

State of Wisconsin



2005 Senate Bill 612

Date of enactment: **May 25, 2006**
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2005 WISCONSIN ACT 451

AN ACT *to repeal* 5.02 (6m), 6.28 (3), 6.55 (7), 6.56 (2), 6.87 (3) (c) and 12.13 (4); *to renumber* 6.36 (2) (c) 1. a. and b.; *to renumber and amend* 5.90, 6.22 (4), 6.36 (2) (c) 1. (intro.), 6.36 (2) (c) 2., 6.55 (3) and 7.30 (1); *to amend* 5.35 (6) (a) 4a., 6.15 (2) (d) 1r., 6.15 (3), 6.15 (4) (a) to (d), 6.15 (6), 6.21, 6.22 (1) (intro.), 6.22 (2) (b), 6.22 (5), 6.22 (6), 6.24 (4) (d), 6.24 (6), 6.26 (2) (c), 6.26 (3), 6.275 (1) (c), 6.276 (1), 6.28 (1), 6.29 (1), 6.29 (2) (a), 6.29 (2) (b), 6.32 (title), (1) and (4), 6.33 (1), 6.33 (2) (a), 6.36 (1) (a), 6.36 (2) (a), 6.50 (3), 6.55 (2) (a) 1. (form), 6.55 (2) (b), 6.55 (2) (c) 1., 6.56 (1), 6.56 (3), 6.56 (4), 6.56 (5), 6.79 (2) (d), 6.79 (4), 6.82 (1) (a), 6.86 (1) (a) (intro.), 6.86 (1) (a) 2., 6.86 (1) (b), 6.86 (3) (a) 2., 6.86 (3) (c), 6.865 (1), 6.865 (3), 6.87 (2) (form), 6.87 (3) (a) and (b), 6.87 (3) (d), 6.87 (4), 6.87 (6), 6.87 (9), 6.875 (3), 6.875 (4) and (6), 6.88 (1) to (3), 6.93, 6.935, 6.97 (1), 6.97 (2), 7.03 (1) (a), 7.08 (1) (c), 7.08 (8) (title), 7.10 (9), 7.15 (1) (e), 7.15 (1) (j), 7.15 (11), 7.23 (1) (a), 7.30 (2) (a), 7.30 (2) (am), 7.30 (2) (b), 7.30 (2) (c), 7.30 (4) (a), 7.30 (4) (b) (intro.), 7.30 (4) (b) 1., 7.30 (4) (b) 2., 7.30 (4) (c), 7.30 (6) (a), 7.30 (6) (b), 7.30 (6) (c), 7.31 (1), 7.31 (4), 7.32, 7.33 (3), 7.33 (4), 7.33 (6), 7.37 (2), 7.41, 7.51 (1), 7.51 (2) (c), 7.51 (2) (e), 7.51 (3) (d), 7.51 (4) (a), 7.51 (5) (a), 7.51 (5) (b), 7.53 (1), 7.53 (2) (a), 7.53 (2) (d), 7.60 (2), 7.60 (5) (a), 7.70 (3) (a), 8.10 (3) (intro.), 8.15 (4) (a), 8.20 (3), 8.37, 8.40 (2), 9.01 (1) (a), 9.01 (1) (ag) 1., 1m. and 2., 9.01 (1) (b) (intro.), 9.01 (10), 9.10 (1) (b), 9.10 (1) (c) 2., 9.10 (2) (d), 9.10 (2) (em) 2., 10.01 (2) (e), 10.02 (3) (a), 11.25 (2) (b), 12.03 (title) and (1), 12.04 (2), 12.07 (2), 12.60 (1) (b), 12.60 (1) (c), 12.60 (1) (d), 17.29, 302.117, 880.33 (9), 973.09 (4m) and 973.176 (2); *to repeal and recreate* 12.03 (2) and 12.09; and *to create* 5.02 (16g), 5.35 (6) (c), 5.68 (3m), 5.90 (2) and (3), 6.22 (4) (c), 6.22 (4) (f) to (h), 6.221, 6.26 (2) (cm), 6.26 (4), 6.28 (4), 6.29 (2) (am), 6.34, 6.36 (5), 6.36 (6), 6.55 (2) (cs), 6.55 (3) (b), 6.56 (3m), 6.56 (7), 6.79 (2) (dm), 6.855, 6.86 (1) (a) 6., 6.86 (1) (ac), 6.86 (1) (c), 6.86 (2m), 6.865 (3m), 6.875 (7), 6.88 (3) (c), 7.08 (9), 7.10 (1) (d), 7.15 (1) (L), 7.15 (1m), 7.15 (2m), 7.23 (1) (am), 7.30 (1) (b), 7.30 (6) (am), 7.315, 7.37 (13), 7.41 (5), 7.51 (5) (a) 5., 7.52, 7.53 (2) (a) 3., 7.53 (2m), 9.01 (1) (am), 9.01 (1) (b) 8s., 11.65, 12.035, 12.13 (3) (ze), 301.03 (3a), 301.03 (20) and 343.11 (2m) of the statutes; **relating to:** administration of elections; authorization for registrants under the campaign finance law to make donations to charitable organizations or the common school fund from campaign treasuries; providing exemptions from and extending the time limit for emergency rule procedures; granting rule-making authority; and providing penalties.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on Election Law Review. The bill makes numerous modifications to the election laws, as described below.

VOTER REGISTRATION

Forms of Identification Required to Register to Vote

Beginning in the spring of 2006, all voters, with limited exceptions, will need to be registered before they are allowed to vote. Under current law, an elector may register in person or by mail. Generally, registration must be completed by a certain time before election day. However, a person may reg-

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

ister in person on election day at the polls, or after the official close of registration in person in the office of the municipal clerk up until 5 p.m. or the close of business, whichever is later, on the day before the election.

A person who registers to vote at the polls on election day or in person in the municipal clerk's office after the official close of registration must show proof of residence. A document constitutes acceptable proof of residence if it includes the person's current and complete name and a current and complete residential address. The statutes provide a list of examples of documents that constitute acceptable proof of residence if they contain the person's name and address. The statutory list, which is not exhaustive, is set forth below:

1. An operator's license issued under ch. 343, stats. (i.e., a Wisconsin driver's license).
2. An identification card issued under s. 343.50, stats. (i.e., a Wisconsin identification card).
3. Any other official identification card or license issued by a Wisconsin governmental body or unit or by an employer in the normal course of business, but not including a business card.
4. A credit card or plate.
5. A library card.
6. A check-cashing or courtesy card issued by a merchant in the normal course of business.
7. A real estate tax bill or receipt for the current year or the year preceding the date of the election.
8. A residential lease which is effective for a period that includes election day.
9. A university, college, or technical institute fee card.
10. A university, college, or technical institute identification card.
11. An airplane pilot's license.
12. A gas, electric, or telephone service statement for the period commencing not earlier than 90 days before election day.

A person who is required to provide proof of residence under current law but who is unable to provide such proof may have his or her registration information corroborated by another elector who resides in the same municipality. The corroborating elector must then provide proof of his or her residence. In general, under current law, other persons who register to vote need not provide proof of residence.

Under current law, pursuant to requirements of the Federal Help America Vote Act of 2002 (HAVA), a person who registers to vote by mail and who has never voted in a federal election in his or her municipality (until December 31, 2005) or in the state (effective January 1, 2006) must present certain identification before being allowed to cast a ballot. A person who fails to do so may cast a provisional ballot and provide the identification later. The identification required under current law is: (1) a current and valid piece of identification containing a photograph of the person or, for an absentee voter, a copy of a current and valid piece of identification containing a photograph of the person; or (2) a copy of a utility bill, bank statement, paycheck, or a check or other document issued by a unit of government that shows the current name and address of the person.

The bill establishes one uniform list of documents, any one of which may be used as proof of residence for registration or voting purposes, so long as the document contains the full name and residential address of the individual. The list created by the bill is as follows:

1. A current and valid Wisconsin driver's license.
2. A current and valid Wisconsin identification card.
3. Any other official identification card or license issued by a Wisconsin governmental body or unit.
4. An identification card issued by an employer in the normal course of business and bearing a photograph of the card holder, but not including a business card.

5. A real estate tax bill or receipt for the current year or the year preceding the date of the election.

6. A residential lease, unless the person registered to vote by mail.

7. A university, college, or technical college fee or identification card bearing a photograph of the card holder.

8. A utility bill for the period commencing not earlier than 90 days before election day.

9. A bank statement.

10. A paycheck.

11. A check or other document issued by a unit of government.

The bill provides that a university, college, or technical college fee or identification card which does not contain the address of the student bearing the card may still be considered acceptable proof of residence if the university, college, or technical college that issued the card provides to the municipal clerk before the election a certified and current list of students who reside in housing sponsored by the university, college, or technical college showing the current address of the students and if the poll worker verifies that the student presenting the card is included on the list.

Deadline for Registration

Under current law, registration for any election must close at 5 p.m. on the second Wednesday preceding the election. Registration may be accepted after this deadline if the municipal clerk determines that the registration list can be revised to incorporate the registration in time for the election. A person may also register to vote after the official date for the close of registration. Generally, a person may register late by filing with the municipal clerk a registration form completed by the person and acceptable proof of residence or corroboration of residence by one other elector of the municipality. The registration form must be filed in person no later than 5 p.m. or the close of business, whichever is later, on the day before the election. Unless the clerk determines that the registration list can be updated in time for the election, the municipal clerk must issue to the late-registering person a certificate addressed to the inspectors of the proper ward directing that the elector be permitted to vote. The certificate must be presented by the person to the inspectors when he or she arrives at the polling place.

The bill changes the registration deadline from the 2nd Wednesday preceding the election to the 3rd Wednesday preceding the election. Under the bill, registration after this deadline is limited to persons registering in person in the office of the municipal clerk, persons registering at the polls on election day, and hospitalized persons registering via an agent.

Locations for Voter Registration: "Roving" Special Registration Deputies

Under current law, individuals may register to vote at the office of the municipal clerk, at other locations designated by the clerk, at high schools, and at the register of deeds office. In addition, current law authorizes the municipal clerk and the elections board to appoint special registration deputies for the purpose of registering electors of a municipality anywhere throughout the municipality—the so-called "roving registration deputies". Current law also authorizes the appointment of special registration deputies to assist in registering voters at the polls on election day and requires the appointment of special registration deputies at other locations designated for registration by the municipal clerk.

The bill requires "roving" special registration deputies to be trained and to print and sign their names on all registration forms they accept. In addition, the bill subjects all registration forms accepted by such deputies to a letter or postcard audit by the municipal clerk. Under the bill, the municipal clerk and the elections board must maintain a record of the names and

addresses of all individuals appointed by the clerk or board as “roving” special registration deputies.

The bill also creates an exemption from requiring the clerk to appoint special registration deputies for registration locations established by the municipal clerk when the clerk and deputy clerks can sufficiently staff the locations. In addition, the bill eliminates the statutory requirement that registration be available at the office of the register of deeds and instead requires that registration be available at the office of the county clerk.

Prohibition on Certain Payment for Voter Registration

The bill prohibits any person from compensating any person who obtains voter registrations at a rate that varies in relation to the number of voter registrations obtained. Violators are guilty of a misdemeanor and are subject to a fine of not more than \$1,000 or imprisonment for not more than 6 months, or both, for each offense.

Verification of Pre-Election Voter Registration

Under current law, when a municipal clerk receives a voter registration form by mail, the clerk must examine the form for sufficiency. If the form is insufficient to accomplish registration or if the clerk knows or has reliable information that the proposed elector is not qualified, the clerk must notify the proposed elector and request that the elector appear at the clerk’s office or other registration center to complete a proper registration or substantiate the information presented. Similarly, if the form is submitted after the close of registration, the clerk must attempt to notify the elector that registration may be completed in the clerk’s office or at the polls on election day.

Under current law, if the form is sufficient and the clerk has no reliable information to believe that the proposed elector is not qualified, the clerk must enter the person’s name on the registration list and transmit a first class letter or postcard to the registrant identifying the registrant’s proper ward or aldermanic district and polling place. If the letter or postcard is returned, the clerk must change the registrant’s status to ineligible.

The bill specifies that the clerk must mail the letter or postcard within 10 days of receiving the registration.

Fee for Copy of Registration List

Under current law, the fee for a copy of a public record may not exceed the actual, necessary, and direct cost of reproduction, unless a fee is otherwise specifically established or authorized to be established by law.

The bill directs the elections board to establish a fee for receiving a copy of the statewide voter registration list. The fee must be established by rule after consultation with county and municipal election officials. The amount of the fee must be set to cover the cost of reproduction and the cost of maintaining the list. The rules must also specify how revenues from the fees will be shared between the state and municipalities (or counties if they perform registration functions on behalf of municipalities). The bill also authorizes the board to promulgate emergency rules to be in effect until permanent rules are promulgated.

Same-Day Voter Registration and Double Voting Audits by Elections Board

Under current law, after each election the municipal clerk receives a list of all electors who registered to vote on election day. Upon receipt of the list, the clerk is required to make an audit of all such electors. The audit is to be made by 1st class postcard, which is to be marked in such a way so that it will be returned to the clerk if the elector named on the card does not reside at the address given on the postcard. If the postcard is returned undelivered, the clerk is required to change the status of the elector on the registration list from eligible to ineligi-

ble and mail the elector a notice of the change in status and provide the name to the district attorney for the county where the polling place is located. Also under current law, the municipal clerk must determine if any elector appears to have voted more than once and must attempt to contact each such elector.

The bill authorizes the state elections board to perform these audit functions in lieu of the municipal clerk.

Out-of-State Driver’s License Holders

This bill provides that whenever an elector registers to vote in the general election after the close of registration, and the elector presents a valid driver’s license issued by another state, the registering official must record the license number, issuing state, and expiration date of any license presented. The information would not be available for general public inspection. In addition, the bill requires the elections board, following each general election, to contact the chief election official in each other state that has issued a valid driver’s license to an elector presenting that license who voted in the election and to inquire whether the elector had voted in that election in that state.

Currently, there are no such requirements,

Uniform registration forms

Currently, the elections board prescribes the content of registration forms in accordance with statutory requirements. This bill requires the board to create uniform registration forms that must be used throughout the state for purposes of registration.

ABSENTEE BALLOTS

Requesting an Absentee Ballot by Fax or Email

Under current law, any elector who is unable or unwilling to appear at the polling place in his or her ward on election day may vote by absentee ballot. An elector seeking to vote by absentee ballot must generally make a written application to the municipal clerk. An application may be made by one of the following methods: (1) by mail; (2) in person at the office of the municipal clerk; (3) by signing a statement indicating the elector is indefinitely confined or disabled; (4) by agent when the elector is hospitalized; or (5) by delivering an application to a special voting deputy when the elector is an occupant of a nursing home and similar facilities.

The bill authorizes a registered elector, including a registered “overseas elector”, or an elector who qualifies as a “military elector”, who is unable or unwilling to appear at the polling place in his or her ward on election day to apply for an absentee ballot by making a written application to the municipal clerk by facsimile transmission (fax) or electronic mail (email). The application must contain a copy of the applicant’s original signature. When the absentee ballot is returned, the elector must enclose a copy of the absentee ballot request bearing an original signature of the elector along with the ballot. Ballots cast in contravention of this procedure are not to be counted.

Deadline for Requesting Absentee Ballot by Mail

Under current law, requests for absentee ballots made by an elector by mail must be received by the municipal clerk by 5 p.m. on the Friday preceding the election. The bill changes the deadline for such requests to no later than 5 p.m. on the 5th day immediately preceding the election, except for applications submitted by mail by military electors and indefinitely confined electors. Under the bill, applications by mail from these electors retain the current deadline of 5 p.m. on the Friday before the election.

Absentee Ballots for Military Electors – Permanent Ballots

Under current law, “military electors” are defined to be any of the following:

1. Members of a uniformed service (i.e., the U.S. army, navy, air force, marine corps, or coast guard, the commissioned corps of the federal public health service, or the national oceanic and atmospheric administration).

2. Members of the U.S. merchant marine.

3. Civilian employees of the U.S. and civilians officially attached to a uniformed service who are serving outside the U.S.

4. Peace corps volunteers.

5. Spouses and dependents of the above who reside with or accompany them.

In general, and with some exceptions, a military elector is to vote in the ward or election district for the address of his or her residence prior to becoming a military elector. In general, military electors are not required to register as a prerequisite to voting in any election.

A military elector may request an absentee ballot for any election, or for all elections until the individual otherwise requests or until the person no longer qualifies as a military elector. An absentee ballot application from a military elector may be received at any time. In general, as an alternative to a regular absentee ballot request form, a federal postcard registration and absentee ballot request form may be used to apply for an absentee ballot by a military elector if the municipal clerk can determine that the applicant is qualified to vote in the election district where he or she seeks to vote and that the applicant is qualified to receive an absentee ballot as a military elector.

For military electors who are in the uniformed service and on active duty, members of the merchant marine, and the spouse and dependents of such persons who are absent because of the duty or service of the member, current law also provides that such electors may request an absentee ballot for the next 2 general elections. A municipal clerk must comply with such a request except that no absentee ballot may be sent for a succeeding general election if the elector's name appeared on the registration list for a previous general election and no longer appears on the registration list for the succeeding general election. Further, if the elector's address for the succeeding general election is in a municipality that is different from the municipality in which the elector resided for the first general election, current law requires the clerk to forward the request to the clerk of the municipality where the elector resides.

Currently, a municipal clerk must send a ballot, as soon as available, to each military elector who requests a ballot. However, the clerk may not send a ballot for an election if the application is received later than 5 p.m. on the Friday preceding that election. Whenever absentee ballots are sent to military electors, they must be prepared and mailed to make use of the federal free postage laws.

The bill modifies current law to provide that every request by any military elector must be treated as a request for an absentee ballot for all subsequent elections. Under the bill, if a municipal clerk receives a request for an absentee ballot from a military elector, the municipal clerk must send an absentee ballot to the elector for all elections that occur after the request is received. The bill allows a military elector to provide an alternate address on the absentee ballot application and requires the municipal clerk to send an absentee ballot to that alternate address if a ballot sent to the elector's primary address is returned as undeliverable.

The bill authorizes a municipal clerk to stop sending a ballot to a military elector in the following situations: (1) if 2 successive general elections go by and a military elector fails to return an absentee ballot for any election during that time period; (2) if the clerk is reliably informed that the elector is no longer a military elector or no longer resides in the municipality; (3) if the elector is subject to a registration requirement and his or her name no longer appears on the reg-

istration list as an eligible elector; or (4) if the elector so requests. Prior to discontinuing sending ballots to a military elector solely for the failure to return absentee ballots, the municipal clerk must notify the elector by mail that no future ballots will be sent unless the elector renews his or her absentee ballot request within 30 days. The bill also requires the municipal clerk to notify a military elector of any action to discontinue sending ballots to the elector not taken at the elector's request within 5 days of taking that action, if possible.

Late-Arriving Absentee Ballots From Military Electors

Under current law, absentee ballots must be returned to the municipal clerk in time for delivery to the polls before the polls close. Any ballot not delivered by this deadline may not be counted.

The bill provides that a vote cast on a ballot cast by a "military elector", as defined above, that is received by the municipal clerk after the close of the polls may, in some situations, still be counted. Under the bill, a vote cast on a ballot that is received after the polls close is considered a valid ballot if it is received by the clerk by the deadline for requesting a recount for the office for which the vote is cast and if it contains a postal service cancellation mark dated on or before the election day for which the ballot was cast. However, under the bill these ballots will not be counted unless a recount occurs.

Under the bill, a certificate envelope sent to a military elector must be clearly labeled so that when it is returned the clerk will know that it is from a military elector. If a certificate envelope that is returned by a military elector after the polls close but before the deadline for the return of such ballots has an illegible postmark, or no postmark, it is presumed that the envelope was timely mailed, unless established otherwise.

The bill directs the municipal clerk to post in his or her office on election night and on an internet site a statement announcing the number of absentee ballots that have not been returned by military electors by the closing of the polls. However, the posting may not include the names or addresses of any military electors.

Under the bill, if a recount petition is filed, the municipal clerk must immediately notify the appropriate board of canvassers as to the number of absentee ballots that were timely received after the polls closed and whether any absentee ballots that were sent to military electors have not been returned. If there are unreturned ballots at the time a recount petition has been filed, the bill provides that the recount may not proceed until all timely returned ballots are delivered by the clerk or 9 a.m. on the day following the last day for filing a recount petition, whichever occurs first.

As soon as practicable after receiving the last late-arriving ballot but in no case later than 9 a.m. on the day following the last day for filing a recount petition, the clerk must transmit to the appropriate board of canvassers all of the late-arriving ballots of military electors received by the clerk.

When the board of canvassers conducting a recount receives late-arriving absentee ballots cast by military electors, the board must first open and record the names of the military electors whose ballots have been received. If the late-arriving ballot cast by a military elector is otherwise valid, the board of canvassers must count the ballot and adjust the original statements, certifications, and determinations. After doing so, the board of canvassers may begin the recount.

Witness for Absentee Ballots

Under current law, military and overseas voters who cast absentee ballots must have a witness who is an adult U.S. citizen. All other absentee ballots must have a witness, but the age and nationality of the witness is not specified. The bill requires all absentee ballots to be witnessed by an adult U.S. citizen.

Elimination of Prepaid Return Postage and Notice of Hours

Generally, under current law, if the municipal clerk sends an absentee ballot to an elector, the ballot must include sufficient return postage to return the ballot from anywhere within the United States. The bill specifies that if the absentee ballot is mailed from outside the United States, the elector must affix sufficient postage for return of the ballot unless the ballot qualifies for mailing free of postage under federal law. The bill also modifies the notice that a clerk must post to include the hours that an elector can cast an absentee ballot in the clerk's office or an alternate site.

Opening Absentee Ballots in Public

Under current law, absentee ballot envelopes must be opened at the polling place during poll hours and the ballots placed in the ballot box without disclosing how the voter voted. When the envelopes are opened, the inspector is required to publicly announce the names or serial numbers of the absent electors casting the ballots.

The bill adds language to ensure that this opening process is done so that election observers may hear and see the process.

Observation of Absentee Voting in Certain Nursing Homes and Other Facilities

Under current law, there is a separate procedure for absentee voting by residents of nursing homes, and certain community-based residential facilities and retirement homes. If a resident of such a facility requests an absentee ballot, the clerk will arrange a time to send 2 special deputies to the facility to facilitate absentee voting by the residents. The time that the deputies visit the home or facility is not announced prior to the visit.

The bill requires the municipal clerk to maintain a list, available to the public, of all of the facilities where an absentee ballot has been requested and when the special deputies will be visiting the facility. In addition, the clerk must post a notice at the facility indicating when the special deputies will be visiting. The bill also allows one observer from each of the recognized political parties whose candidate for governor or president received the greatest numbers of votes in the municipality at the most recent general election to accompany the deputies to observe the distribution of absentee ballots in the common areas of the facility. The deputies are given the same authority as the chief election inspector to monitor this observer's conduct.

Alternate Absentee Ballot Site

Under current law, persons may apply for and vote an absentee ballot at the municipal clerk's office prior to election day. In addition, absentee ballots that are not voted at the clerk's office are to be returned to the clerk's office in time for delivery to the polls before the polls close on election day.

The bill authorizes the governing body of a municipality (city, village, or town) to establish an alternate absentee ballot voting site in lieu of the municipal clerk's office to facilitate absentee ballot applications, voting of absentee ballots, and the return of absentee ballots prior to the close of the polls. Generally, the decision to move the absentee ballot functions to this alternate site must be made and the location of the alternate location must be established no later than 14 days prior to the time when absentee ballots are available for voting at a primary, if a primary is required (generally 30 days before a September primary and 21 days before other primaries, including the Spring primary) and the site must be used until at least the day after the election following the primary. No absentee ballot functions that are to take place at this alternate site may be conducted at the municipal clerk's office so long as the alternate site is used. The bill requires notice of the

alternate site to be prominently displayed in the office of the municipal clerk beginning on the date that the site is selected and continuing during the time that absentee ballots are available and requires a notice of the alternate site to be published in a newspaper along with other absentee ballot information required under current law and on an Internet site if one is maintained by the municipal clerk. The bill requires the alternate site to be staffed by the municipal clerk or by employees of the clerk. The alternate site must be accessible and located as near as practicable to the office of the clerk, but may not be located so as to afford an advantage to any political party. Observation and electioneering laws would apply to alternate locations established under the bill.

Election Observers

Under current law, any member of the public may be present at any polling place for the purpose of observing an election, except a candidate at that election. The chief inspector at the polling place is authorized to "reasonably limit" the number of persons representing the same organization who are permitted to observe an election at the same time. In addition, the chief inspector is authorized to restrict the location of observers to certain areas at a polling place. Such an area is to be clearly designated as an observation area. Observation areas must be positioned to allow observers to readily observe all public aspects of the voting process. The statutes authorize a chief inspector to order the removal from a polling place of any observer who commits an overt act which disrupts the operation of the polling place or who engages in electioneering in violation of the law.

Under the statutes, an observer may not view the confidential portion of a registration list relating to an individual who has obtained a confidential listing based on domestic abuse. However, the poll workers must disclose to an observer, upon request, the existence of such a list, the number of electors whose names appear on the list, and the number of those electors who have voted at any point during the election. In addition, an observer may not view the certificate of an absent elector who has obtained such a confidential listing. Current law prohibits any person from refusing to obey a lawful order of a poll worker made for the purpose of enforcing the election laws; engaging in disorderly behavior at or near a polling place; or interrupting or disturbing the voting or canvassing proceedings. A person violating this prohibition may be fined not more than \$1,000, or imprisoned for not more than 6 months, or both.

