



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4289/1
JK:kjf

2017 ASSEMBLY BILL 609

November 2, 2017 - Introduced by Representatives GENRICH, BERCEAU, CROWLEY, HEBL, SHANKLAND, ZAMARRIPA, ANDERSON, RIEMER, MILROY, MASON, GOYKE, POPE, SPREITZER, SARGENT, VRUWINK, BROSTOFF, SINICKI, HINTZ, DOYLE, OHNSTAD, C. TAYLOR, CONSIDINE, SUBECK, STUCK, BILLINGS and KOLSTE, cosponsored by Senators HANSEN, JOHNSON, WIRCH, CARPENTER, MILLER, RISSER, RINGHAND, VINEHOUT and LARSON. Referred to Committee on Campaigns and Elections.

1 **AN ACT to amend** 5.056, 6.33 (2) (a), 6.35 (3), 6.86 (3) (c) and 85.61 (1); and **to**
2 **create** 6.256, 6.29 (2) (e) and 343.14 (2p) of the statutes; **relating to:** automatic
3 voter registration and the integration of registration information with
4 information maintained by the Department of Transportation and other state
5 agencies and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill requires the Elections Commission to use all feasible means to facilitate the registration of all eligible electors of this state and to maintain the registration of all eligible electors for so long as they remain eligible, except as the law specifically requires electors to take some action to continue their registrations. Under the bill, the commission must attempt to facilitate the initial registration of all eligible electors no later than July 1, 2021. To facilitate the initial registration, the bill directs the commission and the Department of Transportation to enter into an agreement so that DOT may transfer specified personally identifiable information in DOT's records to the commission. The bill requires the commission to maintain the confidentiality of any information it obtains under the agreement and allows a driver's license or identification card applicant to "opt out" of DOT's transfer of this information to the commission. Once the commission obtains all the information required under current law to complete an elector's registration, the commission adds the elector's name to the statewide registration list. The information then becomes accessible on the Internet. The bill also permits an

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individual whose name is added to the registration list or who wishes to permanently exclude his or her name from the list to file a request to have his or her name deleted or excluded from the list or to revoke a deletion or exclusion request previously made. A deletion or exclusion request or revocation of a deletion or exclusion request may be made in the manner prescribed by the commission. In addition, the bill directs the commission to notify an individual by first class postcard whenever the commission removes his or her name from the registration list or changes his or her status on the list from eligible to ineligible.

The bill also directs the elections commission to report to the appropriate standing committees of the legislature, no later than July 1, 2019, concerning its progress in initially implementing the registration system created by the bill. The report must contain an assessment of the feasibility and desirability or integration of registration information with information maintained by the departments of health services, children and families, workforce development, revenue, regulation and licensing, and natural resources; the University of Wisconsin System; and the Technical College System Board, as well as with the technical colleges in each technical college district.

Under current law, a qualified elector with a current and valid driver's license or identification card issued by DOT may register to vote electronically on a secure Internet site maintained by the elections commission. To register electronically under current law a qualified elector must also authorize DOT to forward a copy of his or her electronic signature to the commission. The authorization affirms that all information provided by the elector is correct and has the same effect as a written signature on a paper copy of the registration form. Finally, current law requires the commission and DOT to enter into an agreement that permits the commission to verify the necessary registration information instantly by accessing DOT's electronic files.

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

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

1 **SECTION 1.** 5.056 of the statutes is amended to read:

2 **5.056 Matching program with secretary of transportation.** The
3 commission administrator shall enter into the agreement with the secretary of
4 transportation specified under s. 85.61 (1) to match personally identifiable
5 information on the official registration list maintained by the commission under s.
6 6.36 (1) and the information specified in s. ss. 6.256 (2) and 6.34 (2m) with personally

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1 identifiable information maintained by the department of transportation. Subject
2 to s. 343.14 (2p) (b), the agreement shall provide for the electronic transfer of
3 information under s. 6.256 (2) to the commission on a continuous basis, no less often
4 than monthly.

