
2 issue an absentee ballot unless the clerk receives a written application therefor from  
3 a qualified elector of the municipality. The clerk shall retain each absentee ballot  
4 application until destruction is authorized under s. 7.23 (1). Except as authorized  
5 in s. 6.79 (6) and (7), if an elector applies for an absentee ballot in person at the clerk's  
6 office, the clerk shall not issue the elector an absentee ballot unless the elector  
7 presents a valid operator's license issued to the elector under ch. 343, a valid, current  
8 identification card issued to the elector by a U.S. uniformed service, or a valid  
9 identification card issued to the elector under s. 343.50. The clerk shall make a copy  
10 of the document presented by the elector and shall enclose the copy in the certificate  
11 envelope.

12           **SECTION 23.** 6.86 (3) (a) 1. of the statutes is amended to read:

13           6.86 (3) (a) 1. Any elector who is registered and who is hospitalized, may apply  
14 for and obtain an official ballot by agent. The agent may apply for and obtain a ballot  
15 for the hospitalized absent elector by presenting a form prescribed by the board and  
16 containing the required information supplied by the hospitalized elector and signed  
17 by that elector and ~~any other elector residing in the same municipality as the~~  
18 ~~hospitalized elector, corroborating the information contained therein.~~ The  
19 ~~corroborating elector shall state on the form his or her full name and address.~~ Except  
20 as authorized for an elector who has a confidential listing under s. 6.47 (2) or as  
21 authorized in s. 6.87 (4) (b) 4., the agent shall present the license or identification  
22 card required under sub. (1) (ar). The clerk shall make a copy of the document  
23 presented by the elector and shall enclose the copy in the certificate envelope.

24           **SECTION 24.** 6.86 (3) (a) 2. of the statutes is amended to read:

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1           6.86 (3) (a) 2. If a hospitalized elector is not registered, the elector may register  
2 by agent under this subdivision at the same time that the elector applies for an  
3 official ballot by agent under subd. 1. To register the elector under this subdivision,  
4 the agent shall present a completed registration form that contains the required  
5 information supplied by the elector and the elector's signature, unless the elector is  
6 unable to sign due to physical disability. In this case, the elector may authorize  
7 another elector to sign on his or her behalf. Any elector signing a form on another  
8 elector's behalf shall attest to a statement that the application is made on request  
9 and by authorization of the named elector, who is unable to sign the form due to  
10 physical disability. The agent shall present this statement along with all other  
11 information required under this subdivision. ~~Except as otherwise provided in this~~  
12 ~~subdivision, the~~ The agent shall in every case provide acceptable proof of the elector's  
13 residence under s. 6.55 (7). ~~If the agent cannot present this proof, the registration~~  
14 ~~form shall be signed and substantiated by another elector residing in the elector's~~  
15 ~~municipality of residence, corroborating the information in the form. The form shall~~  
16 ~~contain the full name and address of the corroborating elector. The agent shall then~~  
17 ~~present acceptable proof of the corroborating elector's residence under s. 6.55 (7).~~

18           **SECTION 25.** 6.869 of the statutes, as created by 2003 Wisconsin Act 265, is  
19 amended to read:

20           **6.869 Uniform instructions.** The board shall prescribe uniform instructions  
21 for absentee voters. The instructions shall include information concerning whether  
22 identification is required under s. 6.87 (4) or a copy of a license or identification card  
23 is required under s. 6.86 (1) (ar) and information concerning whether a copy of  
24 identification is required to be submitted and, if so, the form of identification that is  
25 required.