The bill applies the above observation provisions to the municipal clerk's office or an alternate absentee ballot site authorized by the governing body of a municipality on any day that absentee ballots may be cast in that office. However, the observation provisions created by the bill would only apply to offices of municipal clerks that are located in public buildings. Accordingly, these provisions would not apply to clerks whose offices are located in their primary residences. In addition, the prohibition on a "candidate at that election" being an observer is clarified to apply to a candidate whose name appears on the ballot at the polling place or on an absentee ballot to be cast at the clerk's office or alternate site.

Electioneering

Current law prohibits an election official from engaging in "electioneering" on election day. In addition, the law prohibits any person from engaging in "electioneering" during polling hours on any public property on election day within 100 feet of an entrance to a building containing a polling place. This restriction, though, does not apply to the placement of any material on the bumper of a motor vehicle that is located on such property on election day. A municipal clerk, poll worker, or law enforcement officer is authorized to remove posters or other advertising that violates the prohibitions on "electioneering".

The law defines "electioneering" as any activity that is intended to influence voting at an election. Persons who violate the above prohibitions on electioneering may be fined not more than \$1,000, or imprisoned for not more than 6 months, or both. In addition, any election official who is convicted of violating the electioneering prohibitions is disqualified from acting as an election official for a term of 5 years from the time of the conviction.

The bill extends the prohibitions on electioneering to the municipal clerk's office or an alternate absentee ballot site authorized by the governing body of a municipality during times when absentee voting may be conducted in the office or at the alternate site. Specifically, the bill prohibits the clerk, or an employee of the clerk, from engaging in electioneering activities at those locations during the hours that absentee ballots may be cast. In addition, the bill prohibits any person from engaging in electioneering activities during the hours that absentee ballots may be cast in the municipal clerk's office or at an alternate absentee ballot site on any public property within 100 feet of an entrance to a building that contains the clerk's office or the alternate site. Violations of these provisions are subject to the same penalties as provided under current law for electioneering at a polling place.

Option to Count Absentee Ballots at a Central Location

Currently, each absentee ballot must be received at the polling place serving an elector's residence no later than 8 p.m. on election night for the ballot to be counted. The municipal clerk or board of election commissioners delivers all absentee ballots received by the clerk or board to the appropriate polling places. The inspectors (poll workers) canvass the absentee ballots, together with the other ballots, publicly on election day by marking the names of the absentee electors on the same poll list that is used to mark the names of the electors who vote in person. Any member of the public may observe the proceedings. Any elector may challenge for cause any absentee ballot that the elector knows or suspects is not cast by a qualified elector, whether the absentee ballot is cast in person at the office of a municipal clerk or board of election commissioners or the ballot is received in some other manner. Unless an absentee ballot is challenged or voted provisionally, it is not identifiable once it is counted, except that an absentee ballot may be distinguished from another ballot because it carries the initials of the municipal clerk or executive director of the board of election commissioners or a designated deputy. The inspectors at each polling place announce the results of each election when the canvass is completed on election night. Each municipal canvass must be completed by 2 p.m. on the day after each election, and each county canvass must begin no later than 9 a.m. on the Thursday following an election.

The bill permits the governing body of any municipality, by ordinance, to discontinue the canvassing of absentee ballots at polling places. Before enacting such an ordinance, a municipality must notify and consult with the Elections Board concerning the alternative procedure for canvassing absentee ballots that will be used. Under the bill, if absentee ballots are not canvassed at polling places, a municipal board of absentee ballot canvassers, appointed by the municipal clerk, must publicly convene any time after the polls open and before 10 p.m. on election day for the purpose of counting absentee ballots. To assist the board of absentee ballot canvassers, a municipality that canvasses absentee ballots at a central location may appoint additional inspectors in accordance with the same procedure that is used to appoint inspectors at polling places. Any inspectors so appointed are under the direction and supervision of the board of absentee ballot canvassers. Under the bill, the board of absentee ballot canvassers does not announce the results of its count until the canvass of all absentee ballots is completed. The bill provides for the board of absentee ballot canvassers to conduct a cross-check of

absentee ballots for any potential duplication by electors who also cast ballots in person. To accomplish the cross-check, the board of absentee ballot canvassers numbers each absentee ballot as it is counted, and if the elector who casts the ballot also casts a ballot in person, the absentee ballot is not counted. The bill permits any elector to challenge any absentee ballot for cause. The bill extends the time for completion of the municipal canvass by 2 hours but does not extend the time by which the county canvass must begin.

PRE-ELECTION PROCEDURES

Qualifications of Circulators of Nomination Papers and Petitions

Under current law, each nomination paper and petition for an election must be circulated by a qualified elector of the jurisdiction or district in which the paper or petition is circulated. However, in *Frami v. Ponto*, 255 F. Supp. 962 (W.D. Wis. 2003), a federal district court ruled that this residency requirement is unconstitutional and prevented the state from enforcing the statutory requirement.

The bill removes the residency requirement by providing that a circulator of a nomination paper or petition must be a qualified elector of this state or a U.S. citizen age 18 or over who, if he or she were a resident of the state, would not be disqualified from voting because he or she is incompetent, a felon whose right to vote has not been restored, or involved in a wager or bet depending upon the result of the election.

Notice of School District Referendum

Currently, proposed constitutional amendments and other measures or questions to be submitted to a vote of the people must be filed with the official or agency responsible for preparing the ballots for the election no later than 42 days prior to the election at which the amendment, measure, or question will appear on the ballot.

The bill requires, in addition, that a copy of a measure or question to be submitted to a vote of the people on behalf of a school district be provided to the clerk of each county having territory within the school district no later than the end of the next business day after the school district clerk receives the measure or question.

Contingency Planning Report

The bill requires the elections board to submit a report and recommendations to the legislature on state and local election-related contingency planning efforts and preparedness regarding natural disasters and terrorist activities that may occur at or near election time. The report is due on the first day of the 7th month beginning after publication of the bill as an act.

Guidance to Local Units of Government Regarding Election-Related Purchases

Under current law, the election administration council consists of members of the public and local election officials appointed by the executive director of the elections board. The council is to assist the elections board to establish the state's election administration plan under HAVA.

The bill requires the election administration council to also provide guidance to local units of government concerning the procurement of election apparatus, ballots, ballot forms, materials, and supplies for use in elections in this state to help ensure that competitive prices are obtained.

Term of Appointment for Certain Election Officials

Under current law, election officials are appointed for a 2-year term. The appointments are made in December of each even-numbered year. The bill changes the date that election officials are appointed to December of each odd-numbered year.

Election Official Training

Under current law, the elections board conducts training programs for chief inspectors (chief officials at polling places). No person may serve as a chief inspector if he or she has not been certified by the elections board as having met the requirements prescribed by the board for certification. The elections board must also prescribe requirements for maintaining certification. The elections board may also conduct training programs for other election officials. Municipal clerks and boards of election commissioners are required to train all election officials, and municipalities may require applicants for election official positions to take examinations. Currently, the elections board and municipal clerks and boards of election commissioners may appoint special registration deputies who obtain voter registrations from electors prior to the close of registration and municipal clerks may appoint special voting deputies to conduct voting at nursing homes and certain retirement homes and community-based residential facilities. Currently, the clerks and boards of election commissioners must train the deputies in accordance with rules prescribed by the elections board.

Beginning for elections held in 2008, the bill requires all municipal clerks to receive election training at least once every 2 years. The bill authorizes the elections board to produce and periodically update a video program and make the program available electronically through an Internet-based system for training purposes. Also, the bill requires municipal clerks to train all poll workers other than chief inspectors, who continue to be trained and certified under current law, as well as special registration deputies and special voting deputies pursuant to rules developed by the elections board. The bill provides that no person may serve as a poll worker, special registration deputy, or special voting deputy unless that person has received training required in the bill unless certain unforeseen circumstances occur. Under the bill, municipalities are required to compensate election officials other than special registration deputies and special voting deputies for attendance at training sessions as currently provided.

ELECTION DAY PROCEDURESHigh School Student Poll Workers

Generally, a pupil who is 16 or 17 years of age, who is enrolled in grades 9 to 12 in a public or private school, and who has at least a 3.0 grade point average (GPA) may serve as an inspector (poll worker) at the polling place serving the pupil's residence. Approval of the pupil's parent or guardian and of the school principal is required. There must be at least one qualified elector of the state serving at the polling place for a pupil to be appointed and a pupil may not serve as chief inspector. The term of appointment of an inspector lasts for 2 years and until his or her successor is appointed and qualified.

The bill eliminates the minimum GPA requirement and instead authorizes school boards to develop criteria for approving students to serve as poll workers. The bill also modifies the term of service of a high school pupil appointed to serve as an inspector. Under the bill, a high school pupil is appointed for one election only rather than for 2 years. The bill does not prohibit such a pupil from being appointed to serve at future elections.

Poll Closing Procedures When Voters Waiting to Vote

Under current law, any elector waiting to vote, whether within the polling booth or in the line outside the booth at the time the polls officially close must be permitted to vote.

The bill requires each municipal clerk to designate an official of the municipality who must position himself or herself at the end of the line of individuals waiting to vote at the time the polls officially close as a way to mark the end of the line. The bill provides that the official may be a poll worker

at the polling place, an employee of the municipal clerk, or a police officer.

Conduct of Election Observers

Under current law, any member of the public may be present at any polling place for the purpose of observing an election, except a candidate at that election. The chief inspector at the polling place is authorized to "reasonably limit" the number of persons representing the same organization who are permitted to observe an election at the same time. In addition, the chief inspector is authorized to restrict the location of observers to certain areas at a polling place. Such an area is to be clearly designated as an observation area. Observation areas must be positioned to allow observers to readily observe all public aspects of the voting process. The statutes authorize a chief inspector to order the removal from a polling place of any observer who commits an overt act which disrupts the operation of the polling place or who engages in electioneering.

Under the statutes, an observer may not view the confidential portion of a registration list relating to an individual who has obtained a confidential listing based on domestic abuse. However, the poll workers must disclose to an observer, upon request, the existence of such a list, the number of electors whose names appear on the list, and the number of those electors who have voted at any point during the election. In addition, an observer may not view the certificate of an absent elector who has obtained such a confidential listing.

Currently, any person who refuses to obey a lawful order of a poll worker made for the purpose of enforcing the election laws, who engages in disorderly behavior at or near a polling place, or who interrupts or disturbs the voting or canvassing proceedings may be fined not more than \$1,000, or imprisoned for not more than 6 months, or both.

The bill directs the elections board to promulgate rules regarding the proper conduct of observers at polling places, municipal clerk's offices, or alternate absentee ballot sites, including the interaction of observers with election officials at polling places. The bill requires the rules to be submitted to the legislative council staff for review by the 60th day beginning after publication of the bill as an act.

Proof of Residence Required of Certain Voters

Under current law, effective January 1, 2006, a person, other than a military elector or an overseas elector, who registers to vote by mail and who has not previously voted in an election for national office in Wisconsin must provide identification, as specified by law, before being allowed to vote at an election for national office. A person who is required to provide identification before voting but who fails to do so may cast a provisional ballot which may be counted if the person subsequently presents identification before 4 p.m. on the day after the election.

The bill creates a proof of residence requirement applicable to all persons other than military or overseas electors who register to vote by mail and have not voted in an election in this state.

Election Threats

Current law, in s. 12.09 of the statutes, prevents the making of various election threats. Violations of that section are punishable as a Class I felony (a fine not to exceed \$10,000 or imprisonment not to exceed 3 years and 6 months, or both).

Presently, s. 12.09, stats., is drafted as one paragraph consisting of 3 distinct components, each of which prohibits different conduct. The provision reads as follows:

No person may personally or through an agent make use of or threaten to make use of force, violence or restraint in order to induce or compel any person to vote or refrain from voting at an election; or, by abduction, duress or any fraudulent device or contrivance, impede or prevent the free exercise

of the franchise at an election; or by any act compel, induce or prevail upon an elector either to vote or refrain from voting at any election for or against a particular candidate or referendum.

The bill, in order to improve the readability of the provision, repeals the provision and recreates it with 3 distinct subsections. The bill makes no substantive changes to the law and violations would still be subject to the same penalties as provided under current law.

Prohibition on Certain Election-Related Material

Current law defines "electioneering" as any activity which is intended to influence voting at an election. Under current law, "electioneering" is prohibited at or near the entrances to polling places on election day. Specifically, the law prohibits an election official from engaging in "electioneering" on election day. In addition, the law prohibits any person from engaging in "electioneering" during polling hours on any public property on election day within 100 feet of an entrance to a building containing a polling place. This restriction, though, does not apply to the placement of any material on the bumper of a motor vehicle that is located on such property on election day. A municipal clerk, poll worker, or law enforcement officer is authorized to remove posters or other advertising that violates the prohibitions on "electioneering".

Persons who violate the above prohibitions on electioneering may be fined not more than \$1,000, or imprisoned for not more than six months, or both. In addition, any election official who is convicted of violating the electioneering prohibitions is disqualified from acting as an election official for a term of five years from the time of the conviction.

The bill modifies the statutory language regarding "electioneering" to provide that the prohibition on electioneering also applies to electioneering at a polling place.

In addition, the bill prohibits the posting or distribution of election-related material during polling hours on any public property on election day at a polling place or within 100 feet of an entrance to a building containing a polling place. Similarly, the bill prohibits such conduct in relation to the municipal clerk's office or an alternate absentee ballot site during hours that absentee ballots may be cast therein. For purposes of the bill, "election-related material" means any written matter which describes, or purports to describe, the rights or responsibilities of individuals voting or registering to vote at a polling place or voting by absentee ballot. The prohibition would not apply to material posted or distributed by the municipal clerk or other election officials or to a bumper sticker on a motor vehicle. The bill authorizes a municipal clerk, election inspector, or law enforcement officer to remove or confiscate unauthorized election-related material. Finally, the bill provides that a violation of the election-related material prohibition is punishable by a forfeiture not to exceed \$100.

Map of Area Served by Polling Place

The bill requires that the municipal clerk or board of election commissioners in municipalities with multiple polling places to prominently post at each polling place a map of the geographic area served by each polling place for that election. The map must display the boundaries of the ward or wards served by the polling place for that election.

Lists of Felons Ineligible to Vote

Under current law, any person who is convicted of a felony is not eligible to vote. However, if the person is pardoned or the person completes his or her sentence, the person's voting rights are restored. A person who is on probation, parole, or extended supervision has not completed his or her sentence. Under current law, there is no procedure that election officials

must use to identify felons who are ineligible to vote and to prevent them from voting.

The bill directs the department of corrections (DOC) to transmit electronically to the elections board, on a continuous basis, a list containing the names of each person who has been convicted of a felony under the laws of this state and whose voting rights have not been restored, together with the date on which DOC expects his or her voting rights to be restored. The bill directs the board to enter the information received from DOC on the statewide voter registration list and to maintain the information on that list so that the information is kept current. Under the bill, the information is open to public inspection.

The bill also directs the elections board to enter on the poll list prepared for each election a notation after the name of any elector who is ineligible to vote on that date because the person's name appears on the current list that DOC provides. In addition, the bill directs the board to provide for each polling place at each election a list of persons whose names do not appear on the registration list but whose names appear on the current list that DOC provides and whose addresses are located within the area served by the polling place. These lists are open to public inspection.

The bill requires poll workers to check the lists and to inform any person whose name appears on the lists that they are ineligible to register to vote or to vote. A person whose name appears on a list and who claims to be eligible to vote may still be allowed to vote, but the person must vote by ballot. The ballot is marked for later examination and it may be reviewed and discounted during a canvass or recount if the appropriate board of canvassers determines that the person who cast the ballot is ineligible to vote.

The bill also requires every person who registers to vote to affirm specifically that he or she has not been convicted of a felony for which he or she has not been pardoned and, if so, whether the person is incarcerated or on probation, parole, or extended supervision resulting from that conviction. Currently, the law requires a person who registers at a polling place only to affirm that he or she is not disqualified on any ground from voting, and does not require any similar affirmation from other late registrants.

In addition, the bill directs the elections board to conduct a postelection audit after each election to determine whether any ineligible felons have been allowed to register and vote after the close of registration. If so, the board is directed to enter a notation reflecting this ineligibility on the registration list and to provide the names of these felons to the district attorney.

Finally, the bill requires DOC to create a form for notifying individuals of their ineligibility to vote. When an inmate who is disqualified from voting is released on parole or extended supervision, the DOC must use the form to notify the person that he or she may not vote until his or her civil rights are restored. The person and a witness must sign the form. The same procedure must be followed for each probationer, and by the court every time it imposes a sentence or places a defendant on probation for a conviction that disqualifies him or her from voting.

Additional Poll Worker: Greeter

Under current law, there must be at least 3 inspectors (poll workers) at each polling place. Municipalities may increase that number and may appoint special registration deputies on a nonpartisan basis to register voters at polling places on election day. Inspectors must be appointed from lists containing the names of eligible electors submitted by party committeemen and committeewomen. If no names or insufficient names are submitted, inspectors are appointed on a nonpartisan basis. Certain high school pupils may also be appointed to serve as inspectors. The party whose candidate for president

or governor received the most votes in the area served by the polling place at the most recent general election is entitled to one more appointment than the other party. Alternate officials must also be appointed in a sufficient number to maintain adequate staffing.

The bill provides that each municipality may appoint an additional inspector on a nonpartisan basis who serves as a greeter and substitutes for other inspectors who must leave the voting room temporarily. Under the bill, the additional inspector is not entitled to participate in the canvassing process.

POST-ELECTION PROCEDURES

Time for Delivery of Election Material

Currently, by 2 p.m. on the day after an election, the municipal clerk must deliver the ballots, statements, tally sheets, lists, and envelopes for the clerk's municipality concerning any county, technical college district, state, or national election to the county clerk. In addition, current law requires the municipal clerk to arrange for delivery of these materials concerning a school district election to the school district clerk, but does not specify a time by which that delivery must take place. The bill sets the deadline for delivery of these materials at 4 p.m. on the day after an election.

Post-Election Inspectors' Statements

Under current law, after ballots have been counted and votes recorded at the polling place on appropriate tally sheets, inspectors' statements must be completed in duplicate, and all materials secured and routed to the appropriate clerk. The bill deletes the requirement that inspectors' statements be completed in duplicate. Instead, under the bill, the municipal clerk must make copies of the inspectors' statement for delivery to the county or school district clerk, or both. The municipal clerk must retain the original statement.

County and Municipal Clerk Serving on Board of Canvassers

Generally, under current law, the municipal and county board of canvassers is composed of the municipal or county clerk and 2 appointed members. No person may serve on the board if he or she is a candidate at an election to be canvassed. The bill allows the county and municipal clerk to continue to serve on the respective board of canvassers if the clerk is a candidate as long as he or she has no opponent on the ballot, or, in the event of a recount, the office the clerk is seeking is not a subject of the recount.

Grounds for Recall of Certain Local Elective Offices

Under current law, a petition for the recall of a city, village, town, or school district officer, in addition to other requirements, must state a reason for the recall that is related to the official responsibilities of the officer. Current law also provides for the removal of elective village, town, and school district officers and certain elective city officers, for cause, after notice and a hearing. Under current law, inefficiency, neglect of duty, official misconduct, or malfeasance in office constitute cause for removal from office.

The bill requires a petition for the recall of a city, village, town, or school district officer to contain a statement of the grounds that constitute each cause for the recall. Under the bill, "cause" means official misconduct or malfeasance in office.

Retention of Unused Ballots After an Election

The bill provides that unused ballots from an election may not be discarded or destroyed until at least the day after the latest day for the filing of a recount petition for any office on the ballots. In addition, the bill authorizes the county clerk to store any such unused ballots upon request of a municipal clerk of a municipality within the county and authorizes the

county clerk to destroy the ballots pursuant to provisions of the bill.

Recount Procedures

Under current law, the state elections board is required to prescribe standard forms and procedures for the making of recounts. Additionally, when a recount is being conducted, if the ballots are in readable form such that automatic tabulating equipment may be used to count the ballots, the board of canvassers conducting the recount may choose to recount the ballots without the aid of automatic tabulating equipment. If automatic tabulating equipment is to be used, the equipment must be tested prior to the recount.

The bill requires the procedures developed by the elections board to require boards of canvassers in recounts involving more than one board of canvassers to consult with the elections board staff prior to beginning any recount to ensure that uniform procedures are used, to the extent practicable, in conducting such recounts.

In addition, the bill requires boards of canvassers to use automatic tabulating equipment to recount ballots that are in machine-readable form. The bill provides, however, that a candidate, or elector if the recount is for a referendum question, may petition the circuit court for an order requiring ballots in readable form to be counted by hand or by another method approved by the court. The petition must be filed by the close of business on the next business day after the last day for filing a petition for a recount. To prevail, the petitioner must establish by clear and convincing evidence that due to an irregularity, defect, or mistake committed during the voting or canvassing process the results of a recount using automatic tabulating equipment will produce incorrect recount results and that there is a substantial probability that recounting the ballots by hand or another method will produce a more correct result and change the outcome of the election. The court with whom the petition is filed must hear the matter as expeditiously as possible, without a jury. Only if the court determines that the petitioner has made the required showing may the court order a recount of the ballots by hand or other method. The procedure created by the bill does not affect the ability of an aggrieved candidate or elector under current law to appeal the outcome of a recount to circuit court upon completion of the recount.

Post-Election Audits

The bill requires the elections board, by no later than December 31, 2006, to prepare recommendations with regard to random post-election audits of local election practices to be conducted in the fall of odd-numbered years. The recommendations must include recommendations on how election practices in a given municipality may be reviewed by election officials of other, similar-sized municipalities and how such audits may be funded by the state. The recommendations must be submitted to the legislature.

Effective date

All changes to the law proposed by the bill take effect on July 1, 2006, or on the day after publication, whichever is later.

SECTION 1. 5.02 (6m) of the statutes is repealed.

SECTION 2. 5.02 (16g) of the statutes is created to read:

5.02 (16g) "Qualified circulator" means a qualified elector of this state or any U.S. citizen age 18 or older who, if he or she were a resident of this state, would not be disqualified from voting under s. 6.03.

SECTION 3. 5.35 (6) (a) 4a. of the statutes is amended to read:

5.35 (6) (a) 4a. Instructions prescribed by the board for electors for whom ~~identification~~ proof of residence under s. 6.34 is required under s. ~~6.36(2)-(e)-2~~ 6.55 (2).

SECTION 4. 5.35 (6) (c) of the statutes is created to read:

5.35 (6) (c) At each polling place located in a municipality that is served by more than one polling place for an election, the municipal clerk or board of election commissioners shall prominently post a map of the geographic area served by the polling place for that election. The posting shall clearly show the boundaries of the ward or wards served by the polling place for that election.

SECTION 5. 5.68 (3m) of the statutes is created to read:

5.68 (3m) The election administration council shall provide guidance to local units of government concerning the procurement of election apparatus, ballots, ballot forms, materials, and supplies for use in elections in this state to help ensure that competitive prices are obtained by those units of government.

SECTION 6. 5.90 of the statutes, as affected by **2005 Wisconsin Act 92**, is renumbered 5.90 (1) and amended to read:

5.90 (1) Except as otherwise provided in this subchapter, recounts of votes cast on an electronic voting system shall be conducted in the manner prescribed in s. 9.01. ~~If Except as provided in sub. (2) and 9.01 (1) (b) 8s., if the ballots are distributed to the electors, the board of canvassers may elect to shall recount the ballots without the aid of with automatic tabulating equipment. If the board of canvassers elects to use automatic tabulating equipment, the~~ The board of canvassers shall test the automatic tabulating equipment to be used prior to the recount as provided in s. 5.84, and then the official ballots or the record of the votes cast shall be recounted on the automatic tabulating equipment. In addition, the board of canvassers shall check the ballots for the presence or absence of the initials and other distinguishing marks, shall examine the ballots marked "Rejected", "Defective" and "Objected to" to determine the propriety of such labels, and shall compare the "Duplicate Overvoted Ballots" and "Duplicate Damaged Ballots" with their respective originals to determine the correctness of the duplicates. If electronic voting machines are used, the board of canvassers shall perform the recount using the permanent paper record of the votes cast by each elector, as generated by the machines.

SECTION 7. 5.90 (2) and (3) of the statutes are created to read:

5.90 (2) Any candidate, or any elector when for a referendum, may, by the close of business on the next business day after the last day for filing a petition for a recount under s. 9.01, petition the circuit court for an order requiring ballots under sub. (1) to be counted by hand or by another method approved by the court. The petitioner in such an action bears the burden of establishing by clear

and convincing evidence that due to an irregularity, defect, or mistake committed during the voting or canvassing process the results of a recount using automatic tabulating equipment will produce incorrect recount results and that there is a substantial probability that recounting the ballots by hand or another method will produce a more correct result and change the outcome of the election.

(3) A court with whom a petition under sub. (2) is filed shall hear the matter as expeditiously as possible, without a jury. The court may order a recount of the ballots by hand or another method only if it determines that the petitioner has established by clear and convincing evidence that due to an irregularity, defect, or mistake committed during the voting or canvassing process the results of a recount using automatic tabulating equipment will produce incorrect recount results and that there is a substantial probability that recounting the ballots by hand or another method will produce a more correct result and change the outcome of the election. Nothing in this section affects the right of a candidate or elector aggrieved by the recount to appeal to circuit court under s. 9.01 (6) upon completion of the recount.