5 **SECTION 2.** 6.256 of the statutes is created to read:

6 **6.256 Commission shall facilitate registration of electors. (1)** Except as
7 provided for electors specified in sub. (7) and as otherwise expressly provided, the
8 commission shall use all feasible means to facilitate the registration of all eligible
9 electors of this state who are subject to a registration requirement and the
10 maintenance of the registration of all eligible electors for so long as they remain
11 eligible.

12 **(2)** Subject to s. 343.14 (2p) (b), for the purpose of carrying out its functions
13 under sub. (1), the commission shall obtain the following information from the
14 department of transportation, to the extent that the department has the
15 information:

16 (a) The full name of each individual who holds a current operator's license
17 issued to the individual under ch. 343 or a current identification card issued to the
18 individual under s. 343.50, together with the following information pertaining to
19 that individual:

20 1. The current address of the individual together with any address history and
21 any name history maintained by the department of transportation.

22 2. The date of birth of the individual.

23 3. The number of the license or identification card issued to the individual.

24 4. A copy of the document that the applicant provided as proof of citizenship
25 and a statement from the department of transportation indicating that the

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1 department verified the applicant's citizenship. For purposes of this subdivision, the
2 applicant shall provide a document that meets the requirements under 42 USC
3 1320b-7 (d).

4 (b) For each item of information specified in this subsection, the most recent
5 date that the item of information was provided or obtained by the department of
6 transportation.

7 (3) The commission shall compare the information obtained under sub. (2) with
8 the information in the registration list under s. 6.36 (1) (a). If the commission finds
9 discrepancies between the information obtained under sub. (2) regarding an elector
10 and the information in the registration list under s. 6.36 (1) (a) regarding that same
11 elector, the commission shall contact the elector by mail or telephone or in person to
12 resolve the discrepancies. If the commission is able to resolve the discrepancies after
13 contacting the elector, the commission shall update the information on the
14 registration list. If the commission is unable to contact the elector, the commission
15 shall resolve any discrepancies in favor of the information in the registration list.

16 (4) Except as provided in this subsection and sub. (7), if the commission
17 concludes that an individual appears eligible to vote in this state but is not
18 registered, and the commission has obtained from reliable sources all the
19 information required under s. 6.33 (1) to complete the individual's registration, the
20 commission shall enter the individual's name on the registration list. If the
21 commission has not obtained from reliable sources all the information pertaining to
22 an individual that is required under s. 6.33 (1), the commission shall attempt to
23 obtain from reliable sources the necessary information under s. 6.33 (1) that is
24 required to complete the individual's registration. If a municipality has changed the
25 status of an elector from eligible to ineligible under s. 6.50 (1) and the elector's

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1 eligibility, name, or residence have not changed, the commission may not change the
2 individual's name to eligible status unless the commission first verifies that the
3 individual is eligible and wishes to change his or her status to eligible.

4 (5) The commission shall attempt to contact individuals described in sub. (4)
5 if necessary to obtain all the information specified in s. 6.33 (1) pertaining to the
6 individual that is required to complete the individual's registration.

7 (6) If the commission is able to obtain all the required information specified in
8 s. 6.33 (1) pertaining to an individual, the commission shall enter the name of the
9 individual on the registration list maintained under s. 6.36 (1) (a).

10 (7) Any individual may file a request with the commission to exclude his or her
11 name from the registration list. Any individual whose name is added to the
12 registration list by the commission may file a request with the commission or a
13 municipal clerk to have his or her name deleted from the list. A request for exclusion
14 or deletion shall be filed in the manner prescribed by the commission. An individual
15 who files an exclusion or deletion request under this subsection may revoke his or
16 her request by the same means that an individual may request an exclusion or
17 deletion. The commission shall ensure that the name of any individual who has filed
18 an exclusion or deletion request under this subsection is excluded from the
19 registration list or if the individual's name appears on the list, is removed from the
20 registration list and is not added to the list at any subsequent time unless the
21 individual files a revocation of his or her request under this subsection.

22 (8) If the commission removes from the registration list the name of an elector
23 who does not request that his or her name be deleted, other than to correct an entry
24 that the commission positively determines to be a duplication or to change the name
25 of an individual who is verified to be deceased to ineligible status, the commission

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1 shall mail the individual a notice of the removal or change in status by 1st class
2 postcard at the individual's last-known address. The notice shall provide that the
3 individual may apply to have his or her status changed to eligible if he or she is a
4 qualified elector.

5 (9) The commission shall attempt to facilitate the initial registration of all
6 eligible electors, except as otherwise provided in this section, no later than July 1,
7 2021.

8 (10) The commission shall maintain the confidentiality of all information
9 obtained from the department of transportation under sub. (2) and may use this
10 information only for the purpose of carrying out its functions under sub. (1) and s.
11 6.34 (2m) and in accordance with the agreement under s. 85.61 (1).

12 **SECTION 3.** 6.29 (2) (e) of the statutes is created to read:

13 6.29 (2) (e) The municipal clerk or clerk's agent shall promptly add the names
14 of qualified electors who register and vote under this section to the registration list.
15 The clerk or clerk's agent shall add the names of qualified electors who vote at their
16 polling places in the manner prescribed in s. 6.33 (5) (a).

17 **SECTION 4.** 6.33 (2) (a) of the statutes is amended to read:

18 6.33 (2) (a) All information may be recorded by any person, except that the clerk
19 shall record the ward and aldermanic district, if any, other geographic information
20 under sub. (1), the indication of whether the registration is received by mail, and the
21 type of identifying document submitted by the elector as proof of residence under s.
22 6.34 or the indication of verification of information in lieu of proof of residence under
23 s. 6.34 (2m). Except as provided in s. 6.30 (5), each elector shall sign his or her own
24 name unless the elector is unable to sign his or her name due to physical disability.
25 In such case, the elector may authorize another elector to sign the form on his or her

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1 behalf. If the elector so authorizes, the elector signing the form shall attest to a
2 statement that the application is made upon request and by authorization of a named
3 elector who is unable to sign the form due to physical disability.

4 **SECTION 5.** 6.35 (3) of the statutes is amended to read:

5 6.35 (3) ~~Original~~ Except for electronic registrations, original registration forms
6 shall be maintained in the office of the municipal clerk or board of election
7 commissioners at all times. The commission shall maintain electronic registration
8 forms and make such forms available for inspection by the municipal clerk, the
9 clerk's designated agent, or the board of election commissioners.

10 **SECTION 6.** 6.86 (3) (c) of the statutes is amended to read:

11 6.86 (3) (c) An application under par. (a) 1. may be made and a registration form
12 under par. (a) 2. may be filed in person at the office of the municipal clerk not earlier
13 than 7 days before an election and not later than 5 p.m. on the day of the election.
14 A list of hospitalized electors applying for ballots under par. (a) 1. shall be made by
15 the municipal clerk and used to check that the electors vote only once, and by
16 absentee ballot. ~~If~~ Except as provided in s. 6.34 (2m), if the elector is registering for
17 the election after the close of registration or if the elector registered by mail or by
18 electronic application and has not voted in an election in this state, the municipal
19 clerk shall inform the agent that proof of residence under s. 6.34 is required and the
20 elector shall enclose proof of residence under s. 6.34 in the envelope with the ballot.
21 The clerk shall verify that the name on any required proof of identification presented
22 by the agent conforms to the name on the elector's application. The clerk shall then
23 enter his or her initials on the carrier envelope indicating that the agent presented
24 proof of identification to the clerk. The agent is not required to enter a signature on
25 the registration list. The ballot shall be sealed by the elector and returned to the

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1 municipal clerk either by mail or by personal delivery of the agent; but if the ballot
2 is returned on the day of the election, the agent shall make personal delivery to the
3 polling place serving the hospitalized elector's residence before the closing hour or,
4 in municipalities where absentee ballots are canvassed under s. 7.52, to the
5 municipal clerk no later than 8 p.m. on election day.

