

2001 DRAFTING REQUEST

Bill

Received: 12/08/2000

Received By: **rmarchan**

Wanted: **As time permits**

Identical to LRB:

For: **Scott Walker (608) 266-9180**

By/Representing: **greg rieman**

This file may be shown to any legislator: **NO**

Drafter: **rmarchan**

May Contact:

Addl. Drafters: **kuesejt**

Subject: **Elections - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Require identification in order to vote at polling place

Instructions:

See Attached. Require elector at polling place to provide identification in order to vote.

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|------------------------|-----------------------|------------------------|----------------|----------------------------|-----------------|-----------------|
| /? | rmarchan 01/11/2001 | gilfokm 01/17/2001 | | _____ | | | |
| | kuesejt 01/17/2001 | gilfokm 01/18/2001 | | _____ | | | |
| | rmarchan 01/17/2001 | | | _____ | | | |
| /1 | rmarchan 02/09/2001 | gilfokm 02/20/2001 | rschluet 01/18/2001 | _____ | lrb_docadmin 01/18/2001 | | State |
| | fasttn 02/13/2001 | | | _____ | lrb_docadmin 01/18/2001 | | |
| | rmarchan 02/14/2001 | | | _____ | | | |

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|--------------|-----------------------|-----------------|------------------------|----------------|----------------------------|----------------------------|-----------------|
| | kuesejt 02/15/2001 | | | _____ | | | |
| /2 | | | pgreensl 02/21/2001 | _____ | lrb_docadmin 02/21/2001 | lrb_docadmin 03/23/2001 | |

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| /? | rmarchan 01/11/2001 kuesejt 01/17/2001 rmarchan 01/17/2001 | gilfokm 01/17/2001 gilfokm 01/18/2001 | <i>2/21</i> <i>PG</i> | <i>2/21</i> <i>PG/RS</i> | | | |
| /1 | | <i>12-19/Kmg</i> <i>01</i> | rschluet 01/18/2001 | | lrb_docadmin 01/18/2001 | | |

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By/Representing: greg rieman

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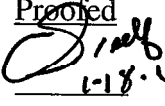
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| 1/? | rmarchan | 11-1/18-01 Km g |  1-18-1 |  1-18-1 | | | |

FE Sent For:

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Greg Remar (6-9180)

Photo I.D. to vote

Not concerned about poll-tax issue

Require DL or state ID

Corroboration retained but corroborator must ~~present~~
present ID as if corroborator were trying to vote

Nix the registration request.

140611

Friday 1-19

RM NR

2001 BILL

DUOTE

Americans making progress against poverty

LPS:

Please delete CRB-406/11ins from electronic file.

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1 AN ACT *to repeal* 6.15 (3) (a) (title) and 6.15 (3) (b) (title); *to renumber and*
 2 *amend* 6.15 (3) (a) 1., 2. and 3. and 6.15 (3) (b); *to amend* 5.40 (6), 6.15 (2) (title),
 3 6.15 (2) (a) (intro.), 6.29 (1), 6.55 (2) (b), 6.55 (2) (c) 2., 6.55 (3), 6.55 (7) (c) 1., 6.55
 4 (7) (c) 2., 6.79 (1), 6.79 (2), 6.79 (3), 6.79 (4), 6.79 (6) (a), 6.79 (6) (b), 6.82 (1) (a)
 5 and 10.02 (3) (a); *to repeal and recreate* 6.79 (6) (title); and *to create* 6.15 (2)
 6 (bm), 6.15 (2) (d) 1g., 6.15 (2) (e) and 6.79 (6) (am) of the statutes; **relating to:**
 7 requiring certain individuals to present identification in order to vote at a
 8 polling place.

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 registration is not required, the elector may be required to provide this proof.

With certain limited exceptions, this bill requires an elector, in addition, to present a valid Wisconsin driver's license issued to the elector that contains a photograph of the license holder or present a valid Wisconsin identification card issued to the elector, or to have his or her identity corroborated by another elector of

BILL

the municipality who presents identification. This bill does not affect the absentee voting procedure.

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

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

19 6.15 (2) (bm) When making application in person at the office of the municipal
20 clerk, each applicant shall present a valid operator's license issued to the person
21 under ch. 343 that contains a photograph of the license holder or present a valid

BILL

1 identification card issued to the person under s. 343.50. If the applicant is unable
2 to present any identification authorized under this paragraph, the application
3 information may be corroborated in a statement that is signed by any other elector
4 who resides in the municipality. The corroborator shall then provide identification
5 in the same manner as if the corroborator were applying for a ballot under this
6 paragraph.

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

8 6.15 (2) (d) 1g. If the elector makes application in person at the office of the
9 municipal clerk, the clerk shall verify that the name on the identification provided
10 by the elector under par. (bm) or the name and address corroborated under par. (bm)
11 are the same as the name and, if applicable, the address on the elector's application
12 and shall verify that the photograph contained in the identification reasonably
13 resembles the elector.

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

15 6.15 (2) (e) If the elector makes application in writing but does not appear in
16 person, and the clerk receives a properly completed application and cancellation card
17 from the elector, the clerk shall provide the elector with a ballot. If the ballot is to be
18 mailed, the application must be received no later than 5 p.m. on the Friday before
19 the election. In order to be counted, the ballot must be received by the municipal
20 clerk no later than 5 p.m. on the day before the election.

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

22 **SECTION 8.** 6.15 (3) (a) 1., 2. and 3. of the statutes are renumbered 6.15 (2) (d)
23 1r., 2. and 3., and 6.15 (2) (d) 1r., as renumbered, is amended to read:

24 6.15 (2) (d) 1r. Upon proper completion of the application and cancellation card,
25 and verification of the elector's information under subd. 1g., the municipal clerk

BILL

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

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

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

14 **6.15 (3) ~~VOTING PROCEDURE~~ PROCEDURE AT POLLING PLACE.** An eligible elector
15 may appear at the polling place for the ward or election district where he or she
16 resides and make application for a ballot under sub. (2). ~~In such case, the inspector~~
17 ~~or special registration deputy~~ Except as otherwise provided in this subsection, an
18 elector who casts a ballot under this subsection shall follow the same procedure
19 required for casting a ballot at the municipal clerk's office under sub. (2). The
20 inspectors shall perform the duties of the municipal clerk. The elector shall provide
21 identification. If the elector is qualified, he or she shall be permitted to vote, except
22 that the inspectors shall return the cancellation card under sub. (2) (b) to the
23 municipal clerk and the clerk shall forward the card as provided under sub. (2) (c)
24 if required. Upon proper completion of the application and cancellation card and
25 verification of the elector's information under sub. (2) (d) 1g., the inspectors shall

BILL

1 permit the elector to cast his or her ballot for president and vice president. The
2 elector shall then mark or punch the ballot and, unless the ballot is utilized with an
3 electronic voting system, the elector shall fold the ballot, and shall deposit the ballot
4 into the ballot box or give it to the inspector. The inspector shall deposit it directly
5 into the ballot box. Voting machines or ballots utilized with electronic voting systems
6 may be used by electors voting under this section if they permit voting for president
7 and vice president only.

