

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/22/2001

Received By: **rmarchan**

Wanted: **Soon**

Identical to LRB:

For: **Assembly Republican Caucus**

By/Representing: **Jefferson**

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

Drafter: **rmarchan**

May Contact:

Addl. Drafters: **kuesejt
fasttn**

Subject: **Elections - miscellaneous
Transportation - driver licenses**

Extra Copies:

Submit via email: **NO**

Requester's email:

Pre Topic:

ARC:.....Jefferson - AM60,

Topic:

Require voters to provide photo identification

Instructions:

See Attached

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 06/23/2001	gilfokm 06/23/2001		_____			
	kuesejt 06/23/2001			_____			

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1	rmarchan 06/26/2001 kuesejt 06/26/2001	gilfokm 06/27/2001	pgreensl 06/24/2001	_____	lrb_docadmin 06/24/2001		
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/2			pgreensl 06/28/2001	_____	lrb_docadmin 06/28/2001		
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FE Sent For:

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pg
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1?	rmarchan 06/23/2001 kuesejt	6/23 King	6/25 PS	6/25 PS/CS			

FE Sent For:

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RJM&JTK:kmg:pg
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stay note

A
A SENATE AMENDMENT,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55

ARC

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 2, line 25: after that line insert:

3 "SECTION 9d. 5.40 (6) of the statutes is amended to read:

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

7 SECTION 10d. 6.15 (2) (title) of the statutes is amended to read:

8 6.15 (2) (title) APPLICATION FOR BALLOT PROCEDURE AT CLERK'S OFFICE.

9 SECTION 11d. 6.15 (2) (a) (intro.) of the statutes is amended to read:

10 6.15 (2) (a) (intro.) The elector's request for the application form may be made
11 to the proper municipal clerk either in person or in writing any time during the
12 ~~10-day period in which the elector's residence requirement is incomplete, but not~~

1 ~~later than the applicable deadline for making application for an absentee ballot.~~
2 Except as provided in par. (e), application may be made not sooner than 9 days nor
3 later than 5 p.m. on the day before the election, or may be made at the proper polling
4 place ~~in~~ for the ward or election district in which the elector resides. The application
5 form shall be returned to the municipal clerk after the affidavit has been signed in
6 the presence of the clerk or any officer authorized by law to administer oaths. The
7 affidavit shall be in substantially the following form:

8 **SECTION 12d.** 6.15 (2) (bm) of the statutes is created to read:

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

13 **SECTION 13d.** 6.15 (2) (d) 1g. of the statutes is created to read:

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

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

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

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

2 **SECTION 16d.** 6.15 (3) (a) 1., 2. and 3. of the statutes are renumbered 6.15 (2)
3 (d) 1r., 2. and 3., and 6.15 (2) (d) 1r., as renumbered, is amended to read:

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

15 **SECTION 17d.** 6.15 (3) (b) (title) of the statutes is repealed.

16 **SECTION 18d.** 6.15 (3) (b) of the statutes is renumbered 6.15 (3) and amended
17 to read:

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

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

11 **SECTION 29d.** 6.29 (1) of the statutes is amended to read:

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

17 **SECTION 51d.** 6.55 (2) (b) of the statutes is amended to read:

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

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

7 **SECTION 52d.** 6.55 (2) (c) 1. of the statutes is amended to read:

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

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

6 **SECTION 53d.** 6.55 (2) (c) 2. of the statutes is amended to read:

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

15 **SECTION 54d.** 6.55 (2) (d) of the statutes is amended to read:

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

23 **SECTION 55d.** 6.55 (3) of the statutes is amended to read:

24 6.55 (3) Any qualified elector in the ward or election district where the elector
25 desires to vote whose name does not appear on the registration list where

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

25 **SECTION 56d.** 6.55 (7) (c) 1. of the statutes is amended to read:

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

3 **SECTION 57d.** 6.55 (7) (c) 2. of the statutes is amended to read:

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

6 **SECTION 57f.** 6.56 (5) of the statutes is repealed.

7 **SECTION 59d.** 6.79 (1) of the statutes is amended to read:

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

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

7 **SECTION 60d.** 6.79 (2) of the statutes is amended to read:

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

20 **SECTION 61d.** 6.79 (3) of the statutes is amended to read:

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

1 **SECTION 62d.** 6.79 (4) of the statutes is amended to read:

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

14 **SECTION 64d.** 6.79 (6) (title) of the statutes is repealed and recreated to read:

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

16 **SECTION 65f.** 6.79 (6) (a) of the statutes is amended to read:

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

25 **SECTION 66d.** 6.79 (6) (am) of the statutes is created to read:

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

3 **SECTION 67d.** 6.79 (6) (b) of the statutes is amended to read:

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

12 **SECTION 68d.** 6.82 (1) (a) of the statutes is amended to read:

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

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

6 **SECTION 68m.** 6.86 (1) (ar) of the statutes is amended to read:

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

15 **2.** Page 7, line 4: after that line insert:

16 "SECTION 95d. 10.02 (3) (a) of the statutes is amended to read:

17 10.02 (3) (a) Upon entering the polling place and before being permitted to vote,
18 an elector shall give state his or her name and address ~~before being permitted to vote~~
19 and shall present identification as required by law. Where ballots are distributed to
20 electors, the initials of 2 inspectors must appear on the ballot. Upon being permitted
21 to vote, the elector shall retire alone to a voting booth or machine and cast his or her
22 ballot, except that an elector who is a parent or guardian may be accompanied by the
23 elector's minor child or minor ward. An election official may inform the elector of the

proper manner for casting a vote, but the official may not in any manner advise or indicate a particular voting choice.”.

3. Page 1118, line 21: after that line insert:

“SECTION 3427p. 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 or, upon request of the applicant, without charge. The card shall be valid for the succeeding period of 4 years from the applicant’s next birthday after the date of issuance.

SECTION 3427q. 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~~ or, upon request of the identification card holder, without charge. The renewal identification card shall be valid for 4 years.”.

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

6/5/02/12n
LRBb11011dn
RJM&JTK:kmg:pg
↑
stay's

June 19, 2001

I
① Please note that this draft does not include any penalties for presenting a false identification in order to vote. Section 12.13(3)(u), stats., already makes this specific act a misdemeanor, punishable by a fine of up to \$1,000 and/or imprisonment of up to 6 months.

end
①

1. The instructions for this caucus draft required us to make numerous assumptions regarding your intent. We based this draft on 2001 AB-259, which generally requires a person to present a Wisconsin driver's license or Wisconsin identification card in order to vote and which provides a method by which a person can obtain a free Wisconsin identification card from the department of transportation. Under the draft, a person who has obtained a confidential listing on a registration list may present a voting identification card issued under current law by the municipality in which the person resides, rather than a driver's license or Wisconsin identification card. Please let us know if this exception is inconsistent with your intent.

2. 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.

3. 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.

4. 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. We discussed this issue with you briefly in your office. 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.

5. 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 absent electors (other than military and overseas electors) who obtain an absentee ballot by mail to provide a photocopy of an appropriate I.D. along with their applications. This procedure was used in AA-2 to 2001 SB-110.

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1562/1dn
RJM&JTK:kmg:pg

June 24, 2001

1. The instructions for this caucus draft required us to make numerous assumptions regarding your intent. We based this draft on 2001 AB-259, which generally requires a person to present a Wisconsin driver's license or Wisconsin identification card in order to vote and which provides a method by which a person can obtain a free Wisconsin identification card from the department of transportation. *Please note that this draft does not include any penalties for presenting a false identification in order to vote. Section 12.13 (3) (u), stats., already makes this specific act a misdemeanor, punishable by a fine of up to \$1,000 and/or imprisonment of up to 6 months.* Under the draft, a person who has obtained a confidential listing on a registration list may present a voting identification card issued under current law by the municipality in which the person resides, rather than a driver's license or Wisconsin identification card. Please let us know if this exception is inconsistent with your intent.
2. 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.
3. 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.
4. 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. We discussed this issue with you briefly in your office. 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.

5. 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 absent electors (other than military and overseas electors) who obtain an absentee ballot by mail to provide a photocopy of an appropriate I.D. along with their applications. This procedure was used in AA-2 to 2001 SB-110.

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State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb1562/4
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ARC 500W

RMNR
DWTZ

ARC:.....Jefferson - AM60, Require voters to provide photo identification

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 2, line 25: after that line insert:

3 **"SECTION 9d.** 5.40 (6) of the statutes is amended to read:

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

7 **SECTION 10d.** 6.15 (2) (title) of the statutes is amended to read:

8 6.15 (2) (title) APPLICATION FOR BALLOT PROCEDURE AT CLERK'S OFFICE.

9 **SECTION 11d.** 6.15 (2) (a) (intro.) of the statutes is amended to read:

1 6.15 (2) (a) (intro.) The elector's request for the application form may be made
2 to the proper municipal clerk either in person or in writing ~~any time during the~~
3 ~~10-day period in which the elector's residence requirement is incomplete, but not~~
4 ~~later than the applicable deadline for making application for an absentee ballot.~~
5 Except as provided in par. (e), application may be made not sooner than 9 days nor
6 later than 5 p.m. on the day before the election, or may be made at the proper polling
7 place ~~in~~ for the ward or election district in which the elector resides. The application
8 form shall be returned to the municipal clerk after the affidavit has been signed in
9 the presence of the clerk or any officer authorized by law to administer oaths. The
10 affidavit shall be in substantially the following form:

11 **SECTION 12d.** 6.15 (2) (bm) of the statutes is created to read:

12 6.15 (2) (bm) When making application in person at the office of the municipal
13 clerk, each applicant shall present a valid operator's license issued to the person
14 under ch. 343 that contains a photograph of the license holder or present a valid
15 identification card issued to the person under s. 343.50.

16 **SECTION 13d.** 6.15 (2) (d) 1g. of the statutes is created to read:

17 6.15 (2) (d) 1g. If the elector makes application in person at the office of the
18 municipal clerk, the clerk shall verify that the name on the identification provided
19 by the elector under par. (bm) is the same as the name on the elector's application
20 and shall verify that the photograph contained in the identification reasonably
21 resembles the elector.

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

23 6.15 (2) (e) If the elector makes application in writing but does not appear in
24 person, and the clerk receives a properly completed application and cancellation card
25 from the elector, the clerk shall provide the elector with a ballot. If the ballot is to be

1 mailed, the application must be received no later than 5 p.m. on the Friday before
2 the election. In order to be counted, the ballot must be received by the municipal
3 clerk no later than 5 p.m. on the day before the election.

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

5 **SECTION 16d.** 6.15 (3) (a) 1., 2. and 3. of the statutes are renumbered 6.15 (2)
6 (d) 1r., 2. and 3., and 6.15 (2) (d) 1r., as renumbered, is amended to read:

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

18 **SECTION 17d.** 6.15 (3) (b) (title) of the statutes is repealed.

19 **SECTION 18d.** 6.15 (3) (b) of the statutes is renumbered 6.15 (3) and amended
20 to read:

21 6.15 (3) ~~VOTING PROCEDURE~~ PROCEDURE AT POLLING PLACE. An eligible elector
22 may appear at the polling place for the ward or election district where he or she
23 resides and make application for a ballot under sub. (2). ~~In such case, the inspector~~
24 ~~or special registration deputy~~ Except as otherwise provided in this subsection, an
25 elector who casts a ballot under this subsection shall follow the same procedure

1 required for casting a ballot at the municipal clerk's office under sub. (2). The
2 inspectors shall perform the duties of the municipal clerk. The elector shall provide
3 identification. If the elector is qualified, he or she shall be permitted to vote, except
4 that the inspectors shall return the cancellation card under sub. (2) (b) to the
5 municipal clerk and the clerk shall forward the card as provided under sub. (2) (c)
6 if required. Upon proper completion of the application and cancellation card and
7 compliance with sub. (2) (d) 1g., the inspectors shall permit the elector to cast his or
8 her ballot for president and vice president. The elector shall then mark or punch the
9 ballot and, unless the ballot is utilized with an electronic voting system, the elector
10 shall fold the ballot, and shall deposit the ballot into the ballot box or give it to the
11 inspector. The inspector shall deposit it directly into the ballot box. Voting machines
12 or ballots utilized with electronic voting systems may be used by electors voting
13 under this section if they permit voting for president and vice president only.

14 **SECTION 29d.** 6.29 (1) of the statutes is amended to read:

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

20 **SECTION 51d.** 6.55 (2) (b) of the statutes is amended to read:

21 6.55 (2) (b) Upon executing the registration form under par. (a), the person
22 shall be required by a special registration deputy or inspector to present a valid
23 operator's license issued to the person under ch. 343 that contains the photograph
24 of the license holder or a valid identification card issued to the person under s. 343.50.
25 If the identification presented is not acceptable proof of residence under sub. (7), the

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1 ~~person shall also present acceptable proof of residence under sub. (7). If the person~~
2 ~~cannot supply such proof, the registration form shall be substantiated and signed by~~
3 ~~one other elector who resides in the same municipality as the registering elector,~~
4 ~~corroborating all the material statements therein. The corroborator shall then~~
5 ~~provide acceptable proof of residence. The signing by the elector executing the~~
6 ~~registration form and by any elector who corroborates the information in the form~~
7 ~~under par. (a) shall be in the presence of the special registration deputy or inspector.~~
8 Upon compliance with this procedure and all other requirements for voting at the
9 polling place, such person shall then be given the right to vote.

10 **SECTION 52d.** 6.55 (2) (c) 1. of the statutes is amended to read:

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

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

9 **SECTION 53d.** 6.55 (2) (c) 2. of the statutes is amended to read:

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

18 **SECTION 54d.** 6.55 (2) (d) of the statutes is amended to read:

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

1 **SECTION 55d.** 6.55 (3) of the statutes is amended to read:

2 6.55 (3) Any qualified elector in the ward or election district where the elector
3 desires to vote whose name does not appear on the registration list where
4 registration is required but who claims to be registered to vote in the election may
5 request permission to vote at the polling place for that ward or election district.
6 When the request is made, the inspector shall require the person to give his or her
7 name and address. If the elector is not at the polling place which serves the ward or
8 election district where the elector resides, the inspector shall provide the elector with
9 directions to the correct polling place. If the elector is at the correct polling place, the
10 elector shall then execute the following written statement: "I, ..., hereby certify that
11 to the best of my knowledge, I am a qualified elector, having resided at ... for at least
12 10 days immediately preceding this election, and that I am not disqualified on any
13 ground from voting, and I have not voted at this election and am properly registered
14 to vote in this election." The person shall be required to ~~provide~~ present a valid
15 operator's license issued to the person under ch. 343 that contains a photograph of
16 the license holder or present a valid identification card issued to the person under
17 s. 343.50. If any identification presented by the person is not acceptable proof of
18 residence as provided under sub. (7), the person shall also present acceptable proof
19 of residence as provided under sub. (7) and shall then be given the right to vote. If
20 ~~acceptable proof is presented, the elector need not have the information corroborated~~
21 ~~by any other elector. If acceptable proof is not presented, the statement shall be~~
22 ~~certified by the elector and shall be corroborated by another elector who resides in~~
23 ~~the municipality. The corroborator shall then provide acceptable proof of residence~~
24 ~~as provided in sub. (7).~~ Whenever the question of identity or residence cannot be
25 satisfactorily resolved and the elector cannot be permitted to vote, an inspector shall

1 telephone the office of the municipal clerk to reconcile the records at the polling place
2 with those at the office.

3 **SECTION 56d.** 6.55 (7) (c) 1. of the statutes is amended to read:

4 6.55 (7) (c) 1. ~~A Wisconsin motor vehicle~~ An operator's license issued under ch.
5 343.

6 **SECTION 57d.** 6.55 (7) (c) 2. of the statutes is amended to read:

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

9 **SECTION 57f.** 6.56 (5) of the statutes is repealed.

10 **SECTION 59d.** 6.79 (1) of the statutes is amended to read:

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

1 elector shall present to the officials a valid operator's license issued to the elector
2 under ch. 343 that contains a photograph of the license holder or present a valid
3 identification card issued to the elector under s. 343.50. The officials may require any
4 elector to provide identification, including acceptable proof of residence, or to have
5 another elector corroborate his or her information in accordance with the procedure
6 specified in ~~s. 6.55 (2) (b)~~ under s. 6.55 (7) before permitting the elector to vote. An
7 elector ~~who presents an identification card under sub. (6) (a) is not required to~~
8 ~~provide separate identification.~~ The officials shall maintain a separate list of those
9 persons voting under ss. 6.15 and 6.24.

10 **SECTION 60d.** 6.79 (2) of the statutes is amended to read:

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

23 **SECTION 61d.** 6.79 (3) of the statutes is amended to read:

24 6.79 (3) REFUSAL TO GIVE NAME AND ADDRESS AND FAILURE TO PRESENT
25 IDENTIFICATION. Except as provided in sub. (6), if any elector offering to vote at any

1 polling place refuses to give his or her name and address or is unable to present
2 identification authorized under sub. (1) or (2), the elector may not be permitted to
3 vote.

4 **SECTION 62d.** 6.79 (4) of the statutes is amended to read:

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

17 **SECTION 64d.** 6.79 (6) (title) of the statutes is repealed and recreated to read:

18 6.79 (6) (title) EXCEPTIONS REGARDING IDENTIFICATION.

19 **SECTION 65f.** 6.79 (6) (a) of the statutes is amended to read:

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

1 serial number to the elector and shall record that number on the poll list and permit
2 the elector to vote.

3 **SECTION 66d.** 6.79 (6) (am) of the statutes is created to read:

4 6.79 (6) (am) The requirement under sub. (1) or (2) that a person present
5 identification does not apply to a person who is voting under s. 6.15 or 6.55 (3).

6 **SECTION 67d.** 6.79 (6) (b) of the statutes is amended to read:

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

15 **SECTION 68d.** 6.82 (1) (a) of the statutes is amended to read:

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

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

9 **SECTION 68m.** 6.86 (1) (ar) of the statutes is amended to read:

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

18 **2.** Page 7, line 4: after that line insert:

19 **“SECTION 95d.** 10.02 (3) (a) of the statutes is amended to read:

20 10.02 (3) (a) Upon entering the polling place and before being permitted to vote,
 21 an elector shall give state his or her name and address ~~before being permitted to vote~~
 22 and shall present identification as required by law. Where ballots are distributed to
 23 electors, the initials of 2 inspectors must appear on the ballot. Upon being permitted
 24 to vote, the elector shall retire alone to a voting booth or machine and cast his or her

INSERT
12-17
17

1 ballot, except that an elector who is a parent or guardian may be accompanied by the
2 elector's minor child or minor ward. An election official may inform the elector of the
3 proper manner for casting a vote, but the official may not in any manner advise or
4 indicate a particular voting choice.”.

5 **3.** Page 1118, line 21: after that line insert:

6 “SECTION 3427p. 343.50 (5) of the statutes is amended to read:

7 343.50 (5) VALID PERIOD; FEES. The fee for an original card and for the
8 reinstatement of an identification card after cancellation under sub. (10) shall be \$9
9 or, ~~upon request~~ ^{if} of the applicant, without charge. The card shall be valid for the
10 succeeding period of 4 years from the applicant's next birthday after the date of
11 issuance. <sup>is unable to pay due to economic hardship, as determined by
rule of the department</sup>

12 SECTION 3427q. 343.50 (6) of the statutes is amended to read:

13 343.50 (6) RENEWAL. At least 30 days prior to the expiration of the card, the
14 department shall mail a renewal application to the last-known address of each
15 identification card holder. The department shall include with the application
16 information, as developed by all organ procurement organizations in cooperation
17 with the department, that promotes anatomical donations and which relates to the
18 anatomical donation opportunity available under s. 343.175. The fee for a renewal
19 identification card shall be \$9, ~~which or, upon request~~ ^{if} of the identification card
20 holder, without charge. The renewal identification card shall be valid for 4 years.”.

21

(END)

INSERT 4-13 ✓

~~required for casting a ballot at the municipal clerk's office under sub. (2). The inspectors shall perform the duties of the municipal clerk. The elector shall provide identification. If the elector is qualified, he or she shall be permitted to vote, except that the inspectors shall return the cancellation card under sub. (2) (b) to the municipal clerk and the clerk shall forward the card as provided under sub. (2) (c) if required. Upon proper completion of the application and cancellation card and compliance with sub. (2) (d) 1g., the inspectors shall permit the elector to cast his or her ballot for president and vice president. The elector shall then mark or punch the ballot and, unless the ballot is utilized with an electronic voting system, the elector shall fold the ballot, and shall deposit the ballot into the ballot box or give it to the inspector. The inspector shall deposit it directly into the ballot box. Voting machines or ballots utilized with electronic voting systems may be used by electors voting under this section if they permit voting for president and vice president only.~~

199 SECTION 87. 6.22 (4) of the statutes is amended to read:

6.22 (4) INSTRUCTIONS AND HANDLING. An individual who qualifies as a military elector may request an absentee ballot for any election, or for all elections until the individual otherwise requests or until the individual no longer qualifies as a military elector. A military elector need not provide the identification required under s. 6.86 (1) (ar) 2. A military elector's application may be received at any time. The municipal clerk shall not send a ballot for an election if the application is received later than 5 p.m. on the Friday preceding that election. The municipal clerk shall send a ballot, as soon as available, to each military elector who requests a ballot. The board shall prescribe the instructions for marking or punching and returning ballots and the municipal clerk shall enclose instructions with each ballot and shall also enclose supplemental instructions for local elections. The envelope, return envelope and

1 instructions may not contain the name of any candidate appearing on the enclosed
2 ballots other than that of the municipal clerk affixed in the fulfillment of his or her
3 duties. Whenever the material is mailed, the material shall be prepared and mailed
4 to make use of the federal free postage laws. The mailing list established under this
5 subsection shall be kept current in the same manner as provided in s. 6.86 (2) (b).

6 **SECTION 19j.** ~~6.24~~ (4) (a) of the statutes is amended to read:

7 6.24 (4) (a) An overseas elector who is properly registered where registration
8 is required may request an absentee ballot in writing under ss. 6.86 to 6.89. An
9 overseas elector need not provide the identification required under s. 6.86 (1) (ar) 2.

10 **3.** Page 10, line 13: after "vote" insert ", if the elector complies with all other
11 requirements for voting at the polling place".

12 **4.** Page 12, line 2: after "section" insert "if the person complies with all other
13 requirements for voting at the polling place".

14 **5.** Page 13, line 22: after that line insert:

15 **"SECTION 17m.** 6.55 (2) (b) of the statutes is amended to read:

16 6.55 (2) (b) Upon executing the registration form under par. (a), the person
17 shall be required by a special registration deputy or inspector to present a valid
18 operator's license issued to the person under ch. 343 that contains the photograph
19 of the license holder or a valid identification card issued to the person under s. 343.50.
20 If the identification presented is not acceptable proof of residence under sub. (7), the
21 person shall also present acceptable proof of residence under sub. (7). If the person
22 cannot supply such proof, the registration form shall be substantiated and signed by
23 one other elector who resides in the same municipality as the registering elector,
24 corroborating all the material statements therein. The corroborator shall then

(end ms)

INSERT 12-17

1 **13.** Page 15, line 18: delete the material beginning with that line and ending
2 with page 16, line 2, and substitute:

3 **SECTION 26e.** 6.86 (1) (a) 3. of the statutes is amended to read:

4 **6.86 (1) (a) 3.** By signing a statement and providing the required identification
5 under sub. (2) (a).

6 **SECTION 26e.** 6.86 (1) (a) 5. of the statutes is amended to read:

7 **6.86 (1) (a) 5.** By delivering an application and providing the required
8 identification to a special voting deputy under s. 6.873 (4) or 6.875 (6).

9 **SECTION 26g.** 6.86 (1) (ar) of the statutes is renumbered 6.86 (1) (ar) 1. and
10 amended to read:

11 **6.86 (1) (ar) 1.** Except as authorized in s. 6.22 (4), 6.24 (4) (a), 6.873 (3) (b), or
12 6.875 (6), the municipal clerk shall not may issue an absentee ballot unless the only
13 to a qualified elector who provides the identification required under subd. 2. and
14 gives the clerk receives a written absentee ballot application therefor from a
15 qualified elector of the municipality.

16 **3.** The clerk shall retain each absentee ballot application received under this
17 section until destruction is authorized under s. 7.23 (1).

18 **SECTION 26i.** 6.86 (1) (ar) 2. of the statutes is created to read:

19 **6.86 (1) (ar) 2.** An elector who applies in person at the office of the municipal
20 clerk shall present a valid operator's license issued to the elector under ch. 343 that
21 contains a photograph of the license holder or a valid identification card issued to the
22 elector under s. 343.50. Except as provided in s. 6.22 (4), 6.24 (4) (a), 6.873 (4) (a),
23 and 6.875 (6), an elector who applies but does not appear in person at the office of the

1 municipal clerk shall provide a photocopy of the license or identification card that
2 would satisfy this subdivision if the elector were applying in person.

3 **SECTION 26k.** 6.86 (2) (a) of the statutes is amended to read:

4 **6.86 (2) (a)** An elector who is indefinitely confined because of age, physical
5 illness or infirmity or is disabled for an indefinite period may by signing a statement
6 to that effect require that an absentee ballot be sent to the elector automatically for
7 every election. The application form and instructions shall be prescribed by the
8 board, and furnished, in addition to other information required by the board, shall
9 require the elector to provide the identification required under sub. (1) (ar) 2. The
10 municipal clerk shall furnish the application form and instructions upon request to
11 any elector by each municipality. The envelope containing the absentee ballot shall
12 be clearly marked as not forwardable. If any elector is no longer indefinitely
13 confined, the elector shall so notify the municipal clerk.

14 **SECTION 26m.** 6.86 (3) (a) of the statutes is amended to read:

15 **6.86 (3) (a)** Any elector who is registered, or otherwise qualified where
16 registration is not required, and who is hospitalized, may apply for and obtain an
17 official ballot by agent. The agent may apply for and obtain a ballot for the
18 hospitalized absent elector by presenting ~~a form prescribed by the board and an~~
19 application containing the required information supplied by the hospitalized elector
20 and signed by that elector and any other elector residing in the same municipality
21 as the hospitalized elector, corroborating the information contained therein. The
22 ~~corroborating elector shall state on the form~~ application form and instructions shall
23 be prescribed by the board and, in addition to other information required by the
24 board, shall require the elector to provide the identification required under sub. (1)

1 (ar) 2. The application form and instructions shall require the corroborating elector
2 to provide his or her full name and address.

3 **14.** Page 19, line 11: after “ballot.” insert “Each elector applying for an
4 absentee ballot shall present a valid operator’s license issued to the elector under ch.
5 343 that contains the photograph of the license holder or a valid identification card
6 issued to the elector under s. 343.50.”

7 **15.** Page 19, line 21: after that line insert:

8 **SECTION 29m.** 6.875 (6) of the statutes is amended to read:

9 **6.875 (6)** Special voting deputies in each municipality shall, not later than 5
10 p.m. on the Friday preceding an election, arrange one or more convenient times with
11 the administrator of each nursing home or qualified retirement home and qualified
12 community-based residential facility in the municipality from which one or more
13 occupants have filed an application under s. 6.86 to conduct absentee voting for the
14 election. The time may be no earlier than the 4th Monday preceding the election and
15 no later than 5 p.m. on the Monday preceding the election. Upon request of a relative
16 of an occupant of a nursing home or qualified retirement home or qualified
17 community-based residential facility, the administrator may notify the relative of
18 the time or times at which special voting deputies will conduct absentee voting at the
19 home or facility, and permit the relative to be present in the room where the voting
20 is conducted. At the designated time, 2 deputies appointed under sub. (4) shall visit
21 the nursing home or qualified retirement home or qualified community-based
22 residential facility. The municipal clerk or executive director of the board of election
23 commissioners shall issue a supply of absentee ballots to the deputies sufficient to
24 provide for the number of valid applications received by the clerk, and a reasonable

1 additional number of ballots. The municipal clerk or executive director shall keep
2 a careful record of all ballots issued to the deputies and shall require the deputies to
3 return every ballot issued to them. The deputies shall personally offer each elector
4 who has filed a proper application the opportunity to cast his or her absentee ballot.
5 If an elector is present who has not filed a proper application, the 2 deputies may
6 accept an application from the elector and shall issue a ballot to the elector if the
7 elector is qualified and, the application is proper, and the elector presents a valid
8 operator's license issued to the elector under ch. 343 that contains a photograph of
9 the license holder or presents a valid identification card issued to the elector under
10 s. 343.50. The deputies shall administer the oath and may, upon request of the
11 elector, assist the elector in marking or punching the elector's ballot. Upon request
12 of the elector, a relative of the elector who is present in the room may assist the elector
13 in marking or punching the elector's ballot. All voting shall be conducted in the
14 presence of the deputies. No individual other than a deputy may administer the oath
15 and no individual other than a deputy or relative of an elector may render voting
16 assistance to the elector. Upon completion of the voting, the deputies shall promptly
17 deliver, either personally or by 1st class mail, any absentee ballot applications and
18 the sealed certificate envelope containing each ballot to the clerk or board of election
19 commissioners of the municipality in which the elector casting the ballot resides,
20 within such time as will permit delivery to the polling place serving the elector's
21 residence on election day. Personal delivery may be made by the deputies no later
22 than noon on election day. If a qualified elector is not able to cast his or her ballot
23 on 2 separate visits by the deputies to the nursing home or qualified retirement
24 home, they shall so inform the municipal clerk or executive director of the board of

1 election commissioners, who may then send the ballot to the elector no later than 5
2 p.m. on the Friday preceding the election. *Keep*

3 **16.** Page 25, line 23: after that line insert:

4 **"SECTION 46m.** 10.02 (3) (a) of the statutes is amended to read:

5 10.02 (3) (a) Upon entering the polling place and before being permitted to vote,
6 an elector shall give state his or her name and address before being permitted to vote
7 and shall present identification as required by law. Where ballots are distributed to
8 electors, the initials of 2 inspectors must appear on the ballot. Upon being permitted
9 to vote, the elector shall retire alone to a voting booth or machine and cast his or her
10 ballot, except that an elector who is a parent or guardian may be accompanied by the
11 elector's minor child or minor ward. An election official may inform the elector of the
12 proper manner for casting a vote, but the official may not in any manner advise or
13 indicate a particular voting choice."

14 **17.** Page 30, line 13: after that line insert:

15 **"SECTION 61e.** 343.50 (5) of the statutes is amended to read:

16 343.50 (5) VALID PERIOD; FEES. The fee for an original card and for the
17 reinstatement of an identification card after cancellation under sub. (10) shall be \$9
18 or, if the applicant claims to be unable to pay due to economic hardship, without
19 charge. The card shall be valid for the succeeding period of 4 years from the
20 applicant's next birthday after the date of issuance.

21 **SECTION 61g.** 343.50 (6) of the statutes is amended to read:

22 343.50 (6) RENEWAL. At least 30 days prior to the expiration of the card, the
23 department shall mail a renewal application to the last-known address of each
24 identification card holder. The department shall include with the application

(ad ms)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

61562/2dn
LRBa0572/2dn
RJM&JTK:kmg:pg
↑

June 12, 2001

Representative Freese

in part
, which is based on AA-2 to SB-110,
¶ 1. This version of the amendment requires persons who obtain an absentee ballot in-person to present the required I.D. and requires persons who obtain an absentee ballot by mail to provide a photocopy of the required I.D. Under this amendment, overseas electors and military electors are exempt from the I.D. requirement.

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per caucus amendment #114,

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

In addition, the amendment restricts the availability of a free Wisconsin identification card to only those individuals who are unable to pay the normal fee due to economic hardship.

as determined by rule of the department of transportation

2. The portion of caucus amendment #114 dealing with the funding of the Wisconsin Election Campaign Fund is contained in LRBB1598/1.

INSGR DNOTE

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

LRBb1562/1dn
RJM&JTK:kmg:pg

June 24, 2001

INSPR DRAFT

3.

~~1. The instructions for this caucus draft required us to make numerous assumptions regarding your intent. We based this draft on 2001 AB-259, which generally requires a person to present a Wisconsin driver's license or Wisconsin identification card in order to vote and which provides a method by which a person can obtain a free Wisconsin identification card from the department of transportation. Please note that this draft does not include any penalties for presenting a false identification in order to vote. Section 12.13 (3) (u), stats., already makes this specific act a misdemeanor, punishable by a fine of up to \$1,000 and/or imprisonment of up to 6 months. Under the draft, a person who has obtained a confidential listing on a registration list may present a voting identification card issued under current law by the municipality in which the person resides, rather than a driver's license or Wisconsin identification card. Please let us know if this exception is inconsistent with your intent.~~

plm
JTK
no
①

2. 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.

3. 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.

4. 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. We discussed this issue with you briefly in your office. 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.

5. 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 absent electors (other than military and overseas electors) who obtain an absentee ballot by mail to provide a photocopy of an appropriate I.D. along with their applications. This procedure was used in AA-2 to 2001 SB-110.

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PS. Although this amendment provides free photo identification to individuals suffering economic hardship, the 24th Amendment to the U.S. Constitution, ~~which~~ the right to vote in federal elections cannot be taxed by requiring even affluent voters to purchase and maintain photo identification. The previous version of this amendment, which provided free photo identification to anyone eligible for a Wisconsin identification card (upon request), was likely more defensible under the 24th Amendment.

(enc. dnote ms)

nsi

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1562/2dn
RJM&JTK:kmg:pg

June 28, 2001

1. This version of the amendment, which is based in part on AA-2 to SB-110, requires persons who obtain an absentee ballot in-person to present the required I.D. and requires persons who obtain an absentee ballot by mail to provide a photocopy of the required I.D. Under this amendment, overseas electors and military electors are exempt from the I.D. requirement. In addition, per caucus amendment #114, the amendment restricts the availability of a free Wisconsin identification card to only those individuals who are unable to pay the normal fee due to economic hardship, as determined by rule of the department of transportation.

2. The portion of caucus amendment #60 dealing with the funding of the Wisconsin Election Campaign Fund is contained in LRBb1598/1.

3. Please note that this draft does not include any penalties for presenting a false identification in order to vote. Section 12.13 (3) (u), stats., already makes this specific act a misdemeanor, punishable by a fine of up to \$1,000 and/or imprisonment of up to 6 months.

4. 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.

5. Although this amendment provides free photo identification to individuals suffering economic hardship, under the 24th Amendment to the U.S. Constitution, the right to vote in federal elections cannot be taxed by requiring even affluent voters to purchase and maintain photo identification. The previous version of this amendment,

which provided free photo identification upon request, to anyone eligible for a Wisconsin identification card, was likely more defensible under the 24th Amendment.

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State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb1562/2
RJM&JTK&TNF:kmg:pg

ARC:.....Jefferson – AM60, Require voters to provide photo identification

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 2, line 25: after that line insert:

3 “**SECTION 9d.** 5.40 (6) of the statutes is amended to read:

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

7 **SECTION 10d.** 6.15 (2) (title) of the statutes is amended to read:

8 6.15 (2) (title) ~~APPLICATION FOR BALLOT~~ PROCEDURE AT CLERK'S OFFICE.

9 **SECTION 11d.** 6.15 (2) (a) (intro.) of the statutes is amended to read:

1 6.15 (2) (a) (intro.) The elector's request for the application form may be made
2 to the proper municipal clerk either in person or in writing ~~any time during the~~
3 ~~10 day period in which the elector's residence requirement is incomplete, but not~~
4 ~~later than the applicable deadline for making application for an absentee ballot.~~
5 Except as provided in par. (e), application may be made not sooner than 9 days nor
6 later than 5 p.m. on the day before the election, or may be made at the proper polling
7 place ~~in~~ for the ward or election district in which the elector resides. The application
8 form shall be returned to the municipal clerk after the affidavit has been signed in
9 the presence of the clerk or any officer authorized by law to administer oaths. The
10 affidavit shall be in substantially the following form:

11 **SECTION 12d.** 6.15 (2) (bm) of the statutes is created to read:

12 6.15 (2) (bm) When making application in person at the office of the municipal
13 clerk, each applicant shall present a valid operator's license issued to the person
14 under ch. 343 that contains a photograph of the license holder or present a valid
15 identification card issued to the person under s. 343.50.

16 **SECTION 13d.** 6.15 (2) (d) 1g. of the statutes is created to read:

17 6.15 (2) (d) 1g. If the elector makes application in person at the office of the
18 municipal clerk, the clerk shall verify that the name on the identification provided
19 by the elector under par. (bm) is the same as the name on the elector's application
20 and shall verify that the photograph contained in the identification reasonably
21 resembles the elector.

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

23 6.15 (2) (e) If the elector makes application in writing but does not appear in
24 person, and the clerk receives a properly completed application and cancellation card
25 from the elector, the clerk shall provide the elector with a ballot. If the ballot is to be

1 mailed, the application must be received no later than 5 p.m. on the Friday before
2 the election. In order to be counted, the ballot must be received by the municipal
3 clerk no later than 5 p.m. on the day before the election.

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

5 **SECTION 16d.** 6.15 (3) (a) 1., 2. and 3. of the statutes are renumbered 6.15 (2)
6 (d) 1r., 2. and 3., and 6.15 (2) (d) 1r., as renumbered, is amended to read:

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

18 **SECTION 17d.** 6.15 (3) (b) (title) of the statutes is repealed.

19 **SECTION 18d.** 6.15 (3) (b) of the statutes is renumbered 6.15 (3) and amended
20 to read:

21 6.15 (3) ~~VOTING PROCEDURE~~ PROCEDURE AT POLLING PLACE. An eligible elector
22 may appear at the polling place for the ward or election district where he or she
23 resides and make application for a ballot under sub. (2). ~~In such case, the inspector~~
24 ~~or special registration deputy~~ Except as otherwise provided in this subsection, an
25 elector who casts a ballot under this subsection shall follow the same procedure

1 required for casting a ballot at the municipal clerk's office under sub. (2). The
2 inspectors shall perform the duties of the municipal clerk. The elector shall provide
3 identification. If the elector is qualified, he or she shall be permitted to vote, except
4 that the inspectors shall return the cancellation card under sub. (2) (b) to the
5 municipal clerk and the clerk shall forward the card as provided under sub. (2) (c)
6 if required. Upon proper completion of the application and cancellation card and
7 compliance with sub. (2) (d) 1g., the inspectors shall permit the elector to cast his or
8 her ballot for president and vice president. The elector shall then mark or punch the
9 ballot and, unless the ballot is utilized with an electronic voting system, the elector
10 shall fold the ballot, and shall deposit the ballot into the ballot box or give it to the
11 inspector. The inspector shall deposit it directly into the ballot box. Voting machines
12 or ballots utilized with electronic voting systems may be used by electors voting
13 under this section if they permit voting for president and vice president only.

14 **SECTION 19f.** 6.22 (4) of the statutes is amended to read:

15 6.22 (4) INSTRUCTIONS AND HANDLING. An individual who qualifies as a military
16 elector may request an absentee ballot for any election, or for all elections until the
17 individual otherwise requests or until the individual no longer qualifies as a military
18 elector. A military elector need not provide the identification required under s. 6.86
19 (1) (ar) 2. A military elector's application may be received at any time. The municipal
20 clerk shall not send a ballot for an election if the application is received later than
21 5 p.m. on the Friday preceding that election. The municipal clerk shall send a ballot,
22 as soon as available, to each military elector who requests a ballot. The board shall
23 prescribe the instructions for marking or punching and returning ballots and the
24 municipal clerk shall enclose instructions with each ballot and shall also enclose
25 supplemental instructions for local elections. The envelope, return envelope and

1 instructions may not contain the name of any candidate appearing on the enclosed
2 ballots other than that of the municipal clerk affixed in the fulfillment of his or her
3 duties. Whenever the material is mailed, the material shall be prepared and mailed
4 to make use of the federal free postage laws. The mailing list established under this
5 subsection shall be kept current in the same manner as provided in s. 6.86 (2) (b).

6 **SECTION 19j.** 6.24 (4) (a) of the statutes is amended to read:

7 6.24 (4) (a) An overseas elector who is properly registered where registration
8 is required may request an absentee ballot in writing under ss. 6.86 to 6.89. An
9 overseas elector need not provide the identification required under s. 6.86 (1) (ar) 2.

10 **SECTION 29d.** 6.29 (1) of the statutes is amended to read:

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

16 **SECTION 51d.** 6.55 (2) (b) of the statutes is amended to read:

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

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

6 **SECTION 52d.** 6.55 (2) (c) 1. of the statutes is amended to read:

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

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

5 **SECTION 53d.** 6.55 (2) (c) 2. of the statutes is amended to read:

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

14 **SECTION 54d.** 6.55 (2) (d) of the statutes is amended to read:

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

22 **SECTION 55d.** 6.55 (3) of the statutes is amended to read:

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

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

24 **SECTION 56d.** 6.55 (7) (c) 1. of the statutes is amended to read:

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

3 **SECTION 57d.** 6.55 (7) (c) 2. of the statutes is amended to read:

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

6 **SECTION 57f.** 6.56 (5) of the statutes is repealed.

7 **SECTION 59d.** 6.79 (1) of the statutes is amended to read:

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

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

7 **SECTION 60d.** 6.79 (2) of the statutes is amended to read:

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

20 **SECTION 61d.** 6.79 (3) of the statutes is amended to read:

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

1 **SECTION 62d.** 6.79 (4) of the statutes is amended to read:

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

14 **SECTION 64d.** 6.79 (6) (title) of the statutes is repealed and recreated to read:

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

16 **SECTION 65f.** 6.79 (6) (a) of the statutes is amended to read:

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

25 **SECTION 66d.** 6.79 (6) (am) of the statutes is created to read:

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

3 **SECTION 67d.** 6.79 (6) (b) of the statutes is amended to read:

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

12 **SECTION 68d.** 6.82 (1) (a) of the statutes is amended to read:

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

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

6 **SECTION 68dg.** 6.86 (1) (a) 3. of the statutes is amended to read:

7 6.86 (1) (a) 3. By signing a statement and providing the required identification
8 under sub. (2) (a).

9 **SECTION 68f.** 6.86 (1) (a) 5. of the statutes is amended to read:

10 6.86 (1) (a) 5. By delivering an application and providing the required
11 identification to a special voting deputy under s. 6.875 (6).

12 **SECTION 68h.** 6.86 (1) (ar) of the statutes is renumbered 6.86 (1) (ar) 1. and
13 amended to read:

14 6.86 (1) (ar) 1. Except as authorized in s. 6.22 (4), 6.24 (4) (a), or 6.875 (6), the
15 municipal clerk ~~shall not~~ may issue an absentee ballot ~~unless the only~~ to a qualified
16 elector who provides the identification required under subd. 2. and gives the clerk
17 receives a written absentee ballot application therefor from a qualified elector of the
18 municipality.

19 3. The clerk shall retain each absentee ballot application received under this
20 section until destruction is authorized under s. 7.23 (1).

21 **SECTION 68j.** 6.86 (1) (ar) 2. of the statutes is created to read:

22 6.86 (1) (ar) 2. An elector who applies in person at the office of the municipal
23 clerk shall present a valid operator's license issued to the elector under ch. 343 that
24 contains a photograph of the license holder or a valid identification card issued to the
25 elector under s. 343.50. Except as provided in s. 6.22 (4), 6.24 (4) (a), and 6.875 (6),

1 an elector who applies but does not appear in person at the office of the municipal
2 clerk shall provide a photocopy of the license or identification card that would satisfy
3 this subdivision if the elector were applying in person.

