

**2001 ASSEMBLY BILL 259**

March 30, 2001 – Introduced by Representatives WALKER, LADWIG, GUNDRUM, HUEBSCH, M. LEHMAN, STARZYK, URBAN, SERATTI, STONE, SYKORA, KRAWCZYK, OWENS, GUNDERSON, VRAKAS, JESKEWITZ, HUNDERTMARK, LEIBHAM and OTT, cosponsored by Senators SCHULTZ, DARLING, HUELSMAN, FARROW and ROESSLER. Referred to Committee on Campaigns and Elections.

1     **AN ACT to repeal** 6.15 (3) (a) (title), 6.15 (3) (b) (title) and 6.56 (5); **to renumber**  
2             **and amend** 6.15 (3) (a) 1., 2. and 3. and 6.15 (3) (b); **to amend** 5.40 (6), 6.15  
3             (2) (title), 6.15 (2) (a) (intro.), 6.29 (1), 6.55 (2) (b), 6.55 (2) (c) 1., 6.55 (2) (c) 2.,  
4             6.55 (2) (d), 6.55 (3), 6.55 (7) (c) 1., 6.55 (7) (c) 2., 6.79 (1), 6.79 (2), 6.79 (3), 6.79  
5             (4), 6.79 (6) (a), 6.79 (6) (b), 6.82 (1) (a), 6.86 (1) (ar), 10.02 (3) (a), 343.50 (5) and  
6             343.50 (6); **to repeal and recreate** 6.79 (6) (title); and **to create** 6.15 (2) (bm),  
7             6.15 (2) (d) 1g., 6.15 (2) (e) and 6.79 (6) (am) of the statutes; **relating to:**  
8             identification required in order to vote at a polling place or obtain an absentee  
9             ballot and the fee for an identification card issued by the department of  
10            transportation.

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***Analysis by the Legislative Reference Bureau***

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

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the elector must complete a certification of eligibility and present acceptable proof of residence in order to vote. In addition, an elector may be required to provide acceptable proof of residence even if registration is not required. If an elector is not able to present any required proof of residence, as an alternative, current law permits another qualified elector who resides in the same municipality to corroborate the elector's information.

This bill repeals the authority for an elector to utilize corroboration in order to register or vote on election day. With certain limited exceptions, this bill also requires each elector attempting to register or vote at the polls on election day to present a valid Wisconsin driver's license issued by the department of transportation (DOT) to the elector that contains the elector's photograph or present a valid Wisconsin identification card issued by DOT to the elector. Under the bill, this identification requirement also applies to any elector who applies for an absentee ballot in person at the office of the municipal clerk. In addition, this bill permits an elector who is eligible to obtain a Wisconsin identification card to obtain the card from DOT free of charge, if the elector specifically requests not to be charged.

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

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

1           **SECTION 1.** 5.40 (6) of the statutes is amended to read:

2           5.40 **(6)** A municipality which utilizes voting machines or an electronic voting  
3 system at a polling place may permit use of the machines or system by electors voting  
4 under s. 6.15 only as authorized under s. 6.15 (3) ~~(b)~~.

5           **SECTION 2.** 6.15 (2) (title) of the statutes is amended to read:

6           6.15 **(2)** (title) ~~APPLICATION FOR BALLOT~~ PROCEDURE AT CLERK'S OFFICE.

7           **SECTION 3.** 6.15 (2) (a) (intro.) of the statutes is amended to read:

8           6.15 **(2)** (a) (intro.) The elector's request for the application form may be made  
9 to the proper municipal clerk either in person or in writing ~~any time during the~~  
10 ~~10-day period in which the elector's residence requirement is incomplete, but not~~  
11 ~~later than the applicable deadline for making application for an absentee ballot.~~  
12 Except as provided in par. (e), application may be made not sooner than 9 days nor

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1 later than 5 p.m. on the day before the election, or may be made at the proper polling  
2 place in for the ward or election district in which the elector resides. The application  
3 form shall be returned to the municipal clerk after the affidavit has been signed in  
4 the presence of the clerk or any officer authorized by law to administer oaths. The  
5 affidavit shall be in substantially the following form:

6 **SECTION 4.** 6.15 (2) (bm) of the statutes is created to read:

7 6.15 (2) (bm) When making application in person at the office of the municipal  
8 clerk, each applicant shall present a valid operator's license issued to the person  
9 under ch. 343 that contains a photograph of the license holder or present a valid  
10 identification card issued to the person under s. 343.50.

