

1975 Senate Bill 234

Date published: October 13, 1975

CHAPTER 85, Laws of 1975
(Vetoed in Part)

Vetoed in Part AN ACT to repeal 6.15, 6.33 (2), 6.36 (2) and (3), 6.40 (3) and 6.92 (2) and ~~(8)~~; to renumber 6.33 (3), 6.56, 7.08 (1) (c) and 7.23 (1) (e); to renumber and amend 6.36 (1) and 6.86; to amend 5.35 (2), 6.02, 6.10 (3), 6.18, 6.22 (7), 6.30 (2), 6.33 (1), 6.40 (1) (a) and (b) and (2), 6.45, 6.48 (1) (b) and (c) and (2) (b), 6.77 (2), 6.79 (2) and (4), 6.85, 6.87 (2), 6.88 (1), 6.92 (intro.) and (3) (j), 6.94, 7.08 (3), 7.37 (5), 10.02 (3) (g), 12.13 (3) (j), 12.60 (1) (b), 20.510 (1) (a) and 120.03 (12); to repeal and recreate 6.28, 6.35, 6.50, 6.55 (2) and (3) and 6.82 (2); and to create 5.05 (7) and (8), 5.08, 6.10 (12), 6.30 (2) (b) and (4), 6.32, 6.40 (2) (b), 6.46, 6.55 (4), 6.56, 6.79 (5), 6.86 (2), 6.925, 7.08

(1) (c) and (3) (a) to (d), 7.15 (1) (j), 7.23 (1) (e) and (f), 12.13 (2) (c) 7 and (3) (s) to (w), 15.617 and 20.510 (1) (c) of the statutes, relating to registration of electors, granting rule-making authority, providing penalties, making appropriations and providing for a referendum.

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

SECTION 1. Legislative intent. The legislature finds that the vote is the single most critical act in our democratic system of government; that voter registration was not intended to and should not prevent voting; that registration should simply be a remedy against fraud and its burden should be placed upon administrators, not the electorate. The legislature further finds that it is extremely difficult for workers to find time to visit a registration office that is open only during working hours; that transportation costs to remote locations impede registration; and that the act of personal registration is a major cause of limited electoral participation. Therefore, pursuant to the policy of this state and nation to ensure all people the right to vote, the legislature finds it imperative to expand voter registration procedures.

SECTION 2. 5.35 (2) of the statutes is amended to read:

5.35 (2) **VOTING BOOTHS.** There shall be one voting booth for every 100 electors who voted at the last general election. The booths shall be constructed at least 24 inches on a side, have a shelf to write on and be sufficiently enclosed to assure privacy for the elector and anyone lawfully assisting him while marking his ballot. The booths shall be placed apart from other activities in the polling place. Only the proper observers, election officials, persons assisting voters under s. 6.82 (2) and electors receiving, preparing or depositing their ballot shall be in the voting area.

SECTION 3. 5.05 (7) and (8) of the statutes are created to read:

5.05 (7) The board shall conduct regular training sessions at various locations in the state for county and municipal clerks and election officials. Such sessions shall be designed to explain the election laws and the forms and rules of the board, to promote uniform procedures and to assure that officials are made aware of the integrity and importance of the vote of each citizen.

(8) The board shall publish a concise bulletin written so as to be easily understood by the general public, for use by electors, explaining the law with respect to voter registration. Bulletins shall be distributed by the board to local clerks and made available to the public free of charge.

SECTION 4. 5.08 of the statutes is created to read:

5.08 Elections advisory council. (1) The elections advisory council shall promote communication and cooperation between local election officials and the board and shall attempt to assure uniform, equitable and efficient procedures in the administration of the law, consistent with legislative purpose.

(2) The council shall recommend material to be covered in training sessions provided by the board under s. 5.05 (7) and make suggestions for improvements in such sessions.

(3) Before directing the printing, publication or major revision of any form, manual, bulletin or other publication, the board shall refer the matter to the council for comments and suggestions.

(4) The council shall recommend technical revisions and procedural improvements in the law and its administration for the consideration of the board. Any recommendations which require legislative action shall, upon approval by the board, be forwarded to the legislature for consideration.

SECTION 5. 6.02 of the statutes is amended to read:

6.02 Qualifications, general. (1) Every ~~United States~~ U.S. citizen age 18 or older ~~who has resided in this state for 6 months preceding any election and~~ who has resided in an election district or ward for 10 days before any election where he offers to vote is an eligible elector.

(2) Any ~~United States~~ U.S. citizen age 18 or older ~~who has resided in this state for 6 months preceding any election, but~~ who has not resided in the election district or ward for 10 days preceding any election is entitled to vote in the election in the election district or ward within this state where he was last a qualified elector.

(3) Any ~~United States~~ U.S. citizen age 18 or older ~~who has resided in this state for 6 months preceding any election, but~~ who moves within this state ~~after registration closes~~ later than 10 days before an election shall vote at his old ward if otherwise qualified, or he may vote in the new ward if he can comply with the 10-day residence requirement at the new address and complies with s. 6.55.

SECTION 6. 6.10 (3) of the statutes is amended to read:

6.10 (3) When an elector moves from one ward to another or from one municipality to another within the state after the last registration day but at least 10 days before the election, he may vote in and be considered a resident of the new ward where he resides upon ~~changing his registration not later than 5 p.m. of the day before the election, registering at the proper polling place in the new ward~~ under s. 6.55 (2). ~~If he does not change his address or if he moves within 10 days of an election, the elector shall vote in his old ward if otherwise qualified to vote there.~~

SECTION 7. 6.10 (12) of the statutes is created to read:

6.10 (12) Student status shall not be a consideration in determining residence for the purpose of establishing voter eligibility.