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

9 6.29 (1) No names may be added to a registration list for any election after the
10 close of registration, except as authorized under this section or s. 6.28 (1) or 6.55 (2).
11 Any person whose name is not on the registration list but who is otherwise a qualified
12 elector is entitled to vote at the election upon compliance with this section, if the
13 person complies with all other requirements for voting at the polling place.

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

15 6.55 (2) (b) Upon executing the registration form under par. (a), the person
16 shall be required by a special registration deputy or inspector to present acceptable
17 proof of residence under sub. (7). If the person cannot supply such proof, the
18 registration form shall be substantiated and signed by one other elector who resides
19 in the same municipality as the registering elector, corroborating all the material
20 statements therein. The corroborator shall then provide acceptable proof of
21 residence. The signing by the elector executing the form and by any elector who
22 corroborates the information in the form shall be in the presence of the special
23 registration deputy or inspector. Upon compliance with this procedure and all other
24 requirements for voting at the polling place, such person shall ~~then~~ be given the right
25 to vote.

BILL

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

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

10 **SECTION 14.** 6.55 (3) of the statutes is amended to read:

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

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1 s. 343.50. If any identification presented by the person is not acceptable proof of
2 residence as provided under sub. (7), the person shall also present acceptable proof
3 of residence and shall then be given the right to vote. ~~If acceptable proof is presented,~~
4 ~~the elector need not have the information corroborated by any other elector. If~~
5 ~~acceptable the person fails to present any identification or proof is not presented of~~
6 residence required under this subsection, the statement shall be certified by the
7 elector and shall be corroborated in a statement that is signed by another any other
8 elector who resides in the municipality. The corroborator shall then provide
9 identification in the same manner as if the corroborator were executing the
10 certification under this subsection and, if the identification is not acceptable proof
11 of residence as provided under sub. (7), shall provide acceptable proof of residence
12 ~~as provided in sub. (7).~~ Whenever the question of identity or residence cannot be
13 satisfactorily resolved and the elector cannot be permitted to vote, an inspector shall
14 telephone the office of the municipal clerk to reconcile the records at the polling place
15 with those at the office.

16 **SECTION 15.** 6.55 (7) (c) 1. of the statutes is amended to read:

17 6.55 (7) (c) 1. ~~A Wisconsin motor vehicle~~ An operator's license issued under ch.
18 343.

19 **SECTION 16.** 6.55 (7) (c) 2. of the statutes is amended to read:

20 6.55 (7) (c) 2. ~~A Wisconsin~~ An identification card issued under s. 125.08, 1987
21 stats. 343.50.

22 **SECTION 17.** 6.79 (1) of the statutes is amended to read:

23 6.79 (1) MUNICIPALITIES WITHOUT REGISTRATION. Except as otherwise provided
24 in this subsection and sub. (6) (a), where there is no registration, before being
25 permitted to vote, each person shall state his or her full name and address and

BILL

1 present to the officials a valid operator's license issued to the person under ch. 343
2 that contains a photograph of the license holder or present a valid identification card
3 issued to the person under s. 343.50. The officials shall enter each name and address
4 on a poll list in the same order as the votes are cast. If the residence of the elector
5 does not have a number, the election officials shall, in the appropriate space, enter
6 "none". Alternatively, the municipal clerk may maintain a poll list consisting of the
7 full name and address of electors compiled from previous elections. Whenever an
8 elector appears to vote, the officials shall verify the correctness of the elector's name
9 and address, and shall enter a serial number next to the name of the elector in the
10 order that the votes are cast, beginning with the number one. If the name and
11 address of an elector do not appear on the prepared poll list, the officials shall enter
12 the name, address and serial number of the elector at the bottom of the list. Except
13 as otherwise provided in this subsection and sub. (6) (a), before being permitted to
14 vote, each elector shall present to the officials a valid operator's license issued to the
15 elector under ch. 343 that contains a photograph of the license holder or present a
16 valid identification card issued to the elector under s. 343.50. The officials may
17 require any elector to provide ~~identification, including~~ acceptable proof of residence,
18 ~~or to have another elector corroborate his or her information in accordance with the~~
19 ~~procedure specified in s. 6.55 (2) (b) before permitting the elector to vote. An elector~~
20 ~~who presents an identification card under sub. (6) (a) is not required to provide~~
21 ~~separate identification~~ If any elector is unable to present identification authorized
22 under this subsection, the elector's name and address may be corroborated in a
23 statement that is signed by any other elector who resides in the municipality. The
24 corroborator shall then present identification in the same manner as if the

BILL

1 corroborator were attempting to vote under this subsection. The officials shall
2 maintain a separate list of those persons voting under ss. 6.15 and 6.24.

3 **SECTION 18.** 6.79 (2) of the statutes is amended to read:

4 6.79 (2) MUNICIPALITIES WITH REGISTRATION. Except as otherwise provided in
5 this subsection and sub. (6) (b), where there is registration, each person, before
6 receiving a voting number, shall state his or her full name and address and present
7 to the officials a valid operator's license issued to the person under ch. 343 that
8 contains a photograph of the license holder or present a valid identification card
9 issued to the person under s. 343.50. If the person is unable to present any
10 identification authorized under this subsection, the person's name and address may
11 be corroborated in the manner provided under sub. (1). The corroborator shall then
12 present identification in the same manner as if the corroborator were attempting to
13 vote under this subsection. Upon the prepared registration list, after the name of
14 each elector, the officials shall enter the serial number of the vote as it is polled,
15 beginning with number one. Each elector shall receive a slip bearing the same serial
16 number. A separate list shall be maintained for electors who are voting under s. 6.15,
17 6.29 or 6.55 (2) or (3) and electors who are reassigned from another polling place
18 under s. 5.25 (5) (b). Each such elector shall have his or her full name, address and
19 serial number likewise entered and shall be given a slip bearing such number.

20 **SECTION 19.** 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) or have his or her identity and address
25 corroborated, the elector may not be permitted to vote.

BILL

1 **SECTION 20.** 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 (2) or s. 6.15 (2)~~
9 ~~(bm) or (3) or 6.55 (2) (b) or (c) or (3) the name and address of the corroborator shall~~
10 ~~also be entered next to the name of the elector whose information is being~~
11 ~~corroborated on the registration or poll list, or the separate list maintained under~~
12 ~~sub. (2). When any person offering to vote has been challenged and taken the oath,~~
13 ~~following the person's name on the registration or poll list, the officials shall enter~~
14 ~~the word "Sworn".~~

15 **SECTION 21.** 6.79 (6) (title) of the statutes is repealed and recreated to read:

16 **6.79 (6) (title) EXCEPTIONS REGARDING IDENTIFICATION.**

17 **SECTION 22.** 6.79 (6) (a) of the statutes is amended to read:

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

BILL

1 **SECTION 23.** 6.79 (6) (am) of the statutes is created to read:

2 6.79 (6) (am) The requirement under sub. (1) or (2) that a person present
3 identification or have his or her identity and address corroborated does not apply to
4 a person who is voting under s. 6.15 or 6.55 (3).

5 **SECTION 24.** 6.79 (6) (b) of the statutes is amended to read:

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

14 **SECTION 25.** 6.82 (1) (a) of the statutes is amended to read:

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

BILL

1 immediately take the ballot into the polling place and give the ballot to an inspector.
2 The inspector shall distinctly announce that he or she has “a ballot offered by ...
3 (stating person’s name), an elector who, as a result of disability, is unable to enter the
4 polling place without assistance”. The inspector shall then ask, “Does anyone object
5 to the reception of this ballot?” If no objection is made, the inspectors shall record
6 the elector’s name under s. 6.79 and deposit the ballot in the ballot box, and shall
7 make a notation on the registration or poll list: “Ballot received at poll entrance”.

8 **SECTION 26.** 10.02 (3) (a) of the statutes is amended to read:

9 10.02 (3) (a) Upon entering the polling place and before being permitted to vote,
10 an elector shall give state his or her name and address ~~before being permitted to vote~~
11 and shall present identification or have his or her identification corroborated as
12 required by law. Where ballots are distributed to electors, the initials of 2 inspectors
13 must appear on the ballot. Upon being permitted to vote, the elector shall retire
14 alone to a voting booth or machine and cast his or her ballot, except that an elector
15 who is a parent or guardian may be accompanied by the elector’s minor child or minor
16 ward. An election official may inform the elector of the proper manner for casting
17 a vote, but the official may not in any manner advise or indicate a particular voting
18 choice.

19 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2111/Adn
RJM&JTK:kmg:kjf

1406/1d

(January 17, 2001)

Walker

Representative ~~XXX~~:

1. This draft generally requires a person to present a Wisconsin driver's license or Wisconsin identification card, or have his or her identity corroborated, in order to vote. However, a person who has obtained a confidential listing on a registration list may, instead, present a voting identification card issued by the municipality in which the person resides. Please let us know if this exception is inconsistent with your intent.
2. This draft does not affect the method of obtaining an absentee ballot or the procedure for absentee voting. Under this draft, electors voting absentee need not present an I.D. to vote but electors voting at the polls must present an I.D. or have their identity corroborated. This more strict treatment of electors who vote at the polls may be subject to a challenge under the Equal Protection provisions of the Wisconsin or U.S. Constitution. Although there may well be a constitutional, rational basis for this disparate treatment, if you intend to avoid the issue entirely, you may want to consider requiring any absent elector (other than a military and overseas elector) to obtain an absentee ballot in person and to present an I.D. or have his or her identity corroborated.
3. The draft applies the I.D. requirement to new residents voting in the presidential election under s. 6.15, stats., and to electors voting under s. 6.55 (3), stats., who claim to be registered but whose names do not appear on the registration list. Please review the treatment of these statutes and let us know if you desire any changes.
4. This draft alters slightly the procedure under s. 6.15, stats., whereby electors who have resided in Wisconsin for less than 10 days may vote for president and vice president only. Presently, application may be made in person or in writing at the office of the municipal clerk or at the proper polling place on election day. If application is made at the office of the municipal clerk, the elector may either vote there at that time, vote there later before the day of the election, or vote at the polling place on election day. Because the identification procedure under this draft is more thorough than the one currently provided, we did not think it would be appropriate for an elector to go through that procedure twice for the purpose of casting one ballot. Therefore, under this draft, the elector either applies at the office of the municipal clerk or at the polling place. If the elector applies in person at the office of the municipal clerk, the elector provides identification at that office and votes there at the time of application. If the elector makes written application to the municipal clerk, no identification need be presented (consistent with the absentee balloting procedure). If the elector applies at

his or her polling place, the elector provides identification at the polling place and votes there. Please let us know if this is not in accord with your intent.

5. The requirements for an elector to provide photo identification in order to vote, or to obtain a corroborator, may be held to deny equal protection to an elector who has no photo identification and who is unable to find and convince another elector of his or her municipality who is able to corroborate the elector's identity to accompany the elector to the polls. Because free photo identification is not available under the draft, and under the 24th Amendment to the U.S. Constitution, the right to vote in federal elections cannot be taxed by requiring a voter to purchase and maintain photo identification, the corroboration procedure becomes the critical qualifier in some cases. It may be argued that the absentee voting option should cure this defect, but that depends upon finding that a separate absentee voting procedure does not deny equal protection and that there is a rational basis for requiring some voters to vote absentee.

