

**2003 DRAFTING REQUEST**

**Bill**

Received: 12/10/2002

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **Thomas Reynolds (608) 266-2512**

By/Representing: **Steve Krieser**

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

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Elections - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Reynolds@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Identification required for voting at polling places

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**Instructions:**

Per 01 AB-12.

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**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>
/?	jkuesel 12/10/2002	kgilfoy 12/11/2002		_____			
/1			chaskett 12/13/2002	_____	mbarman 12/13/2002	lemery 03/10/2003	
				_____	mbarman		
				_____	01/03/2003		

Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

\_\_\_\_\_ mbarman  
\_\_\_\_\_ 01/03/2003  
\_\_\_\_\_ mbarman  
\_\_\_\_\_ 01/03/2003  
\_\_\_\_\_ mbarman  
\_\_\_\_\_ 01/06/2003

FE Sent For:

*None  
needed*

<END>

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/?	jkuesel 12/10/2002	kgilfoy 12/11/2002		_____			
/1			chaskett 12/13/2002	_____	mbarman 12/13/2002		
				_____	<del>_____</del>		
				_____	<del>01/02/2003</del>		

*for  
Senate  
Per  
Steve*

Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

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\_\_\_\_\_  
mbarman  
01/06/2003

Re-Submitted  
Via E-mail

FE Sent For:

<END>

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**Bill**

Received: 12/10/2002

Wanted: As time permits

For: Legislative Reference Bureau

This file may be shown to any legislator: NO

May Contact:

Subject: Elections - miscellaneous

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Identification required for voting at polling places

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Per 01 AB-12.

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/?	jkuesel 12/10/2002	kgilfoy 12/11/2002					
/1			chaskett 12/13/2002		<del>mbarman</del> <del>12/13/2002</del>		

FE Sent For:

<END>

switch to  
Senator  
Tom Reynolds  
after session  
turn-over

Received By: jkuesel

Identical to LRB:

By/Representing: Steve Krieser

Drafter: jkuesel

Addl. Drafters:

Extra Copies:

switch back to "yes"  
↳ submit via e-mail

PDF of "1"  
e-mailed to Steve  
12-17-2002

**NOTE**

**2003 DRAFTING REQUEST**

**Bill**

Received: 12/10/2002

Wanted: As time permits

For: ~~Marty~~ Reynolds

This file may be shown to any legislator: NO

May Contact:

Subject: **Elections - miscellaneous**

Submit via email: **NO**

*This must be changed before submittal.*

Received By: **jkuesel**

Identical to LRB:

By/Representing: **Steve Krieser**

Drafter: **jkuesel**

Addl. Drafters:

Extra Copies:

*no e-mail address*

**Pre Topic:**

No specific pre topic given

**Topic:**

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**Instructions:**

Per 01 AB-12.

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?/1	jkuesel	12/10/11 - 12/11/11 Krug	1-12/11 com	11/15/11 12/1/12			

FE Sent For:

<END>

LJM

# Bill Request Form

**Legislative Reference Bureau**  
100 N. Hamilton Street  
Legal Section 266-3561

You may use this form or talk directly with the LRB attorney who will draft the bill.

Date 12/9/02

Legislator, agency, or other person requesting this draft Sen. Reynolds

Person submitting request (name and phone number) Steve Krieser 6-1907

Persons to contact for questions about this draft (names and phone numbers) Steve Krieser 6-1907

Describe the problem, including any helpful examples. How do you want to solve the problem?

Redraft 2001 AB 12.

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 2001 LRB-2345/1 or 1999AB-67).

1034/1

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 Les Wakefield, Adam Peer.

Do you consider this request urgent? YES  NO If yes, please indicate why \_\_\_\_\_

Should we give this request priority over any pending request of this legislator, agency, or person?

YES  NO

DN075

2003 - 2004 LEGISLATURE

-1105/1  
LRB-01597  
JTK:kmg:rs  
↑

## 2003 BILL

1 AN ACT *to amend* 6.29 (1), 6.55 (2) (b), 6.55 (2) (c) 2., 6.55 (3), 6.55 (7) (c) 9., 6.55  
 2 (7) (c) 10., 6.79 (1), 6.79 (2), 6.79 (3), 6.79 (4), 6.79 (6) (a), 6.79 (6) (b), 6.82 (1) (a)  
 3 and 10.02 (3) (a) of the statutes; **relating to:** requiring electors to present  
 4 identification in order to vote at a polling place.

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### *Analysis by the Legislative Reference Bureau*

Currently, before being permitted to vote at any polling place, an elector must provide or confirm his or her name and address. In municipalities where registration is not required, the election officials may require an elector to provide identification, including acceptable proof of residence, or to have another elector corroborate the elector's name and address, before permitting the elector to vote.