SECTION 8. 6.15 of the statutes is repealed.

SECTION 9. 6.18 of the statutes is amended to read:

6.18 Former residents. If ineligible to qualify as an elector in the state to which he has moved, any former qualified Wisconsin elector may vote an absentee ballot in the ward of his prior residence in any presidential election occurring within 24 months after leaving Wisconsin by requesting an application form and returning it, properly executed, to the municipal clerk of his prior Wisconsin residence. When requesting an application form for an absentee ballot, the applicant shall specify his eligibility for only the presidential ballot. The application form shall require the following information and be in substantially the following form: This blank shall be returned to the municipal clerk's office. Application must be received in sufficient time for ballots to be mailed and returned prior to any presidential election at which applicant wishes to vote. Complete all statements in full.

APPLICATION FOR PRESIDENTIAL
ELECTOR'S ABSENT BALLOT.

(To be voted at the Presidential Election

on November, 19..)

I, hereby swear or affirm that I am a citizen of the United States ~~and had been a legal resident of the State of Wisconsin 6 months, formerly residing at in the ward aldermanic district (city, town, village) of, County of for ten 10 days prior to leaving the State of Wisconsin.~~ I, do solemnly swear or affirm that I do not qualify to register or vote under the laws of the State of (State you now reside in) where I am presently residing. A citizen must be a resident of: State (Insert time) County (Insert time) City, Town or Village (Insert time), in order to be eligible to register or vote therein. I further swear or affirm that my legal residence

381

CHAPTER 85

was established in the State of (the State where you now reside) on Month
Day Year.

Signed
Address (Present address)
.... (City) (State)

Subscribed and sworn to before me this day of 19...
.... (Notary Public, or other officer authorized to administer oaths.)
.... (County)

My Commission expires

MAIL BALLOT TO:

NAME

ADDRESS

CITY STATE ZIP CODE

Penalties for Violations. ~~Whoever intentionally swears falsely to any absent elector affidavit is guilty of perjury and upon conviction shall be punished as provided by law. Whoever procures an official ballot and intentionally neglects or refuses to cast or return it or intentionally violates any provision of ss. 6.18 or 6.85 to 6.89 may be fined not to exceed \$100 or imprisoned in the county jail not to exceed 30 days or both. If any county or municipal clerk or any election official intentionally refuses or neglects to perform any of the duties prescribed by said sections, or violates any of the provisions, he under this section may be fined not less than \$100 nor more than \$1,000 or imprisoned not to exceed 90 days more than 6 months, or both. Whoever intentionally votes more than once in an election may be fined not more than \$10,000 or imprisoned not more than 3 years, or both.~~

.... (Municipal Clerk)
.... (Municipality)

SECTION 10. 6.22 (7) of the statutes is amended to read:

6.22 (7) EXTENSION OF PRIVILEGE. This section shall apply for ~~6 months~~ 10 days after the date of honorable discharge from the armed forces or termination of services or employment of military electors. The extension shall not apply to spouses or dependents of military electors.

SECTION 11. 6.28 of the statutes is repealed and recreated to read:

6.28 Where and when to register. (1) Registration for any election shall close at 5 p.m. on the 2nd Wednesday preceding the election. Registrations made by mail under s. 6.30 (4) must be postmarked no later than the 2nd Wednesday preceding the election. All applications for registry 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 or at other locations provided by the board of election commissioners or the common council in cities of the 1st class or by either or both the municipal clerk, or the common council, village or town board in all other municipalities and may be made during the school year at any high school. Such other 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 and savings and loan institutions. The municipal clerk or board of election commissioners shall appoint special registration deputies for all locations. Any elector may be appointed as a qualified special registration deputy.

(2) (a) Public high schools shall be used for registration for enrolled students and members of the high school staff.

(b) The municipal clerk of each municipality in which voter registration is required shall notify the school board of each school district in which the municipality is located that high schools shall be used for registration pursuant to par. (a). The school board and the municipal clerk shall agree upon the appointment of at least one

qualified elector at each high school as a special school registration deputy. The municipal clerk shall appoint any such person as a school registration deputy and advise him of his duties and responsibilities. Students and staff shall be permitted to register on any day that classes are regularly held. The school registration deputies shall promptly forward properly completed registration forms to the municipal clerk of the municipality in which the registering student or staff member resides. The municipal clerk upon receiving such registration forms shall certify all those registering electors who have met the registration requirements. The municipal clerk may reject any application and shall promptly notify the person whose registration is rejected of the rejection and the reason therefor. A person whose registration is rejected may reapply for registration if he is qualified. The cards of all high school students who are qualified and will be eligible to vote at the next election shall be filed in such a way that when a student attains the age of 18 years he will be registered to vote automatically. Each school board shall assure that the principal of every high school communicates voter registration information to students.

(c) The principal of any private high school having a substantial number of students residing in a municipality may request the municipal clerk to establish registration dates when a special registration deputy will be present in the high school, or to appoint a special school registration deputy in accordance with par. (b). The clerk shall establish registration dates or appoint a special school registration deputy in the high school if he determines the school to have a substantial number of students residing in the municipality.

SECTION 12. 6.30 (2) of the statutes is amended to read:

6.30 (2) (title) ~~WHEN CONFINED OR DISABLED.~~ (a) Registration affidavits for qualified electors may be completed at the home or institution where an elector is confined because of physical illness or infirmity or where a disabled elector resides if such person finds it difficult to register in another manner. The affidavit shall ~~may~~ be made in the presence of the municipal clerk any person authorized to register electors, or the affidavit may be witnessed by 2 other electors in the ward or aldermanic district and then mailed or delivered to the municipal clerk. The affidavit shall indicate that the elector is confined because of physical illness or infirmity or is disabled and finds it difficult to register in another manner.

SECTION 13. 6.30 (2) (b) and (4) of the statutes are created to read:

6.30 (2) (b) An elector who is indefinitely confined because of physical illness or infirmity or is disabled for an indefinite period may by signing an affidavit to that effect require that an absentee ballot application be sent to him automatically for every election. The affidavit form and instructions shall be prescribed by the board, and furnished upon request to any elector by each municipality. The envelope containing the absentee ballot application shall be clearly marked as not forwardable. If any elector is no longer indefinitely confined, he shall so notify the municipal clerk. The clerk shall remove the name of any elector from the mailing list established under this section upon receipt of reliable information that an elector no longer qualifies for the service. The elector shall be notified of such action within 5 days.

(4) **BY MAIL.** Any eligible elector may register by mail upon a form prescribed by the board and provided by each municipality. The form shall be designed to obtain the information required in ss. 6.33 (1) and 6.40 (1) (a) and (b). The form shall be pre-postpaid for return and shall be substantiated by two other electors in the ward or aldermanic district corroborating all material statements therein. Such forms shall be available in the municipal clerk's office and may be distributed by any elector of the municipality. The clerk shall mail a registration form to any person who is eligible to qualify as an elector upon written or oral request.

SECTION 14. 6.32 of the statutes is created to read:

6.32 Verification of mail registrations. (1) Upon receipt of a registration form which is submitted by mail under s. 6.30 (4), the municipal clerk shall examine the form for sufficiency.

(2) If the form is insufficient ~~on its face~~ to accomplish registration, the clerk shall notify the proposed elector within 5 days, if possible, and request that he appear at the clerk's office or other registration center to complete a proper registration. **Vetoed in Part**

(3) If the form is submitted later than the close of registration, the clerk shall make a good faith effort to notify the proposed elector, if possible, and inform him that he may register at his polling place under s. 6.55 (2).

(4) If the form is sufficient to accomplish registration, the name shall be entered on the registry list and a nonforwardable postcard shall be transmitted to the registrant, specifying the voter's ward or aldermanic district, and polling place. If such postcard is returned, the name shall be stricken from the list. The postcard shall specify "VOTER LIST VERIFICATION — DO NOT FORWARD — RETURN POSTAGE GUARANTEED".

SECTION 15. 6.33 (1) of the statutes is amended to read:

6.33 (1) The municipal clerk shall supply sufficient registration affidavit forms ~~printed on loose-leaf sheets or cards as prescribed by the board~~ to obtain from each applicant information as to name, date, ~~aldermanic district, ward,~~ residence location, citizenship, whether 18 years of age, whether ~~within the state for at least 6 months and a resident of the ward for~~ at least 10 days, whether he has lost his right to vote and a space for the applicant's signature.

SECTION 16. 6.33 (2) of the statutes is repealed.

SECTION 17. 6.33 (3) of the statutes is renumbered 6.33 (2).

SECTION 18. 6.35 of the statutes is repealed and recreated to read:

6.35 Filing registration cards. Under the direction of the municipal clerk, the original affidavit forms shall be filed in such an orderly and logical way that they are readily available to the municipal clerk.

SECTION 19. 6.36 (1) of the statutes is renumbered 6.36 and amended to read:

6.36 Official registry. The municipal clerk shall compile a registry for use in each ward following the ~~ward~~ arrangement for registration affidavits under s. 6.35 ~~(1)~~.

SECTION 20. 6.36 (2) and (3) of the statutes are repealed.

SECTION 21. 6.40 (1) (a) and (b) and (2) of the statutes are amended to read:

6.40 (1) (a) *Within municipality.* Any registered elector shall transfer his registration after a change of residence within the municipality by appearing in person or by mailing to the municipal clerk a signed request stating his present address, that this will be his residence for 10 days prior to the election and the address where last registered. ~~The new address, ward and aldermanic district shall be recorded on the registration cards after striking through the old information. The cards shall be filed in the proper ward. The new information shall be recorded and filed in such an orderly and logical way that it is readily available to the municipal clerk.~~

(b) *Within state.* Any elector who changes his residence within this state from one municipality to another shall give his previous residence upon application for

registration at his new residence and shall sign an authorization to cancel his voting privileges at his former residence on a form substantially as follows:

~~I hereby give notice of my registering to vote at the following address
(Street),, (City, town, village) Wisconsin, and direct that my voting privileges be
canceled at, (Street) (City, town, village), (State).
Signature~~

Present address prescribed by the board and furnished by each municipality. The cancellation authorization forms shall be forwarded to the proper election officials within 3 days after the close of registration.

(2) (a) Municipal clerks may transfer any elector's registration upon receipt of reliable information that the elector has changed his residence. The clerk shall mail the elector a notice of the transfer.

SECTION 22. 6.40 (2) (b) of the statutes is created to read:

6.40 (2) (b) 1. In addition to the revision which is required under s. 6.50, municipal clerks may conduct door-to-door and mail registration canvasses at any time. The door-to-door canvass shall consist of both the deletion from the registry list of the names of electors who no longer reside at the address for which they are registered and the addition to the registry list of the names of electors who reside at that address. The mail canvass shall consist of the municipal clerk examining the registration records and canceling the registration of electors after the mailing of notices in accordance with s. 6.50 (1) and (2). The mail canvass may also consist of adding to the registry list the names of eligible electors. Both door-to-door and mail canvasses whenever made shall be made throughout the municipality in a uniform manner.

SECTION 23. 6.40 (3) of the statutes is repealed.