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1406/1dn
RJM&JTK:kmg:rs

January 18, 2001

Representative Walker:

1. This draft generally requires a person to present a Wisconsin driver's license or Wisconsin identification card, or have his or her identity corroborated, in order to vote. However, a person who has obtained a confidential listing on a registration list may, instead, present a voting identification card issued by the municipality in which the person resides. Please let us know if this exception is inconsistent with your intent.
2. This draft does not affect the method of obtaining an absentee ballot or the procedure for absentee voting. Under this draft, electors voting absentee need not present an I.D. to vote but electors voting at the polls must present an I.D. or have their identity corroborated. This more strict treatment of electors who vote at the polls may be subject to a challenge under the Equal Protection provisions of the Wisconsin or U.S. Constitution. Although there may well be a constitutional, rational basis for this disparate treatment, if you intend to avoid the issue entirely, you may want to consider requiring any absent elector (other than a military and overseas elector) to obtain an absentee ballot in person and to present an I.D. or have his or her identity corroborated.
3. The draft applies the I.D. requirement to new residents voting in the presidential election under s. 6.15, stats., and to electors voting under s. 6.55 (3), stats., who claim to be registered but whose names do not appear on the registration list. Please review the treatment of these statutes and let us know if you desire any changes.
4. This draft alters slightly the procedure under s. 6.15, stats., whereby electors who have resided in Wisconsin for less than 10 days may vote for president and vice president only. Presently, application may be made in person or in writing at the office of the municipal clerk or at the proper polling place on election day. If application is made at the office of the municipal clerk, the elector may either vote there at that time, vote there later before the day of the election, or vote at the polling place on election day. Because the identification procedure under this draft is more thorough than the one currently provided, we did not think it would be appropriate for an elector to go through that procedure twice for the purpose of casting one ballot. Therefore, under this draft, the elector either applies at the office of the municipal clerk or at the polling place. If the elector applies in person at the office of the municipal clerk, the elector provides identification at that office and votes there at the time of application. If the elector makes written application to the municipal clerk, no identification need be presented (consistent with the absentee balloting procedure). If the elector applies at

his or her polling place, the elector provides identification at the polling place and votes there. Please let us know if this is not in accord with your intent.

5. The requirements for an elector to provide photo identification in order to vote, or to obtain a corroborator, may be held to deny equal protection to an elector who has no photo identification and who is unable to find and convince another elector of his or her municipality who is able to corroborate the elector's identity to accompany the elector to the polls. Because free photo identification is not available under the draft, and under the 24th Amendment to the U.S. Constitution, the right to vote in federal elections cannot be taxed by requiring a voter to purchase and maintain photo identification, the corroboration procedure becomes the critical qualifier in some cases. It may be argued that the absentee voting option should cure this defect, but that depends upon finding that a separate absentee voting procedure does not deny equal protection and that there is a rational basis for requiring some voters to vote absentee.

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Jeffery T. Kuesel
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2-9-01

T of Greg Kremen (Rep. Walker)

① Mix voting by corroboration

② Require ID to get absentee ballot in person

③ If elector has no valid DL or state ID, allow person to get state ID from DOT for free, but only for free if person specifically requests ~~to~~ not to be charged.

* May trigger loss of motor voter exemption because some people will be unable to vote for lack of I.D. Rep. is aware. Draft bill per instructions.

SEON

2001 BILL

2/15

ITNF
RMINR
DROTZ

and the fee for an identification card issued by the department of transportation

Gen. Cat.

1 AN ACT to repeal 6.15 (3) (a) (title) and 6.15 (3) (b) (title); to renumber and
 2 amend 6.15 (3) (a) 1., 2. and 3. and 6.15 (3) (b); to amend 5.40 (6), 6.15 (2) (title),
 3 6.15 (2) (a) (intro.), 6.29 (1), 6.55 (2) (b), 6.55 (2) (c) 2., 6.55 (3), 6.55 (7) (c) 1., 6.55
 4 (7) (c) 2., 6.79 (1), 6.79 (2), 6.79 (3), 6.79 (4), 6.79 (6) (a), 6.79 (6) (b), 6.82 (1) (a)
 5 and 10.02 (3) (a); to repeal and recreate 6.79 (6) (title); and to create 6.15 (2)
 6 (bm), 6.15 (2) (d) 1g., 6.15 (2) (e) and 6.79 (6) (am) of the statutes; relating to:
 7 requiring certain individuals to present identification in order to vote at a
 8 polling place.

~~requiring certain individuals to present identification in order to vote at a polling place.~~
 and certain electors to present identification in order to obtain an absentee ballot

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 registration is not required, the elector may be required to provide this proof.

With certain limited exceptions, this bill requires an elector, in addition, to present a valid Wisconsin driver's license issued to the elector that contains a photograph of the license holder or present a valid Wisconsin identification card issued to the elector, or to have his or her identity corroborated by another elector of

INVEST ANALYSIS

BILL

the municipality who presents identification. This bill does not affect the absentee voting procedure.

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

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

19 6.15 (2) (bm) When making application in person at the office of the municipal
20 clerk, each applicant shall present a valid operator's license issued to the person
21 under ch. 343 that contains a photograph of the license holder or present a valid

BILL

1 identification card issued to the person under s. 343.50. ~~If the applicant is unable~~
2 ~~to present any identification authorized under this paragraph, the application~~
3 ~~information may be corroborated in a statement that is signed by any other elector~~
4 ~~who resides in the municipality. The corroborator shall then provide identification~~
5 ~~in the same manner as if the corroborator were applying for a ballot under this~~
6 ~~paragraph.~~

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

8 6.15 (2) (d) 1g. If the elector makes application in person at the office of the
9 municipal clerk, the clerk shall verify that the name on the identification provided
10 by the elector under par. (bm) ^{is} ~~or the name and address corroborated under par. (bm)~~
11 ~~are~~ the same as the name ~~and, if applicable, the address~~ on the elector's application
12 and shall verify that the photograph contained in the identification reasonably
13 resembles the elector.

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

15 6.15 (2) (e) If the elector makes application in writing but does not appear in
16 person, and the clerk receives a properly completed application and cancellation card
17 from the elector, the clerk shall provide the elector with a ballot. If the ballot is to be
18 mailed, the application must be received no later than 5 p.m. on the Friday before
19 the election. In order to be counted, the ballot must be received by the municipal
20 clerk no later than 5 p.m. on the day before the election.