This bill requires every elector who appears to vote at a polling place to present a valid Wisconsin driver's license issued to the elector that contains a photograph of the license holder, a valid Wisconsin identification card issued to the elector, a university, college, or technical college identification card that contains a photograph of the elector, or a copy of the elector's birth certificate. The bill does not apply to an elector who qualifies under current law to vote using an identification card that does not include the elector's address. The bill does not affect the absentee voting procedure.

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



**BILL**

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

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

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

9           6.55 (2) (b) Upon executing the registration form under par. (a), the person  
10 shall be required by a special registration deputy or inspector to present acceptable  
11 proof of residence under sub. (7). If the person cannot supply such proof, the  
12 registration form shall be substantiated and signed by one other elector who resides  
13 in the same municipality as the registering elector, corroborating all the material  
14 statements therein. The corroborator shall then provide acceptable proof of  
15 residence. The signing by the elector executing the form and by any elector who  
16 corroborates the information in the form shall be in the presence of the special  
17 registration deputy or inspector. Upon compliance with this procedure and all other  
18 requirements for voting at the polling place, such person shall then be given the right  
19 to vote.

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

21           6.55 (2) (c) 2. Upon compliance with the procedures under subd. 1., the  
22 municipal clerk or deputy clerk shall issue a certificate addressed to the inspectors  
23 of the proper polling place directing that the elector be permitted to cast his or her  
24 vote if the elector complies with all requirements for voting at the polling place. If  
25 the elector's registration is corroborated, the clerk shall enter the name and address

**BILL**

1 of the corroborator on the face of the certificate. The certificate shall be numbered  
2 serially and prepared in duplicate. The municipal clerk shall preserve one copy in  
3 his or her office.

4 **SECTION 4.** 6.55 (3) of the statutes is amended to read:

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

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1 proof is not presented, the statement shall be certified by the elector and shall be  
2 corroborated by another elector who resides in the municipality. The corroborator  
3 shall then provide acceptable proof of residence as provided in sub. (7). Whenever  
4 the question of identity or residence cannot be satisfactorily resolved and the elector  
5 cannot be permitted to vote, an inspector shall telephone the office of the municipal  
6 clerk to reconcile the records at the polling place with those at the office.

7 **SECTION 5.** 6.55 (7) (c) 9. of the statutes is amended to read:

8 6.55 (7) (c) 9. A university, college, or technical ~~institute~~ college fee card.

9 **SECTION 6.** 6.55 (7) (c) 10. of the statutes is amended to read:

10 6.55 (7) (c) 10. A university, college, or technical ~~institute~~ college identification  
11 card.

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

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

**BILL**

1 to the name of the elector in the order that the votes are cast, beginning with the  
2 number one. If the name and address of an elector do not appear on the prepared poll  
3 list, the officials shall enter the name, address and serial number of the elector at the  
4 bottom of the list. Before being permitted to vote, each elector shall present to the  
5 officials a valid operator's license issued to the elector under ch. 343 that contains  
6 a photograph of the license holder, a valid identification card issued to the elector  
7 under s. 343.50, a valid university, college, or technical college identification card  
8 that contains a photograph of the elector, or a copy of the elector's birth certificate.  
9 The officials may require any elector to provide ~~identification, including~~ acceptable  
10 proof of residence, or to have another elector corroborate his or her information in  
11 accordance with the procedure specified in s. 6.55 (2) (b) before permitting the elector  
12 to vote. An elector who presents an identification card under sub. (6) (a) is not  
13 required to provide separate identification. The officials shall maintain a separate  
14 list of those persons voting under ss. 6.15 and 6.24.

15 **SECTION 8.** 6.79 (2) of the statutes is amended to read:

16 6.79 (2) MUNICIPALITIES WITH REGISTRATION. Except as provided in sub. (6) (b),  
17 where there is registration, each ~~person~~ elector, before receiving a voting number,  
18 shall state his or her full name and address and present to the officials a valid  
19 operator's license issued to the elector under ch. 343 that contains a photograph of  
20 the license holder, a valid identification card issued to the elector under s. 343.50, a  
21 valid university, college, or technical college identification card that contains a  
22 photograph of the elector, or a copy of the person's birth certificate. Upon the  
23 prepared registration list, after the name of each elector, the officials shall enter the  
24 serial number of the vote as it is polled, beginning with number one. Each elector  
25 shall receive a slip bearing the same serial number. A separate list shall be

**BILL**

1 maintained for electors who are voting under s. 6.15, 6.29 or 6.55 (2) or (3) and  
2 electors who are reassigned from another polling place under s. 5.25 (5) (b). Each  
3 such elector shall have his or her full name, address and serial number likewise  
4 entered and shall be given a slip bearing such number.