SECTION 24. 6.45 of the statutes is amended to read:

6.45 Registry lists public. After the deadline for revision of the registry lists, the municipal clerk shall make copies for election use. All registry lists, including supplemental lists which are prepared at the polling place under s. 6.55, shall at all times be open to public inspection. Under the regulations prescribed by the municipal clerk, an elector may copy the registry list. The municipal clerk shall furnish upon request to each candidate who has filed nomination papers for an office which represents at least part of the residents of the municipality one copy of the current registry list for those areas for which he is a candidate for a fee not to exceed the cost of reproduction.

SECTION 25. 6.46 of the statutes is created to read:

6.46 Poll lists; copying. Poll lists shall be preserved by the municipal clerk until destruction or other disposition is authorized under s. 7.23, and shall be open to public inspection. The municipal clerk shall furnish upon request to each candidate who has filed nomination papers for an office which represents at least part of the municipality one copy of the current poll list for those areas for which he is a candidate for a fee not to exceed the cost of reproduction. If a copying machine is not accessible, the clerk shall remove the lists from his office for the purposes of copying, and return them immediately thereafter.

SECTION 26. 6.48 (1) (b) and (c) and (2) (b) of the statutes are amended to read:

6.48 (1) (b) The challenged and challenging elector shall appear before the municipal clerk within one week of notification or arrange under sub. (2) in 1st class cities to appear before the full board of election commissioners. ~~He~~ The challenging elector shall make an affidavit answering the pertinent questions under s. 6.92 and any ~~other~~ questions necessary to establish his ~~determine the challenged elector's~~ qualifications. Judgment rests with the municipal clerk and decisions shall be rendered

as soon as heard. If the clerk cannot resolve the issue or has reservations as to the answers, he may require the ~~challenged~~ challenging elector to take the oath under ~~s. 6.94~~ s. 6.925. If the challenged elector appears and contests any answer of the challenging elector, the clerk may require him to take the oath under s. 6.94 and to answer any question necessary to determine his qualifications. If the challenging elector appears before the municipal clerk or board of election commissioners but the challenged elector fails to appear, the municipal clerk or board of election commissioners may make the decision without consulting the challenged elector. If the clerk determines that the person challenged elector is not qualified, the name shall be stricken from the registry and the proper ward officials notified. If the clerk does not determine the challenged elector is not qualified, the challenged elector's registration remains valid.

(c) If the ~~challenged~~ challenging elector fails to appear before the municipal clerk within one week or in 1st class cities fails to appear before the full board or election commissioners under sub. (2) to answer questions and take the oath ~~required of challenged persons, the same as at an election~~ under s. 6.925, the clerk shall cancel the challenge. If the clerk determines that the challenged elector is not qualified, he shall cancel his registration and make the necessary change in the registry list.

(2) (b) Objectors appearing in person ~~may~~ shall be further examined, under oath, by the commissioners and additional testimony taken. Judgment rests with the board of election commissioners and decisions shall be rendered as soon as heard. All cases are heard and decided summarily. The commissioners shall determine whether the person objected to is qualified. The board of election commissioners may require naturalized applicants to show their naturalization certificates. If they determine a person is not qualified, the name shall be stricken from the registry and the proper ward officials notified of the change immediately.

SECTION 27. 6.50 of the statutes is repealed and recreated to read:

6.50 Revision of registry. (1) Following each general election, the municipal clerk of every municipality where registration is required shall revise and correct the registry by reviewing the registration of any elector who failed to vote ~~at any election~~ within ~~the past 2 years if he was qualified to do so during such entire period.~~ Vetoed in Part Each such elector shall be mailed an address verification card under sub. (2). If an address verification card is returned by the postal service to the clerk, the registration of such elector shall be canceled. Otherwise, the registration shall be retained notwithstanding failure of the elector to vote at any election, except as provided in subs. (3) to (6). No notice need be sent of registrations canceled under sub. (4).

(2) Upon a card bearing the mailing legend, "VOTER LIST VERIFICATION — DO NOT FORWARD — RETURN POSTAGE GUARANTEED", or similar words of like import, the voter address verification shall read substantially as follows:

"OFFICIAL VOTER ADDRESS VERIFICATION

The official voter registration list shows that you are registered to vote by the name and address appearing on the front of this card. If either the name or address appearing on the front of this card is incorrect, please contact this office in person, ~~by~~ Vetoed in Part telephone or mail. Improper registration may result in your being denied the right to vote.

Office of clerk: _____
Clerk's address: _____
Telephone: _____

(3) Upon receipt of reliable information that a registered elector has moved, the municipal clerk 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 moved shall notify the clerk. If the elector fails to apply for continuation of registration within 30 days, his registration shall be canceled. This subsection does not restrict the right of an elector to challenge any registration under s. 6.48.

(4) The registration of deceased electors shall be canceled by means of checking vital statistics reports.

(5) The registration of any elector whose address is listed at a building which has been condemned for human habitation by the municipality under s. 66.05 (2) shall be canceled by the clerk. If the elector has left a forwarding address with the U.S. postal service, a notice of cancellation shall be mailed by the clerk to the forwarding address.

(6) The municipal clerk, upon authorization by an elector, shall cancel the elector's registration.

(7) When an elector's registration is canceled, the municipal clerk shall make an entry upon the registration card, giving the date and cause of cancellation.

(8) Whenever a name is stricken from the registry, the reason for striking shall be stated on the registry list next to the stricken name.

(9) Any canceled elector may be reinstated by filing a written request for reinstatement or change of address prior to the close of registration. The registration card of each reinstated elector shall show the date of reinstatement.

SECTION 28. 6.55 (2) and (3) of the statutes are repealed and recreated to read:

6.55 (2) (a) Any person who qualifies as an elector in the ward or aldermanic district where he desires to vote, but has not previously filed a registration form where registration is required may request a ballot at the proper polling place. When a proper request is made, the inspector shall require such person to execute a registration form prescribed by the board which shall contain the following written oath or affirmation:

"I, _____, do solemnly swear (or affirm) 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."