SECTION 8. 6.15 (2) (d) 1r. of the statutes is amended to read:

6.15 (2) (d) 1r. Upon proper completion of the application and cancellation card, the municipal clerk shall require the elector to provide ~~acceptable~~ acceptable proof of residence under s. ~~6.55(7) 6.34~~. If the elector cannot provide ~~acceptable~~ acceptable proof of residence, the elector may have his or her residence corroborated in a statement that is signed by another elector of the municipality and that contains the current street address of the corroborating elector. If the residence is corroborated by another elector, that elector shall then provide proof of residence under s. ~~6.55(7) 6.34~~. The elector shall then mark the ballot in the clerk's presence in a manner that will not disclose his or her vote. The elector shall then fold the ballot so as to conceal his or her vote. The clerk or elector shall then place the ballot in an envelope furnished by the clerk.

SECTION 9. 6.15 (3) of the statutes is amended to read:

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

tal of acceptable proof of residence under s. 6.55 (7) 6.34 or providing corroboration of residence, the inspectors shall permit the elector to cast his or her ballot for president and vice president. The elector shall mark the ballot and, unless the ballot is utilized with an electronic voting system, the elector shall fold the ballot, and deposit the ballot into the ballot box or give it to the inspector. The inspector shall deposit it directly into the ballot box. Voting machines or ballots utilized with electronic voting systems may only be used by electors voting under this section if they permit voting for president and vice president only.

SECTION 10. 6.15 (4) (a) to (d) of the statutes are amended to read:

6.15 (4) (a) Clerks holding new resident ballots shall deliver them to the election inspectors in the proper ward or election district where the new residents reside or, in municipalities where absentee ballots are canvassed under s. 7.52, to the municipal board of absentee ballot canvassers when it convenes under s. 7.52 (1), as provided by s. 6.88 for absentee ballots.

(b) During polling hours, the inspectors shall open each carrier envelope, announce the elector's name, check the affidavit for proper execution, and check the voting qualifications for the ward, if any. In municipalities where absentee ballots are canvassed under s. 7.52, the municipal board of absentee ballot canvassers shall perform this function at a meeting of the board of absentee ballot canvassers.

(c) The inspectors or board of absentee ballot canvassers shall open the inner envelope without examination of the ballot other than is necessary to see that the issuing clerk has endorsed it.

(d) Upon satisfactory completion of the procedure under pars. (b) and (c) the inspectors or board of absentee ballot canvassers shall deposit the ballot in the ballot box. The inspectors or board of absentee ballot canvassers shall enter the name of each elector voting under this section on the poll list with an indication that the elector is voting under this section or on a separate list maintained for the purpose under s. 6.79 (2) (c).

SECTION 11. 6.15 (6) of the statutes is amended to read:

6.15 (6) DEATH OF ELECTOR. When it appears by due proof to the inspectors or, in municipalities where absentee ballots are canvassed under s. 7.52, when it appears by due proof to the board of absentee ballot canvassers that a person voting under this section at an election has died before the date of the election, the inspectors or board of absentee ballot canvassers shall return the ballot with defective ballots to the issuing official.

SECTION 12. 6.21 of the statutes is amended to read:

6.21 Deceased electors. When by due proof it appears to the inspectors or, in municipalities where absentee ballots are canvassed under s. 7.52, when by due proof it appears to the board of absentee ballot canvassers

that a person voting under this section casting an absentee ballot at an election has died before the date of the election, they the inspectors or board of absentee ballot canvassers shall return the ballot with defective ballots to the issuing official. The casting of the ballot of a deceased elector does not invalidate the election.

SECTION 12m. 6.22 (1) (intro.) of the statutes is amended to read:

6.22 (1) DEFINITIONS. (intro.) In this section, except as otherwise provided:

SECTION 13. 6.22 (2) (b) of the statutes is amended to read:

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

SECTION 14. 6.22 (4) of the statutes is renumbered 6.22 (4) (a) amended to read:

6.22 (4) (a) ~~An A request for an absentee ballot by an individual who qualifies as a military elector may shall be treated as a request for an absentee ballot for any election, or for all elections until the individual otherwise requests or until the individual no longer qualifies as a military elector. Upon receiving a timely request for an absentee ballot under par. (b) by an individual who qualifies as a military elector, the municipal clerk shall send or transmit to the elector an absentee ballot for all elections that occur in the municipality or portion thereof where the elector resides beginning on the date that the clerk receives the request.~~

(b) A military elector's application may be received at any time. The municipal clerk shall not send a ballot for an election if the application is received later than 5 p.m. on the Friday preceding that election. The municipal clerk shall send a ballot, as soon as available, to each military elector who requests a ballot.

(d) The board shall prescribe the instructions for marking and returning ballots and the municipal clerk shall enclose instructions with each ballot and shall also enclose supplemental instructions for local elections. The envelope, return envelope and instructions may not contain the name of any candidate appearing on the enclosed ballots other than that of the municipal clerk affixed in the fulfillment of his or her duties.

(e) Whenever the material is mailed, the material shall be prepared and mailed to make use of the federal free postage laws. If the material does not qualify for mailing without postage under federal free postage laws, the municipal clerk shall pay the postage required for mailing to the military elector. If the return envelope qualifies for mailing free of postage under federal free postage laws, the clerk shall affix the appropriate legend required by U.S. postal regulations. Otherwise the municipal clerk shall pay the postage required for return when the ballot is mailed from within the United States. If the ballot is not mailed by the military elector from within the United States the military elector shall provide

return postage. The mailing list established under this subsection shall be kept current in the same manner as provided in s. 6.86 (2) (b).

SECTION 15. 6.22 (4) (c) of the statutes is created to read:

6.22 (4) (c) A military elector may indicate an alternate address on his or her absentee ballot application. If the elector's ballot is returned as undeliverable prior to the deadline for return of absentee ballots under s. 6.87 (6), and the elector remains eligible to receive absentee ballots under this section, the municipal clerk shall immediately send or transmit an absentee ballot to the elector at the alternate address.

SECTION 16. 6.22 (4) (f) to (h) of the statutes are created to read:

6.22 (4) (f) If there occur 2 successive general elections at which a military elector fails to return an absentee ballot sent or transmitted to the elector under par. (a) and the elector has not cast an absentee ballot at any intervening election, if the municipal clerk is reliably informed that the elector is no longer a military elector or no longer resides in the municipality, or if the elector so requests, the clerk shall discontinue sending or transmitting absentee ballots to the elector under this subsection. If a military elector who has requested an absentee ballot changes his or her residence from the municipality where a request is filed to another municipality in this state, the municipal clerk of the municipality who received the request shall notify the clerk of the municipality to which the elector's residence is changed of the date of the request or the latest renewal under par. (g) and the date of the most recent absentee ballot received by the clerk. The municipal clerk who is so notified shall treat the request as having been made to him or her.

(g) Prior to any discontinuance of the service provided to a military elector under this subsection solely for failure to return absentee ballots, the municipal clerk shall mail the elector a 1st class letter or postcard notifying the elector that an absentee ballot will no longer be sent to the elector unless the elector renews his or her request within 30 days of the date of the notification.

(h) The municipal clerk shall notify a military elector of any action under par. (f) that is not taken at the elector's request within 5 days of taking that action, if possible.

SECTION 17. 6.22 (5) of the statutes is amended to read:

6.22 (5) VOTING PROCEDURE. Except as provided in s. 6.221 and as authorized in s. 6.25, the ballot shall be marked and returned, deposited and recorded in the same manner as other absentee ballots. In addition, the certification under s. 6.87 (2) shall have a statement of the elector's birth date. Failure to return any unused ballots in a primary election does not invalidate the ballot on which the elector casts his or her votes.

SECTION 18g. 6.22 (6) of the statutes is amended to read:

6.22 (6) MILITARY ELECTOR LIST. Each municipal clerk shall keep an up-to-date list of all eligible local military electors who reside in the municipality; city clerks shall keep the lists by wards. The list shall contain the name, latest-known military residence and military mailing address of each military elector. The list shall indicate whether each elector whose name appears on the list is a military elector, as defined in s. 6.36 (2) (c), and has so certified under s. 6.865 (3m). All persons over 18 years of age or who will be 18 years old prior to an election shall be listed and remain on the list for the duration of their tour of duty. The list shall be kept current through all possible means. Each clerk shall exercise reasonable care to avoid duplication of names or listing anyone who is not eligible to vote. Each clerk shall distribute 2 copies of the list to the appropriate ward in the municipality for use on election day.

SECTION 18r. 6.221 of the statutes is created to read:

6.221 Counting of absentee ballots for certain military electors; September primary and general election. (1) In this section, "military elector" has the meaning given in s. 6.36 (2) (c) and active duty status for any election is determined as of election day.

(2) Each certificate envelope that is mailed or transmitted to a military elector under this section shall be clearly labeled as "Cast by a military elector under s. 6.221, Wis. Stats., and may be eligible to be counted after election day."

(3) (a) At the September primary, a ballot that is cast under s. 6.22 by an elector who is a military elector, that is received by mail from the U. S. postal service, and that is postmarked no later than election day shall be counted as provided in this section if it is received by a municipal clerk no later than 5 p.m. on the 7th day after the election.

(b) At the general election, a ballot that is cast under s. 6.22 by an elector who is a military elector, that is received by mail from the U.S. postal service, and that is postmarked no later than election day shall be counted as provided in this section if it is received by a municipal clerk no later than 5 p.m. on the 10th day after the election.

(4) For purposes of sub. (3), if a certificate envelope is not postmarked or has a postmark that is not legible to the board of canvassers, and the envelope was received by mail from the U.S. postal service in the manner and within the period prescribed in sub. (3), it is presumed that the envelope was placed in the mail on or before election day, unless established by a preponderance of the evidence to the contrary.

(5) No later than the closing hour of the polls on the day of the September primary and the day of the general election, the municipal clerk of each municipality shall post at his or her office and on the Internet at a site announced by the clerk before the polls open, and shall make available to any person upon request, a statement of the number of absentee ballots that the clerk has mailed

or transmitted to military electors under this section and that have not been returned to the polling places where the electors reside by the closing hour on election day. The posting shall not include the names or addresses of any military electors.

(6) (a) Whenever the municipal clerk of any municipality receives an absentee ballot cast by an elector who is a military elector under this section and the ballot is not received in sufficient time for delivery to the polling place serving the residence of the elector on election day but is received within the time specified in sub. (3), the clerk shall promptly provide written notice to the board of canvassers of each municipality, special purpose district, and county that is responsible for canvassing the election of the number of such ballots that have been cast received by the clerk in each ward or election district.

(b) Whenever a board of canvassers receives notification from a municipal clerk under par. (a), the board of canvassers shall reconvene no later than 9 a.m. on the day after the last day permitted for acceptance of absentee ballots under sub. (3) and shall proceed to open and record the names of the military electors whose ballots have been received. If the ballot cast by a military elector is otherwise valid, the board of canvassers shall count the ballot and adjust the statements, certifications, and determinations accordingly. If the municipal clerk transmits returns of the election to the county clerk, the municipal clerk shall transmit to the county clerk a copy of the amended returns together with all additional ballots and envelopes reviewed by the board of canvassers and with amended tally sheets.

SECTION 19. 6.24 (4) (d) of the statutes is amended to read:

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

SECTION 20. 6.24 (6) of the statutes is amended to read:

6.24 (6) INSTRUCTIONS AND HANDLING. The municipal clerk shall send a ballot, as soon as available, to each overseas elector by whom a request has been made. The board shall prescribe the instructions for marking and returning ballots and the municipal clerk shall enclose such instructions with each ballot. The envelope, return envelope and instructions may not contain the name of any candidate appearing on the enclosed ballots other than that of the municipal clerk affixed in the fulfillment

of his or her duties. Except as authorized in s. 6.87 (3), the municipal clerk shall mail the material ~~postage pre-paid to any place in the world. The, with sufficient postage to ensure that the elector receives the ballot, unless the material qualifies for mailing free of postage under federal free postage laws. If the return envelope qualifies for mailing free of postage under federal free postage laws, the clerk shall affix the appropriate legend required by U.S. postal regulations. Otherwise, the municipal clerk shall pay the postage required for return when the ballot is mailed from within the United States. If the ballot is not mailed by the overseas elector from within the United States, the~~ overseas elector shall provide return postage.

SECTION 24. 6.26 (2) (c) of the statutes is amended to read:

6.26 (2) (c) No individual may serve as a special registration deputy in a municipality unless the individual is appointed by the municipal clerk or board of election commissioners of the municipality or the individual is appointed by the elections board to serve all municipalities and the individual completes training required under s. 7.315.

SECTION 25. 6.26 (2) (cm) of the statutes is created to read:

6.26 (2) (cm) The board and each municipal clerk shall maintain a record of the names and addresses of each individual who is appointed by the board or the clerk to serve as a special registration deputy under this section and who has complied with the training requirements for service as a special registration deputy under s. 7.315 (1) (b) 1.

SECTION 26. 6.26 (3) of the statutes is amended to read:

6.26 (3) The board shall, by rule, prescribe procedures for appointment of special registration deputies, for revocation of appointments of special registration deputies, and for training of special registration deputies by municipal clerks and boards of election commissioners. The procedures shall be coordinated with training programs for special registration deputies conducted by municipal clerks under s. 7.315 and shall be formulated to promote increased registration of electors consistent with the needs of municipal clerks and boards of election commissioners to efficiently administer the registration process.

SECTION 27. 6.26 (4) of the statutes is created to read:

6.26 (4) Each special registration deputy under this section who obtains a registration form from an elector shall print his or her name on and sign the form, affirming that the deputy has accepted the form.

SECTION 28. 6.275 (1) (c) of the statutes is amended to read:

6.275 (1) (c) The total number of electors of the municipality residing in that county who registered after the close of registration and prior to the day of the pri-

mary or election under ss. ~~6.28 (1)~~, 6.29, and 6.86 (3) (a) 2.

SECTION 29. 6.276 (1) of the statutes is amended to read:

6.276 (1) In this section, “military elector” and “overseas elector” have the meanings given in s. ~~6.36 (2) (e)~~ 6.34 (1).

SECTION 30. 6.28 (1) of the statutes is amended to read:

6.28 (1) REGISTRATION LOCATIONS; DEADLINE. Except as authorized in ss. 6.29, 6.55 (2), and 6.86 (3) (a) 2., registration in person for any election shall close at 5 p.m. on the ~~2nd 3rd~~ Wednesday preceding the election. Registrations made by mail under s. 6.30 (4) must be delivered to the office of the municipal clerk or postmarked no later than the ~~2nd Wednesday~~ 3rd Wednesday preceding the election. ~~An application for registration in person or by mail may be accepted for placement on the registration list after the specified deadline, if the municipal clerk determines that the registration list can be revised to incorporate the registration in time for the election.~~ All applications for registration corrections and additions may be made throughout the year at the office of the city board of election commissioners, at the office of the municipal clerk, ~~at the office of any register of deeds at the office of the county clerk,~~ or at other locations provided by the board of election commissioners or the common council in cities over 500,000 population or by either or both the municipal clerk, or the common council, village or town board in all other municipalities and may also be made during the school year at any high school by qualified persons under sub. (2) (a). Other registration locations may include but are not limited to fire houses, police stations, public libraries, institutions of higher education, supermarkets, community centers, plants and factories, banks, savings and loan associations and savings banks. Special registration deputies shall be appointed for ~~all locations~~ each location unless the location can be sufficiently staffed by the board of election commissioners or the municipal clerk or his or her deputies. An elector who wishes to obtain a confidential listing under s. 6.47 (2) shall register at the office of the municipal clerk of the municipality where the elector resides.

SECTION 31. 6.28 (3) of the statutes is repealed.

SECTION 32. 6.28 (4) of the statutes is created to read:

6.28 (4) AT THE OFFICE OF THE COUNTY CLERK. Any person shall be given an opportunity to register to vote at the office of the county clerk for the county in which the person’s residence is located. An applicant may complete the required registration form under s. 6.33. Unless the county clerk performs registration functions for the municipality where the elector resides under s. 6.33 (5) (b), the county clerk shall forward the form submitted by an elector to the appropriate municipal clerk, or to the board of election commissioners in cities over 500,000

population within 5 days of receipt. The clerk shall forward the form immediately whenever registration closes within 5 days of receipt.

SECTION 33. 6.29 (1) of the statutes is amended to read:

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

SECTION 34. 6.29 (2) (a) of the statutes is amended to read:

6.29 (2) (a) Any qualified elector of a municipality who has not previously filed a registration form or whose name does not appear on the registration list of the municipality may register after the close of registration but not later than 5 p.m. or the close of business, whichever is later, on the day before an election at the office of the municipal clerk and at the office of the clerk’s agent if the clerk delegates responsibility for electronic maintenance of the registration list to an agent under s. 6.33 (5) (b). The elector shall complete, in the manner provided under s. 6.33 (2), a registration form containing all information required under s. 6.33 (1). The registration form shall also contain the following certification: “I,, hereby certify that, to the best of my knowledge, I am a qualified elector, having resided at ... for at least 10 days immediately preceding this election, and I have not voted at this election”. The elector shall also provide ~~acceptable~~ proof of residence under s. ~~6.55 (7)~~ 6.34. Alternatively, if the elector is unable to provide ~~acceptable~~ proof of residence under s. ~~6.55 (7)~~ 6.34, the information contained in the registration form shall be corroborated in a statement that is signed by any other elector of the municipality and that contains the current street address of the corroborating elector. The corroborating elector shall then provide ~~acceptable~~ proof of residence under s. ~~6.55 (7)~~ 6.34. If the elector is registering after the close of registration for the general election and the elector presents a valid driver’s license issued by another state, the municipal clerk or agent shall record on a separate list the name and address of the elector, the name of the state, and the license number and expiration date of the license.

SECTION 35. 6.29 (2) (am) of the statutes is created to read:

6.29 (2) (am) The board shall provide to each municipal clerk a list prepared for use at each municipal clerk’s office showing the name and address of each person whose name appears on the list provided by the department of corrections under s. 301.03 (20) as ineligible to vote on the date of the election, whose address is located in the municipality, and whose name does not appear on the registration list for that municipality. Prior to permitting an elector to register to vote under this subsection,

the municipal clerk shall review the list. If the name of an elector who wishes to register to vote appears on the list, the municipal clerk shall inform the elector that the elector is ineligible to register to vote. If the elector maintains that he or she is eligible to vote in the election, the municipal clerk shall permit the elector to register to vote but shall mark the elector's registration form as "ineligible to vote per Department of Corrections." If the elector wishes to vote, the municipal clerk shall challenge the elector's ballot in the same manner as provided for inspectors who challenge ballots under s. 6.79 (2) (dm).

SECTION 36. 6.29 (2) (b) of the statutes is amended to read:

6.29 (2) (b) ~~Unless the municipal clerk determines that the registration list will be revised to incorporate the registration in time for the election, upon~~ Upon the filing of the registration form required by this section, the municipal clerk or clerk's agent under s. 6.33 (5) (b) shall issue a certificate containing the name and address of the elector addressed to the inspectors of the proper ward or election district directing that the elector be permitted to cast his or her vote if the elector complies with all requirements for voting at the polling place. The certificate shall be numbered serially, prepared in duplicate and one copy preserved in the office of the municipal clerk.

SECTION 37. 6.32 (title), (1) and (4) of the statutes are amended to read:

6.32 (title) Verification of mail certain registrations. (1) Upon receipt of a registration form ~~which that~~ is submitted by mail under s. 6.30 (4) ~~or that is submitted by a special registration deputy appointed under s. 6.26,~~ the municipal clerk shall examine the form for sufficiency.

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

SECTION 38. 6.33 (1) of the statutes, as affected by 2003 Wisconsin Act 265, section 49b, is amended to read:

6.33 (1) ~~The municipal clerk shall supply sufficient registration forms as prescribed by the board shall prescribe the format, size, and shape of registration forms. All forms shall be printed on loose-leaf sheets or cards and each item of information shall be of uniform font~~

size, as prescribed by the board. The municipal clerk shall supply sufficient form to meet voter registration needs. The forms shall be designed to obtain from each applicant information as to name; date; residence location; citizenship; date of birth; age; the number of a valid operator's license issued to the elector under ch. 343 or the last 4 digits of the elector's social security account number; whether the applicant has resided within the ward or election district for at least 10 days; whether the applicant has lost his or her right to vote; been convicted of a felony for which he or she has not been pardoned, and if so, whether the applicant is incarcerated, or on parole, probation, or extended supervision; whether the applicant is disqualified on any other ground from voting; and whether the applicant is currently registered to vote at any other location. The forms form shall also provide include a space for the applicant's signature and the signature of any corroborating elector. The form shall include a space to enter the name of any special registration deputy under s. 6.26 or 6.55 (6) or inspector, municipal clerk, or deputy clerk under s. 6.55 (2) who obtains the form and a space for the deputy, inspector, clerk, or deputy clerk to sign his or her name, affirming that the deputy, inspector, clerk, or deputy clerk has accepted the form. The form shall include a space for entry of the ward and aldermanic district, if any, where the elector resides and any other information required to determine the offices and referenda for which the elector is certified to vote. The forms form shall also include a space where the clerk may record an indication of whether the form is received by mail, a space where the clerk may record an indication of the type of identifying document submitted by the elector as proof of residence under s. 6.34, whenever required, and a space where the clerk, for any applicant who possesses a valid voting identification card issued to the person under s. 6.47 (3), may record the identification serial number appearing on the voting identification card. Each register of deeds shall obtain sufficient registration forms at the expense of the unit of government by which he or she is employed for completion by any elector who desires to register to vote at the office of the register of deeds under s. 6.28 (3). Each county clerk shall obtain sufficient registration forms for completion by an elector who desires to register to vote at the office of the county clerk under s. 6.28 (4).

SECTION 39. 6.33 (2) (a) of the statutes, as affected by 2003 Wisconsin Act 265, section 49b, is amended to read:

6.33 (2) (a) All information may be recorded by any person, except that the ward and aldermanic district, if any, other geographic information under sub. (1), the indication of whether the registration is received by mail, the type of identifying document submitted by the elector as proof of residence under s. 6.34, whenever required, and any information relating to an applicant's voting identification card shall be recorded by the clerk. Each

applicant shall sign his or her own name unless the applicant is unable to sign his or her name due to physical disability. In such case, the applicant may authorize another elector to sign the form on his or her behalf. If the applicant so authorizes, the elector signing the form shall attest to a statement that the application is made upon request and by authorization of a named elector who is unable to sign the form due to physical disability.

SECTION 40. 6.34 of the statutes is created to read:

6.34 Proof of residence required.

(2) Except as authorized in ss. 6.29 (2) (a) and 6.86 (3) (a) 2., upon completion of a registration form prescribed under s. 6.33, each elector who is required to register under s. 6.27, who is not a military elector or an overseas elector and who registers after the close of registration under s. 6.29 or 6.86 (3) (a) 2., shall provide an identifying document that establishes proof of residence under sub. (3). Each elector who is required to register under s. 6.27 who is not a military elector or an overseas elector who registers by mail, and who has not voted in an election in this state shall, if voting in person, provide an identifying document that establishes proof of residence under sub. (3) or, if voting by absentee ballot, provide a copy of an identifying document that establishes proof of residence under sub. (3). If the elector registered by mail, the identifying document may not be a residential lease.

(3) (a) An identifying document used to establish proof of an elector's residence under sub. (2) shall contain the information required under par. (b) and is limited to one of the following:

1. A current and valid operator's license issued under ch. 343.
2. A current and valid identification card issued under s. 343.50.
3. Any other official identification card or license issued by a Wisconsin governmental body or unit.
4. An official identification card or license issued by an employer in the normal course of business that contains a photograph of the cardholder or license holder, but not including a business card.
5. A real property tax bill or receipt for the current year or the year preceding the date of the election.
6. Except as provided in sub. (2), a residential lease.
7. A university, college, or technical college fee or identification card that contains a photograph of the cardholder. A card under this subdivision that does not contain the information specified in par. (b) shall be considered proof of residence if the university, college, or technical college that issued the card provides a certified and current list of students who reside in housing sponsored by the university, college, or technical college to the municipal clerk prior to the election showing the current address of the students and if the municipal clerk, special registration deputy, or inspector verifies that the student presenting the card is included on the list.

8. A utility bill for the period commencing not earlier than 90 days before the day registration is made.

9. A bank statement.

10. A paycheck.

11. A check or other document issued by a unit of government.

(b) The identifying documents prescribed in par. (a) shall contain all of the following in order to be considered proof of residence:

1. A current and complete name, including both the given and family name.

2. A current and complete residential address, including a numbered street address, if any, and the name of a municipality.

(c) Identifying documents specified in par. (a) which are valid for use during a specified period must be valid on the day that an elector makes application for registration in order to constitute proof of residence.

SECTION 41. 6.36 (1) (a) of the statutes is amended to read:

6.36 (1) (a) The board shall compile and maintain electronically an official registration list. The list shall contain the name and address of each registered elector in the state, the date of birth of the elector, the ward and aldermanic district of the elector, if any, and, for each elector, a unique registration identification number assigned by the board, the number of a valid operator's license issued to the elector under ch. 343, if any, or the last 4 digits of the elector's social security account number, if any, any identification serial number issued to the elector under s. 6.47 (3), the date of any election in which the elector votes, an indication of whether the elector is a military elector, as defined in sub. (2) (c), who has so certified under s. 6.865 (3m), an indication of whether the elector is an overseas elector, as defined in s. 6.24 (1), any information relating to the elector that appears on the current list transmitted to the board by the department of corrections under s. 301.03 (20), an indication of any accommodation required under s. 5.25 (4) (a) to permit voting by the elector, an indication of the method by which the elector's registration form was received, and such other information as may be determined by the board to facilitate administration of elector registration requirements.