11 **SECTION 5.** 6.15 (2) (d) 1g. of the statutes is created to read:

12 6.15 (2) (d) 1g. If the elector makes application in person at the office of the  
13 municipal clerk, the clerk shall verify that the name on the identification provided  
14 by the elector under par. (bm) is the same as the name on the elector's application  
15 and shall verify that the photograph contained in the identification reasonably  
16 resembles the elector.

17 **SECTION 6.** 6.15 (2) (e) of the statutes is created to read:

18 6.15 (2) (e) If the elector makes application in writing but does not appear in  
19 person, and the clerk receives a properly completed application and cancellation card  
20 from the elector, the clerk shall provide the elector with a ballot. If the ballot is to be  
21 mailed, the application must be received no later than 5 p.m. on the Friday before  
22 the election. In order to be counted, the ballot must be received by the municipal  
23 clerk no later than 5 p.m. on the day before the election.

24 **SECTION 7.** 6.15 (3) (a) (title) of the statutes is repealed.

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1           **SECTION 8.** 6.15 (3) (a) 1., 2. and 3. of the statutes are renumbered 6.15 (2) (d)  
2 1r., 2. and 3., and 6.15 (2) (d) 1r., as renumbered, is amended to read:

3           6.15 (2) (d) 1r. Upon proper completion of the application and cancellation card,  
4 and compliance with subd. 1g., the municipal clerk shall ~~inform the elector that he~~  
5 ~~or she may vote for the presidential electors not sooner than 9 days nor later than~~  
6 ~~5 p.m. on the day before the election at the office of the municipal clerk, or at a~~  
7 ~~specified polling place on election day. When voting at the municipal clerk's office,~~  
8 ~~the applicant shall provide identification and~~ permit the elector to cast his or her  
9 ballot for president and vice president. The elector shall then mark or punch the  
10 ballot in the clerk's presence in a manner that will not disclose his or her vote. Unless  
11 the ballot is utilized with an electronic voting system, the ~~applicant~~ elector shall fold  
12 the ballot so as to conceal his or her vote. The ~~applicant~~ elector shall then deposit  
13 the ballot and seal it in an envelope furnished by the clerk.

14           **SECTION 9.** 6.15 (3) (b) (title) of the statutes is repealed.

15           **SECTION 10.** 6.15 (3) (b) of the statutes is renumbered 6.15 (3) and amended to  
16 read:

17           6.15 (3) ~~VOTING PROCEDURE~~ PROCEDURE AT POLLING PLACE. An eligible elector  
18 may appear at the polling place for the ward or election district where he or she  
19 resides and make application for a ballot under sub. (2). ~~In such case, the inspector~~  
20 ~~or special registration deputy~~ Except as otherwise provided in this subsection, an  
21 elector who casts a ballot under this subsection shall follow the same procedure  
22 required for casting a ballot at the municipal clerk's office under sub. (2). The  
23 inspectors shall perform the duties of the municipal clerk. ~~The elector shall provide~~  
24 ~~identification. If the elector is qualified, he or she shall be permitted to vote, except~~  
25 that the inspectors shall return the cancellation card under sub. (2) (b) to the

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

10 **SECTION 11.** 6.29 (1) of the statutes is amended to read:

11 6.29 (1) No names may be added to a registration list for any election after the  
12 close of registration, except as authorized under this section or s. 6.28 (1) or 6.55 (2).  
13 Any person whose name is not on the registration list but who is otherwise a qualified  
14 elector is entitled to vote at the election upon compliance with this section, if the  
15 person complies with all other requirements for voting at the polling place.

16 **SECTION 12.** 6.55 (2) (b) of the statutes is amended to read:

17 6.55 (2) (b) Upon executing the registration form under par. (a), the person  
18 shall be required by a special registration deputy or inspector to present a valid  
19 operator's license issued to the person under ch. 343 that contains the photograph  
20 of the license holder or a valid identification card issued to the person under s. 343.50.  
21 If the identification presented is not acceptable proof of residence under sub. (7), the  
22 person shall also present acceptable proof of residence under sub. (7). ~~If the person~~  
23 ~~cannot supply such proof, the registration form shall be substantiated and signed by~~  
24 ~~one other elector who resides in the same municipality as the registering elector,~~  
25 ~~corroborating all the material statements therein. The corroborator shall then~~

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1 ~~provide acceptable proof of residence.~~ The signing by the elector executing the  
2 registration form and by any elector who corroborates the information in the form  
3 under par. (a) shall be in the presence of the special registration deputy or inspector.  
4 Upon compliance with this procedure and all other requirements for voting at the  
5 polling place, such person shall then be given the right to vote.