(b) Upon executing the affidavit under par. (a), the person shall be required by the inspector to present acceptable proof of residence. Such proof includes a Wisconsin operator's license, a Wisconsin identification card, and any other form of proof prescribed by rule of the board. If the person cannot supply such proof, the registration form shall be substantiated and signed by one other elector who resides in the ward or aldermanic district, corroborating all the material statements therein. The signing by such other elector and by the elector executing the affidavit shall be in the presence of the inspector. Upon compliance with this procedure, such person shall then be given the right to vote.

(3) Any qualified elector in the ward or aldermanic district where he desires to vote whose name does not appear on the registry list where registration is required but who claims to be registered to vote in the election may request a ballot at the polling place. When the request is made, the inspector shall require such person to give his name and address. If he is not at the correct polling place, he shall be provided with directions to the correct location. If he is at the correct polling place, he shall then execute the following written oath or affirmation: "I, _____, do solemnly swear (or affirm) 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 registered to vote in this election.” The person shall be required to provide identification as under sub. (2) and shall then be given the right to vote. If proper identification is presented, such elector need not have his affidavit corroborated by any other elector. If proper identification is not presented, the affidavit shall be corroborated by another elector in the ward or aldermanic district. Whenever the question cannot be satisfactorily resolved and the elector permitted to vote, an election official shall telephone the office of the municipal clerk to reconcile the records at the polling place with those at the office.

SECTION 29. 6.55 (4) of the statutes is created to read:

6.55 (4) The inspector shall upon request administer oaths to any person making an affidavit under this section. No compensation may be paid or received for taking or certifying any such affidavit.

SECTION 30. 6.56 of the statutes is renumbered 6.57.

SECTION 31. 6.56 of the statutes is created to read:

6.56 Verification of voters not appearing on list. (1) A separate list shall be kept by the election officials containing the name, address and serial number of each person who does not appear on the registry list but is allowed to vote under s. 6.55. Such list shall be returned together with all forms and affidavits to the municipal clerk.

(2) Upon receipt of the list, a check shall be made to determine whether each person who has been allowed to vote under s. 6.55 (3) is properly registered. If so, the registry list shall be corrected. If the address on the registry list is not correct, the address shall be corrected. The elector shall then be notified by postcard that he is properly registered. If such person is found not to be properly registered, he shall be sent a nonforwardable first-class letter informing him of this fact and containing a mail registration form under s. 6.30 (4). If such letter is returned undelivered, the clerk shall notify the district attorney.

(3) In the case of persons registering to vote at the polling place under s. 6.55, a check shall be made by postcard upon receipt of the list, in the same manner as provided in s. 6.32 (4). If any postcard is returned undelivered, the voter's name shall be stricken from the registry list and the name shall be provided by the clerk to the district attorney.

SECTION 32. 6.77 (2) of the statutes is amended to read:

6.77 (2) Whenever territory is annexed to any municipality, the electors who would have been entitled to vote in the territory had no annexation taken place shall vote ~~under s. 6.28 (2)~~ in the municipality to which the territory is annexed.

SECTION 33. 6.79 (2) and (4) of the statutes are amended to read:

6.79 (2) MUNICIPALITIES WITH REGISTRATION. Where there is registration, each person, before receiving his voting number, shall state his address and full name. Upon the prepared registry list, after the name of each elector, shall be entered the serial number of his vote as it is polled, beginning with number one. Each elector shall receive a slip bearing the same serial number. A separate list shall be maintained for electors who are voting by affidavit under s. 6.55 (2) or (3). Each such elector shall have his full name, address and serial number likewise recorded and shall be given a slip bearing such number.

(4) (title) CHALLENGED ELECTORS. When any person offering to vote has been challenged and taken the oath ~~or presents affidavits under s. 6.55, his name shall be placed on the list and~~, following the person's name on the list of persons voting, the officials shall be added enter the word “Sworn”.

SECTION 34. 6.79 (5) of the statutes is created to read:

6.79 (5) Poll lists shall be kept on forms designed by the board to be substantially similar to the standard registry forms used in municipalities where registration is required and shall require, for each person offering to vote, the entry of the person's full name and mailing address.

SECTION 35. 6.82 (2) of the statutes is repealed and recreated to read:

6.82 (2) (a) If an elector declares to the presiding election official that he cannot read or write, or has difficulty in reading, writing or understanding English or that due to physical disability, he is unable to mark his ballot, he shall be informed that he may have assistance. When assistance is requested, the elector may select any other elector or 2 election officials to assist him in marking his ballot. An elector who is chosen to assist another elector may be any qualified elector within the county where the ward is located. If an elector chooses 2 election officials to assist him, the 2 persons shall not be of the same political party. The selected person or persons rendering assistance shall certify on the back of the ballot that it was marked with their assistance but shall not disclose to anyone how the elector voted. Where voting machines are used, certification shall be made on the registry list.

(b) The officials or the elector chosen shall enter the booth with the elector and shall read to him the names of all candidates on the ballot for each office, and ask him, "For which one do you vote?". The ballot shall be marked or lever depressed according to his expressed preference. Any person selected to assist shall not disclose to anyone how the elector voted.

(c) The presiding official at the election may require the elector to make a declaration as provided in par. (a) under oath, and he may administer the oath. Intoxication shall not be regarded as a physical disability.

(d) The election officials shall enter upon the list of persons voting after the name of any elector who had assistance in marking his ballot the word "assisted". Where a person chooses another elector to assist him, the officials shall record on the list of persons voting the full name and address of the elector who renders assistance.