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

22 **SECTION 8.** 6.15 (3) (a) 1., 2. and 3. of the statutes are renumbered 6.15 (2) (d)
23 1r., 2. and 3., and 6.15 (2) (d) 1r., as renumbered, is amended to read:

24 6.15 (2) (d) 1r. Upon proper completion of the application and cancellation card,
25 ~~and verification of the elector's information under~~ subd. 1g., the municipal clerk

compliance with

BILL

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

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

12 SECTION 10. 6.15 (3) (b) of the statutes is renumbered 6.15 (3) and amended to
13 read:

14 6.15 (3) ~~VOTING PROCEDURE~~ PROCEDURE AT POLLING PLACE. An eligible elector
15 may appear at the polling place for the ward or election district where he or she
16 resides and make application for a ballot under sub. (2). ~~In such case, the inspector~~
17 ~~or special registration deputy~~ Except as otherwise provided in this subsection, an
18 elector who casts a ballot under this subsection shall follow the same procedure
19 required for casting a ballot at the municipal clerk's office under sub. (2). The
20 inspectors shall perform the duties of the municipal clerk. The elector shall provide
21 identification. If the elector is qualified, he or she shall be permitted to vote, except
22 that the inspectors shall return the cancellation card under sub. (2) (b) to the
23 municipal clerk and the clerk shall forward the card as provided under sub. (2) (c)
24 if required. Upon proper completion of the application and cancellation card and
25 verification of the elector's information under sub. (2) (d) 1g., the inspectors shall

Compliance with

BILL

1 permit the elector to cast his or her ballot for president and vice president. The
2 elector shall then mark or punch the ballot and, unless the ballot is utilized with an
3 electronic voting system, the elector shall fold the ballot, and shall deposit the ballot
4 into the ballot box or give it to the inspector. The inspector shall deposit it directly
5 into the ballot box. Voting machines or ballots utilized with electronic voting systems
6 may be used by electors voting under this section if they permit voting for president
7 and vice president only.

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

9 6.29 (1) No names may be added to a registration list for any election after the
10 close of registration, except as authorized under this section or s. 6.28 (1) or 6.55 (2).
11 Any person whose name is not on the registration list but who is otherwise a qualified
12 elector is entitled to vote at the election upon compliance with this section, if the
13 person complies with all other requirements for voting at the polling place.

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

15 6.55 (2) (b) Upon executing the registration form under par. (a), the person
16 shall be required by a special registration deputy or inspector to present acceptable
17 proof of residence under sub. (7). If the person cannot supply such proof, the
18 registration form shall be substantiated and signed by one other elector who resides
19 in the same municipality as the registering elector, corroborating all the material
20 statements therein. The corroborator shall then provide acceptable proof of
21 residence. The signing by the elector executing the form and by any elector who
22 corroborates the information in the form shall be in the presence of the special
23 registration deputy or inspector. Upon compliance with this procedure and all other
24 requirements for voting at the polling place, such person shall then be given the right
25 to vote.

INSERT
5-13

BILL

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

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

10 **SECTION 14.** 6.55 (3) of the statutes is amended to read:

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

BILL

1 s. 343.50. If any identification presented by the person is not acceptable proof of
 2 residence as provided under sub. (7), the person shall also present acceptable proof
 3 of residence and shall then be given the right to vote. If acceptable proof is presented,
 4 the elector need not have the information corroborated by any other elector. If
 5 acceptable the person fails to present any identification or proof is not presented of
 6 residence required under this subsection, the statement shall be certified by the
 7 elector and shall be corroborated in a statement that is signed by another any other
 8 elector who resides in the municipality. The corroborator shall then provide
 9 identification in the same manner as if the corroborator were executing the
 10 certification under this subsection and, if the identification is not acceptable proof
 11 of residence as provided under sub. (7), shall provide acceptable proof of residence
 12 as provided in sub. (7). Whenever the question of identity or residence cannot be
 13 satisfactorily resolved and the elector cannot be permitted to vote, an inspector shall
 14 telephone the office of the municipal clerk to reconcile the records at the polling place
 15 with those at the office.

16 SECTION 15. 6.55 (7) (c) 1. of the statutes is amended to read:

17 6.55 (7) (c) 1. ~~A Wisconsin motor vehicle~~ An operator's license issued under ch.
 18 343.

19 SECTION 16. 6.55 (7) (c) 2. of the statutes is amended to read:

20 6.55 (7) (c) 2. ~~A Wisconsin~~ An identification card issued under s. 125.08, 1987
 21 stats. 343.50.

22 SECTION 17. 6.79 (1) of the statutes is amended to read:

23 6.79 (1) MUNICIPALITIES WITHOUT REGISTRATION. Except as ~~otherwise~~ otherwise provided
 24 in ~~this subsection and~~ sub. (6) (a), where there is no registration, before being
 25 permitted to vote, each person shall state his or her full name and address and

BILL

1 present to the officials a valid operator's license issued to the person under ch. 343
2 that contains a photograph of the license holder or present a valid identification card
3 issued to the person under s. 343.50. The officials shall enter each name and address
4 on a poll list in the same order as the votes are cast. If the residence of the elector
5 does not have a number, the election officials shall, in the appropriate space, enter
6 "none". Alternatively, the municipal clerk may maintain a poll list consisting of the
7 full name and address of electors compiled from previous elections. Whenever an
8 elector appears to vote, the officials shall verify the correctness of the elector's name
9 and address, and shall enter a serial number next to the name of the elector in the
10 order that the votes are cast, beginning with the number one. If the name and
11 address of an elector do not appear on the prepared poll list, the officials shall enter
12 the name, address and serial number of the elector at the bottom of the list. Except
13 as otherwise provided in this subsection and sub. (6)(a), before being permitted to
14 vote, each elector shall present to the officials a valid operator's license issued to the
15 elector under ch. 343 that contains a photograph of the license holder or present a
16 valid identification card issued to the elector under s. 343.50. The officials may
17 require any elector to provide identification, including acceptable proof of residence,
18 or to have another elector corroborate his or her information in accordance with the
19 procedure specified in s. 6.55 (2) (b) under s. 6.55 (7) before permitting the elector to vote. An elector
20 who presents an identification card under sub. (6) (a) is not required to provide
21 separate identification. If any elector is unable to present identification authorized
22 under this subsection, the elector's name and address may be corroborated in a
23 statement that is signed by any other elector who resides in the municipality. The
24 corroborator shall then present identification in the same manner as if the

BILL

strike passed

1 ~~corroborator were attempting to vote under this subsection.~~ The officials shall
2 maintain a separate list of those persons voting under ss. 6.15 and 6.24.