6 **SECTION 7.** 85.61 (1) of the statutes is amended to read:

7 85.61 (1) The secretary of transportation and the administrator of the elections
8 commission shall enter into an agreement to match personally identifiable
9 information on the official registration list maintained by the commission under s.
10 6.36 (1) and the information specified in s. ss. 6.256 (2) and 6.34 (2m) with personally
11 identifiable information in the operating record file database under ch. 343 and
12 vehicle registration records under ch. 341 to the extent required to enable the
13 secretary of transportation and the administrator of the elections commission to
14 verify the accuracy of the information provided for the purpose of voter registration.
15 Notwithstanding ss. 110.09 (2), 342.06 (1) (eg), and 343.14 (2j), but subject to s.
16 343.14 (2p) (b), the agreement shall provide for the transfer of electronic information
17 under s. 6.256 (2) to the commission on a continuous basis, no less often than
18 monthly.

19 **SECTION 8.** 343.14 (2p) of the statutes is created to read:

20 343.14 (2p) (a) The forms for application for a license or identification card or
21 for renewal thereof shall inform the applicant of the department's duty to make
22 available to the elections commission the information described in s. 6.256 (2) for the
23 purposes specified in s. 6.256 (1) and (3) and shall provide the applicant an
24 opportunity to elect not to have this information made available for these purposes.

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1 (b) If the applicant elects not to have the information described in s. 6.256 (2)
2 made available for the purposes specified in s. 6.256 (1) and (3), the department shall
3 not make this information available for these purposes. This paragraph does not
4 preclude the department from making available to the elections commission
5 information for the purposes specified in s. 6.34 (2m) or for any purpose other than
6 those specified in s. 6.256 (1) and (3).

7 **SECTION 9. Nonstatutory provisions.**

8 (1) INITIAL SHARING OF REGISTRATION INFORMATION. Notwithstanding sections
9 85.61 (1), 110.09 (2), 342.06 (1) (eg), and 343.14 (2j) of the statutes, the department
10 of transportation shall enter into and begin transferring information under a revised
11 agreement with the elections commission administrator pursuant to section 85.61
12 (1) of the statutes, as affected by this act, no later than the first day of the 4th month
13 beginning after the effective date of this subsection.

14 (2) REPORT ON VOTER REGISTRATION INFORMATION INTEGRATION. No later than July
15 1, 2019, the elections commission shall report to the appropriate standing
16 committees of the legislature, in the manner specified in section 13.172 (3) of the
17 statutes, concerning its progress in initially implementing a system to ensure the
18 complete and continuous registration of all eligible electors in this state, specifically
19 including the operability and utility of information integration with the department
20 of transportation and the feasibility and desirability of integrating public
21 information maintained by other state agencies and by technical colleges with the
22 commission's registration information to enhance the completeness and accuracy of
23 the information. At a minimum, the report shall contain an assessment of the
24 feasibility and desirability of the integration of registration information with
25 information maintained by the departments of health services, children and

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1 families, workforce development, revenue, regulation and licensing, and natural
2 resources; the University of Wisconsin System; and the technical college system
3 board, as well as the technical colleges within each technical college district.

4 (3) REVIEW OF EXPENDITURES MADE TO IMPLEMENT THIS ACT.

5 (a) Notwithstanding section 20.510 of the statutes and all provisions of this act,
6 the elections commission shall not encumber or expend any amount of money to
7 implement or administer this act unless the elections commission administrator first
8 notifies the cochairpersons of the joint committee on finance in writing of the
9 proposed encumbrance or expenditure. If the cochairpersons do not notify the
10 administrator that the committee has scheduled a meeting for the purpose of
11 reviewing the proposed expenditure within 14 working days after the date of the
12 administrator's notification, the commission may encumber or expend the money as
13 proposed. If, within 14 working days after the date of the administrator's
14 notification, the cochairpersons notify the administrator that the committee has
15 scheduled a meeting for the purpose of reviewing the proposed encumbrance or
16 expenditure, the commission may not make the proposed encumbrance or
17 expenditure unless the committee approves the proposed encumbrance or
18 expenditure or modifies and approves the proposed encumbrance or expenditure. If
19 the committee modifies and approves the proposed encumbrance or expenditure, the
20 commission may make the proposed encumbrance or expenditure only as modified
21 by the committee.

22 (b) Paragraph (a) does not apply after June 30, 2019.

23 (END)