SECTION 42. 6.36 (2) (a) of the statutes, as affected by 2003 Wisconsin Act 265, section 58b, is amended to read:

6.36 (2) (a) Except as provided in ~~pars. par. (b) and (c)~~, each registration list prepared for use as a poll list at a polling place or for purposes of canvassing absentee ballots at an election shall contain the full name and address of each registered elector; a blank column for the entry of the serial number of the electors when they vote; ~~if the list is prepared for use at an election for national office, an indication next to the name of each elector for whom identification is required under par. (c) 2. or the~~

poll list number used by the municipal board of absentee ballot canvassers in canvassing absentee ballots; an indication next to the name of each elector for whom proof of residence under s. 6.34 is required; and a form of certificate bearing the certification of the executive director of the board stating that the list is a true and complete registration list of the municipality or the ward or wards for which the list is prepared.

SECTION 43. 6.36 (2) (c) 1. (intro.) of the statutes is renumbered 6.34 (1) (intro.) and amended to read:

6.34 (1) (intro.) In this ~~paragraph~~ section:

SECTION 44. 6.36 (2) (c) 1. a. and b. of the statutes are renumbered 6.34 (1) (a) and (b).

SECTION 45. 6.36 (2) (c) 2. of the statutes, as affected by 2003 Wisconsin Act 327, is renumbered 6.36 (2) (c) and amended to read:

6.36 (2) (c) ~~If the registration list is prepared for use at an election for national office, the~~ The list shall contain, next to the name of each elector, an indication of whether ~~identification~~ proof of residence under s. 6.34 is required for the elector to be permitted to vote. ~~Identification~~ Proof of residence is required if the elector is not a military elector or an overseas elector and the elector registers by mail and has not previously voted in an election ~~for national office~~ in this state.

SECTION 46. 6.36 (5) of the statutes is created to read:

6.36 (5) After each general election, the board shall contact the chief election official of each state from which an elector who voted in that election presented a valid driver's license under s. 6.29 (2) (a), 6.55 (2) (b) or (c) 1., or 6.86 (3) (a) 2. for so long as the license remains valid. The board shall inquire whether the holder of the driver's license voted in that election in that state.

SECTION 47. 6.36 (6) of the statutes is created to read:

6.36 (6) The board shall establish by rule the fee for obtaining a copy of the official registration list, or a portion of the list. The amount of the fee shall be set, after consultation with county and municipal election officials, at an amount estimated to cover both the cost of reproduction and the cost of maintaining the list at the state and local level. The rules shall require that revenues from fees received be shared between the state and municipalities or their designees under s. 6.33 (5) (b), and shall specify a method for such allocation.

SECTION 48. 6.50 (3) of the statutes is amended to read:

6.50 (3) Upon receipt of reliable information that a registered elector has changed his or her residence to a location outside of the municipality, the municipal clerk or board of election commissioners shall notify the elector by mailing a notice by 1st class mail to the elector's registration address stating the source of the information. All municipal departments and agencies receiving information that a registered elector has changed his or her residence shall notify the clerk or board of election commissioners. If the elector no longer resides in the

municipality or fails to apply for continuation of registration within 30 days of the date the notice is mailed, the clerk or board of election commissioners shall change the elector's registration from eligible to ineligible status. Upon receipt of reliable information that a registered elector has changed his or her residence within the municipality, the municipal clerk or board of election commissioners shall transfer the elector's registration and mail the elector a notice of the transfer under s. 6.40 (2). This subsection does not restrict the right of an elector to challenge any registration under s. 6.325, 6.48, 6.925 ~~or~~, 6.93, or 7.52 (5).

SECTION 49. 6.55 (2) (a) 1. (form) of the statutes is amended to read:

6.55 (2) (a) 1. (form)

"I, ..., hereby certify that, to the best of my knowledge, I am a qualified elector, having resided at for at least 10 days immediately preceding this election, ~~and that I am not disqualified on any ground from voting, and I have not voted, at this election."~~

SECTION 50. 6.55 (2) (b) of the statutes is amended to read:

6.55 (2) (b) Upon executing the registration form under par. (a), the elector shall provide ~~acceptable~~ acceptable proof of residence under ~~sub. (7) s. 6.34~~. If the elector cannot provide ~~acceptable~~ acceptable proof of residence, the information contained in the registration form shall be corroborated in a statement that is signed by any elector who resides in the same municipality as the registering elector and that contains the current street address of the corroborating elector. The corroborator shall then provide ~~acceptable~~ acceptable proof of residence as provided in ~~sub. (7) s. 6.34~~. If the elector is registering to vote in the general election and the elector presents a valid driver's license issued by another state, the inspector or deputy shall record on a separate list the name and address of the elector, the name of the state, and the license number and expiration date of the license. The signing by the elector executing the registration form and by any corroborator shall be in the presence of the special registration deputy or inspector who shall then print his or her name on and sign the form, indicating that the deputy or inspector has accepted the form. Upon compliance with this procedure, the elector shall be permitted to cast his or her vote, if the elector complies with all other requirements for voting at the polling place.

SECTION 51. 6.55 (2) (c) 1. of the statutes is amended to read:

6.55 (2) (c) 1. As an alternative to registration at the polling place under pars. (a) and (b), the board of election commissioners, or the governing body of any municipality may by resolution require a person who qualifies as an elector and who is not registered and desires to register on the day of an election to do so at another readily accessible location in the same building as the polling place serving the elector's residence or at an alternate polling

place assigned under s. 5.25 (5) (b), instead of at the polling place serving the elector's residence. In such case, the municipal clerk shall prominently post a notice of the registration location at the polling place. ~~The municipal clerk, deputy clerk or special registration deputy at the registration location shall require such person to execute~~ The elector who desires to register shall execute a registration form as prescribed under par. (a) and ~~to provide acceptable proof of residence as provided under sub. (7) s. 6.34.~~ If the elector cannot provide acceptable proof of residence, the information contained in the registration form shall be corroborated in the manner provided in par. (b). If the elector is registering to vote in the general election and the elector presents a valid driver's license issued by another state, the municipal clerk, deputy clerk, or special registration deputy shall record on a separate list the name and address of the elector, the name of the state, and the license number and expiration date of the license. The signing by the elector executing the registration form and by any corroborator shall be in the presence of the municipal clerk, deputy clerk or special registration deputy. The municipal clerk, the deputy clerk, or the special registration deputy shall then print his or her name and sign the form, indicating that the clerk, deputy clerk, or deputy has accepted the form. Upon proper completion of registration, the municipal clerk, deputy clerk or special registration deputy shall serially number the registration and give one copy to the elector for presentation at the polling place serving the elector's residence or an alternate polling place assigned under s. 5.25 (5) (b).

SECTION 52. 6.55 (2) (cs) of the statutes is created to read:

6.55 (2) (cs) The board shall provide to each municipal clerk a list prepared for use at each polling place showing the name and address of each person whose name appears on the list provided by the department of corrections under s. 301.03 (20) as ineligible to vote on the date of the election, whose address is located in the area served by that polling place, and whose name does not appear on the poll list for that polling place. Prior to permitting an elector to register to vote under this subsection or s. 6.86 (3) (a) 2., the inspectors or special registration deputies shall review the list. If the name of an elector who wishes to register to vote appears on the list, the inspectors or special registration deputies shall inform the elector or the elector's agent that the elector is ineligible to register to vote. If the elector or the elector's agent maintains that the elector is eligible to vote in the election, the inspectors or special registration deputies shall permit the elector to register but shall mark the elector's registration form as "ineligible to vote per Department of Corrections." If the elector wishes to vote, the inspectors shall require the elector to vote by ballot and shall challenge the ballot as provided in s. 6.79 (2) (dm).

SECTION 53. 6.55 (3) of the statutes is renumbered 6.55 (3) (a) and amended to read:

6.55 (3) (a) Any qualified elector in the ward or election district where the elector desires to vote whose name does not appear on the registration list but who claims to be registered to vote in the election may request permission to vote at the polling place for that ward or election district. When the request is made, the inspector shall require the person to give his or her name and address. If the elector is not at the polling place which serves the ward or election district where the elector resides, the inspector shall provide the elector with directions to the correct polling place. If the elector is at the correct polling place, the elector shall then execute the following written statement: "I, ..., hereby certify that to the best of my knowledge, I am a qualified elector, having resided at ... for at least 10 days immediately preceding this election, and that I am not disqualified on any ground from voting, and I have not voted at this election and am properly registered to vote in this election." The person shall be required to provide acceptable proof of residence as provided under sub. (7) and shall then be given the right to vote. If the elector cannot provide acceptable proof of residence, the statement shall be certified by the elector and shall be corroborated in a statement that is signed by any other elector who resides in the municipality and that contains the current street address of the corroborating elector. The corroborator shall then provide acceptable proof of residence as provided in sub. (7). Whenever the question of identity or residence cannot be satisfactorily resolved and the elector cannot be permitted to vote, an inspector shall telephone the office of the municipal clerk to reconcile the records at the polling place with those at the office complete registration as provided in sub. (2).

SECTION 54. 6.55 (3) (b) of the statutes is created to read:

6.55 (3) (b) Prior to permitting an elector to vote under this subsection, the inspectors shall review the list provided by the board under sub. (2) (cs). If the name of the elector appears on the list, the inspectors shall inform the elector that he or she is ineligible to vote at the election. If the elector maintains that he or she is eligible to vote in the election, the inspectors shall permit the elector to vote, but shall require the elector to vote by ballot, and shall challenge the ballot as provided in s. 6.79 (2) (dm).

SECTION 55. 6.55 (7) of the statutes is repealed.

SECTION 56. 6.56 (1) of the statutes is amended to read:

6.56 (1) The list containing the names of persons voting under ss. 6.29 and 6.55 (2) ~~and (3)~~ shall be returned together with all forms and certificates to the municipal clerk.

SECTION 57. 6.56 (2) of the statutes is repealed.

SECTION 58. 6.56 (3) of the statutes is amended to read:

6.56 (3) Upon receipt of the list under sub. (1), the municipal clerk or board of election commissioners shall make an audit of all electors registering to vote at the polling place or other registration location under s. 6.55 (2) and all electors registering by agent on election day under s. 6.86 (3) (a) 2. unless the clerk or board of election commissioners receives notice from the board under sub. (7) that the board will perform the audit. The audit shall be made by 1st class postcard. The postcard shall be marked in accordance with postal regulations to ensure that it will be returned to the clerk ~~or~~ board of election commissioners, or elections board if the elector does not reside at the address given on the postcard. If any postcard is returned undelivered, or if the clerk ~~or~~ board of election commissioners, or elections board is informed of a different address than the one specified by the elector which was apparently improper on the day of the election, the clerk ~~or~~ board of election commissioners, or elections board shall change the status of the elector from eligible to ineligible on the registration list ~~and~~ mail the elector a notice of the change in status, and provide the name of the elector to the district attorney for the county where the polling place is located.

SECTION 59. 6.56 (3m) of the statutes is created to read:

6.56 (3m) As soon as possible after all information relating to registrations after the close of registration for an election is entered on the registration list following the election under s. 6.33 (5) (a), the board shall compare the list of new registrants whose names do not appear on the poll lists for the election because the names were added after the board certified the poll lists for use at the election with the list containing the names transmitted to the board by the department of corrections under s. 301.03 (20) as of election day. If the board finds that the name of any person whose name appears on the list transmitted under s. 301.03 (20) has been added to the registration list, the board shall enter on the list the information transmitted to the board under s. 301.03 (20) and shall notify the district attorney that the person appears to have voted illegally at the election.

SECTION 60. 6.56 (4) of the statutes is amended to read:

6.56 (4) After each election, the municipal clerk shall ~~carefully check~~ perform an audit to assure that no person has been allowed to vote more than once. Whenever the municipal clerk has good reason to believe that a person has voted more than once in an election, the clerk shall send the person a 1st class letter marked in accordance with postal regulations to ensure that it will be returned to the clerk if the elector does not reside at the address given on the letter. The letter shall inform the person that all registrations relating to that person may be changed from eligible to ineligible status within 7 days unless the person contacts the office of the clerk to clarify the matter. A copy of the letter and of any subsequent informa-

tion received from or about the addressee shall be sent to the district attorney.

SECTION 61. 6.56 (5) of the statutes is amended to read:

6.56 (5) Whenever any letter or postcard mailed under this section is returned undelivered, or whenever the U.S. postal service notifies the clerk of an improper address which was apparently improper on the day of the election or whenever it otherwise appears that a person has voted who is not qualified or has voted more than once in an election, and the person has been permitted to vote after corroboration was made under s. 6.55 (2) ~~or~~ (3) or 6.86 (3) (a) 2., the name of the corroborator shall also be provided to the district attorney.

SECTION 62. 6.56 (7) of the statutes is created to read:

6.56 (7) The board may elect to perform the duties of municipal clerks to conduct the audits required under subs. (3) and (4) for any election on behalf of all municipalities in the state. If the board so elects, the board shall, no later than the date of the election for which the audits will be performed, notify the municipal clerk of each municipality that the board will perform the audits.

SECTION 63. 6.79 (2) (d) of the statutes, as affected by [2003 Wisconsin Act 265](#), section 96, is amended to read:

6.79 (2) (d) The poll list indicates that ~~identification proof of residence under s. 6.34~~ is required, the officials shall require the elector to provide ~~identification proof of residence~~. If identification proof of residence is provided, the officials shall verify that the name and address on the ~~identification document submitted as proof of residence~~ provided is the same as the name and address shown on the registration list. If identification proof of residence is required and not provided, the officials shall offer the opportunity for the elector to vote under s. 6.97.

SECTION 64. 6.79 (2) (dm) of the statutes is created to read:

6.79 (2) (dm) If the poll list indicates that the elector is ineligible to vote because the elector's name appears on the current list provided by the department of corrections under s. 301.03 (20), the inspectors shall inform the elector of this fact. If the elector maintains that he or she is eligible to vote in the election, the inspectors shall provide the elector with a ballot and, after the elector casts his or her vote, shall challenge the ballot as provided in s. 6.92 and treat the ballot in the manner provided in s. 6.95.

SECTION 65. 6.79 (4) of the statutes is amended to read:

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

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

SECTION 66. 6.82 (1) (a) of the statutes is amended to read:

6.82 (1) (a) When any inspectors are informed that an elector is at the entrance to the polling place who as a result of disability is unable to enter the polling place, they shall permit the elector to be assisted in marking a ballot by any individual selected by the elector, except the elector's employer or an agent of that employer or an officer or agent of a labor organization which represents the elector. The individual selected by the elector shall provide ~~identification~~ proof of residence under s. 6.34 for the assisted elector, whenever required, and all other information necessary for the elector to obtain a ballot under s. 6.79 (2). The inspectors shall issue a ballot to the individual selected by the elector and shall accompany the individual to the polling place entrance where the assistance is to be given. If the ballot is a paper ballot, the assisting individual shall fold the ballot after the ballot is marked by the assisting individual. The assisting individual shall then immediately take the ballot into the polling place and give the ballot to an inspector. The inspector shall distinctly announce that he or she has "a ballot offered by (stating person's name), an elector who, as a result of disability, is unable to enter the polling place without assistance". The inspector shall then ask, "Does anyone object to the reception of this ballot?" If no objection is made, the inspectors shall record the elector's name under s. 6.79 and deposit the ballot in the ballot box, and shall make a notation on the poll list: "Ballot received at poll entrance".

SECTION 67. 6.855 of the statutes is created to read:

6.855 Alternate absentee ballot site. (1) The governing body of a municipality may elect to designate a site other than the office of the municipal clerk or board of election commissioners as the location from which electors of the municipality may request and vote absentee ballots and to which voted absentee ballots shall be returned by electors for any election. The designated site shall be located as near as practicable to the office of the municipal clerk or board of election commissioners and no site may be designated that affords an advantage to any political party. An election by a governing body to designate an alternate site under this section shall be

made no fewer than 14 days prior to the time that absentee ballots are available for the primary under s. 7.15 (1) (cm), if a primary is scheduled to be held, or at least 14 days prior to the time that absentee ballots are available for the election under s. 7.15 (1) (cm), if a primary is not scheduled to be held, and shall remain in effect until at least the day after the election. If the governing body of a municipality makes an election under this section, no function related to voting and return of absentee ballots that is to be conducted at the alternate site may be conducted in the office of the municipal clerk or board of election commissioners.

(2) The municipal clerk or board of election commissioners shall prominently display a notice of the designation of the alternate site selected under sub. (1) in the office of the municipal clerk or board of election commissioners beginning on the date that the site is designated under sub. (1) and continuing through the period that absentee ballots are available for the election and for any primary under s. 7.15 (1) (cm). If the municipal clerk or board of election commissioners maintains a Web site on the Internet, the clerk or board of election commissioners shall post a notice of the designation of the alternate site selected under sub. (1) on the Web site during the same period that notice is displayed in the office of the clerk or board of election commissioners.

(3) An alternate site under sub. (1) shall be staffed by the municipal clerk or the executive director of the board of election commissioners, or employees of the clerk or the board of election commissioners.

(4) An alternate site under sub. (1) shall be accessible to all individuals with disabilities.

SECTION 68. 6.86 (1) (a) (intro.) of the statutes is amended to read:

6.86 (1) (a) (intro.) Any elector, ~~qualifying who is registered to vote whenever required and who qualifies~~ under ss. 6.20 and 6.85 as an absent elector, may make written application to the municipal clerk for an official ballot by one of the following methods:

SECTION 69. 6.86 (1) (a) 2. of the statutes is amended to read:

6.86 (1) (a) 2. In person at the office of the municipal clerk or at an alternate site under s. 6.855, if applicable.

SECTION 70. 6.86 (1) (a) 6. of the statutes is created to read:

6.86 (1) (a) 6. By electronic mail or facsimile transmission as provided in par (ac).

SECTION 71. 6.86 (1) (ac) of the statutes is created to read:

6.86 (1) (ac) Any elector qualifying under par. (a) may make written application to the municipal clerk for an official ballot by means of facsimile transmission or electronic mail. Any application under this paragraph shall contain a copy of the applicant's original signature. An elector requesting a ballot under this paragraph shall return with the voted ballot a copy of the request bearing

an original signature of the elector as provided in s. 6.87 (4).

SECTION 72. 6.86 (1) (b) of the statutes is amended to read:

6.86 (1) (b) Except as provided in this section, if application is made ~~in writing by mail~~, the application, signed by the elector, shall be received no later than 5 p.m. on the ~~Friday 5th day~~ immediately preceding the election. If application is made in person, the application shall be made no later than 5 p.m. on the day preceding the election. If the elector is making written application for an absentee ballot at the September primary or general election and the application indicates that the elector is a military elector, as defined in s. 6.36 (2) (c), the application shall be received by the municipal clerk no later than 5 p.m. on election day. If the elector ~~is making written application and the application indicates that the reason for requesting an absentee ballot is that the elector is a sequestered juror, the application shall be received no later than 5 p.m. on election day.~~ If the application is received after 5 p.m. on the Friday immediately preceding the election, the municipal clerk or the clerk's agent shall immediately take the ballot to the court in which the elector is serving as a juror and deposit it with the judge. The judge shall recess court, as soon as convenient, and give the elector the ballot. The judge shall then witness the voting procedure as provided in s. 6.87 and shall deliver the ballot to the clerk or agent of the clerk who shall deliver it to the polling place or, in municipalities where absentee ballots are canvassed under s. 7.52, to the municipal clerk as required in s. 6.88. If application is made under sub. (2) or (2m), the application may be received no later than 5 p.m. on the Friday immediately preceding the election.

SECTION 73. 6.86 (1) (c) of the statutes is created to read:

6.86 (1) (c) If an application is made by mail by a military elector, as defined in s. 6.22 (1) (b), the application shall be received no later than 5 p.m. on the Friday immediately preceding the election.

SECTION 73m. 6.86 (2m) of the statutes is created to read:

6.86 (2m) An elector other than an elector who is eligible to receive absentee ballots under sub. (2) may by written application filed with the municipal clerk of the municipality where the elector resides require that an absentee ballot be sent to the elector automatically for every election that is held within the same calendar year in which the application is filed. The application form and instructions shall be prescribed by the board, and furnished upon request to any elector by each municipal clerk. The municipal clerk shall thereupon mail an absentee ballot to the elector for all elections that are held in the municipality during the same calendar year that the application is filed, except that the clerk shall not send an absentee ballot for an election if the elector's name

appeared on the registration list in eligible status for a previous election following the date of the application but no longer appears on the list in eligible status. The municipal clerk shall ensure that the envelope containing the absentee ballot is clearly marked as not forwardable. If an elector who files an application under this subsection no longer resides at the same address that is indicated on the application form, the elector shall so notify the municipal clerk. The municipal clerk shall discontinue mailing absentee ballots to an elector under this subsection upon receipt of reliable information that the elector no longer qualifies for the service. The clerk shall notify the elector of any such action not taken at the elector's request within 5 days, if possible. If a municipal clerk is notified by an elector that the elector's residence is changed to another municipality within this state, the municipal clerk shall forward the request to the municipal clerk of that municipality and that municipal clerk shall honor the request, except as provided in this subsection.

SECTION 74. 6.86 (3) (a) 2. of the statutes is amended to read:

6.86 (3) (a) 2. If a hospitalized elector is not registered, the elector may register by agent under this subdivision at the same time that the elector applies for an official ballot by agent under subd. 1. To register the elector under this subdivision, the agent shall present a completed registration form that contains the required information supplied by the elector and the elector's signature, unless the elector is unable to sign due to physical disability. In this case, the elector may authorize another elector to sign on his or her behalf. Any elector signing a form on another elector's behalf shall attest to a statement that the application is made on request and by authorization of the named elector, who is unable to sign the form due to physical disability. The agent shall present this statement along with all other information required under this subdivision. Except as otherwise provided in this subdivision, the agent shall in every case provide ~~acceptable~~ proof of the elector's residence under s. ~~6.55 (7) 6.34~~. If the elector is registering to vote in the general election and the agent presents a valid driver's license issued to the elector by another state, the municipal clerk shall record on a separate list the name and address of the elector, the name of the state, and the license number and expiration date of the license. If the agent cannot present ~~this~~ of residence proof, the registration form shall be signed and substantiated by another elector residing in the elector's municipality of residence, corroborating the information in the form. The form shall contain the full name and address of the corroborating elector. The agent shall then present ~~acceptable~~ proof of the corroborating elector's residence under s. ~~6.55 (7) 6.34~~.

SECTION 75. 6.86 (3) (c) of the statutes is amended to read:

6.86 (3) (c) An application under par. (a) 1. may be made and a registration form under par. (a) 2. may be filed in person at the office of the municipal clerk not earlier than 7 days before an election and not later than 5 p.m. on the day of the election. A list of hospitalized electors applying for ballots under par. (a) 1. shall be made by the municipal clerk and used to check that the electors vote only once, and by absentee ballot. ~~If identification is required the elector is registering for the election after the close of registration or if the elector registered by mail and has not voted in an election in this state,~~ the municipal clerk shall so inform the agent that proof of residence under s. 6.34 is required and the elector shall enclose identification proof of residence under s. 6.34 in the envelope with the ballot. The ballot shall be sealed by the elector and returned to the municipal clerk either by mail or by personal delivery of the agent; but if the ballot is returned on the day of the election, the agent shall make personal delivery at to the polling place serving the hospitalized elector's residence before the closing hour for the ballot to be counted or, in municipalities where absentee ballots are canvassed under s. 7.52, to the municipal clerk no later than 8 p.m. on election day.

SECTION 76. 6.865 (1) of the statutes is amended to read:

6.865 (1) In this section, "military elector" and "overseas elector" have the meanings given under s. ~~6.36 (2)-(e)~~ 6.34 (1).

SECTION 77. 6.865 (3) of the statutes is amended to read:

6.865 (3) If Except as provided in sub. (3m), if the elector making a timely request for an absentee ballot is a military elector or an overseas elector and the elector requests that he or she be sent an absentee ballot for the next 2 general elections, the municipal clerk or board of election commissioners shall comply with the request except that no ballot shall be sent for a succeeding general election if the elector's name appeared on the registration list for a previous general election and no longer appears on the registration list for the succeeding general election. If the elector's address for the succeeding general election is in a municipality that is different from the municipality in which the elector resided for the first general election, the clerk or board of election commissioners shall forward the request to the clerk or board of election commissioners of the municipality where the elector resides.

SECTION 78a. 6.865 (3m) of the statutes is created to read:

6.865 (3m) (a) Except as provided in par. (c), if any elector who certifies that he or she will be a military elector on election day requests an absentee ballot, the municipal clerk shall send or transmit to the elector an absentee ballot for all elections that occur in the municipality or portion thereof where the elector resides beginning on the date that the clerk receives the request and ending on the

day after the 3rd successive general election that follows receipt of the request, unless the elector otherwise requests. In addition, the municipal clerk shall continue to send or transmit to the elector an absentee ballot for all elections ending on the day after the 3rd successive general election that follows any election at which the elector returns an absentee ballot under this section or renews his or her request under par. (c).