3 **SECTION 18.** 6.79 (2) of the statutes is amended to read:

4 6.79 (2) MUNICIPALITIES WITH REGISTRATION. Except as ~~otherwise~~ provided in
5 ~~this subsection and~~ sub. (6) ~~(b)~~, where there is registration, each person, before
6 receiving a voting number, shall state his or her full name and address and present
7 to the officials a valid operator's license issued to the person under ch. 343 that
8 contains a photograph of the license holder or present a valid identification card
9 issued to the person under s. 343.50. ~~If the person is unable to present any~~
10 ~~identification authorized under this subsection, the person's name and address may~~
11 ~~be corroborated in the manner provided under sub. (1). The corroborator shall then~~
12 ~~present identification in the same manner as if the corroborator were attempting to~~
13 ~~vote under this subsection.~~ Upon the prepared registration list, after the name of
14 each elector, the officials shall enter the serial number of the vote as it is polled,
15 beginning with number one. Each elector shall receive a slip bearing the same serial
16 number. A separate list shall be maintained for electors who are voting under s. 6.15,
17 6.29 or 6.55 (2) or (3) and electors who are reassigned from another polling place
18 under s. 5.25 (5) (b). Each such elector shall have his or her full name, address and
19 serial number likewise entered and shall be given a slip bearing such number.

20 **SECTION 19.** 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) ~~or have his or her identity and address~~
25 ~~corroborated,~~ the elector may not be permitted to vote.

Keep

BILL

1 **SECTION 20.** 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 (2) or s. 6.15 (2)~~
9 ~~(bm) or (3) or 6.55 (2) (b) or (c) or (3) the name and address of the corroborator shall~~
10 ~~also be entered next to the name of the elector whose information is being~~
11 ~~corroborated on the registration or poll list, or the separate list maintained under~~
12 ~~sub. (2).~~ When any person offering to vote has been challenged and taken the oath,
13 following the person's name on the registration or poll list, the officials shall enter
14 the word "Sworn".

15 **SECTION 21.** 6.79 (6) (title) of the statutes is repealed and recreated to read:

16 6.79 (6) (title) EXCEPTIONS REGARDING IDENTIFICATION.

17 **SECTION 22.** 6.79 (6) (a) of the statutes is amended to read:

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

BILL

1 **SECTION 23.** 6.79 (6) (am) of the statutes is created to read:

2 6.79 (6) (am) The requirement under sub. (1) or (2) that a person present
3 identification ~~or have his or her identity and address corroborated~~ does not apply to
4 a person who is voting under s. 6.15 or 6.55 (3).

5 **SECTION 24.** 6.79 (6) (b) of the statutes is amended to read:

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

14 **SECTION 25.** 6.82 (1) (a) of the statutes is amended to read:

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

BILL

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

5
 INSERT
 12-7
 6
 7

8 **SECTION 26.** 10.02 (3) (a) of the statutes is amended to read:

9 10.02 (3) (a) Upon entering the polling place and before being permitted to vote,
 10 an elector shall give state his or her name and address ~~before being permitted to vote~~
 11 and shall present identification or have his or her identification corroborated as
 12 required by law. Where ballots are distributed to electors, the initials of 2 inspectors
 13 must appear on the ballot. Upon being permitted to vote, the elector shall retire
 14 alone to a voting booth or machine and cast his or her ballot, except that an elector
 15 who is a parent or guardian may be accompanied by the elector's minor child or minor
 16 ward. An election official may inform the elector of the proper manner for casting
 17 a vote, but the official may not in any manner advise or indicate a particular voting
 18 choice.

18
 19
 INSERT
 12-18

(END)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1406/2insRM
RJM:.....

INSERT ANALYSIS

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, 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 to the elector that contains the elector's photograph or present a valid Wisconsin identification card issued 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 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.

INSERT 12-7

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

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

by the
department
of
transportation
(DOT)

from
DOT

by DOT

Insert 12-18 (page 1 of 2)

Section #. 343.50 (5) of the statutes is amended to read:

343.50 (5) VALID PERIOD; FEES. The fee for an original card and for the reinstatement of an identification card after cancellation under sub. (10) shall be \$9. The card shall be valid for the succeeding period of 4 years from the applicant's next birthday after the date of issuance.

History: 1977 c. 360, 447; 1979 c. 226, 306; 1981 c. 20 s. 1848r; 1985 a. 29, 98; 1987 a. 27, 304; 1989 a. 105, 294, 298; 1991 a. 86, 269; 1995 a. 446; 1997 a. 27, 119, 191; 1999 a. 9, 32, 80, 85, 88, 186.

or, upon request of the
applicant, without charge

Insert 12-18 (page 2 of 2)

Section #. 343.50 (6) of the statutes is amended to read:

343.50 (6) RENEWAL. At least 30 days prior to the expiration of the card, the department shall mail a renewal application to the last-known address of each identification card holder. The department shall include with the application information, as developed by all organ procurement organizations in cooperation with the department, that promotes anatomical donations and which relates to the anatomical donation opportunity available under s. 343.175. The fee for a renewal identification card shall be \$9, ~~which~~ card shall be valid for 4 years.

History: 1977 c. 360, 447; 1979 c. 226, 306; 1981 c. 20 s. 1848r; 1985 a. 29, 98; 1987 a. 27, 304; 1989 a. 105, 294, 298; 1991 a. 86, 269; 1995 a. 446; 1997 a. 27, 119, 191; 1999 a. 9, 32, 80, 85, 88, 186.

or, upon request of the identification card holder,
without charge. The renewal identification

(end of insert)

1 officer, or registration deputy. The form shall contain a certification by the
2 registering elector that all statements are true and correct.

3 SECTION 17. 6.40 (2) (b) of the statutes is amended to read:

4 6.40 (2) (b) In addition to the revision which is required under s. 6.50,
5 municipal clerks may conduct door-to-door and mail registration canvasses at any
6 time. The door-to-door canvass shall consist of both the deletion from the
7 registration list of the names of electors who no longer reside at the address for which
8 they are registered and the addition to the registration list of the names of electors
9 who reside at that address. The mail canvass shall consist of the municipal clerk
10 examining the registration records and canceling the registration of electors after
11 the mailing of notices in accordance with s. 6.50 (1) and (2) or (2m). ~~The mail canvass~~
12 ~~may also consist of adding to the registration list the names of eligible electors.~~ Both
13 door-to-door and mail canvasses whenever made shall be made throughout the
14 municipality in a uniform manner. An elector who wishes to obtain a confidential
15 listing under s. 6.47 (2) shall register at the office of the municipal clerk of the
16 municipality where the elector resides.

17 SECTION 18. 6.50 (10) of the statutes is amended to read:

18 6.50 (10) Any elector whose registration is canceled under this section may
19 ~~have his or her registration reinstated by filing a new registration form reregister~~
20 ~~as provided under s. 6.30.~~

21 SECTION 19. 6.54 of the statutes is repealed.

22 SECTION 20. 6.55 (2) (b) of the statutes is amended to read:

23 6.55 (2) (b) Upon executing the registration form under par. (a), the person
24 shall be required by a special registration deputy or inspector to present a valid
25 operator's license issued to the person under ch. 343 that contains the photograph

BILL

1 of the license holder ^{or} a valid identification card issued to the person under s. 343.50.

