

2001 DRAFTING REQUEST

Bill

Received: 01/25/2001

Received By: rmarchan

Wanted: As time permits

Identical to LRB:

For: Glenn Grothman (608) 264-8486

By/Representing: maggie

This file may be shown to any legislator: NO

Drafter: rmarchan

May Contact:

Addl. Drafters: kuesejt

Subject: Elections - miscellaneous

Extra Copies:

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Eliminate same day voter registration

Instructions:

Close registration 30 days before election, with no exceptions.

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 04/30/2001 kuesejt 05/02/2001	wjackson 05/04/2001		_____			S&L
/1			jfrantze 05/04/2001	_____	lrb_docadmin 05/04/2001	lrb_docadmin 01/07/2002	

FE Sent For:

At intro

<END>

**2001 DRAFTING REQUEST**

**Bill**

Received: **01/25/2001**

Received By: **rmarchan**

Wanted: **As time permits**

Identical to LRB:

For: **Glenn Grothman (608) 264-8486**

By/Representing: **maggie**

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

Drafter: **rmarchan**

May Contact:

Addl. Drafters: **kuesejt**

Subject: **Elections - miscellaneous**

Extra Copies:

Submit via email: **NO**

Requester's email:

**Pre Topic:**

No specific pre topic given

**Topic:**

Eliminate same day voter registration

**Instructions:**

Close registration 30 days before election, with no exceptions.

**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 04/30/2001 kuesejt 05/02/2001	wjackson 05/04/2001		_____			S&L
/1			jfrantze 05/04/2001	_____	lrb_docadmin 05/04/2001		

FE Sent For:

**<END>**

**2001 DRAFTING REQUEST**

**Bill**

Received: 01/25/2001

Received By: **rmarchan**

Wanted: **As time permits**

Identical to LRB:

For: **Glenn Grothman (608) 264-8486**

By/Representing: **maggie**

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

Drafter: **rmarchan**

May Contact:

Alt. Drafters: **kuesejt**

Subject: **Elections - miscellaneous**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Eliminate same day voter registration

**Instructions:**

Close registration 30 days before election, with no exceptions.

**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>
1/1	rmarchan	1 wlj 5/4	7/5/4	2/5/4			

FE Sent For:

<END>

5-31-01

RMUR

DUOTE

2001 BILL

and the determination of residency for voting purposes

(regenerate)

1  
2  
3  
4  
5  
6  
7

AN ACT ~~to repeal~~ 5.40 (6), 6.15 (3) (a) (title), 6.15 (3) (b), 6.26 (2) (d), 6.275 (1) (c),  
6.29, 6.32 (3), 6.54, 6.55 (2) (a) 2., 6.55 (2) (cm) and 6.55 (6); **to renumber and**  
**amend** 6.15 (3) (a), 6.55 (2) (a) 1. and 6.55 (2) (d); and **to amend** 5.40 (1), 6.10  
(3), 6.15 (2) (a) (intro.), 6.275 (1) (b), 6.275 (1) (d), 6.28 (1), 6.33 (2) (b), 6.40 (1)  
(a), 6.40 (1) (b), 6.40 (1) (c), 6.45 (1), 6.45 (1m), 6.55 (title), 6.55 (2) (c) 1., 6.56  
(1), 6.56 (3), 6.79 (2), 6.79 (4), 7.03 (1) (d) and 7.30 (2) (a) of the statutes; **relating**  
**to:** the deadline for voter registration.

**Analysis by the Legislative Reference Bureau**

Under current law, every municipality with a population of greater than 5,000 is required to maintain a voter registration list. With certain exceptions, the deadline for voter registration is 5 p.m. on the second Wednesday preceding the election. Registrations made by mail must be delivered to the office of the municipal clerk or board of election commissioners or postmarked not later than this deadline. However, under current law, voters may also register in person at the office of the municipal clerk or board of election commissioners until 5 p.m. on the day before the election or, in most cases, may register at the proper polling place or other designated location on election day. In addition, voters may register at any time after the deadline if the municipal clerk determines that the registration list can be revised to incorporate the registration in time for the election.

**BILL**

5 p.m. on the 28th day

Under this bill, the deadline for registration is ~~the Thursday~~ preceding the election, with no exceptions. Under the bill, in-person registrations must be completed by this deadline, and registrations made by mail must be delivered or postmarked not later than this deadline. However, the bill permits an elector who changes his or her name or who moves to a new residence within the same ward or election district to update his or her registration at the proper polling place or other designated location on election day.

INSS/ANALYSIS

If enacted, this bill would 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 simultaneous voter registration 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.

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

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

1 SECTION 1. 5.40 (1) of the statutes is amended to read:  
2 5.40 (1) Except as permitted in sub. (3) or as required in subs. (4) to (6) (5m),  
3 the governing body or board of election commissioners of every municipality with a  
4 population of 10,000 or more before July 1, 1995, or of 7,500 or more thereafter shall  
5 require the use of voting machines or electronic voting systems in every ward in the  
6 municipality at every election. Any other governing body or board of election  
7 commissioners may adopt and purchase voting machines or electronic voting  
8 systems for use in any ward in the municipality at any election.