(b) A military elector may indicate an alternate address on his or her absentee ballot application. If the elector's ballot is returned as undeliverable prior to the deadline for receipt and return of absentee ballots under sub. (3) and the elector remains eligible to receive absentee ballots under this subsection, the municipal clerk shall immediately send or transmit an absentee ballot to the elector at the alternate address.

(c) If there occur 3 successive general elections at which a military elector fails to return an absentee ballot sent or transmitted to the elector under this subsection and the elector has not cast an absentee ballot at any intervening election, if the clerk is reliably informed that the elector is no longer a military elector or no longer resides in the municipality, or if the elector so requests, the clerk shall discontinue sending or transmitting absentee ballots to the elector under this subsection. If a military elector is subject to a registration requirement and the name of the military elector no longer appears on the registration list, the municipal clerk shall discontinue sending or transmitting absentee ballots to the elector under this subsection. If a military elector who has requested an absentee ballot changes his or her residence from the municipality where a request is filed to another municipality in this state, the municipal clerk of the municipality who received the request shall notify the clerk of the municipality to which the elector's residence is changed of the date of the request or latest renewal and the date of the most recent absentee ballot returned by the elector, and the municipal clerk who is so notified shall treat the request as having been made to him or her. Prior to any discontinuance of the service provided to a military elector under this subsection solely for failure to return absentee ballots, the municipal clerk shall mail the elector a 1st class letter or postcard notifying the elector that absentee ballots will no longer be sent to the elector unless the elector renews his or her request within 30 days of the date of the notification. The clerk shall notify a military elector of any action under this paragraph that is not taken at the elector's request within 5 days of taking that action, if possible.

SECTION 79. 6.87 (2) (form) of the statutes is amended to read:

6.87 (2) (form)

[STATE OF ...

County of]

or

[(name of foreign country and city or other jurisdictional unit)]

I,, certify subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false statements, that I am a resident of the [... ward of the] (town) (village) of, or of the aldermanic district in the city of, residing at ...* in said city, the county of, state of Wisconsin, and am entitled to vote in the (ward) (election district) at the election to be held on; that I am not voting at any other location in this election; that I am unable or unwilling to appear at the polling place in the (ward) (election district) on election day or have changed my residence within the state from one ward or election district to another within 10 days before the election. I certify that I exhibited the enclosed ballot unmarked to the witness, that I then in (his) (her) presence and in the presence of no other person marked the ballot and enclosed and sealed the same in this envelope in such a manner that no one but myself and any person rendering assistance under s. 6.87 (5), Wis. Stats., if I requested assistance, could know how I voted.

Signed

Identification serial number, if any:

The witness shall execute the following:

I, the undersigned witness, subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false statements, certify that I am an adult U.S. citizen and that the above statements are true and the voting procedure was executed as there stated. I am not a candidate for any office on the enclosed ballot (except in the case of an incumbent municipal clerk). I did not solicit or advise the elector to vote for or against any candidate or measure.

....(Name)

....(Address)**

* — An elector who provides an identification serial number issued under s. 6.47 (3), Wis. Stats., need not provide a street address.

** — If this form is executed before 2 special voting deputies under s. 6.875 (6), Wis. Stats., both deputies shall witness and sign.

SECTION 80. 6.87 (3) (a) and (b) of the statutes are amended to read:

6.87 (3) (a) Except as authorized under par. (d) and as otherwise provided in s. 6.875, the municipal clerk shall mail the absentee ballot ~~postage prepaid for return~~ to the elector's residence unless otherwise directed by the elector, or shall deliver it to the elector personally at the clerk's office or at an alternate site under s. 6.855. If the ballot is mailed, and the ballot qualifies for mailing free of postage under federal free postage laws, the clerk shall affix the appropriate legend required by U.S. postal regulations. Otherwise, the clerk shall pay the postage required for return when the ballot is mailed from within the United States. If the ballot is not mailed by the absentee elector from within the United States, the absentee elector shall provide return postage. If the ballot is delivered to the elector at the clerk's office, or an alternate site

under s. 6.855, the ballot shall be voted at the office or alternate site and may not be removed by the elector therefrom.

(b) No elector may direct that a ballot be sent to the address of a candidate, political party or other registrant under s. 11.05 unless the elector permanently or temporarily resides at that address. Upon receipt of reliable information that an address given by an elector is not eligible to receive ballots under this ~~paragraph~~ subsection, the municipal clerk shall refrain from ~~sending mailing or transmitting~~ mailing or transmitting ballots to that address. Whenever possible, the municipal clerk shall notify an elector if his or her ballot cannot be mailed or transmitted to the address directed by the elector.

SECTION 81. 6.87 (3) (c) of the statutes is repealed.

SECTION 82. 6.87 (3) (d) of the statutes is amended to read:

6.87 (3) (d) A municipal clerk ~~of a municipality~~ may, if the clerk is reliably informed by an absent elector of a facsimile transmission number or electronic mail address where the elector can receive an absentee ballot, transmit a facsimile or electronic copy of the absent elector's ballot to that elector in lieu of mailing under this subsection if, in the judgment of the clerk, the time required to send the ballot through the mail may not be sufficient to enable return of the ballot by the time provided under sub. (6). An elector may receive an absentee ballot under this subsection only if the elector has filed a valid application for the ballot under ~~sub. s. 6.86~~ (1). If the clerk transmits an absentee ballot under this paragraph, the clerk shall also transmit a facsimile or electronic copy of the text of the material that appears on the certificate envelope prescribed in sub. (2), together with instructions prescribed by the board. The instructions shall require the absent elector to make and subscribe to the certification as required under sub. (4) and to enclose the absentee ballot in a separate envelope contained within a larger envelope, that shall include the completed certificate. The elector shall then affix sufficient postage unless the absentee ballot qualifies for mailing free of postage under federal free postage laws and shall mail the absentee ballot ~~with postage prepaid~~ to the municipal clerk. Except as authorized in s. 6.97 (2), an absentee ballot received under this paragraph shall not be counted unless it is cast in the manner prescribed in this paragraph and in accordance with the instructions provided by the board.

SECTION 83. 6.87 (4) of the statutes, as affected by **2003 Wisconsin Act 265**, section 112a, is amended to read:

6.87 (4) Except as otherwise provided in s. 6.875, the elector voting absentee shall make and subscribe to the certification before one witness who is an adult U.S. citizen. The absent elector, in the presence of the witness, shall mark the ballot in a manner that will not disclose how the elector's vote is cast. The elector shall then, still in the presence of the witness, fold the ballots so each is

separate and so that the elector conceals the markings thereon and deposit them in the proper envelope. If a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot so that the elector conceals the markings thereon and deposit the ballot in the proper envelope. ~~If the elector has registered by mail and has not, or is not certain whether the elector has, previously voted in an election for national office in this state~~ proof of residence is required, the elector shall enclose identification proof of residence under s. 6.34 in the envelope. ~~Identification Proof of residence~~ Proof of residence is required if the elector is not a military elector or an overseas elector, as defined in s. ~~6.36(2)~~ (e) 6.34(1), and the elector registered by mail and has not voted in an election ~~for national office~~ in this state. If the elector requested a ballot by means of facsimile transmission or electronic mail under s. 6.86(1)(ac), the elector shall enclose in the envelope a copy of the request which bears an original signature of the elector. The elector may receive assistance under sub. (5). The return envelope shall then be sealed. The witness may not be a candidate. The envelope shall be mailed by the elector, ~~postage pre-paid~~, or delivered in person, to the municipal clerk issuing the ballot or ballots. If the envelope is mailed from a location outside the United States, the elector shall affix sufficient postage unless the ballot qualifies for delivery free of postage under federal law. Failure to return an unused ballot in a primary does not invalidate the ballot on which the elector's votes are cast. Return of more than one marked ballot in a primary or return of a ballot prepared under s. 5.655 or a ballot used with an electronic voting system in a primary which is marked for candidates of more than one party invalidates all votes cast by the elector for candidates in the primary.

SECTION 84. 6.87 (6) of the statutes is amended to read:

6.87 (6) The Except as provided in s. 6.221 (3), the ballot shall be returned so it is received by the municipal clerk in time for delivery no later than 8 p.m. on election day. Except in municipalities where absentee ballots are canvassed under s. 7.52, if the municipal clerk receives an absentee ballot on election day, the clerk shall secure the ballot and cause the ballot to be delivered to the polls polling place serving the elector's residence before the closing hour. Any Except as provided in s. 6.221 (3), the ballot not mailed or delivered as provided in this subsection may not be counted.

SECTION 85. 6.87 (9) of the statutes is amended to read:

6.87 (9) If a municipal clerk receives an absentee ballot with an improperly completed certificate or with no certificate, the clerk may return the ballot to the elector, inside the sealed envelope when an envelope is received, together with a new envelope if necessary, whenever time permits the elector to correct the defect and return the ballot within the period ~~prescribed in~~ authorized under sub. (6).

SECTION 85m. 6.875 (3) of the statutes is amended to read:

6.875 (3) An occupant of a nursing home or qualified retirement home or qualified community-based residential facility who qualifies as an absent elector and desires to receive an absentee ballot shall make application under s. 6.86 (1) ~~or (2), or (2m)~~ with the municipal clerk or board of election commissioners of the municipality in which the elector is a resident. The clerk or board of election commissioners of a municipality receiving an application from an elector who is an occupant of a nursing home or qualified retirement home or qualified community-based residential facility located in a different municipality shall, as soon as possible, notify and transmit an absentee ballot for the elector to the clerk or board of election commissioners of the municipality in which the home or qualified community-based residential facility is located. The clerk or board of election commissioners of a municipality receiving an application from an elector who is an occupant of a nursing home or qualified retirement home or qualified community-based residential facility located in the municipality but who is a resident of a different municipality shall, as soon as possible, notify and request transmission of an absentee ballot from the clerk or board of election commissioners of the municipality in which the elector is a resident. The clerk or board of election commissioners shall make a record of all absentee ballots to be transmitted, delivered, and voted under this section.

SECTION 86. 6.875 (4) and (6) of the statutes are amended to read:

6.875 (4) For the purpose of absentee voting in nursing homes and qualified retirement homes and qualified community-based residential facilities, the municipal clerk or board of election commissioners of each municipality in which one or more nursing homes or qualified retirement homes or qualified community-based residential facilities are located shall appoint at least 2 special voting deputies for the municipality. Upon application under s. 6.86 (1) ~~or (2), or (2m)~~ by one or more qualified electors who are occupants of such a nursing home or qualified retirement home or qualified community-based residential facility, the clerk or board of election commissioners shall dispatch 2 special voting deputies to visit the home or qualified community-based residential facility for the purpose of supervising absentee voting procedure by occupants of the home or qualified community-based residential facility. The clerk shall maintain a list, available to the public upon request, of each nursing home or qualified retirement home or qualified community-based residential facility where an elector has requested an absentee ballot. The list shall include the date and time the deputies intend to visit each home or facility. The 2 deputies designated to visit each nursing home or qualified retirement home and qualified community-based residential facility shall be affiliated with

different political parties whenever deputies representing different parties are available. Nominations for deputy positions may be submitted by the 2 recognized political parties whose candidates for governor or president received the greatest numbers of votes in the municipality at the most recent general election. The deputies shall be specially appointed to carry out duties under this section for the period specified in s. 7.30 (6) (a). The clerk or board of election commissioners may revoke an appointment at any time. No individual who is employed or retained, or within the 2 years preceding appointment has been employed or retained at a nursing home or qualified retirement home or qualified community-based residential facility in the municipality, or any member of the immediate family of such an individual as defined in s. 19.42 (7), may be appointed to serve as a deputy.

(6) Special voting deputies in each municipality shall, not later than 5 p.m. on the Friday preceding an election, arrange one or more convenient times with the administrator of each nursing home, qualified retirement home, and qualified community-based residential facility in the municipality from which one or more occupants have filed an application under s. 6.86 to conduct absentee voting for the election. The time may be no earlier than the 4th Monday preceding the election and no later than 5 p.m. on the Monday preceding the election. Upon request of a relative of an occupant of a nursing home or qualified retirement home or qualified community-based residential facility, the administrator may notify the relative of the time or times at which special voting deputies will conduct absentee voting at the home or facility, and permit the relative to be present in the room where the voting is conducted. The municipal clerk shall post a notice at the home or facility indicating the date and time that absentee voting will take place at that home or facility. The notice shall be posted as soon as practicable after arranging the visit but in no case less than 24 hours before the visit. At the designated time, 2 deputies appointed under sub. (4) shall visit the home or facility. The municipal clerk or executive director of the board of election commissioners shall issue a supply of absentee ballots to the deputies sufficient to provide for the number of valid applications received by the clerk, and a reasonable additional number of ballots. The deputies may exercise the authority granted to the chief inspector under s. 7.41 to regulate the conduct of observers for purposes of the application of s. 7.41, the home or facility shall be treated as a polling place. The municipal clerk or executive director shall keep a careful record of all ballots issued to the deputies and shall require the deputies to return every ballot issued to them. The deputies shall personally offer each elector who has filed a proper application the opportunity to cast his or her absentee ballot. If an elector is present who has not filed a proper application, the 2 deputies may accept an application from the elector and shall issue a ballot to the elector if the elector

is qualified and the application is proper. The deputies shall each witness the certification and may, upon request of the elector, assist the elector in marking the elector's ballot. Upon request of the elector, a relative of the elector who is present in the room may assist the elector in marking the elector's ballot. All voting shall be conducted in the presence of the deputies. No individual other than a deputy may witness the certification and no individual other than a deputy or relative of an elector may render voting assistance to the elector. Upon completion of the voting, the deputies shall promptly deliver, either personally or by 1st class mail, any absentee ballot applications and the sealed certificate envelope containing each ballot to the clerk or board of election commissioners of the municipality in which the elector casting the ballot resides, within such time as will permit delivery to the polling place serving the elector's residence on election day. Personal delivery may be made by the deputies no later than noon on election day. If a qualified elector is not able to cast his or her ballot on 2 separate visits by the deputies to the home or facility, they shall so inform the municipal clerk or executive director of the board of election commissioners, who may then send the ballot to the elector no later than 5 p.m. on the Friday preceding the election.

SECTION 87. 6.875 (7) of the statutes is created to read:

6.875 (7) One observer from each of the 2 recognized political parties whose candidate for governor or president received the greatest number of votes in the municipality at the most recent general election may accompany the deputies to each home or facility where absentee voting will take place under this section. The observers may observe the process of absentee ballot distribution in the common areas of the home or facility. Each party wishing to have an observer present shall submit the name of the observer to the clerk or board of election commissioners no later than the close of business on the last business day prior to the visit.

SECTION 88. 6.88 (1) to (3) of the statutes are amended to read:

6.88 (1) When an absentee ballot arrives at the office of the municipal clerk, or at an alternate site under s. 6.855, if applicable, the clerk shall enclose it, unopened, in a carrier envelope which shall be securely sealed and endorsed with the name and official title of the clerk, and the words "This envelope contains the ballot of an absent elector and must be opened in the same room where votes are being cast at the polls during polling hours on election day or, in municipalities where absentee ballots are canvassed under s. 7.52, stats., at a meeting of the municipal board of absentee ballot canvassers under s. 7.52, stats.,". If the ballot was received by the elector by facsimile transmission or electronic mail and is accompanied by a separate certificate, the clerk shall enclose the ballot in a certificate envelope and securely append the completed

certificate to the outside of the envelope before enclosing the ballot in the carrier envelope. The clerk shall keep the ballot in the clerk's office or at the alternate site, if applicable until delivered, as required in sub. (2).

(2) When an absentee ballot is received by the municipal clerk prior to the delivery of the official ballots to the election officials of the ward in which the elector resides or, where absentee ballots are canvassed under s. 7.52, to the municipal board of absentee ballot canvassers, the municipal clerk shall seal the ballot envelope in the carrier envelope as provided under sub. (1), and shall enclose the envelope in a package and deliver the package to the election inspectors of the proper ward or election district or, in municipalities where absentee ballots are canvassed under s. 7.52, to the municipal board of absentee ballot canvassers when it convenes under s. 7.52 (1). When the official ballots for the ward or election district have been delivered to the election officials inspectors before the receipt of an absentee ballot, the clerk shall immediately enclose the envelope containing the absentee ballot in a carrier envelope as provided under sub. (1) and deliver it in person to the proper election officials.

(3) (a) Any Except in municipalities where absentee ballots are canvassed under s. 7.52, at any time between the opening and closing of the polls on election day, the inspectors shall, in the same room where votes are being cast, in such a manner that members of the public can hear and see the procedures, open the carrier envelope only, and announce the name of the absent elector or the identification serial number of the absent elector if the elector has a confidential listing under s. 6.47 (2). When the inspectors find that the certification has been properly executed, the applicant is a qualified elector of the ward or election district, and the applicant has not voted in the election, they shall enter an indication on the poll list next to the applicant's name indicating an absentee ballot is cast by the elector. They shall then open the envelope containing the ballot in a manner so as not to deface or destroy the certification thereon. The inspectors shall take out the ballot without unfolding it or permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95, the inspectors shall verify that the ballot has been endorsed by the issuing clerk. If the poll list indicates that identification proof of residence under s. 6.34 is required and no identification proof of residence is enclosed or the name or address on the document that is provided is not the same as the name and address shown on the poll list, the inspectors shall proceed as provided under s. 6.97 (2). The inspectors shall then deposit the ballot into the proper ballot box and enter the absent elector's name or voting number after his or her name on the poll list in the same manner as if the elector had been present and voted in person.

(b) When the inspectors find that a certification is insufficient, that the applicant is not a qualified elector in

the ward or election district, that the ballot envelope is open or has been opened and resealed, that the ballot envelope contains more than one ballot of any one kind or, except in municipalities where absentee ballots are canvassed under s. 7.52, that the certificate of an elector who received an absentee ballot by facsimile transmission or electronic mail is missing, or if proof is submitted to the inspectors that an elector voting an absentee ballot has since died, the inspectors shall not count the ballot. The inspectors shall endorse every ballot not counted on the back, "rejected (giving the reason)". The inspectors shall reinsert each rejected ballot into the certificate envelope in which it was delivered and enclose the certificate envelopes and ballots, and securely seal the ballots and envelopes in an envelope marked for rejected absentee ballots. The inspectors shall endorse the envelope, "rejected ballots" with a statement of the ward or election district and date of the election, signed by the chief inspector and one of the inspectors representing each of the 2 major political parties and returned to the municipal clerk in the same manner as official ballots voted at the election.

SECTION 89. 6.88 (3) (c) of the statutes is created to read:

6.88 (3) (c) The inspectors shall review each certificate envelope to determine whether any absentee ballot is cast by an elector whose name appears on the poll list as ineligible to vote at the election by reason of a felony conviction. If the inspectors receive an absentee ballot that has been cast by an elector whose name appears on the poll list as ineligible for that reason, the inspectors shall challenge the ballot as provided in s. 6.92 and treat the ballot in the manner provided in s. 6.95.

SECTION 90. 6.93 of the statutes is amended to read:

6.93 Challenging the absent elector. The vote of any absent elector may be challenged for cause and the inspectors of election shall have all the power and authority given them to hear and determine the legality of the ballot the same as if the ballot had been voted in person. In municipalities where absentee ballots are canvassed under s. 7.52, the vote of an absentee elector may be challenged as provided in s. 7.52 (5).

SECTION 91. 6.935 of the statutes is amended to read:

6.935 Challenge based on incompetency. Section 6.03 (3) applies to any challenge of a person's right to vote under s. 6.92, 6.925 ~~or~~ 6.93, or 7.52 (5) based on an allegation that an elector is incapable of understanding the objective of the elective process and thereby ineligible to vote.

SECTION 92. 6.97 (1) of the statutes is amended to read:

6.97 (1) Whenever any individual who is required to provide identification proof of residence under s. 6.34 in order to be permitted to vote appears to vote at a polling place and cannot provide the required identification proof of residence, the inspectors shall offer the opportu-

nity for the individual to vote under this section. If the individual wishes to vote, the inspectors shall provide the elector with an envelope marked "Ballot under s. 6.97, stats." on which the serial number of the elector is entered and shall require the individual to execute on the envelope a written affirmation stating that the individual is a qualified elector of the ward or election district where he or she offers to vote and is eligible to vote in the election. The inspectors shall, before giving the elector a ballot, write on the back of the ballot the serial number of the individual corresponding to the number kept at the election on the poll list or other list maintained under s. 6.79 and the notation "s. 6.97". If voting machines are used in the municipality where the individual is voting, the individual's vote may be received only upon an absentee ballot furnished by the municipal clerk which shall have the corresponding number from the poll list or other list maintained under s. 6.79 and the notation "s. 6.97" written on the back of the ballot by the inspectors before the ballot is given to the elector. When receiving the individual's ballot, the inspectors shall provide the individual with written voting information prescribed by the board under s. 7.08 (8). The inspectors shall indicate on the list the fact that the individual is required to provide ~~identification~~ proof of residence but did not do so. The inspectors shall notify the individual that he or she may provide ~~identification~~ proof of residence to the municipal clerk or executive director of the municipal board of election commissioners. The inspectors shall also promptly notify the municipal clerk or executive director of the name, address, and serial number of the individual. The inspectors shall then place the ballot inside the envelope and place the envelope in a separate carrier envelope.

SECTION 93. 6.97 (2) of the statutes is amended to read:

6.97 (2) Whenever any individual who votes by absentee ballot is required to provide ~~identification~~ proof of residence in order to be permitted to vote and does not provide the required ~~identification~~ proof of residence under s. 6.34, the inspectors shall write on the back of the absentee ballot the serial number of the individual corresponding to the number kept at the election on the poll list or other list maintained under s. 6.79 and the notation "s. 6.97". The inspectors shall indicate on the list the fact that the individual is required to provide ~~identification~~ proof of residence but did not do so. The inspectors shall promptly notify the municipal clerk or executive director of the municipal board of election commissioners of the name, address, and serial number of the individual. The inspectors shall then place the ballot inside an envelope on which the name and serial number of the elector is entered and shall place the envelope in a separate carrier envelope.

SECTION 94. 7.03 (1) (a) of the statutes is amended to read:

7.03 (1) (a) Except as authorized under this paragraph, a reasonable daily compensation shall be paid to each inspector, voting machine custodian, automatic tabulating equipment technician, member of a board of canvassers, messenger, and tabulator who is employed and performing duties under chs. 5 to 12. Daily compensation shall also be provided to ~~officials~~ inspectors and inspector trainees for attendance at training programs conducted by the board and municipal clerks under s. ss. 7.31 and 7.315. Alternatively, such election officials and trainees may be paid by the hour at a proportionate rate for each hour actually worked. Any election official or trainee may choose to volunteer his or her services by filing with the municipal clerk of the municipality in which he or she serves a written declination to accept compensation. The volunteer status of the election official or trainee remains effective until the official or trainee files a written revocation with the municipal clerk.

SECTION 95. 7.08 (1) (c) of the statutes is amended to read:

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

SECTION 96. 7.08 (8) (title) of the statutes is amended to read:

7.08 (8) (title) ELECTORS VOTING WITHOUT ~~IDENTIFICATION~~ PROOF OF RESIDENCE OR PURSUANT TO COURT ORDER.

SECTION 97. 7.08 (9) of the statutes is created to read:

7.08 (9) LISTS OF OUT-OF-STATE LICENSE HOLDERS. Withhold from inspection or copying under s. 19.35 (1) the lists of license holders received from municipal clerks under s. 7.15 (1) (L).

SECTION 98. 7.10 (1) (d) of the statutes is created to read:

7.10 (1) (d) The county clerk may receive and store any unused ballots after an election upon request of any municipal clerk of a municipality within the county, and may destroy such ballots pursuant to s. 7.23 (1) (am).

SECTION 99. 7.10 (9) of the statutes is amended to read:

7.10 (9) TRAINING OF ELECTION OFFICIALS. Each county clerk shall assist the board in the training of election officials under ss. s. 5.05 (7) and 7.31.

SECTION 100. 7.15 (1) (e) of the statutes is amended to read:

7.15 (1) (e) ~~In coordination with the board, instruct~~ Train election officials in their duties, calling them together whenever advisable, advise them of changes in laws, rules and procedures affecting the performance of their duties, and administer examinations as authorized

under s. 7.30 (2) (c). The training shall conform with the requirements prescribed in rules promulgated by the board under ss. 7.31 and 7.315. The clerk shall assure that officials who serve at polling places where an electronic voting system is used are familiar with the system and competent to instruct electors in its proper use. The clerk shall inspect systematically and thoroughly the conduct of elections in the municipality so that elections are honestly, efficiently and uniformly conducted.

SECTION 100m. 7.15 (1) (j) of the statutes is amended to read:

7.15 (1) (j) Send an absentee ballot automatically to each person making an authorized request therein in accordance with s. 6.22 (4) or 6.86 (2) or (2m).

SECTION 101. 7.15 (1) (L) of the statutes is created to read:

7.15 (1) (L) Compile and, no later than 7 days after each general election, transmit to the board the lists of electors registering to vote under ss. 6.29 (2) (a), 6.55 (2) (b) and (c) 1. and 6.86 (3) (a) 2. who presented valid drivers' licenses issued by other states. The clerk shall withhold access to the lists from inspection or copying under s. 19.35 (1).

SECTION 102. 7.15 (1m) of the statutes is created to read:

7.15 (1m) ATTEND TRAINING. Each municipal clerk shall, at least once every 2 years, attend a training program sponsored by the board under ss. 7.31 and 7.315.