2 ~~or a copy of the person's birth certificate.~~ If the identification presented is not

3 acceptable proof of residence under sub. (7), the person shall also present acceptable

4 proof of residence under sub. (7). ~~If the person cannot supply such proof, the~~

5 registration form shall be substantiated and signed by one other elector who resides

6 in the same municipality as the registering elector, corroborating all the material

7 statements therein. ~~The corroborator shall then provide acceptable proof of~~

8 ~~residence.~~ ^{strike} The signing by the elector executing the registration form and by any

9 elector who corroborates the information in the form under par. (a) shall be in the

10 presence of the special registration deputy or inspector. Upon compliance with this

11 procedure, such person shall then be given the right to vote.

12 SECTION 21. 6.55 (2) (c) 1. of the statutes is amended to read:

13 6.55 (2) (c) 1. As an alternative to registration at the polling place under pars.

14 (a) and (b), the board of election commissioners, or the governing body of any

15 municipality in which registration is required may by resolution require a person

16 who qualifies as an elector and who is not registered and desires to register on the

17 day of an election to do so at another readily accessible location in the same building

18 as the polling place serving the elector's residence or at an alternate polling place

19 assigned under s. 5.25 (5) (b), instead of at the polling place serving the elector's

20 residence. In such case, the municipal clerk shall prominently post a notice of the

21 registration location at the polling place. The municipal clerk, deputy clerk, or

22 special registration deputy at the registration location shall require such person to

23 execute a registration form as prescribed under par. (a) and to present a valid

24 operator's license issued to the person under ch. 343 that contains the photograph

25 of the license holder ^{or} a valid identification card issued to the person under s. 343.50.

Plain text

and all other requirements for voting at the polling place

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plain text

1 ~~or a copy of the person's birth certificate.~~ If the identification presented is not
 2 acceptable proof of residence under sub. (7), the person shall also provide acceptable
 3 proof of residence as provided under sub. (7). ~~If the person cannot supply such proof,~~
 4 ~~the registration form shall be corroborated in the manner provided in par. (b).~~ The
 5 signing by the elector executing the registration form ~~and by any corroborating~~
 6 ~~elector as prescribed under par. (a)~~ shall be in the presence of the municipal clerk,
 7 deputy clerk, or special registration deputy. Upon proper completion of registration,
 8 the municipal clerk, deputy clerk, or special registration deputy shall serially
 9 number the registration and give one copy to the elector for presentation at the
 10 polling place serving the elector's residence or an alternate polling place assigned
 11 under s. 5.25 (5) (b).

strike

if the elector complies with all requirements for voting at the polling place

SECTION 22. 6.55 (2) (c) 2. of the statutes is amended to read:

13 6.55 (2) (c) 2. Upon compliance with the procedures under subd. 1., the
 14 municipal clerk or deputy clerk shall issue a certificate addressed to the inspectors
 15 of the proper polling place directing that the elector be permitted to cast his or her
 16 vote. ~~If the elector's registration is corroborated, the clerk shall enter the name and~~
 17 ~~address of the corroborator on the face of the certificate.~~ The certificate shall be
 18 numbered serially and prepared in duplicate. The municipal clerk shall preserve one
 19 copy in his or her office.

strike

plain

SECTION 23. 6.55 (2) (d) of the statutes is amended to read:

21 6.55 (2) (d) A registered elector who has changed his or her name but resides
 22 at the same address, and has not notified the municipal clerk under s. 6.40 (1) (c),
 23 shall notify the inspector of the change before voting. The inspector shall then notify
 24 the municipal clerk at the time which materials are returned under s. 6.56 (1). If an
 25 elector ~~changes~~ has changed both a name and address, the elector shall ~~complete a~~

BILL

the person shall also present acceptable proof of residence as provided under sub. (7)

1 registration form register at the polling place or other registration location under
2 pars. (a) and (b).

3 SECTION 24. 6.55 (3) of the statutes is amended to read:

4 6.55 (3) Any qualified elector in the ward or election district where the elector
5 desires to vote whose name does not appear on the registration list where
6 registration is required but who claims to be registered to vote in the election may
7 request permission to vote at the polling place for that ward or election district.

8 When the request is made, the inspector shall require the person to give his or her
9 name and address. If the elector is not at the polling place which serves the ward or
10 election district where the elector resides, the inspector shall provide the elector with
11 directions to the correct polling place. If the elector is at the correct polling place, the
12 elector shall then execute the following written statement: "I, ..., hereby certify that
13 to the best of my knowledge, I am a qualified elector, having resided at for at least
14 10 days immediately preceding this election, and that I am not disqualified on any
15 ground from voting, and I have not voted at this election and am properly registered
16 to vote in this election." The person shall be required to provide acceptable proof of

17 residence as provided under sub. (7) and shall then be given the right to vote. If
18 acceptable proof is presented, the elector need not have the information corroborated
19 by any other elector. If acceptable proof is not presented, the statement shall be
20 certified by the elector and shall be corroborated by another elector who resides in
21 the municipality. The corroborator shall then provide acceptable proof of residence
22 as provided in sub. (7). Whenever the question of ^{identity} residence cannot be satisfactorily
23 resolved and the elector cannot be permitted to vote, an inspector shall telephone the
24 office of the municipal clerk to reconcile the records at the polling place with those
25 at the office.

present a valid operator's license issued to the person under ch. 343 that contains a photograph of the license holder or present a valid identification card issued to the person under s. 343.50. If any identification presented by the person is not

BILL

strike space

SECTION 25. 6.55 (7) (c) 1. of the statutes is amended to read:

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

SECTION 26. 6.55 (7) (c) 2. of the statutes is amended to read:

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

SECTION 27. 6.56 (2) of the statutes is amended to read:

~~6.56 (2) Upon receipt of the list, the municipal clerk shall make a check to determine whether each person who has been allowed to vote under s. 6.55 (3) is properly registered. If so, the clerk shall correct the registration list. If the address on the registration list is not correct, the clerk shall correct the address. The clerk shall then notify the elector by postcard when he or she is properly registered. If such person the person is found not to be properly registered, the clerk shall send the person a 1st class letter with that information, containing a mail registration form under s. 6.30 (4) indicating that the person may contact the clerk for instruction on how to continue the person's registration. The letter shall be marked "ADDRESS CORRECTION REQUESTED". If such letter is returned undelivered, or if the U.S. postal service notifies the clerk of an improper address which was apparently improper on the day of the election, the clerk shall notify the district attorney.~~

SECTION 28. 6.56 (5) of the statutes is repealed.