SECTION 2. 5.40 (6) of the statutes is repealed.

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

6.10 (3) When an elector moves from one ward to another within a municipality  
or from one municipality to another within the state after the last registration day  
but at least 10 days before the election, the elector may vote in and be considered a

INSET 8  
2-9 (9)

**BILL**

1 resident of the new ward or municipality where residing upon transferring  
 2 registration under s. 6.40 (1) or upon registering at the proper polling place or other  
 3 registration location in the new ward or municipality under s. 6.55 (2). If the elector  
 4 moves within ~~10~~<sup>(28)</sup> days of an election, the elector shall vote in the elector's old ward  
 5 or municipality if otherwise qualified to vote there.

*INSERT*  
*3-5*  
 (4)  
 (5)

6 **SECTION 4.** 6.15 (2) (a) (intro.) of the statutes is amended to read:

7 6.15 (2) (a) (intro.) The elector's request for the application form may be made  
 8 to the proper municipal clerk either in person or in writing any time during the  
 9 ~~10 day~~<sup>(28-day)</sup> period in which the elector's residence requirement is incomplete, but not  
 10 later than the applicable deadline for making application for an absentee ballot, or  
 11 may be made at the proper polling place in the ward or election district in which the  
 12 elector resides. The application form shall be returned to the municipal clerk after  
 13 the affidavit has been signed in the presence of the clerk or any officer authorized by  
 14 law to administer oaths. The affidavit shall be in substantially the following form:

15 **SECTION 5.** 6.15 (3) (a) (title) of the statutes is repealed.

16 **SECTION 6.** 6.15 (3) (a) of the statutes is renumbered 6.15 (3) and 6.15 (3) (a),  
 17 as renumbered, is amended to read:

18 6.15 (3) (a) Upon proper completion of the application and cancellation card,  
 19 the municipal clerk shall inform the elector that he or she may vote for the  
 20 presidential electors not sooner than ~~9~~<sup>(27)</sup> days nor later than 5 p.m. on the day before  
 21 the election at the office of the municipal clerk, or at a specified polling place on  
 22 election day. When voting at the municipal clerk's office, the applicant shall provide  
 23 identification and shall mark or punch the ballot in the clerk's presence in a manner  
 24 that will not disclose his or her vote. Unless the ballot is utilized with an electronic  
 25 voting system, the applicant shall fold the ballot so as to conceal his or her vote. The

**BILL**

1 applicant shall then deposit the ballot and seal it in an envelope furnished by the  
2 clerk.

INSPECT  
4-3

3 **SECTION 7.** 6.15 (3) (b) of the statutes is repealed.

4 **SECTION 8.** 6.26 (2) (d) of the statutes is repealed.

5 **SECTION 9.** 6.275 (1) (b) of the statutes is amended to read:

6 6.275 (1) (b) Where registration applies, the total number of electors of the  
7 municipality residing in that county who were ~~preregistered~~ registered on the  
8 deadline specified in s. 6.28 (1), including valid mail registrations which are  
9 postmarked by that day.

10 **SECTION 10.** 6.275 (1) (c) of the statutes is repealed.

11 **SECTION 11.** 6.275 (1) (d) of the statutes is amended to read:

12 6.275 (1) (d) Where registration applies, the total number of electors of the  
13 municipality residing in that county who ~~registered~~ transferred registration on the  
14 day of the primary or election under s. 6.55 (2).

15 **SECTION 12.** 6.28 (1) of the statutes is amended to read:

16 6.28 (1) REGISTRATION LOCATIONS; DEADLINE. Except as authorized in ~~ss. 6.29 and~~  
17 ~~s. 6.55 (2)~~, registration in person for any election shall close at 5 p.m. on the 2nd  
18 Wednesday ~~Thursday~~ 28th day preceding the election. Registrations made by mail under s.  
19 6.30 (4) must be delivered to the office of the municipal clerk or postmarked no later  
20 than the 2nd Wednesday ~~Thursday~~ 28th day preceding the election. ~~An~~ Except as authorized  
21 in s. 6.55 (2), no application for registration in person or by mail may be accepted for  
22 placement on the registration list after the specified deadline, if the municipal clerk  
23 determines that the registration list can be revised to incorporate the registration  
24 in time for the election. All applications for registration corrections and additions  
25 may be made throughout the year at the office of the city board of election



**BILL**

1 commissioners, at the office of the municipal clerk, at the office of any register of  
 2 deeds, or at other locations provided by the board of election commissioners or the  
 3 common council in cities over 500,000 population or by either or both the municipal  
 4 clerk, or the common council, village or town board in all other municipalities and  
 5 may also be made during the school year at any high school by qualified persons  
 6 under sub. (2) (a). Other registration locations may include but are not limited to fire  
 7 houses, police stations, public libraries, institutions of higher education,  
 8 supermarkets, community centers, plants and factories, banks, savings and loan  
 9 associations, and savings banks. Special registration deputies shall be appointed for  
 10 all locations. An elector who wishes to obtain a confidential listing under s. 6.47 (2)  
 11 shall register at the office of the municipal clerk of the municipality where the elector  
 12 resides.