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1           **SECTION 26.** 6.87 (3) (d) of the statutes is amended to read:

2           6.87 (3) (d) A municipal clerk of a municipality may, if the clerk is reliably  
3 informed by an absent elector of a facsimile transmission number or electronic mail  
4 address where the elector can receive an absentee ballot, transmit a facsimile or  
5 electronic copy of the absent elector's ballot to that elector in lieu of mailing under  
6 this subsection if, in the judgment of the clerk, the time required to send the ballot  
7 through the mail may not be sufficient to enable return of the ballot by the time  
8 provided under sub. (6). An elector may receive an absentee ballot under this  
9 subsection only if the elector has filed a valid application for the ballot under sub. (1).  
10 If the clerk transmits an absentee ballot under this paragraph, the clerk shall also  
11 transmit a facsimile or electronic copy of the text of the material that appears on the  
12 certificate envelope prescribed in sub. (2), together with instructions prescribed by  
13 the board. The instructions shall require the absent elector to make and subscribe  
14 to the certification as required under sub. (4) (b) and to enclose the absentee ballot  
15 in a separate envelope contained within a larger envelope, that shall include the  
16 completed certificate. The elector shall then mail the absentee ballot with postage  
17 prepaid to the municipal clerk. Except as authorized in s. 6.97 (2), an absentee ballot  
18 received under this paragraph shall not be counted unless it is cast in the manner  
19 prescribed in this paragraph and in accordance with the instructions provided by the  
20 board.

21           **SECTION 27.** 6.87 (4) of the statutes, as affected by 2003 Wisconsin Act 265,  
22 section 112a, is renumbered 6.87 (4) (b) 1. and amended to read:

23           6.87 (4) (b) 1. Except as otherwise provided in s. 6.875, the elector voting  
24 absentee shall make and subscribe to the certification before one witness. The  
25 absent elector, in the presence of the witness, shall mark the ballot in a manner that

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1 will not disclose how the elector's vote is cast. The elector shall then, still in the  
2 presence of the witness, fold the ballots so each is separate and so that the elector  
3 conceals the markings thereon and deposit them in the proper envelope. If a  
4 consolidated ballot under s. 5.655 is used, the elector shall fold the ballot so that the  
5 elector conceals the markings thereon and deposit the ballot in the proper envelope.  
6 Except as authorized in subs. 2. to 4., and notwithstanding s. 343.43 (1) (f), the elector  
7 shall enclose a copy of the license or identification card required under s. 6.86 (1) (ar)  
8 in the envelope, unless the elector is a military elector or an overseas elector, as  
9 defined in sub. (4) (a), or the elector has a confidential listing under s. 6.47 (2). If the  
10 elector has registered by mail and has not, or is not certain whether the elector has,  
11 previously voted in an election for national office in this state identification is  
12 required and the document enclosed by the elector under this subdivision does not  
13 constitute identification, the elector shall also enclose identification in the envelope.  
14 Identification is required if the elector is not a military elector or an overseas elector,  
15 as defined in s. 6.36 (2) (c), and the elector registered by mail and has not voted in  
16 an election for national office in this state. The elector may receive assistance under  
17 sub. (5). The return envelope shall then be sealed. The witness may not be a  
18 candidate. The envelope shall be mailed by the elector, postage prepaid, or delivered  
19 in person, to the municipal clerk issuing the ballot or ballots. Failure to return an  
20 unused ballot in a primary does not invalidate the ballot on which the elector's votes  
21 are cast. Return of more than one marked ballot in a primary or return of a ballot  
22 prepared under s. 5.655 or a ballot used with an electronic voting system in a primary  
23 which is marked for candidates of more than one party invalidates all votes cast by  
24 the elector for candidates in the primary.

25 **SECTION 28.** 6.87 (4) (a) of the statutes is created to read:



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1           6.87 (4) (a) In this paragraph:

2           1. "Military elector" means a member of a uniformed service on active duty who,  
3 by reason of that duty, is absent from the residence where the member is otherwise  
4 qualified to vote; a member of the merchant marine, as defined in s. 6.22 (1) (a), who,  
5 by reason of service in the merchant marine, is absent from the residence where the  
6 member is otherwise qualified to vote; or the spouse or dependent of any such  
7 member who, by reason of the duty or service of the member, is absent from the  
8 residence where the spouse or dependent is otherwise qualified to vote.

9           2. "Overseas elector" means an elector who resides outside the United States  
10 and who is qualified under federal law to vote in elections for national office in this  
11 state because the elector was last domiciled in this state immediately prior to the  
12 elector's departure from the United States.

13           **SECTION 29.** 6.87 (4) (b) 2. to 4. of the statutes are created to read:

14           6.87 (4) (b) 2. Unless subd. 3. applies, if the absentee elector has applied for and  
15 qualified to receive absentee ballots automatically under s. 6.86 (2) (a), the elector  
16 may, in lieu of providing a copy of a license or identification card required under s.  
17 6.86 (1) (ar), submit with his or her absentee ballot a statement signed by the same  
18 individual who witnesses voting of the ballot which contains the name and address  
19 of the elector and verifies that the name and address are correct.

20           3. If the absentee elector has received an absentee ballot from the municipal  
21 clerk by mail for a previous election, has provided a copy of a license or identification  
22 card required under s. 6.86 (1) (ar) with that ballot, and has not changed his or her  
23 name or address since providing that identification, the elector is not required to  
24 provide a copy of the identification required under s. 6.86 (1) (ar).

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1           4. If the absentee elector has received a citation from a law enforcement officer  
2 in any jurisdiction that is dated within 60 days of the date of the election and is  
3 required to surrender his or her operator's license issued to the elector under ch. 343  
4 at the time the citation is issued, the elector may enclose a copy of the citation in lieu  
5 of an operator's license under ch. 343 if the elector is voting by mail, or may present  
6 an original copy of the citation in lieu of an operator's license under ch. 343 if the  
7 elector is voting at the office of the municipal clerk.

8           **SECTION 30.** 6.875 (6) of the statutes is amended to read:

9           6.875 (6) Special voting deputies in each municipality shall, not later than 5  
10 p.m. on the Friday preceding an election, arrange one or more convenient times with  
11 the administrator of each nursing home, qualified retirement home, and qualified  
12 community-based residential facility in the municipality from which one or more  
13 occupants have filed an application under s. 6.86 to conduct absentee voting for the  
14 election. The time may be no earlier than the 4th Monday preceding the election and  
15 no later than 5 p.m. on the Monday preceding the election. Upon request of a relative  
16 of an occupant of a nursing home or qualified retirement home or qualified  
17 community-based residential facility, the administrator may notify the relative of  
18 the time or times at which special voting deputies will conduct absentee voting at the  
19 home or facility, and permit the relative to be present in the room where the voting  
20 is conducted. At the designated time, 2 deputies appointed under sub. (4) shall visit  
21 the home or facility. The municipal clerk or executive director of the board of election  
22 commissioners shall issue a supply of absentee ballots to the deputies sufficient to  
23 provide for the number of valid applications received by the clerk, and a reasonable  
24 additional number of ballots. The municipal clerk or executive director shall keep  
25 a careful record of all ballots issued to the deputies and shall require the deputies to