~~**SECTION 29.** 6.79 (1) of the statutes is amended to read:~~

~~6.79 (1) MUNICIPALITIES WITHOUT REGISTRATION. Except as provided in sub. (6) (a), where there is no registration, before being permitted to vote, each person shall state his or her full name and address. The officials shall enter each name and address on a poll list in the same order as the votes are cast. If the residence of the~~

stays

End ms

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1406/2dn

RJM&JTK: [initials]

KMG

Representative Walker:

1. It is possible that, if enacted, this draft may activate certain requirements under the National Voter Registration Act (commonly referred to as the "motor voter law"), from which this state is currently exempt. Primarily, these requirements include voter registration simultaneously with motor vehicle driver's license applications and renewals, voter registration at any office that provides public assistance, voter registration at any office that primarily provides state-funded services to persons with disabilities, and voter registration at armed forces recruiting offices. The motor voter law exempts any state in which "all voters ^{J.J.} may register to vote at the polling place at the time of voting." 42 USC 1973gg-2 (b) (2). This bill would prohibit a person from registering and voting on election day if the person had no acceptable ID and was unable to obtain one from the department of transportation before the close of the polls. You may want to consider allowing these individuals, only for the applicable election, to establish their identity by corroboration or to provide some type of statement certifying their identity and residence.

*INSERT
NOTE*

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E-mail: robert.marchant@legis.state.wi.us

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1406/1dn
RJM&JTK:kmg:rs

January 18, 2001

INSERT DNOTE

obtaining an absentee ballot
in person or

by mail

Representative Walker:

1. This draft generally requires a person to present a Wisconsin driver's license or Wisconsin identification card, or have his or her identity corroborated, in order to vote. However, a person who has obtained a confidential listing on a registration list may instead, present a voting identification card issued by the municipality in which the person resides. Please let us know if this exception is inconsistent with your intent.

SMOOTH HERE

2. This draft does not affect the method of obtaining an absentee ballot or the procedure for absentee voting. Under this draft, electors voting absentee need not present an I.D. to vote but electors voting at the polls must present an I.D. or have their identity corroborated. This more strict treatment of electors who vote at the polls may be subject to a challenge under the Equal Protection provisions of the Wisconsin or U.S. Constitution. Although there may well be a constitutional, rational basis for this disparate treatment, if you intend to avoid the issue entirely, you may want to consider requiring any absent elector (other than a military and overseas elector) to obtain an absentee ballot in person and to present an I.D. or have his or her identity corroborated.

obtaining an absentee ballot by mail

certain

all absent electors

electors

3. The draft applies the I.D. requirement to new residents voting in the presidential election under s. 6.15, stats., and to electors voting under s. 6.55 (3), stats., who claim to be registered but whose names do not appear on the registration list. Please review the treatment of these statutes and let us know if you desire any changes.

4. This draft alters slightly the procedure under s. 6.15, stats., whereby electors who have resided in Wisconsin for less than 10 days may vote for president and vice president only. Presently, application may be made in person or in writing at the office of the municipal clerk or at the proper polling place on election day. If application is made at the office of the municipal clerk, the elector may either vote there at that time, vote there later before the day of the election, or vote at the polling place on election day. Because the identification procedure under this draft is more thorough than the one currently provided, we did not think it would be appropriate for an elector to go through that procedure twice for the purpose of casting one ballot. Therefore, under this draft, the elector either applies at the office of the municipal clerk or at the polling place. If the elector applies in person at the office of the municipal clerk, the elector provides identification at that office and votes there at the time of application. If the elector makes written application to the municipal clerk, no identification need be presented (consistent with the absentee balloting procedure). If the elector applies at

his or her polling place, the elector provides identification at the polling place and votes there. Please let us know if this is not in accord with your intent.

5. The requirements for an elector to provide photo identification in order to vote, or to obtain a corroborator, may be held to deny equal protection to an elector who has no photo identification and who is unable to find and convince another elector of his or her municipality who is able to corroborate the elector's identity to accompany the elector to the polls. Because free photo identification is not available under the draft, and under the 24th Amendment to the U.S. Constitution, the right to vote in federal elections cannot be taxed by requiring a voter to purchase and maintain photo identification, the corroboration procedure becomes the critical qualifier in some cases. It may be argued that the absentee voting option should cure this defect, but that depends upon finding that a separate absentee voting procedure does not deny equal protection and that there is a rational basis for requiring some voters to vote absentee.

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State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

February 21, 2001

MEMORANDUM

To: Representative Walker

From: Robert J. Marchant, Legislative Attorney

Re: LRB-1406 Require identification in order to vote at polling place

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 261-4454 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1406/2dn
RJM&JTK:kmg:pg

February 21, 2001

Representative Walker:

1. It is possible that, if enacted, this draft may activate certain requirements under the National Voter Registration Act (commonly referred to as the "motor voter law"), from which this state is currently exempt. Primarily, these requirements include voter registration simultaneously with motor vehicle driver's license applications and renewals, voter registration at any office that provides public assistance, voter registration at any office that primarily provides state-funded services to persons with disabilities, and voter registration at armed forces recruiting offices. The motor voter law exempts any state in which "all voters ... may register to vote at the polling place at the time of voting." 42 USC 1973gg-2 (b) (2). This bill would prohibit a person from registering and voting on election day if the person had no acceptable ID and was unable to obtain one from the department of transportation before the close of the polls. You may want to consider allowing these individuals, only for the applicable election, to establish their identity by corroboration or to provide some type of statement certifying their identity and residence.

2. This draft does not affect the method of obtaining an absentee ballot by mail. Under this draft, electors obtaining an absentee ballot by mail need not present an I.D. to vote but electors obtaining an absentee ballot in person or voting at the polls must present an I.D. This more strict treatment of certain electors may be subject to a challenge under the Equal Protection provisions of the Wisconsin or U.S. Constitution. Although there may well be a constitutional, rational basis for this disparate treatment, if you intend to avoid the issue entirely, you may want to consider requiring all absent electors (other than military and overseas electors) to obtain an absentee ballot in person and to present an I.D.

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