SECTION 103. 7.15 (2m) of the statutes is created to read:

7.15 (2m) OPERATION OF ALTERNATE ABSENTEE BALLOT SITE. In a municipality in which the governing body has elected to establish an alternate absentee ballot site under s. 6.855, the municipal clerk shall operate such site as though it were his or her office for absentee ballot purposes and shall ensure that such site is adequately staffed.

SECTION 104. 7.15 (11) of the statutes is amended to read:

7.15 (11) TRAINING OF ELECTION OFFICIALS. Each municipal clerk shall ~~assist the board in the training of~~ train election officials under ~~ss. 5.05 (7) and~~ ss. 7.31 and 7.315.

SECTION 105. 7.23 (1) (a) of the statutes is amended to read:

7.23 (1) (a) ~~Any~~ Except as provided in par. (am), unused materials after an election and the contents of the blank ballot box after a primary may be destroyed at a time and in a manner designated by the appropriate clerk.

SECTION 106. 7.23 (1) (am) of the statutes is created to read:

7.23 (1) (am) Unused ballots may be discarded or destroyed no earlier than the day after the latest day for the filing of a petition for a recount under s. 9.01 for any office on the ballots.

SECTION 107. 7.30 (1) of the statutes is renumbered 7.30 (1) (a) and amended to read:

7.30 (1) (a) ~~There~~ Except as authorized under par. (b), there shall be 7 inspectors for each polling place at each election. ~~In~~ Except as authorized in par. (b), in municipalities where voting machines are used, the municipal governing body may reduce the number of inspectors to 5. A municipal governing body may provide for the appointment of additional inspectors whenever more than one voting machine is used or wards are combined under s. 5.15 (6) (b). A municipal governing body may provide by ordinance for the selection of alternate officials or the selection of 2 or more sets of officials to work at different times on election day, and may permit the municipal clerk or board of election commissioners to establish different working hours for different officials assigned to the same polling place. Alternate officials shall also be appointed in a number sufficient to maintain adequate staffing of polling places. ~~Unless~~ Except for inspectors who are appointed under par. (b) and officials who are appointed without regard to party affiliation under sub. (4) (c), additional officials shall be appointed in such a manner that the total number of officials is an odd number and the predominant party under sub. (2) is represented by one more official than the other party.

SECTION 108. 7.30 (1) (b) of the statutes is created to read:

7.30 (1) (b) Each municipality may appoint one additional inspector to serve at each polling place without regard to party affiliation who shall serve as a greeter to answer questions and to direct electors to the proper locations for registration and voting and who shall be available to substitute for other election officials who must leave the room during the voting process.

SECTION 109. 7.30 (2) (a) of the statutes, as affected by **2005 Wisconsin Act 27**, is amended to read:

7.30 (2) (a) Only election officials appointed under this section or s. 6.875 may conduct an election. Except as otherwise provided in this paragraph and in ~~s. ss.~~ ss. 7.15 (1) (k) and 7.52 (1) (b), each election official shall be a qualified elector of the ward or wards, or the election district, for which the polling place is established. A special registration deputy who is appointed under s. 6.55 (6) or an election official who is appointed under this section to fill a vacancy under par. (b) need not be a resident of the ward or wards, or the election district, but shall be a resident of the municipality, except that if a municipal clerk or deputy clerk serves as a registration deputy or is appointed to fill a vacancy under par. (b), the clerk or deputy clerk need not be a resident of the municipality, but shall be a resident of the state. No more than 2 individuals holding the office of clerk or deputy clerk may serve without regard to municipal residency in any municipality at any election. Special registration deputies who are appointed under s. 6.55 (6) may be appointed to serve more than one polling place. All officials appointed under this section shall be able to read and write the English language, be capable, and be of good understanding,

and may not be a candidate for any office to be voted for at an election at which they serve. In 1st class cities, they may hold no public office other than notary public. Except as authorized under ~~sub. (1) (b) and (4) (c)~~, all inspectors shall be affiliated with one of the 2 recognized political parties which received the largest number of votes for president, or governor in nonpresidential general election years, in the ward or combination of wards served by the polling place at the last election. The Excluding the inspector who may be appointed under sub. (1) (b), the party which received the largest number of votes is entitled to one more inspector than the party receiving the next largest number of votes at each polling place. The same election Election officials appointed under this section may serve the electors of more than one ward where wards are combined under s. 5.15 (6) (b). If a municipality is not divided into wards, the ward requirements in this paragraph apply to the municipality at large.

SECTION 110. 7.30 (2) (am) of the statutes is amended to read:

7.30 (2) (am) Except as otherwise provided in this paragraph, a pupil who is 16 or 17 years of age, and who is enrolled in grades 9 to 12 in a public or private school, and who has at least a 3.0 grade point average or the equivalent may serve as an inspector at the polling place serving the pupil's residence, with the approval of the pupil's parent or guardian and of the principal of the school in which the pupil is enrolled. Any pupil who has at least a 3.0 grade point average or the equivalent may serve. In addition, a school board or governing body of a private school may establish criteria for service by a pupil who does not have at least a 3.0 grade point average or the equivalent. A pupil may serve as an inspector at a polling place under this paragraph only if at least one election official at the polling place other than the chief inspector is a qualified elector of this state. No pupil may serve as chief inspector at a polling place under this paragraph. Before appointment by any municipality of a pupil as an inspector under this paragraph, the municipal clerk shall obtain written authorization from the pupil's parent or guardian and from the principal of the school where the pupil is enrolled for the pupil to serve for the entire term election for which he or she is appointed. In addition, if a pupil does not have at least a 3.0 grade point average or the equivalent, the municipal clerk shall obtain written certification from the principal of the school where the pupil is enrolled that the pupil meets any criteria established by the school board or governing body for service as an inspector. Upon appointment of a pupil to serve as an inspector, the municipal clerk shall notify the principal of the school where the pupil is enrolled of the date of expiration of the pupil's term of office name of the pupil and the date of the election at which the pupil has been appointed to serve.

SECTION 111. 7.30 (2) (b) of the statutes, as affected by 2005 Wisconsin Act 27, is amended to read:

7.30 (2) (b) When a vacancy occurs in an office under this section, the vacancy shall be filled by appointment of the municipal clerk. The Unless the vacancy occurs in the position of an inspector appointed under sub. (1) (b), the vacancy shall be filled from the remaining names on the lists submitted under sub. (4) or from additional names submitted by the chairperson of the county party committee of the appropriate party under sub. (4) whenever names are submitted under sub. (4) (d). If the vacancy is due to candidacy, sickness or any other temporary cause, the appointment shall be a temporary appointment and effective only for the election at which the temporary vacancy occurs. The same qualifications that applied to original appointees shall be required of persons who fill vacancies except that a vacancy may be filled in cases of emergency or because of time limitations by a person who resides in another aldermanic district or ward within the municipality, and if a municipal clerk or deputy clerk fills the vacancy, the clerk or deputy, but not more than a total of 2 individuals in any municipality, may serve without regard to the clerk's or deputy's municipality of residence, if the clerk or deputy meets the other qualifications.

SECTION 112. 7.30 (2) (c) of the statutes is amended to read:

7.30 (2) (c) The governing body of any municipality may require all persons serving as election officials to prove their ability to read and write English and to have a general knowledge of the election laws. Examinations may be given to prove the qualifications can be met. The municipal clerk shall ensure that all training meets the training requirements prescribed in rules promulgated by the board under ss. 7.31 and 7.315.

SECTION 113. 7.30 (4) (a) of the statutes is amended to read:

7.30 (4) (a) Except in cities where there is a board of election commissioners, the mayor, president or board chairperson of each municipality shall nominate to the governing body no later than their last regular meeting in December of each ~~even-numbered~~ odd-numbered year the necessary election officials for each polling place and any election officials required under s. 7.52 (1) (b). If no regular meeting is scheduled, the mayor, president or chairperson shall call a special meeting for the purpose of considering nominations no later than December 31.

SECTION 114. 7.30 (4) (b) (intro.) of the statutes is amended to read:

7.30 (4) (b) (intro.) The 2 dominant parties, under sub. (2), are each responsible for submitting a list of names from which the all appointees to inspector positions, other than appointees to inspector positions authorized under sub. (1) (b), shall be chosen.

SECTION 115. 7.30 (4) (b) 1. of the statutes is amended to read:

7.30 (4) (b) 1. In cities where there is a board of election commissioners, the aldermanic district committeemen or committeewomen under s. 8.17 of each of the 2 dominant recognized political parties shall submit a certified list no later than November 30 of each ~~even-numbered~~ odd-numbered year containing the names of at least as many nominees as there are inspectors from that party for each of the voting wards in the aldermanic district. For inspectors serving under s. 7.52 (1) (b), the aldermanic district committeemen and committeewomen under s. 8.17 of the 2 dominant recognized political parties shall jointly submit a certified list of nominees containing at least twice as many nominees as there are inspectors from that party who are to be appointed under s. 7.52 (1) (b). The chairperson may designate any individual whose name is submitted as a first choice nominee. The board of election commissioners shall appoint, no later than December 31 of ~~even-numbered~~ odd-numbered years, at least 5 inspectors for each ward. The board of election commissioners shall appoint all first choice nominees for so long as positions are available, unless nonappointment is authorized under par. (e), and shall appoint other individuals in its discretion. The board of election commissioners may designate such alternates as it deems advisable.

SECTION 116. 7.30 (4) (b) 2. of the statutes is amended to read:

7.30 (4) (b) 2. In municipalities other than cities and villages located in counties having a population of more than 500,000, the committees organized under s. 8.17 from each of the 2 dominant parties under sub. (2) shall submit a list containing at least as many names as there are needed appointees from that party. The list shall be submitted by the chairperson of each of the 2 committees to the mayor, president or chairperson of the municipality. If committees are organized in subdivisions of a city, the list shall be submitted through the chairperson of the city committee. If there is no municipal committee, the list shall be submitted by the chairperson of the county or legislative district committee. Except as provided in par. (c), only those persons submitted by the chairperson of each committee under s. 8.17 may act as election officials. The chairperson may designate any individual whose name is submitted as a first choice nominee. The list shall contain the signature of the chairperson and secretary of the submitting committee. In cities or villages located in counties having a population of more than 500,000, other than cities where there is a board of election commissioners, the aldermanic district or village committeeman or committeewoman for the ward or wards where each polling place is located, if there is one, or for inspectors serving under s. 7.52 (1) (b), the committeemen and committeewomen for the municipality acting jointly, shall submit a list containing at least as

many names as there are needed appointees for inspector positions from the party represented by the committeeman or committeewoman or by the committeemen and committeewomen acting jointly. For appointments of inspectors in cities and villages where there is no aldermanic district or village committeeman or committeewoman, nominations shall proceed in the same manner as in municipalities located in counties having a population of 500,000 or less. The list shall be submitted to the mayor or president. Except as provided in par. (c), only those persons whose names are submitted as provided in this paragraph may act as election officials. The committeeman or committeewoman may designate any individual whose name is submitted as a first choice nominee. The list shall contain the signature of the aldermanic district or village committeeman or committeewoman or the chairperson of the appropriate committee. Upon submission of each nominee's name, the governing body shall appoint each first choice nominee for so long as positions are available, unless nonappointment is authorized under par. (e), and shall appoint other nominees in its discretion. If any nominee is not appointed, the mayor, president or chairperson of the municipality shall immediately nominate another person from the appropriate lists submitted and continue until the necessary number of election officials from each party is achieved at that meeting.

SECTION 117. 7.30 (4) (c) of the statutes is amended to read:

7.30 (4) (c) ~~For~~ Except with respect to inspectors who are appointed under sub. (1) (b), for so long as nominees are made available by the political parties under this section, appointments may be made only from the lists of submitted nominees. If the lists are not submitted by November 30 of the year in which appointments are to be made, the board of election commissioners shall appoint, or the mayor, president or chairperson of a municipality shall nominate qualified persons whose names have not been submitted. If an insufficient number of nominees appears on the lists as of November 30, the board of election commissioners shall similarly appoint, or the mayor, president or chairperson shall similarly nominate sufficient individuals to fill the remaining vacancies. In addition, the mayor, president, or board chairperson of the municipality shall similarly nominate qualified persons to serve in the inspector positions authorized under sub. (1) (b). Any appointment which is made due to the lack of availability of names submitted under par. (b) may be made without regard to party affiliation.

SECTION 118. 7.30 (6) (a) of the statutes is amended to read:

7.30 (6) (a) ~~The~~ Except as provided in par. (am), the appointed election officials shall hold office for 2 years and until their successors are appointed and qualified. They shall serve at every election held in their ward during their term of office.

SECTION 119. 7.30 (6) (am) of the statutes is created to read:

7.30 (6) (am) A pupil appointed as an inspector under sub. (2) (am) shall serve as an inspector only for the election for which he or she is appointed. Nothing in this paragraph shall be construed to limit the number of times a pupil may be appointed as an inspector.

SECTION 120. 7.30 (6) (b) of the statutes is amended to read:

7.30 (6) (b) Prior to the first election following the appointment of the inspectors, the municipal clerk shall appoint one of the inspectors at each polling place, other than an inspector who is appointed under sub. (1) (b), to serve as chief inspector. No person may serve as chief inspector at any election who is not certified by the board under s. 7.31 at the time of the election. The chief inspector shall hold the position for the remainder of the term unless the inspector is removed by the clerk or the inspector ceases to be certified under s. 7.31, except that whenever wards are combined or separated under s. 5.15 (6) (b), the municipal clerk shall appoint another inspector who is certified under s. 7.31 to serve as chief inspector at each polling place designated under s. 5.15 (6) (b). If a vacancy occurs in the position of chief inspector at any polling place, the municipal clerk shall appoint one of the other inspectors who is certified under s. 7.31 to fill the vacancy.

SECTION 121. 7.30 (6) (c) of the statutes is amended to read:

7.30 (6) (c) If any election official appointed under this section lacks the qualifications set forth in this section, fails to attend training sessions required under s. 7.15 (1) (e) unless excused therefrom, is guilty of neglecting his or her official duties or commits official misconduct, the municipal clerk or board of election commissioners shall summarily remove the official from office and the vacancy shall be filled under sub. (2) (b).

SECTION 121g. 7.31 (1) of the statutes is amended to read:

7.31 (1) The board shall, by rule, prescribe requirements for certification of individuals to serve as chief inspectors. The requirements shall include a requirement to attend at least one training session held under sub. (5) before beginning service. The requirements shall not include taking an examination.

SECTION 121r. 7.31 (4) of the statutes is amended to read:

7.31 (4) The board shall require each individual to whom a certificate is issued under this section to meet requirements to maintain that certification. The requirements shall include a requirement to attend at least one training session held under sub. (5) every 2 years. The board shall renew the certificate of any individual who requests renewal and who meets the requirements prescribed under this subsection.

SECTION 122. 7.315 of the statutes is created to read:

7.315 Training of other election officials. (1) (a)

The board shall, by rule, prescribe the contents of the training that municipal clerks must provide to inspectors, other than chief inspectors, to special voting deputies appointed under s. 6.875, and to special registration deputies appointed under ss. 6.26 and 6.55 (6).

(b) 1. Each inspector other than a chief inspector and each special voting deputy appointed under s. 6.875 and special registration deputy appointed under s. 6.26 or 6.55 (6) shall view or attend at least one training program every 2 years. Except as provided in subd. 2., no individual may serve as an inspector, other than a chief inspector, as a special voting deputy under s. 6.875, or as a special registration deputy under s. 6.26 or 6.55 (6) at any election unless the individual has completed training for that election provided by the municipal clerk pursuant to rules promulgated under par. (a) within 2 years of the date of the election.

2. Only when an individual who has received training under subd. 1. is unavailable to perform his or her election duties due to sickness, injury, or other unforeseen occurrence may an individual who has not received training under subd. 1. be appointed to serve as an inspector, other than chief inspector, or a special voting deputy or special registration deputy. The appointment of an individual to serve under this subdivision shall be for a specific election and no individual may be appointed under this subdivision more than one time in a 2-year period.

(2) The board shall, by rule, prescribe requirements for, and the content of, training required of municipal clerks under s. 7.15 (1m). The board may provide such training directly or arrange for such training to be provided by other organizations. The rules shall provide a method for notifying the relevant municipal governing body if a municipal clerk fails to attend required training.

(3) The board may produce and periodically reissue as necessary a video program for the purpose of training election officials, including special voting deputies and special registration deputies. The board shall make any such program available for viewing electronically through an Internet-based system.

SECTION 123. 7.32 of the statutes is amended to read:

7.32 Change of election official numbers. Notwithstanding s. 7.30 (1) (a), the governing body or board of election commissioners of any municipality may by resolution reduce the number of election officials and modify or rescind any similar previous action. No such action may reduce the number of officials at a polling place to less than 3.

SECTION 124. 7.33 (3) of the statutes is amended to read:

7.33 (3) Every employer shall grant to each employee who is appointed to serve as an election official under s. 7.30 a leave of absence for the entire 24-hour period of each election day in which the official serves in his or her official capacity. An employee who serves as an election

official shall provide his or her employer with at least 7 days' notice of application for a leave. The municipal clerk shall verify appointments upon request of any employer.

SECTION 125. 7.33 (4) of the statutes is amended to read:

7.33 (4) Except as otherwise provided in this subsection, each local governmental unit, as defined in s. 16.97 (7), may, and each state agency shall, upon proper application under sub. (3), permit each of its employees to serve as an election official under s. 7.30 without loss of fringe benefits or seniority privileges earned for scheduled working hours during the period specified in sub. (3), without loss of pay for scheduled working hours during the period specified in sub. (3) except as provided in sub. (5), and without any other penalty. For employees who are included in a collective bargaining unit for which a representative is recognized or certified under subch. V of ch. 111, this subsection shall apply unless otherwise provided in a collective bargaining agreement.

SECTION 126. 7.33 (6) of the statutes is amended to read:

7.33 (6) Each employer other than a state agency shall, upon proper application under sub. (3), permit each of its employees to serve as an election official under s. 7.30 without loss of fringe benefits or seniority privileges earned for scheduled working hours during the period specified in sub. (3), and shall not impose any other penalty upon an employee who serves as an election official, except the employer need not pay wages to an employee for time not worked while the employee is serving as an election official.

SECTION 127. 7.37 (2) of the statutes is amended to read:

7.37 (2) PRESERVE ORDER. The inspectors shall possess full authority to maintain order and to enforce obedience to their lawful commands during the election and the canvass of the votes. They shall permit only one person in a voting booth at a time and shall prevent any person from taking notice of how another person has voted, except when assistance is given under s. 6.82. They shall enforce s. 5.35 (5) and prevent electioneering and distribution of election-related material from taking place in violation of ~~s. ss. 12.03 and 12.035~~. If any person refuses to obey the lawful commands of an inspector, or is disorderly in the presence or hearing of the inspectors, interrupts or disturbs the proceedings, they may order any law enforcement officer to remove the person from the voting area or to take the person into custody.

SECTION 128. 7.37 (13) of the statutes is created to read:

7.37 (13) CLOSING OF POLLS. For each polling place, the municipal clerk shall designate an official of the municipality who shall position himself or herself at the end of the line of individuals waiting to vote, if any at the time that the polls officially close. The official may be an

inspector or special registration deputy appointed under s. 6.55 (6) who serves at that polling place, an employee of the municipal clerk or a police officer. Only individuals in line ahead of the official shall be permitted to vote under s. 6.78 (4).

SECTION 129. 7.41 of the statutes is amended to read:

7.41 Public's right to access. (1) Any member of the public may be present at any polling place, in the office of any municipal clerk whose office is located in a public building on any day that absentee ballots may be cast in that office, or at an alternate site under s. 6.855 on any day that absentee ballots may be cast at that site for the purpose of observation of an election and the absentee ballot voting process, except a candidate whose name appears on the ballot at the polling place or on an absentee ballot to be cast at the clerk's office or alternate site at that election. The chief inspector or municipal clerk may reasonably limit the number of persons representing the same organization who are permitted to observe ~~an election~~ under this subsection at the same time.

(2) The chief inspector or municipal clerk may restrict the location of any individual exercising the right under sub. (1) to certain areas within a polling place, the clerk's office, or alternate site under s. 6.855. The chief inspector or municipal clerk shall clearly designate such an area as an observation area. Designated observation areas shall be so positioned to permit any authorized individual to readily observe all public aspects of the voting process.

(3) The chief inspector or municipal clerk may order the removal of any individual exercising the right under sub. (1) if that individual commits an overt act which:

(a) Disrupts the operation of the polling place, clerk's office, or alternate site under s. 6.855; or

(b) Violates s. 12.03 (2) or 12.035.

(4) No individual exercising the right under sub. (1) may view the confidential portion of a registration list maintained under s. 6.36 (4) or a poll list maintained under s. 6.79 (6). However, the inspectors or municipal clerk shall disclose to such an individual, upon request, the existence of such a list, the number of electors whose names appear on the list, and the number of those electors who have voted at any point in the proceedings. No such individual may view the certificate of an absent elector who obtains a confidential listing under s. 6.47 (2).

SECTION 130. 7.41 (5) of the statutes is created to read:

7.41 (5) The board may promulgate rules that are consistent with the requirements of sub. (2) regarding the proper conduct of individuals exercising the right under sub. (1), including the interaction of those individuals with inspectors and other election officials.

SECTION 131. 7.51 (1) of the statutes is amended to read:

7.51 (1) CANVASS PROCEDURE. Immediately after the polls close the inspectors except any inspector appointed

under s. 7.30 (1) (b) shall proceed to canvass publicly all votes received at the polling place. In any municipality where an electronic voting system is used, the municipal governing body or board of election commissioners may provide or authorize the municipal clerk or executive director of the board of election commissioners to provide for the adjournment of the canvass to one or more central counting locations for specified polling places in the manner prescribed in subch. III of ch. 5. No central counting location may be used to count votes at a polling place where an electronic voting system is not employed. The canvass, whether conducted at the polling place or at a central counting location, shall continue without adjournment until the canvass is completed and the return ~~statements are~~ statement is made or, in municipalities where absentee ballots are canvassed under s. 7.52, until the canvass of all ballots cast is completed and the return statement for those ballots are made. The inspectors shall not permit access to the name of any elector who has obtained a confidential listing under s. 6.47 (2) during the canvass, except as authorized in s. 6.47 (8).

SECTION 132. 7.51 (2) (c) of the statutes is amended to read:

7.51 (2) (c) Whenever the number of ballots exceeds the number of voting electors as indicated on the poll list, the inspectors shall place all ballots face up to check for blank ballots. In this paragraph, "blank ballot" means a ballot on which no votes are cast for any office or question. The inspectors shall mark, lay aside and preserve any blank ballots. If Except in municipalities where absentee ballots are canvassed under s. 7.52, if the number of ballots still exceeds the number of voting electors, the inspectors shall place all ballots face down and proceed to check for the initials. The inspectors shall mark, lay aside and preserve any ballot not bearing the initials of 2 inspectors or any absentee ballot not bearing the initials of the municipal clerk. During the count the inspectors shall count those ballots cast by challenged electors the same as the other ballots.

SECTION 133. 7.51 (2) (e) of the statutes is amended to read:

7.51 (2) (e) ~~If, Except in municipalities where absentee ballots are canvassed under s. 7.52, if~~ after any ballots have been laid aside, the number of ballots still exceeds the total number of electors recorded on the poll list, the inspectors shall separate the absentee ballots from the other ballots. If there is an excess number of absentee ballots, the inspectors shall place the absentee ballots in the ballot box and one of the inspectors shall publicly and without examination draw therefrom by chance the number of ballots equal to the excess number of absentee ballots. If there is an excess number of ~~other~~ nonabsentee ballots, the inspectors shall place those ballots in the ballot box and one of the inspectors shall publicly and without examination draw therefrom by chance the number of ballots equal to the excess number of those ballots. All

ballots so removed may not be counted but shall be specially marked as having been removed by the inspectors on original canvass due to an excess number of ballots, set aside and preserved. When the number of ballots and total shown on the poll list agree, the inspectors shall return all ballots to be counted to the ballot box and shall turn the ballot box in such manner as to thoroughly mix the ballots. The inspectors shall then open, count and record the number of votes. When the ballots are counted, the inspectors shall separate them into piles for ballots similarly voted. Objections may be made to placement of ballots in the piles at the time the separation is made.

SECTION 134. 7.51 (3) (d) of the statutes is amended to read:

7.51 (3) (d) All ~~Except in municipalities where absentee ballots are canvassed under s. 7.52, all~~ absentee certificate envelopes which have been opened shall be returned by the inspectors to the municipal clerk in a securely sealed carrier envelope which is clearly marked "used absentee certificate envelopes". The envelopes shall be signed by the chief inspector and 2 other inspectors. Except when the ballots are used in a municipal or school district election only, the municipal clerk shall transmit the used envelopes to the county clerk.

SECTION 135. 7.51 (4) (a) of the statutes is amended to read:

7.51 (4) (a) The tally sheets shall state the total number of votes cast for each office and for each individual receiving votes for that office, whether or not the individual's name appears on the ballot, and shall state the vote for and against each proposition voted on. Upon completion of the tally sheets, the inspectors shall immediately complete ~~the inspectors' statements in duplicate~~ statement. The inspectors shall state the excess, if any, by which the number of ballots exceeds the number of electors voting as shown by the poll list and shall state the number of the last elector as shown by the poll lists. At least 3 inspectors, including the chief inspector and, unless election officials are appointed under s. 7.30 (4) (c) without regard to party affiliation, at least one inspector representing each political party, ~~but not including any inspector appointed under s. 7.30 (1) (b),~~ shall then certify to the correctness of the ~~statements~~ statement and tally sheets and sign their names. All other election officials assisting with the tally shall also certify to the correctness of the tally sheets. When the tally is complete, the inspectors shall publicly announce the results from the ~~statements~~ statement.