SECTION 36. 6.85 of the statutes is amended to read:

6.85 Absent elector; definition. An absent elector is any otherwise qualified elector who is or expects to be absent from the municipality in which he is a qualified elector on election day whether by reason of active service in the U.S. armed forces or for any other reason, or who because of sickness, handicap, physical disability, jury duty or religious reasons cannot appear at the polling place in his ward. Any otherwise qualified elector who changes his residence within this state after registration closes but who fails to change his registration may vote an absentee ballot in the ward where qualified to vote before moving. Any elector qualifying under this section may vote by absentee ballot under ss. 6.86 to 6.89.

SECTION 37. 6.86 of the statutes is renumbered 6.86 (1) and amended to read:

6.86 (1) Any elector, qualifying under ss. 6.20 (1) and 6.85 as an absent elector may apply to the municipal clerk for his official ballot either in writing or, in person, by completing an affidavit as provided under s. 6.30 (2) (b) or by agent as provided in sub. (2). If application is made in writing, the application, signed by the elector, shall be received no sooner than the first of the month 3 months before the election nor after 5 p.m. on the Friday immediately preceding the election. If application is made in person the application shall not be made sooner than the first of the month 3 months before the month of the election nor later than 5 p.m. on the day preceding the election. If the elector is making written application and the reason for requesting an absentee ballot is that the elector is a sequestered juror, the application shall be received no sooner than the first of the month 3 months before the election nor after 12 noon on election day. If the application is received after 5 p.m. on the Friday

immediately preceding the election, the municipal clerk or his 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 his court, as soon as convenient, and give the elector his ballot. The judge shall then notarize the affidavit as provided in s. 6.87 and shall turn the ballot over to the clerk or his agent who shall deliver it to the polling place as required in s. 6.88. If application is made by completing an affidavit as provided under s. 6.30 (2) (b), the affidavit may be received at any time before 5 p.m. on the Friday immediately preceding the election.

SECTION 38. 6.86 (2) of the statutes is created to read:

6.86 (2) Any elector who is registered, or otherwise qualified where registration is not required, and who qualifies under ss. 6.20 (1) and 6.85 as an absent elector because he has been hospitalized, may apply for and obtain his official ballot by agent. Such agent may apply for and obtain a ballot for such hospitalized absent elector by presenting a form prescribed by the board and containing the required information supplied by such hospitalized elector and signed by any other elector from such hospitalized elector's ward or aldermanic district corroborating the information contained therein. The corroborating elector shall state on the form his full name and address. When such properly executed form is presented to the municipal clerk, if the elector who proposes to vote is qualified, an absentee ballot shall be issued and such elector recorded on the registry list. An agent who is issued an absentee ballot under this section shall present identification, provide his name and address, and attest to a statement that the ballot is received solely for the benefit of a named elector who is hospitalized, and he will promptly transmit the ballot to such person. An application under this subsection by agent may be made in person not later than 5 p.m. on the day of the election. A list of such hospitalized electors shall be made by the municipal clerk and used to check that such electors voted only once, and by absentee ballot.

SECTION 39. 6.87 (2) of the statutes is amended to read:

6.87 (2) The municipal clerk shall place the ballot in an unsealed envelope furnished by him. The envelope shall have the name, official title and post-office address of the clerk upon its face. The other side of the envelope shall have a printed certificate-affidavit in substantially the following form:

STATE OF

County of

I,, (certify) (do solemnly swear) subject to the penalties of ~~ch. 12 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 at the election to be held on; that I cannot appear at the polling place in the ward on election day because I expect to be absent from the municipality or because of sickness, handicap, physical disability, religious reasons, jury duty, or because I have changed my residence within the state within 20 days before the election but have not changed my registration. I (certify) (swear) that I exhibited the enclosed ballot unmarked to the (2 witnesses) (person administering the oath), that I then in (their) (his) 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 assistance rendered under s. 6.87 (5), Wisconsin Statutes, if I requested assistance, could know how I voted.

Signed

The (2 witnesses) (person administering the oath) shall execute either of the following as appropriate:

We, the undersigned witnesses, subject to the penalties of ~~ch. 12 s. 12.60 (1) (b)~~, Wis. Stats., for false statements, certify that the above statements are true and the voting procedure was executed as there stated. Neither of us is a candidate for any office on the enclosed ballot. The elector was not solicited or advised by us to vote for or against any candidate or measure.

.... (Name)
.... (Address)
.... (Name)
.... (Address)

Subscribed and sworn to before me this day of, A.D.,, and I hereby certify that I am not a candidate on the ballot upon which the affiant voted, that the voting procedure above was executed as therein stated, and that the affiant was not solicited or advised by me to vote for or against any candidate or measure.

.... (Name)
.... (Title)

SECTION 40. 6.88 (1) of the statutes is amended to read:

6.88 (1) When an absentee ballot arrives at the office of the municipal clerk, the clerk shall enclose it, unopened, in a carrier envelope which shall be securely sealed and indorsed with the name and official title of the clerk, and the words "This envelope contains an absent, sick, handicapped or disabled elector's ballot and must be opened at the polls during polling hours on election day". The clerk shall keep the ballot in his office until delivered by him, as required in sub. (2).

SECTION 41. 6.92 (intro.) of the statutes is amended to read:

6.92 (title) Inspector making challenge. Each inspector shall ~~and any elector of the county may~~ challenge for cause any person offering to vote whom he knows or suspects is not a qualified elector. If a person is challenged as unqualified by an inspector, one of the inspectors shall administer the following oath or affirmation to him: "You do solemnly swear (or affirm) that you will fully and truly answer all questions put to you regarding your place of residence and qualifications as an elector of this election"; and shall then ask those of the following questions which are appropriate to test his qualifications:

Vetoed SECTION 42. 6.92 (2) ~~and (8)~~ of the statutes are repealed.

in Part SECTION 43. 6.92 (3) (j) of the statutes is amended to read:

6.92 (3) (j) Will you file your next state income tax return ~~with the assessor of incomes for this county~~ as a resident of this ward?