6 **SECTION 13.** 6.55 (2) (c) 1. of the statutes is amended to read:

7 6.55 (2) (c) 1. As an alternative to registration at the polling place under pars.  
8 (a) and (b), the board of election commissioners, or the governing body of any  
9 municipality in which registration is required may by resolution require a person  
10 who qualifies as an elector and who is not registered and desires to register on the  
11 day of an election to do so at another readily accessible location in the same building  
12 as the polling place serving the elector's residence or at an alternate polling place  
13 assigned under s. 5.25 (5) (b), instead of at the polling place serving the elector's  
14 residence. In such case, the municipal clerk shall prominently post a notice of the  
15 registration location at the polling place. The municipal clerk, deputy clerk, or  
16 special registration deputy at the registration location shall require such person to  
17 execute a registration form as prescribed under par. (a) and to present a valid  
18 operator's license issued to the person under ch. 343 that contains the photograph  
19 of the license holder or a valid identification card issued to the person under s. 343.50.  
20 If the identification presented is not acceptable proof of residence under sub. (7), the  
21 person shall also provide acceptable proof of residence as provided under sub. (7).  
22 ~~If the person cannot supply such proof, the registration form shall be corroborated~~  
23 ~~in the manner provided in par. (b).~~ The signing by the elector executing the  
24 registration form and by any corroborating elector as prescribed under par. (a) shall  
25 be in the presence of the municipal clerk, deputy clerk, or special registration deputy.

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1 Upon proper completion of registration, the municipal clerk, deputy clerk, or special  
2 registration deputy shall serially number the registration and give one copy to the  
3 elector for presentation at the polling place serving the elector's residence or an  
4 alternate polling place assigned under s. 5.25 (5) (b).

5 **SECTION 14.** 6.55 (2) (c) 2. of the statutes is amended to read:

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

14 **SECTION 15.** 6.55 (2) (d) of the statutes is amended to read:

15 6.55 (2) (d) A registered elector who has changed his or her name but resides  
16 at the same address, and has not notified the municipal clerk under s. 6.40 (1) (c),  
17 shall notify the inspector of the change before voting. The inspector shall then notify  
18 the municipal clerk at the time which materials are returned under s. 6.56 (1). If an  
19 elector ~~changes~~ has changed both a name and address, the elector shall ~~complete a~~  
20 ~~registration form~~ register at the polling place or other registration location under  
21 pars. (a) and (b).

22 **SECTION 16.** 6.55 (3) of the statutes is amended to read:

23 6.55 (3) Any qualified elector in the ward or election district where the elector  
24 desires to vote whose name does not appear on the registration list where  
25 registration is required but who claims to be registered to vote in the election may

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1 request permission to vote at the polling place for that ward or election district.  
2 When the request is made, the inspector shall require the person to give his or her  
3 name and address. If the elector is not at the polling place which serves the ward or  
4 election district where the elector resides, the inspector shall provide the elector with  
5 directions to the correct polling place. If the elector is at the correct polling place, the  
6 elector shall then execute the following written statement: “I, ....., hereby certify that  
7 to the best of my knowledge, I am a qualified elector, having resided at .... for at least  
8 10 days immediately preceding this election, and that I am not disqualified on any  
9 ground from voting, and I have not voted at this election and am properly registered  
10 to vote in this election.” The person shall be required to provide present a valid  
11 operator’s license issued to the person under ch. 343 that contains a photograph of  
12 the license holder or present a valid identification card issued to the person under  
13 s. 343.50. If any identification presented by the person is not acceptable proof of  
14 residence as provided under sub. (7), the person shall also present acceptable proof  
15 of residence as provided under sub. (7) and shall then be given the right to vote. If  
16 acceptable proof is presented, the elector need not have the information corroborated  
17 by any other elector. If acceptable proof is not presented, the statement shall be  
18 certified by the elector and shall be corroborated by another elector who resides in  
19 the municipality. The corroborator shall then provide acceptable proof of residence  
20 as provided in sub. (7). Whenever the question of identity or residence cannot be  
21 satisfactorily resolved and the elector cannot be permitted to vote, an inspector shall  
22 telephone the office of the municipal clerk to reconcile the records at the polling place  
23 with those at the office.

24 **SECTION 17.** 6.55 (7) (c) 1. of the statutes is amended to read:



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1           6.55 (7) (c) 1. ~~A Wisconsin motor vehicle~~ An operator's license issued under ch.  
2           343.