SECTION 136. 7.51 (5) (a) of the statutes is amended to read:

7.51 (5) (a) 1. The inspectors shall make full and accurate return of the votes cast for each candidate and proposition on tally sheet forms provided by the municipal clerk for that purpose. Each tally sheet shall record the returns for each office or referendum by ward, unless

combined returns are authorized in accordance with s. 5.15 (6) (b) in which case the tally sheet shall record the returns for each group of combined wards.

2. After recording the votes, the inspectors shall seal in a carrier envelope outside the ballot bag or container ~~one inspectors' statement under sub. (4) (a), one tally sheet, and one poll list for delivery to the county clerk,~~ unless the election relates only to municipal or school district offices or referenda.

3. The inspectors shall also ~~similarly seal one the~~ inspectors' statement, inside a separate carrier envelope, and shall similarly seal in a separate carrier envelope one tally sheet, and one poll list for delivery to the municipal clerk. For school district elections, except in 1st class cities, the inspectors shall ~~similarly seal one inspectors' statement,~~ one tally sheet, and one poll list for delivery to the school district clerk.

4. The inspectors shall immediately deliver all ballots, statements, tally sheets, lists, and envelopes to the municipal clerk.

SECTION 137. 7.51 (5) (a) 5. of the statutes is created to read:

7.51 (5) (a) 5. Upon receipt of the materials under subd. 4., the municipal clerk shall make sufficient copies of the inspectors' statement under sub. (4) (a) and seal one copy of the statement inside a carrier envelope together with the envelope containing any materials required to be delivered to the county clerk or the school district clerk. The municipal clerk shall retain the original inspectors' statement.

SECTION 138. 7.51 (5) (b) of the statutes is amended to read:

7.51 (5) (b) The municipal clerk shall ~~arrange for delivery of deliver~~ all ballots, statements, tally sheets, lists, and envelopes relating to a school district election to the school district clerk by 4 p.m. on the day following each such election. The municipal clerk shall deliver the ballots, statements, tally sheets, lists, and envelopes for his or her municipality relating to any county, technical college district, state, or national election to the county clerk ~~by 2 no later than 4 p.m. on the day following each such election or, in municipalities where absentee ballots are canvassed under s. 7.52, by 4 p.m. on the 2nd day following each such election, and no later than 4 p.m. on the day after receiving any corrected returns under s. 6.221 (6) (b).~~ The person delivering the returns shall be paid out of the municipal treasury. Each clerk shall retain ballots, statements, tally sheets, or envelopes received by the clerk until destruction is authorized under s. 7.23 (1).

SECTION 139. 7.52 of the statutes is created to read:

7.52 Canvassing of absentee ballots. (1) (a) The governing body of any municipality may provide by ordinance that, in lieu of canvassing absentee ballots at polling places under s. 6.88, the municipal board of absentee ballot canvassers designated under s. 7.53 (2m) shall canvass all absentee ballots at all elections held in the munic-

ipality. Prior to enacting an ordinance under this subsection, the municipal clerk or board of election commissioners of the municipality shall notify the board in writing of the proposed enactment and shall consult with the board concerning administration of this section. At every election held in the municipality following enactment of an ordinance under this subsection, the board of absentee ballot canvassers shall, any time after the opening of the polls and before 10 p.m. on election day, publicly convene to count the absentee ballots for the municipality. The municipal clerk shall give at least 48 hours' notice of any meeting under this subsection. Any member of the public has the same right of access to a meeting of the municipal board of absentee ballot canvassers under this subsection that the individual would have under s. 7.41 to observe the proceedings at a polling place. The board of absentee ballot canvassers may order the removal of any individual exercising the right to observe the proceedings if the individual disrupts the meeting.

(b) A municipality that adopts the canvassing procedure under this section may appoint additional inspectors under s. 7.30 (2) (a) to assist the absentee ballot board of canvassers in canvassing absentee ballots under this section. In such case, an odd number of inspectors shall be appointed, and at no time may there be less than 3 inspectors who serve. Except as authorized in s. 7.30 (4) (c), all inspectors shall be affiliated with one of the 2 recognized political parties receiving the largest numbers of votes for president, or for governor in nonpresidential general election years, in the municipality. The party whose candidate received the largest number of votes in the municipality is entitled to one more inspector than the party whose candidate received the next largest number of votes in the municipality. Each inspector so appointed shall be a qualified elector of the municipality. The inspectors who are appointed under this paragraph shall serve under the direction and supervision of the board of absentee ballot canvassers.

(c) In each municipality where absentee ballots are canvassed under this section, no later than the closing hour of the polls, the municipal clerk shall post at his or her office and on the Internet at a site announced by the clerk before the polls open, and shall make available to any person upon request, a statement of the number of absentee ballots that the clerk has mailed or transmitted to electors and that have been returned by the closing hour on election day. The posting shall not include the names or addresses of any electors.

(2) In counting the absentee ballots, the board of absentee ballot canvassers shall use 2 duplicate copies of a single poll list for the entire municipality prepared in accordance with s. 6.36 (2). Upon accepting each absentee ballot, the board of absentee ballot canvassers shall enter a poll list number on the poll list next to the name of the elector who voted the ballot, beginning with the

number one. If the elector's name does not appear on the poll list, the board of absentee ballot canvassers shall enter the number on a separate list maintained under this subsection.

(3) (a) The board of absentee ballot canvassers shall first open the carrier envelope only, and, in such a manner that a member of the public, if he or she desired, could hear, announce the name of the absent elector or the identification serial number of the absent elector if the elector has a confidential listing under s. 6.47 (2). When the board of absentee ballot canvassers finds that the certification has been properly executed and the applicant is a qualified elector of the ward or election district, the board of absentee ballot canvassers shall enter an indication on the poll list next to the applicant's name indicating an absentee ballot is cast by the elector. The board of absentee ballot canvassers shall then open the envelope containing the ballot in a manner so as not to deface or destroy the certification thereon. The board of absentee ballot canvassers shall take out the ballot without unfolding it or permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95, the board of absentee ballot canvassers shall verify that the ballot has been endorsed by the issuing clerk. If the poll list indicates that proof of residence is required and no proof of residence is enclosed or the name or address on the document that is provided is not the same as the name and address shown on the poll list, the board of absentee ballot canvassers shall proceed as provided under s. 6.97 (2). The board of absentee ballot canvassers shall mark the poll list number of each elector who casts an absentee ballot on the back of the elector's ballot. The board of absentee ballot canvassers shall then deposit the ballot into the proper ballot box and enter the absent elector's name or poll list number after his or her name on the poll list.

(b) When the board of absentee ballot canvassers finds that a certification is insufficient, that the applicant is not a qualified elector in the ward or election district, that the ballot envelope is open or has been opened and resealed, that the ballot envelope contains more than one ballot of any one kind, or that the certificate of an elector who received an absentee ballot by facsimile transmission or electronic mail is missing, or if proof is submitted to the board of absentee ballot canvassers that an elector voting an absentee ballot has since died, the board of absentee ballot canvassers shall not count the ballot. Each member of the board of absentee ballot canvassers shall endorse every ballot not counted on the back as "rejected (giving the reason)." The board of absentee ballot canvassers shall reinsert each rejected ballot into the certificate envelope in which it was delivered and enclose the certificate envelopes and ballots, and securely seal the ballots and envelopes in an envelope marked for rejected absentee ballots. The board of absentee ballot canvassers shall endorse the envelope as "rejected ballots," with a statement of the ward or elec-

tion district and date of the election, and each member of the board of absentee ballot canvassers shall sign the statement. The board of absentee ballot canvassers shall then return the envelope containing the ballots to the municipal clerk.

(4) (a) The board of absentee ballot canvassers shall then open the ballot box and remove and count the number of ballots therein without examination except as is necessary to ascertain that each is a single ballot. If 2 or more ballots are folded together so as to appear as a single ballot, the board of absentee ballot canvassers shall lay them aside until the count is completed; and if, after a comparison of the count and the appearance of the ballots it appears to the board of absentee ballot canvassers that the ballots folded together were voted by the same person they shall not be counted but the board of absentee ballot canvassers shall mark them as to the reason for removal, set them aside, and carefully preserve them. The board of absentee ballot canvassers shall then proceed under par. (b).

(b) When during the counting of the ballots cast at an election the board of absentee ballot canvassers finds that a ballot is so defective that it cannot determine with reasonable certainty for whom it was cast, the board of absentee ballot canvassers shall so mark the ballot and preserve it. The board of absentee ballot canvassers shall not count the vote cast on the ballot for any office for which it determines the ballot to be defective.

(c) Whenever the number of ballots exceeds the number of voting electors as indicated on the poll list, the board of absentee ballot canvassers shall place all ballots face up to check for blank ballots. In this paragraph, "blank ballot" means a ballot on which no votes are cast for any office or question. The board of absentee ballot canvassers shall mark, lay aside, and preserve any blank ballots. If the number of ballots still exceeds the number of voting electors, the board of absentee ballot canvassers shall place all ballots face down and proceed to check for the initials. The board of absentee ballot canvassers shall mark, lay aside, and preserve any ballot not bearing the initials of the municipal clerk. During the count, the board of absentee ballot canvassers shall count those ballots cast by challenged electors the same as the other ballots.

(d) The board of absentee ballot canvassers shall keep a written statement, in duplicate, of the number of ballots set aside and the number of defective ballots and challenged ballots. The statement shall contain a record of the reasons for setting aside each ballot and the reasons why each defective or challenged ballot is defective or challenged. The board of absentee ballot canvassers shall certify that the statement is correct, sign it, and attach it to the tally sheets.

(e) If, after any ballots have been set aside, the number of ballots still exceeds the total number of electors recorded on the poll list, the board of absentee ballot can-

vassers shall place the absentee ballots in the ballot box and one of the members shall publicly and without examination draw therefrom by chance the number of ballots equal to the excess number of ballots. All ballots so removed shall not be counted but shall be specially marked as having been removed by the board of absentee ballot canvassers on original canvass due to an excess number of ballots, set aside, and preserved. When the number of ballots and total shown on the poll list agree, the board of absentee ballot canvassers shall return all ballots to be counted to the ballot box and shall turn the ballot box in such manner as to thoroughly mix the ballots. The board of absentee ballot canvassers shall then open, count, and record the number of votes. When the ballots are counted, the board of absentee ballot canvassers shall separate them into piles for ballots similarly voted. Objections may be made to placement of ballots in the piles at the time the separation is made.

(f) If corrected ballots under s. 5.06 (6) or 5.72 (3) are distributed under s. 7.10 (3), only the votes cast on the corrected ballots may be counted for any office or referendum in which the original ballots differ from the corrected ballots.

(g) The board of absentee ballot canvassers shall place together all ballots counted by it that relate to any national, state, or county office or any state, county, or technical college district referendum and secure them together so they cannot be untied or tampered with without breaking the seal. The secured ballots, together with any ballots marked “Defective,” shall then be secured by the board of absentee ballot canvassers in the ballot container in such a manner that the container cannot be opened without breaking the seals or locks, or destroying the container. The board of absentee ballot canvassers shall place the ballots cast under s. 6.97 in a separate, securely sealed carrier envelope which is clearly marked “Section 6.97 ballots.” Each member of the board of absentee ballot canvassers shall sign the carrier envelope. The carrier envelope shall not be placed in the ballot container. The board of absentee ballot canvassers shall then deliver the ballots to the municipal clerk in the ballot container and carrier envelope.

(h) For ballots that relate only to municipal or school district offices or referenda, the board of absentee ballot canvassers, in lieu of par. (a), after counting the ballots shall return them to the proper ballot boxes, lock the boxes, paste paper over the slots, sign their names to the paper, and deliver them and the keys therefor to the municipal or school district clerk. The clerk shall retain the ballots until destruction is authorized under s. 7.23.

(i) All absentee certificate envelopes that have been opened shall be returned by the board of absentee ballot canvassers to the municipal clerk in a securely sealed carrier envelope that is clearly marked “used absentee certificate envelopes.” The envelopes shall be signed by each member of the board of absentee ballot canvassers.

Except when the ballots are used in a municipal or school district election only, the municipal clerk shall transmit the used envelopes to the county clerk.

(5) The vote of any absent elector may be challenged for cause and the board of absentee ballot canvassers shall have all the power and authority given the inspectors to hear and determine the legality of the ballot the same as if the ballot had been voted in person.

(6) (a) The board of absentee ballot canvassers shall review each certificate envelope to determine whether any absentee ballot is cast by an elector whose name appears on the poll list as ineligible to vote at the election, including ineligibility to vote by reason of a felony conviction. If the board of absentee ballot canvassers receives an absentee ballot that has been cast by an elector whose name appears on the poll list as ineligible to vote, the inspectors shall challenge the ballot in the same manner as provided for inspectors making challenges under s. 6.92 and shall treat the ballot in the manner as provided for treatment of challenged ballots by inspectors under s. 6.95.

(b) Any elector may challenge for cause any absentee ballot. For the purpose of deciding upon ballots that are challenged for any reason, the board of absentee ballot canvassers may call before it any person whose absentee ballot is challenged if the person is available to be called. If the person challenged refuses to answer fully any relevant questions put to him or her by the board of absentee ballot canvassers under s. 6.92, the board of absentee ballot canvassers shall reject the person’s vote. If the challenge is not withdrawn after the person offering to vote has answered the questions, one of the members of the board of absentee ballot canvassers shall administer to the person the following oath or affirmation: “You do solemnly swear (or affirm) that: you are 18 years of age; you are a citizen of the United States; you are now and for 10 days have been a resident of this ward except under s. 6.02 (2), stats.; you have not voted at this election; you have not made any bet or wager or become directly or indirectly interested in any bet or wager depending upon the result of this election; you are not on any other ground disqualified to vote at this election.” If the person challenged refuses to take the oath or affirmation, the person’s vote shall be rejected. If the person challenged answers fully all relevant questions put to the elector by the board of absentee ballot canvassers under s. 6.92, takes the oath or affirmation, and fulfills the applicable registration requirements, and if the answers to the questions given by the person indicate that the person meets the voting qualification requirements, the person’s vote shall be received.

(7) The board of absentee ballot canvassers shall maintain tally sheets on forms provided by the municipal clerk, which shall state the total number of votes cast for each office and for each individual receiving votes for that office, whether or not the individual’s name appears

on the ballot, and shall state the vote for and against each proposition voted on. Upon completion of the canvass of the absentee ballots, the board of absentee ballot canvassers shall immediately complete statements in duplicate. The statements shall state the excess, if any, by which the number of ballots exceeds the number of electors voting as shown by the poll list used by the board of absentee ballot canvassers under this section and shall state the poll list number of the last elector as shown by the poll list. Each member of the board of absentee ballot canvassers shall then certify to the correctness of the statements and tally sheets and sign their names. All other election officials assisting with the tally shall also certify to the correctness of the tally sheets. When the tally is complete, the board of absentee ballot canvassers shall publicly announce the results from the statements, and the records of the count are open to public inspection and copying under s. 19.35 (1).

(8) The board of absentee ballot canvassers shall make full and accurate return of the votes cast for each candidate and proposition on the tally sheet forms. Each tally sheet shall record the returns for each office or referendum by ward, unless combined returns are authorized in accordance with s. 5.15 (6) (b), in which case the tally sheet shall record the returns for each group of combined wards. After recording the votes, the board of absentee ballot canvassers shall seal in a carrier envelope outside the ballot bag or container one inspector's statement under sub. (4) (d), one tally sheet, and one poll list for delivery to the county clerk, unless the election relates only to municipal or school district offices or referenda. The board of absentee ballot canvassers shall also similarly seal one statement, one tally sheet, and one poll list for delivery to the municipal clerk.

(9) The governing body of any municipality that has provided by ordinance enacted under sub. (1) for the canvassing of absentee ballots at all elections held in the municipality under this section may by similar action rescind that decision. Thereafter, the absentee ballots at all elections held in the municipality shall be canvassed as provided in s. 6.88.

SECTION 140. 7.53 (1) of the statutes is amended to read:

7.53 (1) MUNICIPALITIES WITH ONE POLLING PLACE. Where the municipality constitutes one ward or combines all wards to utilize a single polling place under s. 5.15 (6) (b), the canvass of the votes cast at the polling place shall be conducted publicly under s. 7.51 and the inspectors, other than any inspector appointed under s. 7.30 (1) (b), shall act as the municipal board of canvassers. In municipalities where absentee ballots are canvassed under s. 7.52, after the canvass of the absentee ballots is completed under s. 7.52, the board of absentee ballot canvassers shall reconcile the poll list of the electors who vote by absentee ballot with the corresponding poll list of the electors who vote in person to ensure that

no elector is allowed to cast more than one ballot. If an elector who votes in person has submitted an absentee ballot, the absentee ballot is void. Upon completion of the canvass under this subsection and any canvass that is conducted under s. 7.52 and ascertainment of the results by the inspectors or, in municipalities where absentee ballots are canvassed under s. 7.52, by the inspectors and the board of absentee ballot canvassers, the municipal clerk shall publicly read to the inspectors or the board of absentee ballot canvassers the names of the persons voted for and the number of votes for each person for each municipal office, the names of the persons declared by the inspectors or board of absentee ballot canvassers to have won nomination or election to each municipal office, and the number of votes cast for and against each municipal referendum question.

SECTION 141. 7.53 (2) (a) of the statutes is amended to read:

7.53 (2) (a) 1. Except as provided in par. (c), the municipal board of canvassers for municipal elections in each municipality utilizing more than one polling place shall be composed of the municipal clerk and 2 other qualified electors of the municipality appointed by the clerk. The members of the board of canvassers shall serve for 2-year terms commencing on January 1 of each odd-numbered year, except that any member who is appointed to fill a permanent vacancy shall serve for the unexpired term of the original appointee.

2. If the municipal clerk's office is vacant, or if the clerk cannot perform his or her duties ~~or if the clerk is a candidate at an election being canvassed,~~ the mayor, president or board chairperson of the municipality shall designate another qualified elector of the municipality to serve in lieu of the clerk for that election.

4. If any other member of the board of canvassers is a candidate at the election being canvassed, the clerk shall appoint another qualified elector of the municipality to temporarily fill the vacancy.

SECTION 142. 7.53 (2) (a) 3. of the statutes is created to read:

7.53 (2) (a) 3. If the clerk is a candidate at an election being canvassed, the clerk may perform his or her duties on the board of canvassers only if the clerk does not have an opponent whose name appears on the ballot, or in the case of a recount, if the office the clerk is seeking is not a subject of the recount. If the clerk is a candidate at the election being canvassed and has an opponent whose name appears on the ballot or if the office the clerk is seeking is a subject of a recount, the mayor, president of board chairperson of the municipality shall designate another qualified elector of the municipality to serve in lieu of the elector for that election.

SECTION 143. 7.53 (2) (d) of the statutes is amended to read:

7.53 (2) (d) The municipal board of canvassers shall publicly canvass the returns of every ~~municipal~~ election.

The canvass shall begin within 24 hours after the polls close. After any canvass of the absentee ballots is completed under s. 7.52, the board of canvassers shall reconcile the poll list of the electors who vote by absentee ballot with the corresponding poll list of the electors who vote in person to ensure that no elector is allowed to cast more than one ballot. If an elector who votes in person has submitted an absentee ballot, the absentee ballot is void. At the spring election, the board of canvassers shall publicly declare the results on or before the 2nd Tuesday in April. The board of canvassers shall prepare a statement showing the results of each election for any municipal office and each municipal referendum. After each primary for municipal offices, the board of canvassers shall prepare a statement certifying the names of those persons who have won nomination to office. After each other election for a municipal office and each municipal referendum, the board of canvassers shall prepare a determination showing the names of the persons who are elected to each municipal office and the results of each municipal referendum. The board of canvassers shall file each statement and determination in the office of the municipal clerk or board of election commissioners.

SECTION 144. 7.53 (2m) of the statutes is created to read:

7.53 (2m) BOARD OF ABSENTEE BALLOT CANVASSERS.

(a) If a municipality elects to count absentee ballots in the manner provided for in s. 7.52, the municipality shall establish a board of absentee ballot canvassers as provided in par. (b).

(b) Except as provided in par. (c), the municipal board of absentee ballot canvassers shall be composed of the municipal clerk, or a qualified elector of the municipality designated by the clerk, and 2 other qualified electors of the municipality appointed by the clerk. The members of the board of absentee ballot canvassers shall serve for 2-year terms commencing on January 1 of each odd-numbered year, except that any member who is appointed to fill a permanent vacancy shall serve for the unexpired term of the original appointee. If the municipal clerk's office is vacant or if the clerk and the clerk's designee cannot perform his or her duties, the mayor, president, or board chairperson of the municipality shall designate another qualified elector of the municipality to serve in lieu of the clerk for that election. If the clerk is a candidate at an election being canvassed, the clerk or the clerk's designee may perform the clerk's duties on the board of absentee ballot canvassers only if the clerk does not have an opponent whose name appears on the ballot. If the clerk is a candidate at the election being canvassed by the board of absentee ballot canvassers and has an opponent whose name appears on the ballot, the mayor, president, or board chairperson of the municipality shall designate another qualified elector of the municipality to serve in lieu of the clerk and his or her designee for that election. If any other member of the board of absentee

ballot canvassers is a candidate at the election being canvassed, the clerk shall appoint another qualified elector of the municipality to temporarily fill the vacancy.

(c) Nothing in this subsection precludes a municipal clerk from appointing individuals to the board of absentee ballot canvassers who are simultaneously serving on any other board of canvassers.

SECTION 145. 7.60 (2) of the statutes is amended to read:

7.60 (2) COUNTY BOARD OF CANVASSERS. The county clerk and 2 qualified electors of the county appointed by the clerk constitute the county board of canvassers. The members of the board of canvassers shall serve for 2-year terms commencing on January 1 of each odd-numbered year, except that any member who is appointed to fill a permanent vacancy shall serve for the unexpired term of the original appointee. One member of the board of canvassers shall belong to a political party other than the clerk's. The county clerk shall designate a deputy clerk who shall perform the clerk's duties as a member of the board of canvassers in the event that the county clerk's office is vacant, or the clerk cannot perform his or her duties, ~~or the clerk is a candidate at an election being canvassed.~~ If the county clerk and designated deputy clerk are both unable to perform their duties, the county executive or, if there is no county executive, the chairperson of the county board of supervisors shall designate another qualified elector of the county to perform the clerk's duties. If a member other than the clerk cannot perform his or her duties, the clerk shall appoint another member to serve. ~~No~~ Except as otherwise provided in this subsection, no person may serve on the county board of canvassers if the person is a candidate for an office to be canvassed by that board. If the clerk is a candidate at an election being canvassed, the clerk may perform his or her duties on the board only if the clerk has no opponent whose name appears on the ballot, or, in the case of a recount, if the office the clerk is seeking is not a subject of the recount. If lists of candidates for the county board of canvassers are submitted to the county clerk by political party county committees, the lists shall consist of at least 3 names and the clerk shall choose the board members from the lists. Where there is a county board of election commissioners, it shall serve as the board of canvassers. If the county board of election commissioners serves as the board of canvassers, the executive director of the county board of election commissioners shall serve as a member of the board of canvassers to fill a temporary vacancy on that board.

SECTION 145g. 7.60 (5) (a) of the statutes is amended to read:

7.60 (5) (a) Immediately following the canvass, the county clerk shall deliver or send to the elections board, by 1st class mail, a certified copy of each statement of the county board of canvassers for president and vice president, state officials, senators and representatives in con-

gress, state legislators, justice, court of appeals judge, circuit judge, district attorney, and metropolitan sewerage commissioners, if the commissioners are elected under s. 200.09 (11) (am). The statement shall record the returns for each office or referendum by ward, unless combined returns are authorized under s. 5.15 (6) (b) in which case the statement shall record the returns for each group of combined wards. Following primaries the county clerk shall enclose on forms prescribed by the elections board the names, party or principle designation, if any, and number of votes received by each candidate recorded in the same manner. The county clerk shall deliver or transmit the certified statement to the elections board no later than 7 days after each primary ~~and except the September primary~~, no later than 10 days after ~~the September primary and any other election except the general election, and no later than 14 days after the general election.~~ The board of canvassers shall deliver or transmit a certified copy of each statement for any technical college district referendum to the secretary of the technical college district board.

SECTION 145r. 7.70 (3) (a) of the statutes is amended to read:

7.70 (3) (a) The chairperson of the board or a designee of the chairperson appointed by the chairperson to canvass a specific election shall publicly canvass the returns and make his or her certifications and determinations on or before the 2nd Tuesday following a spring primary, the 15th day of May following a spring election, the ~~4th Tuesday in September~~ 3rd Wednesday following a September primary, the first day of December following a general election, the 2nd Thursday following a special primary, or within 18 days after any special election.

SECTION 146. 8.10 (3) (intro.) of the statutes is amended to read:

8.10 (3) (intro.) The certification of a qualified elector ~~circulator~~ under s. 8.15 (4) (a) shall be appended to each nomination paper. The number of required signatures on nomination papers filed under this section is as follows:

SECTION 147. 8.15 (4) (a) of the statutes is amended to read:

8.15 (4) (a) The certification of a qualified elector ~~circulator~~ stating his or her residence with street and number, if any, shall appear at the bottom of each nomination paper, stating he or she personally circulated the nomination paper and personally obtained each of the signatures; he or she knows they are electors of the ward, aldermanic district, municipality or county, as the nomination papers require; he or she knows they signed the paper with full knowledge of its content; he or she knows their respective residences given; he or she knows each signer signed on the date stated opposite his or her name; and, that he or she, the circulator, ~~resides within the district which the candidate named therein will represent, if elected is a qualified elector of this state, or if not a qualified elector~~

~~of this state, is a U.S. citizen age 18 or older who, if he or she were a resident of this state, would not be disqualified from voting under s. 6.03, Wis. stats.;~~ that he or she intends to support the candidate; and that he or she is aware that falsifying the certification is punishable under s. 12.13 (3) (a), Wis. stats. The circulator shall indicate the date that he or she makes the certification next to his or her signature. The certification may be made by the candidate or any qualified elector circulator.

SECTION 148. 8.20 (3) of the statutes is amended to read:

8.20 (3) The certification of an elector a qualified circulator under s. 8.15 (4) (a) shall be appended to each nomination paper.

SECTION 149. 8.37 of the statutes is amended to read:

8.37 Filing of referenda petitions or questions.

Unless otherwise required by law, all proposed constitutional amendments and any other measure or question that is to be submitted to a vote of the people, or any petitions requesting that a measure or question be submitted to a vote of the people, if applicable, shall be filed with the official or agency responsible for preparing the ballots for the election no later than 42 days prior to the election at which the amendment, measure or question will appear on the ballot. No later than the end of the next business day after a proposed measure is filed with a school district clerk under this section, the clerk shall file a copy of the measure or question with the clerk of each county having territory within the school district.

SECTION 150. 8.40 (2) of the statutes is amended to read:

8.40 (2) The certification of a qualified elector ~~circulator~~ stating his or her residence with street and number, if any, shall appear at the bottom of each separate sheet of each petition specified in sub. (1), stating that he or she personally circulated the petition and personally obtained each of the signatures; that the circulator knows that they are electors of the jurisdiction or district in which the petition is circulated; that the circulator knows that they signed the paper with full knowledge of its content; that the circulator knows their respective residences given; that the circulator knows that each signer signed on the date stated opposite his or her name; that the circulator ~~resides within the jurisdiction or district in which the petition is circulated is a qualified elector of this state, or if not a qualified elector of this state, that the circulator is a U.S. citizen age 18 or older who, if he or she were a resident of this state, would not be disqualified from voting under s. 6.03, Wis. stats.;~~ and that the circulator is aware that falsifying the certification is punishable under s. 12.13 (3) (a). The circulator shall indicate the date that he or she makes the certification next to his or her signature.

SECTION 150m. 9.01 (1) (a) of the statutes is amended to read:

9.01 (1) (a) Any candidate voted for at any election or any elector who voted upon any referendum question at any election may request a recount. The petitioner shall file a verified petition or petitions with the proper clerk or body under par. (ar) not earlier than the time of completion of the canvass and not later than 5 p.m. on the 3rd business day following the last meeting day of the municipal or county board of canvassers determining the election for that office or on that referendum question prior to issuance of any amended return under s. 6.221 (6) (b) or, if more than one board of canvassers makes the determination not later than 5 p.m. on the 3rd business day following the last meeting day of the last board of canvassers which makes a determination prior to issuance of any amended return under s. 6.221 (6) (b). If the chairperson of the board or chairperson's designee makes the determination for the office or the referendum question, the petitioner shall file the petition not earlier than the last meeting day of the last county board of canvassers to make a statement in the election or referendum and not later than 5 p.m. on the 3rd business day following the day on which the elections board receives the last statement from a county board of canvassers for the election or referendum. Each verified petition shall state that at the election the petitioner was a candidate for the office in question or that he or she voted on the referendum question in issue; that the petitioner is informed and believes that a mistake or fraud has been committed in a specified ward or municipality in the counting and return of the votes cast for the office or upon the question; or shall specify any other defect, irregularity or illegality in the conduct of the election. The petition shall specify each ward, or each municipality where no wards exist, in which a recount is desired. If a recount is requested for all wards within a jurisdiction, each ward need not be specified. The petition may be amended to include information discovered as a result of the investigation of the board of canvassers or the chairperson of the board or chairperson's designee after the filing of the petition, if the petitioner moves to amend the petition as soon as possible after the petitioner discovered or reasonably should have discovered the information which is the subject of the amendment and the petitioner was unable to include information in the original petition.

SECTION 151. 9.01 (1) (ag) 1., 1m. and 2. of the statutes are amended to read:

9.01 (1) (ag) 1. If the difference between the votes cast for the leading candidate and those cast for the petitioner or the difference between the affirmative and negative votes cast upon any referendum question is less than 10 if 1,000 or less votes are cast or not more than 0.5% of the total votes cast for the office or on the question if more than 1,000 votes are cast prior to issuance of any amended return under s. 6.221 (6) (b), the petitioner is not required to pay a fee.

1m. If the difference between the votes cast for the leading candidate and those cast for the petitioner or the difference between the affirmative and negative votes cast upon any referendum question is at least 10 if 1,000 or less votes are cast or is more than 0.5% but not more than 2% if more than 1,000 votes are cast prior to issuance of any amended return under s. 6.221 (6) (b), the petitioner shall pay a fee of \$5 for each ward for which the petition requests a ballot recount, or \$5 for each municipality for which the petition requests a recount where no wards exist.

2. If the difference between the votes cast for the leading candidate and those cast for the petitioner or the difference between the affirmative and negative votes cast upon any referendum question is more than 2% if more than 1,000 votes are cast prior to issuance of any amended return under s. 6.221 (6) (b), the petitioner shall pay a fee equal to the actual cost of performing the recount in each ward for which the petition requests a recount, or in each municipality for which the petition request a recount where no wards exist.

SECTION 152m. 9.01 (1) (am) of the statutes is created to read:

9.01 (1) (am) A person who files a petition under par. (a) may withdraw the petition. If the petitioner withdraws a petition before any board of canvassers that canvassed the original election begins its recount, the clerk or body shall refund any fee paid under par. (ag).

SECTION 153a. 9.01 (1) (b) (intro.) of the statutes is amended to read:

9.01 (1) (b) (intro.) The proper board of canvassers shall reconvene no earlier than 9 a.m. on the day following delivery of notice to all candidates under sub. (2) and no later than 9 a.m. on the day following the last day for filing of a petition and, or if the original canvass is subject to correction under s. 6.221 (6) (b), immediately after issuance of the amended statement and determination in the original canvass, whichever is later. The board of canvassers shall then proceed to recount the ballots in the wards or municipalities specified and to review the allegations of fact contained in the petition or petitions. The recount shall proceed for each ward or municipality as follows:

SECTION 153m. 9.01 (1) (b) 8s. of the statutes is created to read:

9.01 (1) (b) 8s. If an electronic voting system is used in which ballots are distributed to electors, and the board of canvassers makes a determination of elector intent under s. 7.50, the board of canvassers shall add to the result generated by the automatic tabulating equipment any votes counted by the board of canvassers in making its determination.

SECTION 154. 9.01 (10) of the statutes is amended to read:

9.01 (10) STANDARD FORMS AND METHODS. The elections board shall prescribe standard forms and procedures for the making of recounts under this section. The procedures prescribed by the elections board shall require the boards of canvassers in recounts involving more than one board of canvassers to consult with the elections board staff prior to beginning any recount in order to ensure that uniform procedures are used, to the extent practicable, in such recounts.

SECTION 154g. 9.10 (1) (b) of the statutes is amended to read:

9.10 (1) (b) Except as provided in par. (c), a petition for recall of a state, congressional, legislative, judicial or county an officer shall be signed by electors equal to at least 25% of the vote cast for the office of governor at the last election within the same district or territory as that of the officeholder being recalled. ~~Except as provided in par. (c), a petition for the recall of a city, village, town or school district officer shall be signed by electors equal to at least 25% of the vote cast for the office of president at the last election within the same district or territory as that of the officeholder being recalled.~~

SECTION 154r. 9.10 (1) (c) 2. of the statutes is amended to read:

9.10 (1) (c) 2. The vote for governor ~~or president, as required,~~ at the last general election in the municipality within which the district lies shall be multiplied by 25% of the quotient determined under subd. 1. to determine the required number of signatures.

SECTION 156m. 9.10 (2) (d) of the statutes is amended to read:

9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless the petitioner first files a registration statement under s. 11.05 (1) or (2) with the filing officer with whom the petition is filed. The petitioner shall append to the registration a statement indicating his or her intent to circulate a recall petition, the name of the officer for whom recall is sought and, in the case of a petition for the recall of a city, village, town or school district officer, a statement of a reason for the recall which is related to the official responsibilities of the official for whom removal is sought. No petitioner may circulate a petition for the recall of an officer prior to completing registration. The last date that a petition for the recall of ~~a state, congressional, legislative, judicial or county an~~ officer may be offered for filing is 5 p.m. on the 60th day commencing after registration. ~~The last date that a petition for the recall of a city, village, town or school district officer may be offered for filing is 5 p.m. on the 30th day commencing after registration.~~ After the recall petition has been offered for filing, no name may be added or removed. No signature may be counted unless the date of the signature is within the period provided in this paragraph.

SECTION 157. 9.10 (2) (em) 2. of the statutes is amended to read:

9.10 (2) (em) 2. ~~The residency of the circulator cannot be determined by the information given on the petition is not a qualified circulator.~~

SECTION 159. 10.01 (2) (e) of the statutes is amended to read:

10.01 (2) (e) Type E—The type E notice shall state the qualifications for absentee voting, the procedures for obtaining an absentee ballot in the case of registered and unregistered voters, ~~and the places and the deadlines for application and return of application, including any alternate site under s. 6.855, and the office hours during which an elector may cast an absentee ballot in the municipal clerk's office or at an alternate site under s. 6.855.~~ The municipal clerk shall publish a type E notice on the 4th Tuesday preceding each spring primary and election, on the 4th Tuesday preceding each September primary and general election, on the 4th Tuesday preceding the primary for each special national, state, county or municipal election if any, on the 4th Tuesday preceding a special county or municipal referendum, and on the 3rd Tuesday preceding each special national, state, county or municipal election to fill an office which is not held concurrently with the spring or general election. The clerk of each special purpose district which calls a special election shall publish a type E notice on the 4th Tuesday preceding the primary for the special election, if any, on the 4th Tuesday preceding a special referendum, and on the 3rd Tuesday preceding a special election for an office which is not held concurrently with the spring or general election except as authorized in s. 8.55 (3).

SECTION 160. 10.02 (3) (a) of the statutes is amended to read:

10.02 (3) (a) Upon entering the polling place and before being permitted to vote, an elector shall state his or her name and address ~~and provide identification if required by federal law.~~ If an elector is not registered to vote, an elector may register to vote at the polling place serving his or her residence if the elector provides proof of residence or the elector's registration is verified by another elector of the same municipality where the elector resides. Where ballots are distributed to electors, the initials of 2 inspectors must appear on the ballot. Upon being permitted to vote, the elector shall retire alone to a voting booth or machine and cast his or her ballot, except that an elector who is a parent or guardian may be accompanied by the elector's minor child or minor ward. An election official may inform the elector of the proper manner for casting a vote, but the official may not in any manner advise or indicate a particular voting choice.

SECTION 160g. 11.25 (2) (b) of the statutes is amended to read:

11.25 (2) (b) Notwithstanding par. (a), a registrant may accept contributions and make disbursements from a campaign depository account for the purpose of making expenditures in connection with a campaign for national office; for payment of civil penalties incurred by the reg-

istrant under this chapter but not under any other chapter; for the purpose of making a donation to a charitable organization or the common school fund; or for payment of the expenses of nonpartisan campaigns to increase voter registration or participation. Notwithstanding par. (a), a personal campaign committee or support committee may accept contributions and make disbursements from a campaign depository account for payment of inaugural expenses of an individual who is elected to state or local office. If such expenses are paid from contributions made to the campaign depository account, they are reportable under s. 11.06 (1) as disbursements. Otherwise, such expenses are not reportable under s. 11.06 (1). If contributions from the campaign depository account are used for such expenses, they are subject to s. 11.26.

SECTION 160r. 11.65 of the statutes is created to read:

11.65 Donations to charitable organizations or school fund. Any registrant may make a donation to a charitable organization or the common school fund from the registrant's campaign treasury. No later than 5 days after a registrant makes a donation to a charitable organization or the common school fund from a campaign treasury, the registrant shall notify the registrant's filing officer in writing of the name of the donee and the date of the donation, and shall provide an explanation for not retaining the amount donated in the registrant's campaign treasury.

SECTION 161. 12.03 (title) and (1) of the statutes are amended to read:

12.03 (title) ~~Election-day campaigning Campaigning restricted.~~ (1) No election official may engage in electioneering on election day. No municipal clerk or employee of the clerk may engage in electioneering in the clerk's office or at the alternate site under s. 6.855 during the hours that ballots may be cast at those locations.

SECTION 162. 12.03 (2) of the statutes is repealed and recreated to read:

12.03 (2) (a) 1. No person may engage in electioneering during polling hours on election day at a polling place.

2. No person may engage in electioneering in the municipal clerk's office or at an alternate site under s. 6.855 during the hours that absentee ballots may be cast.

(b) 1. No person may engage in electioneering during polling hours on any public property on election day within 100 feet of an entrance to a building containing a polling place.

2. No person may engage in electioneering during the hours that absentee ballots may be cast on any public property within 100 feet of an entrance to a building containing the municipal clerk's office or an alternate site under s. 6.855.

3. No person may engage in electioneering within 100 feet of an entrance to or within a nursing home or qualified retirement home or community-based residen-

tial facility while special voting deputies are present at the home or facility.

(d) This subsection does not apply to the placement of any material on the bumper of a motor vehicle that is parked or operated at a place and time where electioneering is prohibited under this subsection.

SECTION 163. 12.035 of the statutes is created to read:

12.035 Posting and distribution of election-related material. (1) In this section, "election-related material" means any written matter which describes, or purports to describe, the rights or responsibilities of individuals voting or registering to vote at a polling place or voting an absentee ballot at the office of the municipal clerk or an alternate site under s. 6.855.

(2) The legislature finds that posting or distributing election-related material at the polling place, at locations where absentee ballots may be cast, or near the entrance to such locations when voting is taking place may mislead and confuse electors about their rights and responsibilities regarding the exercise of the franchise and tends to disrupt the flow of voting activities at such locations. The legislature finds that the restrictions imposed by this section on the posting or distribution of election-related material are necessary to protect the compelling government interest in orderly and fair elections.

(3) (a) No person may post or distribute any election-related material during polling hours on election day at a polling place.

(b) No person may post or distribute any election-related material during polling hours on any public property on election day within 100 feet of an entrance to a building containing a polling place.

(c) No person may post or distribute any election-related material at the office of the municipal clerk or at an alternate site under s. 6.855 during hours that absentee ballots may be cast.

(d) No person may post or distribute election-related material during the hours that absentee ballots may be cast on any public property within 100 feet of an entrance to a building containing the office of the municipal clerk or an alternate site under s. 6.855.

(4) Subsection (3) does not apply to any of the following:

(a) The posting or distribution of election-related material posted or distributed by the municipal clerk or other election officials.

(b) The placement of any material on the bumper of a motor vehicle located on public property.

(5) A municipal clerk, election inspector, or law enforcement officer may remove election-related material posted in violation of sub. (3) and may confiscate election-related material distributed in violation of sub. (3).

SECTION 164. 12.04 (2) of the statutes is amended to read:

12.04 (2) Except as provided in ~~s. ss. 12.03 or 12.035~~ or as restricted under sub. (4), any individual may place a sign containing a political message upon residential property owned or occupied by that individual during an election campaign period.

SECTION 165. 12.07 (2) of the statutes is amended to read:

12.07 (2) No employer may refuse to allow an employee to serve as an election official under s. 7.30 or make any threats or offer any inducements of any kind to the employee for the purpose of preventing the employee from so serving.

SECTION 166. 12.09 of the statutes is repealed and recreated to read:

12.09 Election threats. (1) No person may personally or through an agent make use of or threaten to make use of force, violence, or restraint in order to induce or compel any person to vote or refrain from voting at an election.

(2) No person may personally or through an agent, by abduction, duress, or any fraudulent device or contrivance, impede or prevent the free exercise of the franchise at an election.

(3) No person may personally or through an agent, by any act compel, induce, or prevail upon an elector either to vote or refrain from voting at any election for or against a particular candidate or referendum.

SECTION 167. 12.13 (3) (ze) of the statutes is created to read:

12.13 (3) (ze) Compensate a person who obtains voter registration forms from other persons at a rate that varies in relation to the number of voter registrations obtained by the person.

SECTION 168. 12.13 (4) of the statutes is repealed.

SECTION 169. 12.60 (1) (b) of the statutes is amended to read:

12.60 (1) (b) Whoever violates s. 12.03, 12.05, 12.07, 12.08 or 12.13 (2) (b) 8., (3) (b), (c), (d), (g), (i), (n) to (x), ~~(ze), (zm) or (zn)~~ may be fined not more than \$1,000, or imprisoned not more than 6 months or both.

SECTION 170. 12.60 (1) (c) of the statutes is amended to read:

12.60 (1) (c) Whoever violates s. 12.13 (3) (am) ~~or (4)~~ may be required to forfeit not more than \$500.

SECTION 171. 12.60 (1) (d) of the statutes is amended to read:

12.60 (1) (d) Whoever violates s. 12.035 or 12.13 (3) (h) may be required to forfeit not more than \$100.

SECTION 172. 17.29 of the statutes is amended to read:

17.29 Effect of chapter. The provisions of this chapter supersede all contrary provisions in either the general law or in special acts, except ~~ch. 7 ss. 6.26 (2) (b), 6.28 (2) (b), 6.55 (6), 6.875, and 7.30~~ relating to appointed election officers appointed for the election wards or polling places in the state officials and ch. 21 relating to the

military staff of the governor and to officers of the Wisconsin national guard; and shall govern all offices whether created by general law or special act, unless otherwise specially provided.

SECTION 173. 301.03 (3a) of the statutes is created to read:

301.03 (3a) Subject to all of the following, design a form to provide notice under ss. 302.117, 973.09 (4m), and 973.176 (2) of ineligibility to vote under s. 6.03 (1) (b):

(a) The form shall inform the person who is ineligible to vote that he or she may not vote in any election until his or her civil rights are restored.

(b) The form shall inform the person who is ineligible to vote when his or her civil rights are expected to be restored.

(c) The form shall include a place for the person to sign indicating that he or she understands that he or she may not vote in any election until his or her civil rights are restored. The form shall include a place also for a witness signature.

(d) The department shall retain the form, and a copy shall be given to the person.

SECTION 174. 301.03 (20) of the statutes is created to read:

301.03 (20) Transmit to the elections board, on a continuous basis, a list containing the name of each living person who has been convicted of a felony under the laws of this state and whose civil rights have not been restored, together with his or her residential address and the date on which the department expects his or her civil rights to be restored.

SECTION 175. 302.117 of the statutes is amended to read:

302.117 Notice regarding ineligibility to vote. When an inmate who is disqualified from voting under s. 6.03 (1) (b) is released to parole or extended supervision, the department shall inform the person in writing that he or she may not vote in any election until his or her civil rights are restored. The department shall use the form designed under s. 301.03 (3a) to inform the person, and the person and a witness shall sign the form.

SECTION 176. 343.11 (2m) of the statutes is created to read:

343.11 (2m) Within 30 days following surrender of a license under sub. (1), the department shall provide notice to the elections board of the person's name and address, the name of the jurisdiction issuing the surrendered license, and the date on which the license was surrendered.

SECTION 177. 880.33 (9) of the statutes is amended to read:

880.33 (9) All the rights and privileges afforded a proposed incompetent under this section shall be given to any person who is alleged to be ineligible to register to vote or to vote in an election by reason that such person

is incapable of understanding the objective of the elective process. The determination of the court shall be limited to a finding that the elector is either eligible or ineligible to register to vote or to vote in an election by reason that the person is or is not capable of understanding the objective of the elective process. The determination of the court shall be communicated in writing by the clerk of court to the election official or agency charged under s. 6.48, 6.92, 6.925 ~~or~~, 6.93, or 7.52 (5) with the responsibility for determining challenges to registration and voting which may be directed against that elector. The determination may be reviewed as provided in s. 880.34 (4) and (5) and any subsequent determination of the court shall be likewise communicated by the clerk of court.

SECTION 178. 973.09 (4m) of the statutes is amended to read:

973.09 (4m) The department shall inform each probationer who is disqualified from voting under s. 6.03 (1) (b) that he or she may not vote in any election until his or her civil rights are restored. The department shall use the form designed under s. 301.03 (3a) to inform the probationer, and the probationer and a witness shall sign the form.

SECTION 179. 973.176 (2) of the statutes is amended to read:

973.176 (2) VOTING. Whenever a court imposes a sentence or places a defendant on probation for a conviction that disqualifies the defendant from voting under s. 6.03 (1) (b), the court shall inform the defendant in writing that he or she may not vote in any election until his or her civil rights are restored. The court shall use the form designed by the department of corrections under s. 301.03 (3a) to inform the defendant, and the defendant and a witness shall sign the form.

SECTION 180. Nonstatutory provisions.

(1) ELECTION-RELATED CONTINGENCY PLANNING. The elections board shall prepare a report and recommendations with regard to state and local election-related contingency planning efforts and preparedness regarding natural disasters or terrorist activities that may occur at or near election time. No later than the first day of the 7th month beginning after publication of this act, the elections board shall submit the report and recommendations to the chief clerk of each house of the legislature for distribution to the appropriate standing committees of the legislature in the manner provided under section 13.172 (3) of the statutes.

(2) AUDITS OF LOCAL ELECTION PRACTICES. The elections board shall prepare recommendations with regard to random post-election audits of local election practices to be conducted in the fall of odd-numbered years. The recommendations shall include recommendations on how election practices in a given municipality may be reviewed by election officials of other, similar-sized municipalities and how the state will fund such audits. No later than December 31, 2006, the elections board

shall submit the recommendations to the chief clerk of each house of the legislature for distribution to the appropriate standing committees of the legislature in the manner provided under s. 13.172 (3) of the statutes.

(4) FEES FOR COPIES OF REGISTRATION LIST. The elections board may promulgate emergency rules under section 227.24 of the statutes implementing section 6.36 (6) of the statutes, as created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection remain in effect until the date on which permanent rules take effect. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the elections board is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(5) ELECTION OFFICIALS; INTERIM TERMS. Notwithstanding section 7.30 (6) (a) of the statutes, as affected by this act, the persons who are appointed as election officials under section 7.30 (4) of the statutes in 2006 shall serve for terms of one year and until their successors are appointed and qualified.

(6) DISTRIBUTION OF FORMS TO CONVICTED FELONS. No later than the first day of the 6th month beginning after the effective date of this subsection, the department of corrections shall distribute, and have signed in front of a witness, a copy of the form designed under section 301.03 (3a) of the statutes, as created by this act, to each person who is on probation, parole, or extended supervision on that date and who is disqualified from voting in any election under section 6.03 (1) (b) of the statutes.

SECTION 181. Initial applicability.

(1) NOTICE OF SCHOOL DISTRICT REFERENDA. The treatment of section 8.37 of the statutes first applies to a measure or question that becomes subject to a filing requirement under section 8.37 of the statutes on the effective date of this subsection.

(2) RECOUNTS. The treatment of section 9.01 (1) (b) 8s. of the statutes, the renumbering and amendment of section 5.90 of the statutes, and the creation of section 5.90 (2) and (3) of the statutes by this act first apply to recount petitions filed on the effective date of this subsection.

(3) TERMS OF CERTAIN POLL WORKERS. The treatment of sections 7.30 (2) (am), (6) (a), and (6) (am) of the statutes first applies to appointments made on the effective date of this subsection.

(4m) PETITIONS FOR RECALL. The treatment of section 9.10 (1) (b) and (c) 2. and (2) (d) first applies with respect to petitions for recall that are initially circulated on the effective date of this subsection.

(5) CIRCULATORS OF NOMINATION PAPERS AND PETITIONS. The treatment of sections 5.02 (16g), 8.10 (3) (intro.), 8.15 (4) (a), 8.20 (3), 8.40 (2), and 9.10 (2) (em)

2. of the statutes first applies with respect to nomination paper circulation periods that begin and petitions that are initially circulated on the effective date of this subsection.

(6) NOTIFICATION REGARDING INELIGIBILITY TO VOTE DURING PAROLE OR EXTENDED SUPERVISION. The treatment of section 302.117 of the statutes first applies to persons whom the department of corrections releases to parole or extended supervision on the effective date of this subsection.

(7) NOTIFICATION REGARDING INELIGIBILITY TO VOTE DURING PROBATION. The treatment of section 973.09 (4m) of the statutes first applies to persons whom the court places on probation on the effective date of this subsection.

tion.

(8) NOTIFICATION AT SENTENCING REGARDING INELIGIBILITY TO VOTE. The treatment of section 973.176 (2) of the statutes first applies to persons who are sentenced or placed on probation on the effective date of this subsection.

(9) ELECTION OFFICIAL TRAINING. The treatment of sections 7.15 (1m), 7.30 (2) (c), 7.31 (1) and (4), and 7.315 (1) (b) of the statutes first applies with respect to elections held in 2008.

SECTION 182. Effective date.

(1) This act takes effect on July 1, 2006, or on the day after publication, whichever is later.