SECTION 44. 6.925 of the statutes is created to read:

6.925 Elector making challenge in person. Any elector of the county may challenge for cause any person offering to vote whom he knows or suspects is not a qualified elector. If a person is challenged as unqualified by an elector, one of the inspectors shall administer the following oath or affirmation to the challenging elector: "You do solemnly swear (or affirm) that you will fully and truly answer all questions put to you regarding the challenged person's place of residence and qualifications as an elector of this election"; and shall then ask those of the following questions which are appropriate to test the qualifications of the challenged elector:

(1) If challenged as unqualified on the ground that he is not a citizen: Is the challenged person a citizen of the United States?

(2) If challenged as unqualified on the ground that he is not a resident of the ward where he offers his vote:

- (a) When did the challenged person last come into this ward?
- (b) Did the challenged person come for a temporary purpose only, or for the purpose of making it his home?
- (c) Did the challenged person come into this ward for the purpose of voting here?
- (d) Has he now and has he had for the last 10 days a voting residence in this ward? If so, what is the particular description, name and location of his residence?
- (e) If the answer to par. (d) is no, then: Has the challenged person moved from the ward after the close of registration?
- (f) Has the challenged person registered to vote at this election at any other place within or outside this state?
- (g) Has the challenged person applied for an absentee ballot at any place in this or any other state?
- (h) If single, has the challenged person boarded for part of the week, month or year with his parents?
- (i) If the challenged person has no parents, or is self-supporting, has he registered to vote in this ward?
- (j) Will the challenged person file his next state income tax return as a resident of this ward?
- (3) If challenged as unqualified on the ground that he is not 18 years of age: Is the challenged person 18 years of age to the best of your knowledge and belief?
- (4) If challenged as unqualified on the ground that he has made or become directly or indirectly interested in any bet or wager depending upon the result of the election:
 - (a) Has the challenged person made, in any manner, any bet or wager depending upon the result of this election, or on the election of any person for whom votes may be cast at the election?
 - (b) Is the challenged person in any manner, directly or indirectly, interested in any bet or wager depending in any way upon the result of this election?
- (5) If challenged as unqualified on the ground that he has been convicted of treason, felony or bribery and not been subsequently restored to civil rights:
 - (a) Has the challenged person ever been tried or convicted in this state of any crime? If yes, then —
 - (b) Of what crime, when and in what court was the challenged person so convicted?
 - (c) Has the challenged person in any manner since the conviction been restored to civil rights, and if yes, how?
- (6) The inspectors, or one of them, shall ask the challenging person any further questions to test his knowledge of the qualifications of the challenged person as an elector at the election.

SECTION 45. 6.94 of the statutes is amended to read:

6.94 Challenged elector oath. If the person challenged refuses to answer fully any relevant questions put to him by the inspector under s. 6.92, the inspectors shall reject his vote. If the challenge is not withdrawn after the person offering to vote has answered the questions, one of the inspectors shall administer to him 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 have resided in this state 6 months preceding the election;~~ you are now and for 10 days have been a resident of this ward except under s. 6.02 (3); 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, his vote shall be rejected. If the person takes the oath or affirmation and fulfills the registration requirements, when applicable, his vote shall be received.

SECTION 46. 7.08 (1) (c) of the statutes is renumbered 7.08 (1) (d).

SECTION 47. 7.08 (1) (c) of the statutes is created to read:

7.08 (1) (c) Prescribe forms required by ss. 6.30 (4), 6.33 (1), 6.40 (1) (b), 6.55 (2), 6.79 (5) and 6.86 (2). All such forms shall contain a statement of the penalty applicable to false or fraudulent registration through use of the form. Forms are not required to be furnished by the board.

SECTION 48. 7.08 (3) of the statutes is amended to read:

7.08 (3) ELECTION MANUAL. Prepare and publish separate from the election laws an election manual written so as to be easily understood by the general public explaining the duties of the election officials and the qualifications and privileges of electors, together with notes and references to the statutes as ~~he~~ it deems advisable. The manual shall be furnished free to election officials and others in such manner as he deems most likely to promote the public welfare. The election manual shall:

SECTION 49. 7.08 (3) (a) to (d) of the statutes are created to read:

7.08 (3) (a) Be compiled by the board, with the advice of the elections advisory council.

(b) Emphasize the fact that election officials should help, not hinder, electors in exercising their voting rights.

(c) Include a separate section dealing with challenges and other election questions.

(d) Be subject to periodic review and revision when necessary.

SECTION 50. 7.15 (1) (j) of the statutes is created to read:

7.15 (1) (j) Send an absentee ballot application automatically to each person making an authorized request therefor under s. 6.30 (2) (b).

SECTION 51. 7.23 (1) (e) of the statutes is renumbered 7.23 (1) (g).

SECTION 52. 7.23 (1) (e) and (f) of the statutes are created to read:

7.23 (1) (e) Registry and poll lists may be destroyed 90 days after the spring or general election next succeeding the election at which they were created.

(f) Registration cards which are canceled under s. 6.50 (7) may be destroyed 4 years after cancellation.

SECTION 53. 7.37 (5) of the statutes is amended to read:

7.37 (5) CHALLENGED ELECTORS. If any person is challenged for cause, the inspectors shall ~~ask questions under s. 6.92~~ proceed under ss. 6.92 and 6.925 and with the aid of other provisions of ch. 6 as appear applicable, shall resolve the challenge.