13 SECTION 13. 6.29 of the statutes is repealed.

14 SECTION 14. 6.32 (3) of the statutes is repealed.

15 SECTION 15. 6.33 (2) (b) of the statutes is amended to read:

16 6.33 (2) (b) The registration form shall be signed by the registering elector and  
 17 any corroborating elector under s. ~~6.29 (2) (a) or~~ 6.55 (2) before the clerk, issuing  
 18 officer, or registration deputy. The form shall contain a certification by the  
 19 registering elector that all statements are true and correct.

20 SECTION 16. 6.40 (1) (a) of the statutes is amended to read:

21 6.40 (1) (a) ~~Within municipality~~ <sup>within</sup> Any registered elector shall transfer  
 22 registration after a change of residence ~~within the municipality in which he or she~~  
 23 ~~is registered~~ <sup>of the municipality where the elector</sup> by appearing in person or by mailing to the municipal clerk a signed <sup>currently</sup>  
 24 request stating his or her present address, affirming that this will be the elector's <sup>resides</sup>  
 25 residence for ~~10~~ <sup>28</sup> days prior to the election, and providing the address where he or she

INSERT  
5-14

20  
21  
22  
23  
24  
25

currently  
resides

## BILL

1 was last registered. Alternatively, the elector may transfer his or her registration  
 2 at the proper polling place or other registration location under s. 6.02 (2) in  
 3 accordance with s. 6.55 (2) (a). If an elector is voting at a former ward or election  
 4 district changes his or her residence from one municipality to another or from one  
 5 ward to another within the same municipality, within 10 days of an election, the  
 6 change shall be effective for the next election.

7 SECTION 17. 6.40 (1) (b) of the statutes is amended to read:

8 6.40 (1) (b) <sup>(b)(1)</sup> ~~Within state.~~ <sup>③ Cancellation of previous registration</sup> Any elector who changes residence within this state  
 9 from one municipality to another shall give his or her previous residence upon  
 10 application for registration at the new residence and shall sign an authorization to  
 11 cancel voting privileges at the former residence on a form prescribed by the board and  
 12 furnished by each municipality. The cancellation authorization shall be forwarded  
 13 to the proper election officials no later than 3 days after the close of registration.  
 14 ~~Such elector may also transfer his or her registration at the proper polling place or~~  
 15 ~~other registration location as provided in s. 6.55 (2) (a).~~

16 SECTION 18. 6.40 (1) (c) of the statutes is amended to read:

17 6.40 (1) (c) *Name change.* Whenever an elector's name is legally changed,  
 18 including a change by marriage or divorce, the elector shall transfer his or her  
 19 registration to his or her legal name by appearing in person or mailing to the  
 20 municipal clerk a signed request for a transfer of registration to such name.  
 21 Alternatively, a registered elector may make notification of a name change at his or  
 22 her polling place under s. 6.55 (2) (d) (1).

23 SECTION 19. 6.45 (1) of the statutes is amended to read:

24 6.45 (1) After the deadline for revision of the registration list, the municipal  
 25 clerk shall make copies of the list for election use. The registration list and any

**BILL**

1 supplemental lists which are prepared at polling places or other registration  
2 locations under s. 6.55 or 6.79, shall be open to public inspection. Under the  
3 regulations prescribed by the municipal clerk, any person may copy the registration  
4 list at the office of the clerk. A registration list maintained at a polling place may be  
5 examined by any person who is observing the proceedings under s. 7.41 when such  
6 use does not interfere with the conduct of the election.

7 **SECTION 20.** 6.45 (1m) of the statutes is amended to read:

8 6.45 (1m) The registration list and any supplemental lists which are prepared  
9 at polling places or other registration locations under s. 6.55 or 6.79, shall be open  
10 to public inspection. Under the regulations prescribed by the municipal clerk, any  
11 person may copy the registration list at the office of the clerk. A registration list  
12 maintained at a polling place may be examined by any person who is observing the  
13 proceedings under s. 7.41 when such use does not interfere with the conduct of the  
14 election. This subsection does not apply to information that is confidential under s.  
15 6.47.

16 **SECTION 21.** 6.54 of the statutes is repealed.

17 **SECTION 22.** 6.55 (title) of the statutes is amended to read:

18 **6.55 (title) Polling place Updating registration at polling place; voting**  
19 **by certification.**

20 **SECTION 23.** 6.55 (2) (a) 1. of the statutes is renumbered 6.55 (2) (a) and  
21 amended to read:

22 6.55 (2) (a) Except where the procedure under par. (c) ~~or (em)~~ is employed, any  
23 ~~person who qualifies as an elector in the ward or election district where he or she~~  
24 ~~desires to vote, but has not previously filed a registration form, or was registered at~~  
25 ~~another location in a municipality where registration is required, registered elector~~

## BILL

1 who has changed his or her residence within the ward or election district in which  
2 he or she is registered and who has not notified the municipal clerk of the change of  
3 address under s. 6.40 (1) may request permission to vote at the polling place for that  
4 ward or election district serving the elector's residence, or at an alternate polling  
5 place assigned under s. 5.25 (5) (b). When a proper request is made, the inspector  
6 shall require the person elector to execute transfer his or her registration by  
7 executing a registration form prescribed by the board that shall contain the following  
8 certification:

9 "I, ....., hereby certify that to the best of my knowledge, I am a qualified elector,  
10 having resided at .... for at least ~~10~~<sup>28</sup> days immediately preceding this election, and  
11 that I am not disqualified on any ground from voting, and I have not voted, at this  
12 election."

13 SECTION 24. 6.55 (2) (a) 2. of the statutes is repealed.

14 SECTION 25. 6.55 (2) (c) 1. of the statutes is amended to read:

15 6.55 (2) (c) 1. As an alternative to transferring registration at the polling place  
16 under pars. (a) and (b), the board of election commissioners, or the governing body  
17 of any municipality in which registration is required, may by resolution require a  
18 ~~person who qualifies as an elector and who is not registered and desires to register~~  
19 ~~on the day of an election to do so~~ registered elector who has changed his or her  
20 residence within the ward or election district in which he or she is registered, who  
21 has not notified the municipal clerk of the change of address under s. 6.40 (1), and  
22 who desires to vote to transfer his or her registration at another readily accessible  
23 location in the same building as the polling place serving the elector's residence or  
24 at an alternate polling place assigned under s. 5.25 (5) (b), instead of at the polling  
25 place serving the elector's residence. In such case, the municipal clerk shall

**BILL**

1 prominently post a notice of ~~the registration location~~ at the polling place of the  
2 location designated for transferring registrations. The municipal clerk, deputy  
3 clerk, or special registration deputy at the registration location shall require such  
4 person to execute transfer his or her registration by executing a registration form as  
5 prescribed under par. (a) and to provide acceptable proof of residence as provided  
6 under sub. (7). If the person cannot supply such proof, the registration form shall be  
7 corroborated in the manner provided in par. (b). The signing by the elector executing  
8 the form and by any corroborating elector shall be in the presence of the municipal  
9 clerk, deputy clerk, or special registration deputy. Upon proper completion of  
10 registration, the municipal clerk, deputy clerk, or special registration deputy shall  
11 serially number the registration and give one copy to the elector for presentation at  
12 the polling place serving the elector's residence or an alternate polling place assigned  
13 under s. 5.25 (5) (b).

14 **SECTION 26.** 6.55 (2) (cm) of the statutes is repealed.

15 **SECTION 27.** 6.55 (2) (d) of the statutes is renumbered 6.55 (1) and amended to  
16 read:

17 6.55 (1) A registered elector who has changed his or her name but resides at  
18 the same address, and has not notified the municipal clerk under s. 6.40 (1) (c), shall  
19 notify the inspector of the change before voting. The inspector shall then notify the  
20 municipal clerk at the time ~~which that~~ that materials are returned under s. 6.56 (1). If  
21 an A registered elector changes both a name and address, the elector who has  
22 changed his or her residence within the ward or election district in which he or she  
23 is registered and who has not notified the municipal clerk of the change of address  
24 under s. 6.40 (1) shall complete transfer registration by completing a registration  
25 form at the polling place or other registration location under ~~pars. (a) and (b) sub. (2)~~

## BILL

1 before voting. A registered elector who has changed his or her residence within this  
2 state from one municipality to another or within a municipality from one ward to  
3 another, and who has not notified the municipal clerk of the change of address under  
4 s. 6.40 (1), may not be permitted to vote, except at a subsequent election for which  
5 the elector is properly registered or as authorized under s. 6.10 (3) or 6.85.

6 SECTION 28. 6.55 (6) of the statutes is repealed.

7 SECTION 29. 6.56 (1) of the statutes is amended to read:

8 6.56 (1) The list containing the names of persons voting under ~~ss. 6.29 and s.~~  
9 6.55 (2) and (3) shall be returned together with all forms and certificates to the  
10 municipal clerk.

11 SECTION 30. 6.56 (3) of the statutes is amended to read:

12 6.56 (3) The municipal clerk or board of election commissioners shall make an  
13 audit of all electors ~~registering to vote~~ transferring registration at the polling place  
14 or other registration location under s. 6.55 (2) upon receipt of the list under sub. (1).  
15 The audit shall be made by 1st class postcard. The postcard shall be labeled "ADDRESS  
16 CORRECTION REQUESTED" or "DO NOT FORWARD—RETURN POSTAGE GUARANTEED".  
17 GUARANTEE. If any postcard is returned undelivered, or if the clerk or board of  
18 election commissioners is informed of a different address than the one specified by  
19 the elector ~~which~~ that was apparently improper on the day of the election, the clerk  
20 or board shall remove the elector's name from the registration list, mail the elector  
21 a notice of the removal, and provide the name to the district attorney for the county  
22 where the polling place is located.

23 SECTION 31. 6.79 (2) of the statutes is amended to read:

24 6.79 (2) MUNICIPALITIES WITH REGISTRATION. Except as provided in sub. (6) (b),  
25 where there is registration, each person, before receiving a voting number, shall state

**BILL**

1 his or her full name and address. Upon the prepared registration list, after the name  
2 of each elector, the officials shall enter the serial number of the vote as it is polled,  
3 beginning with number one. Each elector shall receive a slip bearing the same serial  
4 number. The officials shall enter upon the prepared registration list, after the name  
5 of any elector who updates his or her registration under s. 6.55 (1), the updated name  
6 of the elector. A separate list shall be maintained for electors who are voting under  
7 s. 6.15, ~~6.29~~ or 6.55 (2) or (3) and electors who are reassigned from another polling  
8 place under s. 5.25 (5) (b). Each such elector shall have his or her full name, address,  
9 and serial number likewise entered and shall be given a slip bearing such number.

10 **SECTION 32.** 6.79 (4) of the statutes is amended to read:

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

23 **SECTION 33.** 7.03 (1) (d) of the statutes is amended to read:

24 7.03 (1) (d) ~~Special registration deputies appointed under s. 6.55 (6), special~~  
25 voting deputies appointed under s. 6.875 (4) and officials and trainees who attend

INSERT  
1-22  
21  
22

**BILL**

1 training sessions under s. 7.15 (1) (e) or 7.25 (5) may be compensated at the option  
2 of the municipality.

3 **SECTION 34.** 7.30 (2) (a) of the statutes is amended to read:

4 7.30 (2) (a) Only election officials appointed under this section may conduct an  
5 election. Except as authorized in s. 7.15 (1) (k), each inspector shall be a qualified  
6 elector in the ward for which the polling place is established. ~~Special registration~~  
7 ~~deputies appointed under s. 6.55 (6) and election~~ Election officials serving more than  
8 one ward or when necessary to fill a vacancy under par. (b) need not be a resident of  
9 that ward, but shall be a resident of the municipality. Special registration deputies  
10 may be appointed to serve more than one polling place. All officials shall be able to  
11 read and write the English language, be capable, be of good understanding, and may  
12 not be a candidate for any office to be voted for at an election at which they serve.  
13 In 1st class cities, they may hold no public office other than notary public. Except  
14 as authorized under sub. (4) (c), all inspectors shall be affiliated with one of the 2  
15 recognized political parties ~~which~~ that received the largest number of votes for  
16 president, or governor in nonpresidential general election years, in the ward or  
17 combination of wards served by the polling place at the last election. The party ~~which~~  
18 that received the largest number of votes is entitled to one more inspector than the  
19 party receiving the next largest number of votes at each polling place. The same  
20 election officials may serve the electors of more than one ward where wards are  
21 combined under s. 5.15 (6) (b). If a municipality is not divided into wards, the ward  
22 requirements in this paragraph apply to the municipality at large.

23 **SECTION 35. Initial applicability.**

24 (1) This act first applies to ~~registration for elections held on the effective date~~  
25 ~~of this subsection.~~

the 2002 September primary



**BILL**

1  
2  
3  
4

**SECTION 36. Effective date.**  
(1) This act takes effect on the first day of the 2nd month beginning after publication.

(END)

DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2256/11 dn  
RJM&JTK:wlj:pg

January 17, 2001

Grothman

(the 30th day would be a Sunday, in most cases)

Representative [redacted]

1. If enacted, this draft would 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 simultaneous voter registration 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.

2. The attached draft generally creates a new registration deadline of 5 p.m. on the ~~Thursday~~ before an election. However, the draft permits a registered elector who has changed his or her name or who has moved to a new residence within the same ward or election district to update his or her registration on election day. See proposed s. 6.55 (1) and (2). ~~This treatment is different from the treatment under LRB-1999/1.~~ Under the motor voter law, the state is required to permit a registered elector who changes his or her residence within a ward or election district to update his or her registration at the polls on election day. See 42 USC 1973gg-6(e)(1). Let me know if this treatment is not consistent with your intent.

28th

unregistered

US

3. This ~~bill~~ <sup>draft</sup> repeals s. 6.15 (3) (b), stats., which currently permits unregistered electors who have resided in this state for less than ten days to vote in a presidential election at the polls on election day. Under this draft, ~~these~~ <sup>unregistered</sup> electors may register and vote at the municipal clerk's office not sooner than ~~nine~~ <sup>27</sup> days nor later than 5 p.m. on the day before the presidential election. As under current law, these electors may only vote for president and vice president.

4

27

this provision

4. The draft contains a ~~delayed effective date and an initial applicability provision.~~ Please let us know if you do not intend to include ~~these provisions.~~

5

Please let us know if you have any questions or suggested changes.

who have resided in this state for less than 28 days

Robert J. Marchant  
Legislative Attorney  
Phone: (608) 261-4454  
E-mail: robert.marchant@legis.state.wi.us

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

3. In order to coordinate with the close of registration, this draft generally requires an individual to reside in this state for 28 days before an election in order to be eligible to vote.

in order to make it clear when the new registration and residency requirements first apply

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2256/lins  
RJM&JTK:.....

INSERT ANALYSIS

Under current law, with certain limited exceptions, an individual must be a resident of this state for ~~10~~<sup>28</sup> days before an election ~~in order~~<sup>to</sup> to be eligible to vote in the election. This bill increases this durational residency requirement to 28 days.

INSERT 2-9

~~SECTION 6.02~~<sup>#</sup> (1)<sup>✓</sup> of the statutes is amended to read:

6.02 (1) Every U.S. citizen age 18 or older who has resided in an election district or ward for ~~10~~ 28 days before any election where the citizen offers to vote is an eligible elector.

History: 1971 c. 304 s. 29 (2); 1971 c. 336 s. 37; 1975 c. 85 ss. 5, 66 (3); 1977 c. 394; 1991 a. 316.

~~SECTION 6.02~~<sup>#</sup> (2)<sup>✓</sup> of the statutes is amended to read:

6.02 (2) Any U.S. citizen age 18 or older who moves within this state later than ~~10~~ 28 days before an election shall vote at his or her previous ward or election district if the person is otherwise qualified. If the elector can comply with the ~~10-day~~ 28-day residence requirement at the new address and is otherwise qualified, he or she may vote in the new ward or election district.

History: 1971 c. 304 s. 29 (2); 1971 c. 336 s. 37; 1975 c. 85 ss. 5, 66 (3); 1977 c. 394; 1991 a. 316.

INSERT 3-5

~~SECTION 6.10~~<sup>#</sup> (4)<sup>✓</sup> of the statutes is amended to read:

6.10 (4) The residence of an unmarried person sleeping in one ward and boarding in another is the place where the person sleeps. The residence of an unmarried person in a transient vocation, a teacher or a student who boards at different places for part of the week, month or year, if one of the places is the residence of the person's parents, is the place of the parents' residence unless through registration or similar act the person elects to establish a residence elsewhere. If the person has no parents and if the person has not registered elsewhere, the person's residence shall be at the place ~~which~~<sup>that</sup> the person considered his or her residence in

preference to any other for at least ~~10~~ 28 days before an election. If this place is within the municipality, the person is entitled to all the privileges and subject to all the duties of other citizens having their residence there, including voting.

History: 1971 c. 304 s. 29 (2); 1977 c. 85, 94, 199; 1977 c. 26; 1979 c. 260; 1983 a. 192, 484; 1985 a. 304; 1987 a. 391; 1991 a. 316; 1997 a. 39.

**SECTION 6.15 (1)** of the statutes is amended to read:

**6.15 (1) QUALIFICATIONS.** Any person who was or who is a qualified elector under ss. 6.02 and 6.03, except that he or she has been a resident of this state for less than 10 28 days prior to the date of the presidential election, is entitled to vote for the president and vice president but for no other offices. The fact that the person was not registered to vote in the state from which he or she moved does not prevent voting in this state if the elector is otherwise qualified.

History: 1977 c. 304; 1979 c. 311; 1981 c. 391; 1982 a. 484; 1985 a. 304; 1987 a. 391; 1997 a. 250; 1999 a. 182.

**SECTION 6.15 (2) (a)** of the statutes is amended to read:

**6.15 (2) (a)** The elector's request for the application form may be made to the proper municipal clerk either in person or in writing any time during the ~~10-day~~ 28-day period in which the elector's residence requirement is incomplete, but not later than the applicable deadline for making application for an absentee ballot, ~~or may be made at the proper polling place in the ward or election district in which the elector resides.~~ The application form shall be returned to the municipal clerk after the affidavit has been signed in the presence of the clerk or any officer authorized by law to administer oaths. The affidavit shall be in substantially the following form:

STATE OF WISCONSIN

County of ....

I, ..., do solemnly swear that I am a citizen of the United States; that prior to establishing Wisconsin residence, my legal residence was in the ... (town) (village) (city) of ..., state of ..., residing at ... (street address); that on the day of the next

presidential election, I shall be at least 18 years of age and that I have been a legal resident of the state of Wisconsin since ....., .. (year), residing at .... (street address), in the [... ward of the ... aldermanic district of] the (town) (village) (city) of ....., county of ....; that I have resided in the state less than ~~10~~ 28 days, that I am qualified to vote for president and vice president at the election to be held November ....., .... (year), that I am not voting at any other place in this election and that I hereby make application for an official presidential ballot, in accordance with section 6.15 of the Wisconsin statutes.

Signed ....

P.O. Address ....

Subscribed and sworn to before me this .... day of ....., .... (year)

....(Name)

....(Title)

History: 1977 c. 394; 1979 c. 311; 1981 c. 391; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1997 a. 250; 1999 a. 182.

INSERT 4-3

~~6.~~ <sup>#</sup> SECTION 6. 6.18 of the statutes is amended to read:

**6.18 Former residents.** If ineligible to qualify as an elector in the state to which the elector has moved, any former qualified Wisconsin elector may vote an absentee ballot in the ward of the elector's prior residence in any presidential election occurring within 24 months after leaving Wisconsin by requesting an application form and returning it, properly executed, to the municipal clerk of the elector's prior Wisconsin residence. When requesting an application form for an absentee ballot, the applicant shall specify the applicant's eligibility for only the presidential ballot. The application form shall require the following information and be in substantially the following form:

This blank shall be returned to the municipal clerk's office. Application must be received in sufficient time for ballots to be mailed and returned prior to any presidential election at which applicant wishes to vote. Complete all statements in full.

APPLICATION FOR PRESIDENTIAL  
ELECTOR'S ABSENT BALLOT.

(To be voted at the Presidential Election  
on November ....., .... (year)

I, .... hereby swear or affirm that I am a citizen of the United States, formerly residing at .... in the .... ward .... aldermanic district (city, town, village) of ....., County of .... for ~~10~~ 28 days prior to leaving the State of Wisconsin. I, .... do solemnly swear or affirm that I do not qualify to register or vote under the laws of the State of ....(State you now reside in) where I am presently residing. A citizen must be a resident of: State ....(Insert time) County ....(Insert time) City, Town or Village ....(Insert time), in order to be eligible to register or vote therein. I further swear or affirm that my legal residence was established in the State of ....(the State where you now reside) on .... Month .... Day .... Year.

Signed ....

Address ....(Present address)

....(City) ....(State)

Subscribed and sworn to before me this .... day of .... .... (year)

....(Notary Public, or other officer authorized to administer oaths.)

....(County)

My Commission expires

MAIL BALLOT TO:

NAME ....

ADDRESS ....

CITY .... STATE .... ZIP CODE ....

*Penalties for Violations.* Whoever swears falsely to any absent elector affidavit under this section may be fined not more than \$1,000 or imprisoned not more than 6 months, or both. Whoever intentionally votes more than once in an election may be fined not more than \$10,000 or imprisoned not more than 3 years, or both.

....(Municipal Clerk)

....(Municipality)

History: 1971 c. 304 s. 29 (1), (2); 1975 c. 85 ss. 9, 66 (3); 1991 a. 316; 1997 a. 250.

INSERT 5-14

SECTION ~~7~~<sup>6</sup>. 6.33 (1)<sup>✓</sup> of the statutes is amended to read:

6.33 (1) The municipal clerk shall supply sufficient registration forms as prescribed by the board printed on loose-leaf sheets or cards to obtain from each applicant information as to name, date, residence location, citizenship, age, whether the applicant has resided within the ward or election district for at least ~~10~~ 28 days, whether the applicant has lost his or her right to vote, and whether the applicant is currently registered to vote at any other location, and shall provide a space for the applicant's signature. The forms shall also include a space for the identification serial number of any elector who is issued such a number under s. 6.47 (3). Each register of deeds shall obtain sufficient registration forms at the expense of the unit of government by which he or she is employed for completion by any elector who desires to register to vote.

History: 1971 c. 304 s. 29 (1), (2); 1971 c. 336 s. 37; 1975 c. 85 ss. 15, 16, 17, 66 (3); 1975 c. 94 s. 91; 1977 c. 378, 394, 447; 1979 c. 32; 1981 c. 44 s. 3; 1981 c. 202 s. 23; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1999 a. 49, 182.

INSERT 10-5

~~§~~  
SECTION ~~B.~~ 6.55 (3) of the statutes is amended to read:

6.55 (3) Any qualified elector in the ward or election district where the elector desires to vote whose name does not appear on the registration list where registration is required but who claims to be registered to vote in the election may request permission to vote at the polling place for that ward or election district. When the request is made, the inspector shall require the person to give his or her name and address. If the elector is not at the polling place which serves the ward or election district where the elector resides, the inspector shall provide the elector with directions to the correct polling place. If the elector is at the correct polling place, the elector shall then execute the following written statement: "I, ..., hereby certify that to the best of my knowledge, I am a qualified elector, having resided at .... for at least ~~10~~ 28 days immediately preceding this election, and that I am not disqualified on any ground from voting, and I have not voted at this election and am properly registered to vote in this election." The person shall be required to provide acceptable proof of residence as provided under sub. (7) and shall then be given the right to vote. If acceptable proof is presented, the elector need not have the information corroborated by any other elector. If acceptable proof is not presented, the statement shall be certified by the elector and shall be corroborated by another elector who resides in the municipality. The corroborator shall then provide acceptable proof of residence as provided in sub. (7). Whenever the question cannot be satisfactorily resolved and the elector permitted to vote, an inspector shall telephone the office of the municipal clerk to reconcile the records at the polling place with those at the office.

History: 1971 c. 304 s. 29 (2); 1973 c. 222; 1975 c. 85, 93, 199, 200; 1977 c. 394, 427; 1979 c. 311; 1981 c. 44 s. 3; 1981 c. 202 s. 23; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1999 a. 49, 186.

INSERT 11-22

~~§~~  
SECTION ~~A.~~ 6.85 of the statutes is amended to read:



(1)

**6.85 Absent elector; definition.** An absent elector is any otherwise qualified elector who for any reason is unable or unwilling to appear at the polling place in his or her ward. Any otherwise qualified elector who changes residence within this state by moving to a different ward or municipality later than 10 28 days prior to an election may vote an absentee ballot in the ward or municipality where he or she was qualified to vote before moving. An elector qualifying under this section may vote by absentee ballot under ss. 6.86 to 6.89.

(2)

(3)

History: 1971 c. 304 s. 29 (2); 1975 s. 85, 199; 1977 c. 394; 1979 c. 232; 1983 a. 484; 1999 a. 182.

**SECTION 10. 6.87 (2) of the statutes is amended to read:**

**6.87 (2)** Except as authorized under sub. (3) (d), the municipal clerk shall place the ballot in an unsealed envelope furnished by the clerk. The envelope shall have the name, official title and post-office address of the clerk upon its face. The other side of the envelope shall have a printed certificate in substantially the following form:

[STATE OF ....

County of ....]

or

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

I, ..., certify subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false statements, that I am a resident of the [... ward of the] (town) (village) of ..., or of the ... aldermanic district in the city of ..., residing at ... in said city, the county of ..., state of Wisconsin, and am entitled to vote in the (ward) (election district) at the election to be held on ...; that I am not voting at any other location in this election; that I am unable or unwilling to appear at the polling place in the (ward) (election district) on election day or have changed my residence within the state from one ward

or election district to another within ~~10~~ 28 days before the election. An elector who provides an identification serial number issued under s. 6.47 (3) need not provide a street address. I certify that I exhibited the enclosed ballot unmarked to the witness, that I then in (his) (her) presence and in the presence of no other person marked the ballot and enclosed and sealed the same in this envelope in such a manner that no one but myself and any person rendering assistance under s. 6.87 (5), Wis. Stats., if I requested assistance, could know how I voted.

Signed ....

Identification serial number, if any: ....

The witness shall execute the following:

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

...(Name)

...(Address)

NOTE: NOTE: Sub. (2) is shown as affected by two acts of the 1999 legislature and as merged by the revisor under s. 13.93 (2) (c).NOTE:  
History: 1971 c. 242; 1971 c. 304 s. 29 (1), (2); 1975 c. 85; 1975 c. 93 s. 119 (2); 1975 c. 199; 1977 c. 394; 1979 c. 232, 260, 311, 355; 1983 a. 36, 484, 538; 1985 a. 304; 1991 a. 316; 1999 a. 49, 182; s. 13.93 (2) (c).

**SECTION 6.94** of the statutes is amended to read:

**6.94 Challenged elector oath.** If the person challenged refuses to answer fully any relevant questions put to him or her by the inspector under s. 6.92, the inspectors shall reject the elector's vote. If the challenge is not withdrawn after the person offering to vote has answered the questions, one of the inspectors shall administer to the person the following oath or affirmation: "You do solemnly swear (or affirm) that: you are 18 years of age; you are a citizen of the United States; you

are now and for ~~10~~ 28 days have been a resident of this ward except under s. 6.02 (2); you have not voted at this election; you have not made any bet or wager or become directly or indirectly interested in any bet or wager depending upon the result of this election; you are not on any other ground disqualified to vote at this election". If the person challenged refuses to take the oath or affirmation, the person's vote shall be rejected. If the person challenged answers fully all relevant questions put to the elector by the inspector under s. 6.92, takes the oath or affirmation, fulfills the registration requirements, where applicable, and the answers to the questions given by the person indicate that the person meets the voting qualification requirements, the person's vote shall be received.

**History:** 1971 c. 304 s. 29 (2); 1971 c. 336 s. 37; 1975 c. 85 ss. 45, 66 (3); 1977 c. 394 s. 54; 1983 a. 484.

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2256/1dn  
RJM&JTK:wlj:jf

May 4, 2001

Representative Grothman:

1. If enacted, this draft would 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 simultaneous voter registration 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.
2. The attached draft generally creates a new registration deadline of 5 p.m. on the 28th day before an election. (The 30th day would be a Sunday, in most cases.) However, the draft permits a registered elector who has changed his or her name *or who has moved to a new residence within the same ward or election district* to update his or her registration on election day. See proposed s. 6.55 (1) and (2). Under the motor voter law, the state is required to permit a registered elector who changes his or her residence within a ward or election district to update his or her registration at the polls on election day. See 42 USC 1973gg-6 (e) (1). Let us know if this treatment is not consistent with your intent.
3. To coordinate with the close of registration, this draft generally requires an individual to reside in this state for 28 days before an election to be eligible to vote.
4. This draft repeals s. 6.15 (3) (b), stats., which currently permits unregistered electors who have resided in this state for less than ten days to vote in a presidential election at the polls on election day. Under this draft, unregistered electors who have resided in this state for less than 28 days may vote at the municipal clerk's office not sooner than 27 days nor later than 5 p.m. on the day before the presidential election. As under current law, these electors may only vote for president and vice president.
5. The draft contains an initial applicability provision to make it clear when the new registration and residency requirements first apply. Please let us know if you do not intend to include this provision.

Please let us know if you have any questions or suggested changes.

Robert J. Marchant  
Legislative Attorney  
Phone: (608) 261-4454  
E-mail: robert.marchant@legis.state.wi.us

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



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

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

May 4, 2001

### MEMORANDUM

To: Representative Grothman

From: Robert J. Marchant, Legislative Attorney

Re: LRB-2256/1 Eliminate same day voter registration

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.