3           **SECTION 18.** 6.55 (7) (c) 2. of the statutes is amended to read:

4           6.55 (7) (c) 2. ~~A Wisconsin~~ An identification card issued under ~~s. 125.08, 1987~~  
5           ~~stats.~~ s. 343.50.

6           **SECTION 19.** 6.56 (5) of the statutes is repealed.

7           **SECTION 20.** 6.79 (1) of the statutes is amended to read:

8           6.79 (1) MUNICIPALITIES WITHOUT REGISTRATION. Except as provided in sub. (6)  
9           (a), where there is no registration, before being permitted to vote, each person shall  
10           state his or her full name and address and present to the officials a valid operator's  
11           license issued to the person under ch. 343 that contains a photograph of the license  
12           holder or present a valid identification card issued to the person under s. 343.50. The  
13           officials shall enter each name and address on a poll list in the same order as the votes  
14           are cast. If the residence of the elector does not have a number, the election officials  
15           shall, in the appropriate space, enter "none". Alternatively, the municipal clerk may  
16           maintain a poll list consisting of the full name and address of electors compiled from  
17           previous elections. Whenever an elector appears to vote, the officials shall verify the  
18           correctness of the elector's name and address, and shall enter a serial number next  
19           to the name of the elector in the order that the votes are cast, beginning with the  
20           number one. If the name and address of an elector do not appear on the prepared poll  
21           list, the officials shall enter the name, address and serial number of the elector at the  
22           bottom of the list. Except as provided in sub. (6), before being permitted to vote, each  
23           elector shall present to the officials a valid operator's license issued to the elector  
24           under ch. 343 that contains a photograph of the license holder or present a valid  
25           identification card issued to the elector under s. 343.50. The officials may require any

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1 elector to provide identification, including acceptable proof of residence, or to have  
2 another elector corroborate his or her information in accordance with the procedure  
3 specified in ~~s. 6.55 (2) (b)~~ under s. 6.55 (7) before permitting the elector to vote. An  
4 elector who presents an identification card under sub. (6) (a) is not required to  
5 provide separate identification. The officials shall maintain a separate list of those  
6 persons voting under ss. 6.15 and 6.24.

7 **SECTION 21.** 6.79 (2) of the statutes is amended to read:

8 6.79 (2) MUNICIPALITIES WITH REGISTRATION. Except as provided in sub. (6) (b),  
9 where there is registration, each person, before receiving a voting number, shall state  
10 his or her full name and address and present to the officials a valid operator's license  
11 issued to the person under ch. 343 that contains a photograph of the license holder  
12 or present a valid identification card issued to the person under s. 343.50. Upon the  
13 prepared registration list, after the name of each elector, the officials shall enter the  
14 serial number of the vote as it is polled, beginning with number one. Each elector  
15 shall receive a slip bearing the same serial number. A separate list shall be  
16 maintained for electors who are voting under s. 6.15, 6.29 or 6.55 (2) or (3) and  
17 electors who are reassigned from another polling place under s. 5.25 (5) (b). Each  
18 such elector shall have his or her full name, address and serial number likewise  
19 entered and shall be given a slip bearing such number.

20 **SECTION 22.** 6.79 (3) of the statutes is amended to read:

21 6.79 (3) REFUSAL TO GIVE NAME AND ADDRESS AND FAILURE TO PRESENT  
22 IDENTIFICATION. Except as provided in sub. (6), if any elector offering to vote at any  
23 polling place refuses to give his or her name and address or is unable to present  
24 identification authorized under sub. (1) or (2), the elector may not be permitted to  
25 vote.

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1           **SECTION 23.** 6.79 (4) of the statutes is amended to read:

2           6.79 (4) SUPPLEMENTAL INFORMATION. ~~When any elector provides identification~~  
3 ~~under sub. (1) or s. 6.15, 6.29 or 6.55 (2) or (3), the election officials shall enter the~~  
4 ~~type of identification on the poll or registration list, or supplemental list maintained~~  
5 ~~under sub. (2). If the form of identification includes a number which applies only to~~  
6 ~~the individual holding that piece of identification, the election officials shall also~~  
7 ~~enter that number on the list. When any elector corroborates the registration~~  
8 ~~identity or residence of any person offering to vote under sub. (1) or s. 6.55 (2) (b) or~~  
9 ~~(c) or (3) the name and address of the corroborator shall also be entered next to the~~  
10 ~~name of the elector whose information is being corroborated on the registration or~~  
11 ~~poll list, or the separate list maintained under sub. (2). When any person offering~~  
12 ~~to vote has been challenged and taken the oath, following the person's name on the~~  
13 ~~registration or poll list, the officials shall enter the word "Sworn".~~

14           **SECTION 24.** 6.79 (6) (title) of the statutes is repealed and recreated to read:

15           6.79 (6) (title) EXCEPTIONS REGARDING IDENTIFICATION.