SECTION 54. 10.02 (3) (g) of the statutes is amended to read:

10.02 (3) (g) An elector may be assisted by 2 election officials of different political parties in marking the ballot if he declares to the presiding official that he is

unable to read, that he has difficulty reading, writing or understanding English or that due to physical disability he is unable to mark his ballot. ~~If Alternatively,~~ an elector ~~declares that he is visually handicapped, he~~ making such declaration may have ~~anyone~~ another elector of the county assist him in marking his ballot or operating a voting machine. The presiding official may administer an oath ~~as to a person's disability~~ person making such declaration.

SECTION 55. 12.13 (2) (c) 7 of the statutes is created to read:

12.13 (2) (c) 7. In the course of his official duties or on account of his official position, intentionally violate or intentionally cause any other person to violate any provision of this title for which no other penalty is expressly prescribed.

SECTION 56. 12.13 (3) (j) of the statutes is amended to read:

12.13 (3) (j) Furnish a ballot to an elector who cannot read or write, has difficulty in reading, writing or understanding English, or is unable to mark his ballot informing him that it contains names different than are written or printed on the ballot with the intent of inducing him to vote contrary to his inclination.

SECTION 57. 12.13 (3) (s) to (w) of the statutes are created to read:

12.13 (3) (s) Solicit another elector to offer assistance inside a voting booth under s. 6.82 (2), except in the case of an elector who is blind or visually impaired to the extent that he cannot read his ballot.

(t) Obtain an absentee ballot as the agent of another elector under s. 6.86 (2) and fail or refuse to deliver it to such elector.

(u) Present false identification for the purpose of inducing an election official to permit him to vote.

(v) Corroborate any information offered by a proposed elector for the purpose of permitting him to vote, knowing such information to be false.

(w) Falsify a ballot application under s. 6.18.

SECTION 58. 12.60 (1) (b) of the statutes is amended to read:

12.60 (1) (b) Whoever violates ss. 12.03, 12.07 and 12.13 (3) (b), (c), (d), (g), (i) and (n) to ~~(r)~~ (w) may be fined not more than \$1,000, or imprisoned not more than 6 months, or both.

SECTION 59. 15.617 of the statutes is created to read:

15.617 Same; councils. (1) ELECTIONS ADVISORY COUNCIL. There is created in the elections board an elections advisory council. The council shall consist of 5 county or municipal clerks holding office in this state, appointed by the elections board.

SECTION 60. At the appropriate place in the schedule of section 20.005 of the statutes, insert the following amounts for the purposes indicated:

20,510 Elections board

(1) ADMINISTRATION OF ELECTIONS

(c) Training of election officials GPR B	-0-	4,500
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1975-76	1976-77
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SECTION 61. 20.510 (1) (a) of the statutes is amended to read:

20.510 (1) (a) *General program operations.* Biennially, the amounts in the schedule for general program operations, including the printing of manuals, bulletins and election laws under ss. 5.05 (8), 7.08 (3) and (4) and 11.21 (3) and (14).

SECTION 62. 20.510 (1) (c) of the statutes is created to read:

20.510 (1) (c) *Training of election officials.* Biennially, the amounts in the schedule for the purpose of training of election officials under s. 5.05 (7).

SECTION 63. 120.03 (12) of the statutes is amended to read:

120.03 (12) A person attempting to vote at an election of school board members may be challenged as provided in s. 6.92, ~~6.925~~ or 120.08 (3).

SECTION 64. Appropriation increase. The appropriation to the elections board under section 20.510 (1) (a) of the statutes, as affected by the laws of 1975, is increased by \$6,400 for the 1976-77 fiscal year to provide for the costs of printing manuals and bulletins required by this act, and for supporting expenses of the elections advisory council.

SECTION 65. Reconciliation. The treatment of sections 6.30 (2) (b) and 7.15 (1) (j) of the statutes, as created by this act, and of section 6.86 (1) of the statutes, as renumbered and amended by this act, supersedes the treatment of such sections by chapter _____, laws of 1975 (Assembly Bill 1).

SECTION 66. Application. (1) Except as provided in subsections (2) and (3), this act shall take effect on July 1, 1976.

(2) Section 6.50 of the statutes, as repealed and recreated by this act, shall take effect on the day after publication. Notwithstanding the effective date of such section, any elector whose voter registration has been canceled or was due to be canceled within 120 days preceding the effective date of such section shall have his registration reinstated or retained on the effective date of this act unless the municipal clerk or board of election commissioners would have been required to cancel the registration had the provisions of section 6.50 of the statutes, as repealed and recreated by this act, been in effect during such 120-day period. After the effective date of this act, no person's registration may be canceled, except in accordance with section 6.50 of the statutes as repealed and recreated by this act.

(3) The question of whether the treatment of sections 6.02, 6.15, 6.18, 6.22 (7), 6.33 (1) and (2), 6.92 (2) and 6.94 of the statutes as provided by this act shall take effect shall be submitted to a vote of the people of this state, in the manner provided by law for the submission of an amendment to the constitution, at the general election to be held in November, 1976. If approved by a majority of all the votes cast thereon at such election, it shall take effect after such approval by the people; otherwise it shall be of no effect. The question submitted to the voters shall be "Shall that portion of chapter (insert on the ballot the number of the chapter) of the laws of 1975, relating to extension of the privilege of voting to qualified persons who are residents of this state for 10 days prior to the date of an election, be adopted?" The elections board shall within 10 days after the receipt of the returns from the county clerks canvass, certify, record and publish as in the case of a constitutional amendment, the number of ballots cast in favor of such proposed extension of suffrage and the number of ballots cast against it.