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1 return every ballot issued to them. The deputies shall personally offer each elector  
2 who has filed a proper application the opportunity to cast his or her absentee ballot.  
3 Except as authorized in s. 6.79 (6) and (7), the deputies shall not issue the elector an  
4 absentee ballot unless the elector presents a valid operator's license issued to the  
5 elector under ch. 343, a valid, current identification card issued to the elector by a  
6 U.S. uniformed service, or a valid identification card issued to the elector under s.  
7 343.50. The deputies shall make a copy of the document presented by the elector and  
8 shall enclose the copy in the certificate envelope. If an elector is present who has not  
9 filed a proper application, the 2 deputies may accept an application from the elector  
10 and shall issue a ballot to the elector if the elector is qualified, the elector presents  
11 a license or identification card whenever required, and the application is proper. The  
12 deputies shall each witness the certification and may, upon request of the elector,  
13 assist the elector in marking the elector's ballot. Upon request of the elector, a  
14 relative of the elector who is present in the room may assist the elector in marking  
15 the elector's ballot. All voting shall be conducted in the presence of the deputies. No  
16 individual other than a deputy may witness the certification and no individual other  
17 than a deputy or relative of an elector may render voting assistance to the elector.  
18 Upon completion of the voting, the deputies shall promptly deliver, either personally  
19 or by 1st class mail, any absentee ballot applications and the sealed certificate  
20 envelope containing each ballot to the clerk or board of election commissioners of the  
21 municipality in which the elector casting the ballot resides, within such time as will  
22 permit delivery to the polling place serving the elector's residence on election day.  
23 Personal delivery may be made by the deputies no later than noon on election day.  
24 If a qualified elector is not able to cast his or her ballot on 2 separate visits by the  
25 deputies to the home or facility, they shall so inform the municipal clerk or executive

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1 director of the board of election commissioners, who may then send the ballot to the  
2 elector no later than 5 p.m. on the Friday preceding the election.

3 **SECTION 31.** 6.88 (3) (a) of the statutes is amended to read:

4 6.88 (3) (a) Any time between the opening and closing of the polls on election  
5 day, the inspectors shall open the carrier envelope only, and announce the name of  
6 the absent elector or the identification serial number of the absent elector if the  
7 elector has a confidential listing under s. 6.47 (2). When the inspectors find that the  
8 certification has been properly executed, the applicant is a qualified elector of the  
9 ward or election district, and the applicant has not voted in the election, they shall  
10 enter an indication on the poll list next to the applicant's name indicating an  
11 absentee ballot is cast by the elector. They shall then open the envelope containing  
12 the ballot in a manner so as not to deface or destroy the certification thereon. The  
13 inspectors shall take out the ballot without unfolding it or permitting it to be  
14 unfolded or examined. Unless the ballot is cast under s. 6.95, the inspectors shall  
15 verify that the ballot has been endorsed by the issuing clerk. If the poll list indicates  
16 that identification is required and no identification is enclosed or the name or  
17 address on the document that is provided is not the same as the name and address  
18 shown on the poll list, or if the elector is not a military elector or an overseas elector,  
19 as defined in s. 6.36 (2) (c), and the elector is required to provide a copy of a license  
20 or identification card under s. 6.86 (1) (ar) and no copy of the license or identification  
21 card is enclosed or the name on the document cannot be verified by the inspectors,  
22 the inspectors shall proceed as provided under s. 6.97 (2). The inspectors shall then  
23 deposit the ballot into the proper ballot box and enter the absent elector's name or  
24 voting number after his or her name on the poll list in the same manner as if the  
25 elector had been present and voted in person.

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1           **SECTION 32.** 6.965 of the statutes is created to read:

2           **6.965 Voting procedure for electors presenting citation in lieu of**  
3 **license.** Whenever any elector is allowed to vote at a polling place under s. 6.79 (7)  
4 by presenting a citation in lieu of an operator's license issued to the elector under ch.  
5 343, the inspectors shall, before giving the elector a ballot, write on the back of the  
6 ballot the serial number of the elector corresponding to the number kept at the  
7 election on the poll list or other list maintained under s. 6.79 and the notation "s.  
8 6.965." If voting machines are used in the municipality where the elector is voting,  
9 the elector's vote may be received only upon an absentee ballot furnished by the  
10 municipal clerk which shall have the notation "s. 6.965" written on the back of the  
11 ballot by the inspectors before the ballot is given to the elector. If the municipal clerk  
12 receives an absentee ballot from an elector who presents a citation or copy thereof  
13 under s. 6.87 (4) (b) 4., the clerk shall enter a notation on the certificate envelope  
14 "Ballot under s. 6.965, stats." Upon receiving the envelope, the inspectors shall open  
15 and write on the back of the ballot the serial number of the elector corresponding to  
16 the number kept at the election on the poll list or other list maintained under s. 6.79  
17 and the notation "s. 6.965." The inspectors shall indicate on the poll list or other list  
18 maintained under s. 6.79 the fact that the elector is voting by using a citation in lieu  
19 of a license. The inspectors shall then deposit the ballot. The ballot shall then be  
20 counted under s. 5.85 or 7.51.

21           **SECTION 33.** 6.97 (1) and (2) of the statutes are amended to read:

22           **6.97 (1)** Whenever any individual who is required to provide identification in  
23 order to be permitted to vote appears to vote at a polling place and cannot provide  
24 the required identification, the inspectors shall offer the opportunity for the  
25 individual to vote under this section. Whenever any individual, other than a military

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1 elector or an overseas elector, as defined in s. 6.36 (2) (c), or an elector who has a  
2 confidential listing under s. 6.47 (2), appears to vote at a polling place and does not  
3 present a license or identification card under s. 6.79 (2), whenever required, the  
4 inspectors or the municipal clerk shall similarly offer the opportunity for the  
5 individual to vote under this section. If the individual wishes to vote, the inspectors  
6 shall provide the elector with an envelope marked "Ballot under s. 6.97, stats." on  
7 which the serial number of the elector is entered and shall require the individual to  
8 execute on the envelope a written affirmation stating that the individual is a  
9 qualified elector of the ward or election district where he or she offers to vote and is  
10 eligible to vote in the election. The inspectors shall, before giving the elector a ballot,  
11 write on the back of the ballot the serial number of the individual corresponding to  
12 the number kept at the election on the poll list or other list maintained under s. 6.79  
13 and the notation "s. 6.97". If voting machines are used in the municipality where the  
14 individual is voting, the individual's vote may be received only upon an absentee  
15 ballot furnished by the municipal clerk which shall have the corresponding number  
16 from the poll list or other list maintained under s. 6.79 and the notation "s. 6.97"  
17 written on the back of the ballot by the inspectors before the ballot is given to the  
18 elector. When receiving the individual's ballot, the inspectors shall provide the  
19 individual with written voting information prescribed by the board under s. 7.08 (8).  
20 The inspectors shall indicate on the list the fact that the individual is required to  
21 provide identification or a license or identification card under s. 6.79 (2) but did not  
22 do so. The inspectors shall notify the individual that he or she may provide the  
23 identification, license, or identification card to the municipal clerk or executive  
24 director of the municipal board of election commissioners. The inspectors shall also  
25 promptly notify the municipal clerk or executive director of the name, address, and

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1 serial number of the individual. The inspectors shall then place the ballot inside the  
2 envelope and place the envelope in a separate carrier envelope.

3 (2) Whenever any individual who votes by absentee ballot is required to  
4 provide identification in order to be permitted to vote and does not provide the  
5 required identification, the inspectors shall treat the ballot as a provisional ballot  
6 under this section. Whenever any individual, other than a military elector or an  
7 overseas elector, as defined in s. 6.36 (2) (c), an individual who has a confidential  
8 listing under s. 6.47 (2), or an individual who is exempted under s. 6.87 (4), votes by  
9 absentee ballot and does not enclose a copy of the license or identification card  
10 required under s. 6.86 (1) (ar), the inspectors shall similarly treat the ballot as a  
11 provisional ballot under this section. Upon removing the ballot from the envelope,  
12 the inspectors shall write on the back of the absentee ballot the serial number of the  
13 individual corresponding to the number kept at the election on the poll list or other  
14 list maintained under s. 6.79 and the notation "s. 6.97". The inspectors shall indicate  
15 on the list the fact that the individual is required to provide identification or a copy  
16 of a license or identification card under s. 6.86 (1) (ar) but did not do so. The  
17 inspectors shall promptly notify the municipal clerk or executive director of the  
18 municipal board of election commissioners of the name, address, and serial number  
19 of the individual. The inspectors shall then place the ballot inside an envelope on  
20 which the name and serial number of the elector is entered and shall place the  
21 envelope in a separate carrier envelope.

22 **SECTION 34.** 6.97 (3) of the statutes is renumbered 6.97 (3) (b) and amended to  
23 read:

24 6.97 (3) (b) Whenever the municipal clerk or executive director of the municipal  
25 board of election commissioners is informed by the inspectors that a ballot has been

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1 cast under this section, the clerk or executive director shall promptly provide written  
2 notice to the board of canvassers of each municipality, special purpose district, and  
3 county that is responsible for canvassing the election of the number of ballots cast  
4 under this section in each ward or election district. The municipal clerk or executive  
5 director then shall determine whether each individual voting under this section is  
6 qualified to vote in the ward or election district where the individual's ballot is cast.  
7 If the elector is required to provide a license or identification card or copy thereof  
8 under s. 6.79 (2) or 6.86 (1) (ar) and fails to do so, the elector bears the burden of  
9 correcting the omission by providing the license or identification card or copy thereof  
10 at the polling place before the closing hour or at the office of the municipal clerk or  
11 board of election commissioners no later than 4 p.m. on the day after the election.  
12 The municipal clerk or executive director shall make a record of the procedure used  
13 to determine the validity of each ballot cast under this section. If, prior to 4 p.m. on  
14 the day after the election, the municipal clerk or executive director determines that  
15 the individual is qualified to vote in the ward or election district where the  
16 individual's ballot is cast, the municipal clerk or executive director shall notify the  
17 board of canvassers for each municipality, special purpose district and county that  
18 is responsible for canvassing the election of that fact.

19 **SECTION 35.** 6.97 (3) (a) and (c) of the statutes are created to read:

20 6.97 (3) (a) Whenever an elector who votes by provisional ballot under sub. (2)  
21 because the elector does not provide a license or identification card or copy thereof  
22 under s. 6.79 (2) or 6.86 (1) (ar) later appears at the polling place where the ballot is  
23 cast before the closing hour and provides the license or identification card or copy  
24 thereof, the inspectors shall remove the elector's ballot from the separate carrier  
25 envelope, shall note on the poll list that the elector's provisional ballot is withdrawn,



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1 and shall deposit the elector's ballot in the ballot box. If the inspectors have notified  
2 the municipal clerk or executive director of the board of election commissioners that  
3 the elector's ballot was cast under this section, the inspectors shall notify the clerk  
4 or executive director that the elector's provisional ballot is withdrawn.

5 (c) A ballot cast under this section by an elector for whom a valid license or  
6 identification card or copy thereof is required under s. 6.79 (2) or 6.86 (1) (ar) shall  
7 not be counted unless the municipal clerk or executive director of the board of  
8 election commissioners provides timely notification that the elector has provided a  
9 valid license or identification card or copy thereof under this section.

10 **SECTION 36.** 7.08 (8) (title) of the statutes is amended to read:

11 7.08 (8) (title) ELECTORS VOTING WITHOUT IDENTIFICATION PROOF OF IDENTITY OR  
12 PURSUANT TO COURT ORDER.

13 **SECTION 37.** 10.02 (3) (a) of the statutes is amended to read:

14 10.02 (3) (a) Upon entering the polling place and before being permitted to vote,  
15 an elector shall state his or her name and address and, shall provide identification  
16 if required by federal law, and shall present a valid Wisconsin operator's license, a  
17 current identification card issued to the elector by a U.S. uniformed service, or a  
18 Wisconsin identification card unless the elector is exempted from this requirement.

19 Where ballots are distributed to electors, the initials of 2 inspectors must appear on  
20 the ballot. Upon being permitted to vote, the elector shall retire alone to a voting  
21 booth or machine and cast his or her ballot, except that an elector who is a parent or  
22 guardian may be accompanied by the elector's minor child or minor ward. An  
23 election official may inform the elector of the proper manner for casting a vote, but  
24 the official may not in any manner advise or indicate a particular voting choice.

25 **SECTION 38.** 343.50 (3) of the statutes is amended to read:

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1           343.50 (3) DESIGN AND CONTENTS OF CARD. The card shall be the same size as  
2 an operator's license but shall be of a design which is readily distinguishable from  
3 the design of an operator's license and bear upon it the words "IDENTIFICATION  
4 CARD ONLY". The information on the card shall be the same as specified under s.  
5 343.17 (3). The card may serve as a document of gift under s. 157.06 (2) (b) and (c)  
6 and the holder may affix a sticker thereto as provided in s. 343.175 (3). The card may  
7 also serve as a document of refusal to make an anatomical gift under s. 157.06 (2) (i).  
8 The Except as provided in sub. (4g), the card shall contain the holder's photograph  
9 and, if applicable, shall be of the design specified under s. 343.17 (3) (a) 12.

10           **SECTION 39.** 343.50 (4) of the statutes is amended to read:

11           343.50 (4) APPLICATION. The application for an identification card shall include  
12 any information required under ss. 85.103 (2) and 343.14 (2) (a), (b), (bm), (br), and  
13 (em), and such further information as the department may reasonably require to  
14 enable it to determine whether the applicant is entitled by law to an identification  
15 card. The Except as provided in sub.(4g), the department shall, as part of the  
16 application process, take a photograph of the applicant to comply with sub. (3). ~~No~~  
17 Except as provided in sub.(4g), no application may be processed without the  
18 photograph being taken. Misrepresentations in violation of s. 343.14 (5) are  
19 punishable as provided in s. 343.14 (9).

20           **SECTION 40.** 343.50 (4g) of the statutes is created to read:

21           343.50 (4g) PHOTOGRAPH REQUIREMENT; EXCEPTION. An application may be  
22 processed and an original or renewal identification card issued under this section  
23 without a photograph being taken to comply with subs. (3) and (4) to an applicant  
24 who requests the identification card without charge under sub. (5) or (6) and who  
25 provides to the department an affidavit stating that the applicant has a sincerely

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1 held religious belief against being photographed; identifying the religion to which he  
2 or she belongs or the tenets of which he or she adheres to; and stating that the tenets  
3 of the religion prohibit him or her from being photographed.

4 **SECTION 41.** 343.50 (5) of the statutes is amended to read:

5 343.50 (5) VALID PERIOD; FEES. The fee for an original card and for the  
6 reinstatement of an identification card after cancellation under sub. (10) shall be \$9  
7 or, upon request of the applicant, without charge. The card shall be valid for the  
8 succeeding period of 4 years from the applicant's next birthday after the date of  
9 issuance.

10 **SECTION 42.** 343.50 (6) of the statutes is amended to read:

11 343.50 (6) RENEWAL. At least 30 days prior to the expiration of the card, the  
12 department shall mail a renewal application to the last-known address of each  
13 identification card holder. The department shall include with the application  
14 information, as developed by all organ procurement organizations in cooperation  
15 with the department, that promotes anatomical donations and which relates to the  
16 anatomical donation opportunity available under s. 343.175. The fee for a renewal  
17 identification card shall be \$9, ~~which~~ or, upon request of the identification card  
18 holder, without charge. The renewal identification card shall be valid for 4 years.

19 **SECTION 43. Initial applicability.**

20 (1) The treatment of sections 6.55 (2) (b) and (c) 1. and 2. and (3), 6.79 (2) (a)  
21 and (d), (4), and (6), 6.86 (3) (a) 1. and 2., and 6.87 (6) of the statutes, the renumbering  
22 and amendment of section 6.87 (4) of the statutes, and the creation of section 6.87  
23 (4) (b) 2. to 4. of the statutes first apply with respect to the 2006 spring primary  
24 election.

25 **SECTION 44. Effective date.**