16           **SECTION 25.** 6.79 (6) (a) of the statutes is amended to read:

17           6.79 (6) (a) In municipalities where there is no registration, an elector who has  
18 a confidential listing under s. 6.47 (2) may present an identification card issued  
19 under s. 6.47 (3) in lieu of providing his or her name and address and presenting  
20 identification under sub. (1). If the elector resides in the area served by the polling  
21 place, the inspectors shall then enter the elector's name and identification serial  
22 number on the poll list in a section following the other names, shall issue a voting  
23 serial number to the elector and shall record that number on the poll list and permit  
24 the elector to vote.

25           **SECTION 26.** 6.79 (6) (am) of the statutes is created to read:

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1           6.79 (6) (am) The requirement under sub. (1) or (2) that a person present  
2 identification does not apply to a person who is voting under s. 6.15 or 6.55 (3).

3           **SECTION 27.** 6.79 (6) (b) of the statutes is amended to read:

4           6.79 (6) (b) In municipalities where registration is required, an elector who has  
5 a confidential listing under s. 6.47 (2) may present his or her identification card  
6 issued under s. 6.47 (3) or may give his or her name and identification serial number  
7 issued under s. 6.47 (3), in lieu of stating his or her name and address and presenting  
8 identification under sub. (2). If the elector's name and identification serial number  
9 appear on the confidential portion of the list, the inspectors shall issue a voting serial  
10 number to the elector, record that number on the registration list and permit the  
11 elector to vote.

12           **SECTION 28.** 6.82 (1) (a) of the statutes is amended to read:

13           6.82 (1) (a) When any inspectors are informed that an elector is at the entrance  
14 to the polling place who as a result of disability is unable to enter the polling place,  
15 they shall permit the elector to be assisted in marking or punching a ballot by any  
16 individual selected by the elector, except the elector's employer or an agent of that  
17 employer or an officer or agent of a labor organization which represents the elector.  
18 The individual selected by the elector shall provide all information necessary for the  
19 elector to obtain a ballot under s. 6.79 (1) or (2). The inspectors shall then issue a  
20 ballot to the individual selected by the elector and shall accompany the individual  
21 to the polling place entrance where the assistance is to be given. If the ballot is a  
22 paper ballot, the assisting individual shall fold the ballot after the ballot is marked  
23 or punched by the assisting individual. The assisting individual shall then  
24 immediately take the ballot into the polling place and give the ballot to an inspector.  
25 The inspector shall distinctly announce that he or she has "a ballot offered by ....

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1 (stating person's name), an elector who, as a result of disability, is unable to enter the  
2 polling place without assistance". The inspector shall then ask, "Does anyone object  
3 to the reception of this ballot?" If no objection is made, the inspectors shall record  
4 the elector's name under s. 6.79 and deposit the ballot in the ballot box, and shall  
5 make a notation on the registration or poll list: "Ballot received at poll entrance".

6 **SECTION 29.** 6.86 (1) (ar) of the statutes is amended to read:

7 6.86 (1) (ar) Except as authorized in s. 6.875 (6), the municipal clerk shall may  
8 not issue an absentee ballot unless the clerk receives a written application therefor  
9 from a qualified elector of the municipality. The clerk shall retain each absentee  
10 ballot application until destruction is authorized under s. 7.23 (1). If an elector  
11 applies for an absentee ballot in person at the clerk's office, the clerk may not issue  
12 the elector an absentee ballot unless the elector presents a valid operator's license  
13 issued to the elector under ch. 343 that contains a photograph of the license holder  
14 or presents a valid identification card issued to the elector under s. 343.50.

15 **SECTION 30.** 10.02 (3) (a) of the statutes is amended to read:

16 10.02 (3) (a) Upon entering the polling place and before being permitted to vote,  
17 an elector shall give state his or her name and address before being permitted to vote  
18 and shall present identification as required by law. Where ballots are distributed to  
19 electors, the initials of 2 inspectors must appear on the ballot. Upon being permitted  
20 to vote, the elector shall retire alone to a voting booth or machine and cast his or her  
21 ballot, except that an elector who is a parent or guardian may be accompanied by the  
22 elector's minor child or minor ward. An election official may inform the elector of the  
23 proper manner for casting a vote, but the official may not in any manner advise or  
24 indicate a particular voting choice.

25 **SECTION 31.** 343.50 (5) of the statutes is amended to read:

