

**2001 DRAFTING REQUEST**

**Bill**

Received: **02/02/2001**

Received By: **rmarchan**

Wanted: **As time permits**

Identical to LRB:

For: **Gregory Huber (608) 266-0654**

By/Representing: **Mark**

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

Drafter: **rmarchan**

May Contact:

Addl. Drafters: **kuesejt**

Subject: **Elections - miscellaneous**

Extra Copies:

Submit via email: **NO**

**Pre Topic:**

No specific pre topic given

**Topic:**

Election day registration by confined and hospitalized voters

**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 02/07/2001 kuesejt 03/16/2001	jdyer 03/16/2001		_____			
/1			pgreensl 03/19/2001	_____	lrb_docadmin 03/19/2001	lrb_docadmin 10/19/2001 lrb_docadmin 10/19/2001	

FE Sent For:

↳ Not  
Needed

<END>

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1?	rmarchan	1/3 kjld	3/16 pgj	3/16 Pg/Ch			

FE Sent For:

<END>

**LEGISLATIVE REFERENCE BUREAU**

Legal Section, 5<sup>th</sup> Floor, 100 N. Hamilton St.  
(608) 266-3561

**BILL REQUEST FORM**

*RTM*

Use of this form is optional. It is often helpful to talk directly with the LRB attorney who will draft the bill. Use this form only for **BILL** drafts. Attach more pages if necessary.

Date of request: <i>1/31/01</i>	Legislator or agency requesting this draft: <i>Rep. Greg Huber</i>
Name/phone number of person submitting request: <i>Mark 6-0654</i>	
Persons to contact for questions about this draft (names and phone numbers please): <i>Mark or Greg 6-0654</i>	
Describe the problem, including any helpful examples. How do you want to solve the problem? <i>Please see attached letter.</i>	
If you know of any statute sections that might be affected, please list them or provide a marked (not re-typed) copy. <i>§ 6.55</i>	

Please attach a copy of any correspondence or material that may help us. You may also attach a marked (not re-typed) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67):

**Requests are confidential unless stated otherwise.**

May we tell others that we are working on this for you?  YES  NO

If yes, anyone who asks?  YES  NO

Any legislator?  YES  NO  ONLY the following persons:

\_\_\_\_\_

Do you consider this urgent?  YES  NO If yes, please indicate why:

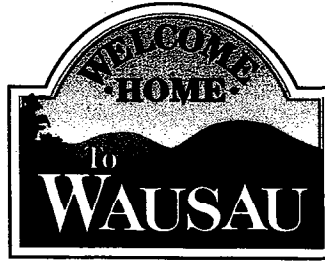
\_\_\_\_\_

Is this request of higher priority than other pending request(s) you have made?

YES  NO If yes, please sign your name here:

\_\_\_\_\_

Gary Lee Klingbeil  
City Clerk



Office of the City Clerk

Mary A Goede  
Deputy City Clerk

Kelly Michaels-Saager  
Deputy City Clerk

January 23, 2001

Representative Greg Huber  
State Capitol  
PO Box 8952  
Madison WI 53708-8952

Dear Rep. Huber:

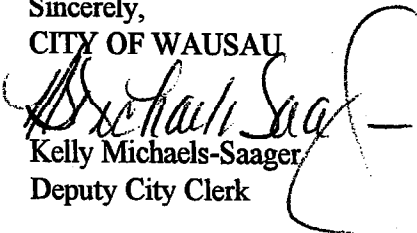
This letter documents our conversation last week, to summarize my request for legislation allowing election day registration of confined and hospitalized voters. There are many circumstances that can and do arise preventing a hospitalized voter from voting. The law requires voters to register at the polls on election day. Many argue that people should plan ahead and register before election day so problems can be solved beforehand, however it is my experience that people prefer the "one stop" method where they register, change their address or name and vote all on election day at the polls. The problem arises when you are unexpectedly hospitalized and unable to get to the polls. The law allows absentee voting for confined and hospitalized voters, however there is no provision to register someone who is not appearing on the registration files. Many circumstances can lead to a person not being registered: perhaps the voter intended to register at the polls on election day or perhaps they moved to a new location in the City which fell in a different district and didn't realize they were required to re-register. Or perhaps an error on the City's part resulted in a voter not showing up in the registration files. Attached is an article which appeared in a local newspaper in which a hospitalized voter was unable to vote for that exact reason. In his particular case, a data entry error in the spelling of the voters last name caused it to appear that he was not registered and therefore unable to vote under the absentee hospitalized voter procedures. It was later found that he was in fact, registered.

So what is the solution? I believe all of these scenarios could be handled by statutorily allowing election day registration of confined and hospitalized voters by their agent during the absentee voting process.

Also enclosed is our local newspaper's opinion on the presidential election as it relates to registration, poll workers and waiting in long lines.

Thank you for working to improve the election process in Wisconsin. Please contact me at (715) 261-6640 if you need additional information regarding this request.

Sincerely,  
CITY OF WAUSAU

  
Kelly Michaels-Saager  
Deputy City Clerk



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-2384<sup>1</sup>/<sub>2</sub>

RJM&JTK

SOON

JLD PMARK

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~

DUOTE

1 AN ACT <sup>gen. act.</sup>; relating to: 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, provided the envelope is postmarked by the close of registration (the second Wednesday preceding the election), may mail to the appropriate municipal clerk a completed registration form. 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.

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           History: 1971 c. 304 s. 29 (2); 1975 c. 85, 94, 199; 1977 c. 26; 1979 c. 260; 1983 a. 192, 484; 1985 a. 304; 1987 a. 391; 1991 a. 316; 1997 a. 39.

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

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

15           History: 1979 c. 260; 1979 c. 355 ss. 12 to 14; 1983 a. 484; 1985 a. 304; 1989 a. 192; 1999 a. 182.

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





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

3 NOTE: NOTE: NOTE: Sub. (1) is shown as affected by two acts of the 1999 legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE:  
History: 1971 c. 304 s. 29 (2); 1973 c. 166, 225, 334; 1975 c. 85, 199; 1977 c. 378, 394, 447; 1979 c. 32; 1981 c. 44 s. 3; 1981 c. 262 s. 23; 1983 a. 484; 1985 a. 304; 1989  
a. 31, 192; 1991 a. 221; 1999 a. 49, 182; s. 13.93 (2) (c).

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

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

History: 1977 c. 394; 1987 a. 391; 1989 a. 192; 1999 a. 182.

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

11 6.30 (1) IN PERSON. ~~Registration applications shall be made~~ An elector shall  
12 apply for registration in person, except as provided under sub. (4) and s. 6.86 (3) (a)  
13 2.

History: 1971 c. 249; 1975 c. 85 ss. 12, 65; 1975 c. 199, 200, 422; 1977 c. 283, 394; 1983 a. 484; 1989 a. 192; 1999 a. 182.

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

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

under ss. 6.30 (4) and

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

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

21 6.56 (3) <sup>plain</sup> ~~The~~ Upon receipt of the list under sub. (1), the municipal clerk or board  
22 of election commissioners shall make an audit of all electors registering to vote at the  
23 polling place or other registration location under s. 6.55 (2) ~~upon receipt of the list~~  
24 under sub. (1) and all electors registering by agent on election day under s. 6.86 (3)

1 (a) <sup>✓</sup>2. The audit shall be made by 1st class postcard. The postcard shall be labeled  
2 "ADDRESS CORRECTION REQUESTED" or "DO NOT FORWARD—RETURN POSTAGE  
3 GUARANTEED". If any postcard is returned undelivered, or if the clerk or board of  
4 election commissioners is informed of a different address than the one specified by  
5 the elector which was apparently improper on the day of the election, the clerk or  
6 board shall remove the elector's name from the registration list, mail the elector a  
7 notice of the removal and provide the name to the district attorney for the county  
8 where the polling place is located.

9 History: 1975 c. 85, 199; 1977 c. 394; 1979 c. 260; 1983 <sup>✓</sup>a. 484; 1985 a. 304; 1989 a. 192.

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

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

17 History: 1975 c. 85, 199; 1977 c. 394; 1979 c. 260; 1983 <sup>✓</sup>a. 484; 1985 a. 304; 1989 a. 192.

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

18 6.79 (4) SUPPLEMENTAL INFORMATION. When any elector provides identification  
19 under sub. (1) or s. 6.15, 6.29 or 6.55 (2) or (3), the election officials shall enter the  
20 type of identification on the poll or registration list, or supplemental list maintained  
21 under sub. (2). If the form of identification includes a number which applies only to  
22 the individual holding that piece of identification, the election officials shall also  
23 enter that number on the list. When any elector corroborates the registration  
24 identity or residence of any person offering to vote under sub. (1) or s. 6.55 (2) (b) or

unless the elector is unable to sign due to physical disability. In this case, the elector may authorize another elector to sign on his or her behalf. Any elector signing a form on another elector's behalf shall attest to a statement that

the application is made on request and by authorization of the named elector, who is unable to sign the form due to physical disability. The agent shall present this statement along with all other information required under this subdivision.

(c) or (3), or the registration identity or residence of any person registering on election day under <sup>(B.)</sup> 6.86 (3) (a) 2., the name and address of the corroborator shall also be entered next to the name of the elector whose information is being corroborated on the registration or poll list, or the separate list maintained under sub. (2). When any person offering to vote has been challenged and taken the oath, following the person's name on the registration or poll list, the officials shall enter the word "Sworn".

History: 1971 c. 304 s. 29 (2); 1973 c. 83, 199, 200; 1977 c. 394, 447; 1979 c. 260, 311, 355; 1985 a. 304; 1989 a. 192; 1999 a. 49, 182; s. 13.93 (2) (c).

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

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

History: 1975 c. 85 ss. 37, 38, 65; 1975 c. 90, 199, 200, 275, 422; 1977 c. 394 ss. 14, 40, 41; 1979 c. 232, 311; 1981 c. 391; 1983 a. 183, 484; 1985 a. 304 ss. 69, 156; 1987 a. 391; 1995 a. 313; 1999 a. 182.

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

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

6.86 (3) (a) 2. If a hospitalized elector is not registered where registration is required, the elector may register by agent under this subdivision at the same time that the elector applies for an official ballot by agent under subd. 1. To register the elector under this subdivision, the agent shall present a completed registration form prescribed by the board that contains the required information supplied by the elector and the elector's signature. The registration form shall also present a statement that is signed by another elector residing in the elector's municipality of residence and that corroborates the information in the form. The statement shall contain the full name and address of the corroborating elector. Except as otherwise provided in this subdivision, the agent shall present acceptable proof of the elector's residence under s. 6.55 (7). If the agent cannot present this proof, the agent shall then present acceptable proof of the corroborating elector's residence under s. 6.55 (7).

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

6.86 (3) (b) When such and each properly executed form and statement required under par. (a) is presented to the municipal clerk or special registration deputy, if the

1 elector who proposes to vote is qualified, an absentee ballot shall be issued and the  
2 name of such hospitalized elector shall be recorded by the clerk or special registration  
3 deputy. An agent who is issued an absentee ballot under this section shall present  
4 identification, provide his or her name and address, and attest to a statement that  
5 the ballot is received solely for the benefit of a named elector who is hospitalized, and  
6 the agent will promptly transmit the ballot to such person.

7 History: 1975 c. 85 ss. 37, 38, 65; 1975 c. 90, 100, 200, 275, 422; 1977 c. 394 ss. 14, 40, 41; 1979 c. 232, 311; 1981 c. 391, 1983 a. 183, 484; 1983 a. 304 ss. 69, 156; 1987 c. 391; 1995 a. 313; 1999 a. 182.

(END)

JUSM  
7-6

IWS927 7-6

Section #. 6.86 (3) (c) of the statutes is amended to read:

~~and a registration~~ <sup>form</sup> under par. (a) 2. may be filed

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

History: 1975 c. 85 ss. 37, 38, 65; 1975 c. 90, 199, 200, 275, 422; 1977 c. 394 ss. 14, 40, 41; 1979 c. 232, 311; 1981 c. 391; 1983 a. 183, 484; 1985 a. 304 ss. 69, 156; 1987 a. 391; 1995 a. 313; 1999 a. 182.

<entire>

DRAFT

date

Representative Huber:

The attached draft permits hospitalized electors to register by agent at the same time that the agent obtains an absentee ballot for the hospitalized elector. A hospitalized elector may also register by mail under the procedures contained in current law, although mail registration closes on the <sup>second</sup> ~~third~~ Wednesday before the election. Please let us know if you have any questions or desire any changes.

RJM

JTK

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

LRB-2384/1dn  
RJM&JTK:jld:pg

March 16, 2001

Representative Huber:

The attached draft permits hospitalized electors to register by agent at the same time that the agent obtains an absentee ballot for the hospitalized elector. A hospitalized elector may also register by mail under the procedures contained in current law, although mail registration closes on the second Wednesday before the election. Please let us know if you have any questions or desire any changes.

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

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





# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

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

STEPHEN R. MILLER  
CHIEF

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

March 19, 2001

### MEMORANDUM

To: Representative Huber

From: Robert I. Marchant, Legislative Attorney

Re: LRB-2384 Election day registration by confined and hospitalized voters

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

JACKET FOR ASSEMBLY  JACKET FOR SENATE

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

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

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