4 **SECTION 68L.** 6.86 (2) (a) of the statutes is amended to read:

5 6.86 (2) (a) An elector who is indefinitely confined because of age, physical
6 illness or infirmity or is disabled for an indefinite period may by signing a statement
7 to that effect require that an absentee ballot be sent to the elector automatically for
8 every election. The application form and instructions shall be prescribed by the
9 board, and furnished, in addition to other information required by the board, shall
10 require the elector to provide the identification required under sub. (1) (ar) 2. The
11 municipal clerk shall furnish the application form and instructions upon request to
12 any elector by each municipality. The envelope containing the absentee ballot shall
13 be clearly marked as not forwardable. If any elector is no longer indefinitely
14 confined, the elector shall so notify the municipal clerk.

15 **SECTION 69d.** 6.86 (3) (a) of the statutes is amended to read:

16 6.86 (3) (a) Any elector who is registered, or otherwise qualified where
17 registration is not required, and who is hospitalized, may apply for and obtain an
18 official ballot by agent. The agent may apply for and obtain a ballot for the
19 hospitalized absent elector by presenting ~~a form prescribed by the board and an~~
20 application containing the required information supplied by the hospitalized elector
21 and signed by that elector and any other elector residing in the same municipality
22 as the hospitalized elector, corroborating the information contained therein. The
23 ~~corroborating elector shall state on the form~~ application form and instructions shall
24 be prescribed by the board and, in addition to other information required by the
25 board, shall require the elector to provide the identification required under sub. (1)

1 (ar) 2. The application form and instructions shall require the corroborating elector
2 to provide his or her full name and address.

3 **SECTION 69g.** 6.875 (6) of the statutes is amended to read:

4 6.875 (6) Special voting deputies in each municipality shall, not later than 5
5 p.m. on the Friday preceding an election, arrange one or more convenient times with
6 the administrator of each nursing home or qualified retirement home and qualified
7 community-based residential facility in the municipality from which one or more
8 occupants have filed an application under s. 6.86 to conduct absentee voting for the
9 election. The time may be no earlier than the 4th Monday preceding the election and
10 no later than 5 p.m. on the Monday preceding the election. Upon request of a relative
11 of an occupant of a nursing home or qualified retirement home or qualified
12 community-based residential facility, the administrator may notify the relative of
13 the time or times at which special voting deputies will conduct absentee voting at the
14 home or facility, and permit the relative to be present in the room where the voting
15 is conducted. At the designated time, 2 deputies appointed under sub. (4) shall visit
16 the nursing home or qualified retirement home or qualified community-based
17 residential facility. The municipal clerk or executive director of the board of election
18 commissioners shall issue a supply of absentee ballots to the deputies sufficient to
19 provide for the number of valid applications received by the clerk, and a reasonable
20 additional number of ballots. The municipal clerk or executive director shall keep
21 a careful record of all ballots issued to the deputies and shall require the deputies to
22 return every ballot issued to them. The deputies shall personally offer each elector
23 who has filed a proper application the opportunity to cast his or her absentee ballot.
24 If an elector is present who has not filed a proper application, the 2 deputies may
25 accept an application from the elector and shall issue a ballot to the elector if the

1 elector is qualified ~~and~~, the application is proper, and the elector presents a valid
2 operator's license issued to the elector under ch. 343 that contains a photograph of
3 the license holder or presents a valid identification card issued to the elector under
4 s. 343.50. The deputies shall administer the oath and may, upon request of the
5 elector, assist the elector in marking or punching the elector's ballot. Upon request
6 of the elector, a relative of the elector who is present in the room may assist the elector
7 in marking or punching the elector's ballot. All voting shall be conducted in the
8 presence of the deputies. No individual other than a deputy may administer the oath
9 and no individual other than a deputy or relative of an elector may render voting
10 assistance to the elector. Upon completion of the voting, the deputies shall promptly
11 deliver, either personally or by 1st class mail, any absentee ballot applications and
12 the sealed certificate envelope containing each ballot to the clerk or board of election
13 commissioners of the municipality in which the elector casting the ballot resides,
14 within such time as will permit delivery to the polling place serving the elector's
15 residence on election day. Personal delivery may be made by the deputies no later
16 than noon on election day. If a qualified elector is not able to cast his or her ballot
17 on 2 separate visits by the deputies to the nursing home or qualified retirement
18 home, they shall so inform the municipal clerk or executive director of the board of
19 election commissioners, who may then send the ballot to the elector no later than 5
20 p.m. on the Friday preceding the election.

21 **2.** Page 7, line 4: after that line insert:

22 "SECTION 95d. 10.02 (3) (a) of the statutes is amended to read:

23 10.02 (3) (a) Upon entering the polling place and before being permitted to vote,
24 an elector shall give state his or her name and address ~~before being permitted to vote~~

1 and shall present identification as required by law. Where ballots are distributed to
2 electors, the initials of 2 inspectors must appear on the ballot. Upon being permitted
3 to vote, the elector shall retire alone to a voting booth or machine and cast his or her
4 ballot, except that an elector who is a parent or guardian may be accompanied by the
5 elector's minor child or minor ward. An election official may inform the elector of the
6 proper manner for casting a vote, but the official may not in any manner advise or
7 indicate a particular voting choice.”

8 **3.** Page 1118, line 21: after that line insert:

9 “**SECTION 3427p.** 343.50 (5) of the statutes is amended to read:

10 343.50 (5) VALID PERIOD; FEES. The fee for an original card and for the
11 reinstatement of an identification card after cancellation under sub. (10) shall be \$9
12 or, if the applicant is unable to pay due to economic hardship, as determined by rule
13 of the department, without charge. The card shall be valid for the succeeding period
14 of 4 years from the applicant's next birthday after the date of issuance.

15 **SECTION 3427q.** 343.50 (6) of the statutes is amended to read:

16 343.50 (6) RENEWAL. At least 30 days prior to the expiration of the card, the
17 department shall mail a renewal application to the last-known address of each
18 identification card holder. The department shall include with the application
19 information, as developed by all organ procurement organizations in cooperation
20 with the department, that promotes anatomical donations and which relates to the
21 anatomical donation opportunity available under s. 343.175. The fee for a renewal
22 identification card shall be \$9, ~~which~~ or, if the identification card holder is unable to

1 pay due to economic hardship, as determined by rule of the department, without
2 charge. The renewal identification card shall be valid for 4 years.”.

3 (END)