

2001 ASSEMBLY BILL 589

October 29, 2001 – Introduced by Representatives HUBER, AINSWORTH, MEYERHOFER, KESTELL, PLALE, RYBA, GRONEMUS, TURNER, J. LEHMAN, BOCK, PLOUFF, RICHARDS, WILLIAMS and BERCEAU, cosponsored by Senators HANSEN, BURKE, ROBSON, PLACHE and DECKER. Referred to Committee on Campaigns and Elections.

1 **AN ACT** *to renumber* 6.86 (3) (a); *to amend* 6.10 (3), 6.275 (1) (c), 6.275 (1) (d),
2 6.28 (1), 6.29 (1), 6.30 (1), 6.33 (2) (b), 6.56 (3), 6.56 (5), 6.79 (4), 6.86 (title), 6.86
3 (3) (b) and 6.86 (3) (c); and *to create* 6.86 (3) (a) 2. of the statutes; **relating to:**
4 registration by certain hospitalized electors.

Analysis by the Legislative Reference Bureau

Under current law, voter registration is required in every municipality having a population of more than 5,000. If registration is required, any individual who qualifies as an elector in a ward or election district but who is not registered to vote may do so in person at various locations within the applicable municipality or may mail to the appropriate municipal clerk a completed registration form, provided the envelope is postmarked by the close of registration (the second Wednesday preceding the election). In addition, current law permits late registration at the municipal clerk's office after the close of registration but before 5 p.m. on the day before the election and permits election day registration in the appropriate ward or election district.

An individual who makes a late or election day registration must complete a registration form and a certification of eligibility and must present acceptable proof of residence. If the individual is not able to present acceptable proof of residence, as an alternative, current law permits another qualified elector who resides in the same municipality to corroborate the information contained in the individual's registration form or certification.

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Currently, any elector who is registered, or otherwise qualified where registration is not required, and who is hospitalized may obtain an absentee ballot by agent. The agent must apply for the absentee ballot no earlier than 7 days before the applicable election and no later than 5 p.m. on the day of the election. Current law does not similarly permit a hospitalized elector to register by agent.

This bill permits any unregistered, hospitalized elector in a municipality where registration is required to register by agent. The agent must register the elector when the agent applies for the elector's absentee ballot. As with other late or election day registrations, the agent must present acceptable proof of the hospitalized elector's residence, along with a completed registration form that is signed by the elector. In addition, the agent must present a statement that corroborates the hospitalized elector's information and that is signed by another elector of the hospitalized elector's municipality. As with other late or election day registrations, if the agent is not able to present acceptable proof of the hospitalized elector's residence, the agent may present acceptable proof of the corroborator's residence.

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

1 **SECTION 1.** 6.10 (3) of the statutes is amended to read:

2 6.10 (3) When an elector moves from one ward to another or from one
3 municipality to another within the state after the last registration day but at least
4 10 days before the election, the elector may vote in and be considered a resident of
5 the new ward or municipality where residing upon transferring registration under
6 s. 6.40 (1) or upon registering at the proper polling place or other registration location
7 in the new ward or municipality under s. 6.55 (2) or 6.86 (3) (a) 2. If the elector moves
8 within 10 days of an election, the elector shall vote in the elector's old ward or
9 municipality if otherwise qualified to vote there.

10 **SECTION 2.** 6.275 (1) (c) of the statutes is amended to read:

11 6.275 (1) (c) Where registration applies, the total number of electors of the
12 municipality residing in that county who registered after the close of registration and
13 prior to the day of the primary or election under ss. 6.28 (1) and, 6.29, and 6.86 (3)
14 (a) 2.

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1 **SECTION 3.** 6.275 (1) (d) of the statutes is amended to read:

2 6.275 (1) (d) Where registration applies, the total number of electors of the
3 municipality residing in that county who registered on the day of the primary or
4 election under ~~s. ss. 6.55 and 6.86 (3) (a) 2.~~

5 **SECTION 4.** 6.28 (1) of the statutes is amended to read:

6 6.28 (1) REGISTRATION LOCATIONS; DEADLINE. Except as authorized in ss. 6.29
7 ~~and, 6.55 (2), and 6.86 (3) (a) 2.,~~ registration in person for any election shall close at
8 5 p.m. on the 2nd Wednesday preceding the election. Registrations made by mail
9 under s. 6.30 (4) must be delivered to the office of the municipal clerk or postmarked
10 no later than the 2nd Wednesday preceding the election. An application for
11 registration in person or by mail may be accepted for placement on the registration
12 list after the specified deadline, if the municipal clerk determines that the
13 registration list can be revised to incorporate the registration in time for the election.
14 All applications for registration corrections and additions may be made throughout
15 the year at the office of the city board of election commissioners, at the office of the
16 municipal clerk, at the office of any register of deeds or at other locations provided
17 by the board of election commissioners or the common council in cities over 500,000
18 population or by either or both the municipal clerk, or the common council, village
19 or town board in all other municipalities and may also be made during the school year
20 at any high school by qualified persons under sub. (2) (a). Other registration
21 locations may include but are not limited to fire houses, police stations, public
22 libraries, institutions of higher education, supermarkets, community centers, plants
23 and factories, banks, savings and loan associations and savings banks. Special
24 registration deputies shall be appointed for all locations. An elector who wishes to

1 obtain a confidential listing under s. 6.47 (2) shall register at the office of the
2 municipal clerk of the municipality where the elector resides.

3 **SECTION 5.** 6.29 (1) of the statutes is amended to read:

4 6.29 (1) No names may be added to a registration list for any election after the
5 close of registration, except as authorized under this section or s. 6.28 (1) ~~or~~ 6.55 (2),
6 or 6.86 (3) (a) 2. Any person whose name is not on the registration list but who is
7 otherwise a qualified elector is entitled to vote at the election upon compliance with
8 this section.

9 **SECTION 6.** 6.30 (1) of the statutes is amended to read:

10 6.30 (1) ~~IN PERSON. Registration applications shall be made~~ An elector shall
11 apply for registration in person, except as provided under sub. (4) and s. 6.86 (3) (a)
12 2.

13 **SECTION 7.** 6.33 (2) (b) of the statutes is amended to read:

14 6.33 (2) (b) ~~The~~ Except as provided under ss. 6.30 (4) and 6.86 (3) (a) 2., the
15 registration form shall be signed by the registering elector and any corroborating
16 elector under s. 6.29 (2) (a) or 6.55 (2) before the clerk, issuing officer or registration
17 deputy. The form shall contain a certification by the registering elector that all
18 statements are true and correct.

19 **SECTION 8.** 6.56 (3) of the statutes is amended to read:

20 6.56 (3) ~~The~~ Upon receipt of the list under sub. (1), the municipal clerk or board
21 of election commissioners shall make an audit of all electors registering to vote at the
22 polling place or other registration location under s. 6.55 (2) ~~upon receipt of the list~~
23 ~~under sub. (1) and all electors registering by agent on election day under s. 6.86 (3)~~
24 (a) 2. The audit shall be made by 1st class postcard. The postcard shall be labeled
25 “ADDRESS CORRECTION REQUESTED” or “DO NOT FORWARD—RETURN POSTAGE

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1 GUARANTEED”. If any postcard is returned undelivered, or if the clerk or board of
2 election commissioners is informed of a different address than the one specified by
3 the elector which was apparently improper on the day of the election, the clerk or
4 board shall remove the elector’s name from the registration list, mail the elector a
5 notice of the removal and provide the name to the district attorney for the county
6 where the polling place is located.

7 **SECTION 9.** 6.56 (5) of the statutes is amended to read:

8 6.56 (5) Whenever any letter or postcard mailed under this section is returned
9 undelivered, or whenever the U.S. postal service notifies the clerk of an improper
10 address which was apparently improper on the day of the election or whenever it
11 otherwise appears that a person has voted who is not qualified or has voted more
12 than once in an election, and the person has been permitted to vote after
13 corroboration was made under s. 6.55 (2) or (3) or 6.86 (3) (a) 2., the name of the
14 corroborator shall also be provided to the district attorney.

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

16 6.79 (4) SUPPLEMENTAL INFORMATION. When any elector provides identification
17 under sub. (1) or s. 6.15, 6.29 or 6.55 (2) or (3), the election officials shall enter the
18 type of identification on the poll or registration list, or supplemental list maintained
19 under sub. (2). If the form of identification includes a number which applies only to
20 the individual holding that piece of identification, the election officials shall also
21 enter that number on the list. When any elector corroborates the registration
22 identity or residence of any person offering to vote under sub. (1) or s. 6.55 (2) (b) or
23 (c) or (3), or the registration identity or residence of any person registering on election
24 day under s. 6.86 (3) (a) 2., the name and address of the corroborator shall also be
25 entered next to the name of the elector whose information is being corroborated on

1 the registration or poll list, or the separate list maintained under sub. (2). When any
2 person offering to vote has been challenged and taken the oath, following the person's
3 name on the registration or poll list, the officials shall enter the word "Sworn".

4 **SECTION 11.** 6.86 (title) of the statutes is amended to read:

5 **6.86** (title) ~~Application for~~ **Methods for obtaining an absentee ballot.**

6 **SECTION 12.** 6.86 (3) (a) of the statutes is renumbered 6.86 (3) (a) 1.

7 **SECTION 13.** 6.86 (3) (a) 2. of the statutes is created to read:

8 **6.86 (3) (a) 2.** If a hospitalized elector is not registered where registration is
9 required, the elector may register by agent under this subdivision at the same time
10 that the elector applies for an official ballot by agent under subd. 1. To register the
11 elector under this subdivision, the agent shall present a completed registration form
12 that contains the required information supplied by the elector and the elector's
13 signature, unless the elector is unable to sign due to physical disability. In this case,
14 the elector may authorize another elector to sign on his or her behalf. Any elector
15 signing a form on another elector's behalf shall attest to a statement that the
16 application is made on request and by authorization of the named elector, who is
17 unable to sign the form due to physical disability. The agent shall present this
18 statement along with all other information required under this subdivision. Except
19 as otherwise provided in this subdivision, the agent shall in every case present
20 acceptable proof of the elector's residence under s. 6.55 (7). If the agent cannot
21 present this proof, the registration form shall be signed and substantiated by
22 another elector residing in the elector's municipality of residence, corroborating the
23 information in the form. The form shall contain the full name and address of the
24 corroborating elector. The agent shall then present acceptable proof of the
25 corroborating elector's residence under s. 6.55 (7).

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1 **SECTION 14.** 6.86 (3) (b) of the statutes is amended to read:

2 6.86 (3) (b) When such each properly executed form and statement required
3 under par. (a) is presented to the municipal clerk, if the elector who proposes to vote
4 is qualified, an absentee ballot shall be issued and the name of such hospitalized
5 elector shall be recorded by the clerk or special registration deputy. An agent who
6 is issued an absentee ballot under this section shall present identification, provide
7 his or her name and address, and attest to a statement that the ballot is received
8 solely for the benefit of a named elector who is hospitalized, and the agent will
9 promptly transmit the ballot to such person.

10 **SECTION 15.** 6.86 (3) (c) of the statutes is amended to read:

11 6.86 (3) (c) An application under ~~this subsection by agent~~ par. (a) 1. may be
12 made and a registration form under par. (a) 2. may be filed in person at the office of
13 the municipal clerk not earlier than 7 days before an election and not later than 5
14 p.m. on the day of the election. A list of hospitalized electors applying for ballots
15 under ~~this subsection~~ par. (a) 1. shall be made by the municipal clerk and used to
16 check that the electors vote only once, and by absentee ballot. The ballot shall be
17 sealed by the elector and returned to the municipal clerk either by mail or by personal
18 delivery of the agent; but if the ballot is returned on the day of the election, the agent
19 shall make personal delivery at the polling place serving the hospitalized elector's
20 residence before the closing hour for the ballot to be counted.

21

(END)