5 **SECTION 9.** 6.79 (3) of the statutes is amended to read:

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

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

12 6.79 (4) SUPPLEMENTAL INFORMATION. When any elector provides identification  
13 under ~~sub. (1) of~~ s. 6.15, 6.29 or 6.55 (2) or (3), the election officials shall enter the  
14 type of identification on the poll or registration list, or supplemental list maintained  
15 under sub. (2). If the form of identification includes a number which applies only to  
16 the individual holding that piece of identification, the election officials shall also  
17 enter that number on the list. When any elector corroborates the ~~registration~~  
18 ~~identity or~~ residence of any person offering to vote under sub. (1) or s. 6.55 (2) (b) or  
19 (c) or (3), or the ~~registration identity or~~ residence of any person registering on election  
20 day under s. 6.86 (3) (a) 2., the name and address of the corroborator shall also be  
21 entered next to the name of the elector whose information is being corroborated on  
22 the registration or poll list, or the separate list maintained under sub. (2). When any  
23 person offering to vote has been challenged and taken the oath, following the person's  
24 name on the registration or poll list, the officials shall enter the word "Sworn".

25 **SECTION 11.** 6.79 (6) (a) of the statutes is amended to read:

**BILL**

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

9           **SECTION 12.** 6.79 (6) (b) of the statutes is amended to read:

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

18           **SECTION 13.** 6.82 (1) (a) of the statutes is amended to read:

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

**BILL**

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

12 **SECTION 14.** 10.02 (3) (a) of the statutes is amended to read:

13 10.02 (3) (a) Upon entering the polling place, an elector shall give his or her  
14 name and address and present a valid Wisconsin driver’s license, a valid Wisconsin  
15 identification card, a valid university, college, or technical college identification card,  
16 or a copy of the elector’s birth certificate before being permitted to vote. Where  
17 ballots are distributed to electors, the initials of 2 inspectors must appear on the  
18 ballot. Upon being permitted to vote, the elector shall retire alone to a voting booth  
19 or machine and cast his or her ballot, except that an elector who is a parent or  
20 guardian may be accompanied by the elector’s minor child or minor ward. An  
21 election official may inform the elector of the proper manner for casting a vote, but  
22 the official may not in any manner advise or indicate a particular voting choice.

23 (END)

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

LRB-1105/1dn

JTK.....

*kmg*

Senator Reynolds:

1. The federal Help America Vote Act of 2002 (P.L. 107-252) requires that, in elections for national office, electors other than military and overseas electors, as defined by federal law, must provide a specified form of identification in order to vote if they register by mail and have never voted in an election for national office in this state. The form of identification required is different than the form required under this draft. The Help America Vote Act requires state-implementing legislation and that legislation has not yet been introduced or considered by the Wisconsin legislature.

~~LRB-0159/1dn  
JTK:kmg:rs~~

2. This draft generally requires a person to present a Wisconsin driver's license, Wisconsin identification card, university, college, or technical college identification card, or birth certificate in order to vote. The bill does not require persons who vote by absentee ballot to present identification. You may want to require any person who obtains an absentee ballot in person to present identification. Although I have not researched the issue thoroughly, it is possible that the bill's more strict treatment of electors who vote in person could be challenged as a violation of equal protection requirements under the 14th Amendment.

Please let me know if you desire any changes.

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



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

LRB-1105/1dn  
JTK:kmg:cph

December 11, 2002

Senator Reynolds:

1. The federal Help America Vote Act of 2002 (P.L. 107-252) requires that, in elections for national office, electors other than military and overseas electors, as defined by federal law, must provide a specified form of identification in order to vote if they register by mail and have never voted in an election for national office in this state. The form of identification required is different than the form required under this draft. The Help America Vote Act requires state-implementing legislation and that legislation has not yet been introduced or considered by the Wisconsin legislature.

2. This draft generally requires a person to present a Wisconsin driver's license, Wisconsin identification card, university, college, or technical college identification card, or birth certificate in order to vote. The bill does not require persons who vote by absentee ballot to present identification. You may want to require any person who obtains an absentee ballot in person to present identification. Although I have not researched the issue thoroughly, it is possible that the bill's more strict treatment of electors who vote in person could be challenged as a violation of equal protection requirements under the 14th Amendment.

Please let me know if you desire any changes.

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

## Barman, Mike

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**From:** Barman, Mike  
**Sent:** Tuesday, December 17, 2002 8:43 AM  
**To:** Krieser, Steve  
**Subject:** LRB -1105/1 (2003) (Attached For Your Review)



03-1105/1



03-1105/1dn

Drafted will be submitted via e-mail to Senator Reynolds in early January.

*Mike Barman*

Mike Barman - Senior Program Asst. (PH. 608-266-3561)  
(E-Mail: [mike.barman@legis.state.wi.us](mailto:mike.barman@legis.state.wi.us)) (FAX: 608-264-6948)

State of Wisconsin  
Legislative Reference Bureau - Legal Section - Front Office  
100 N. Hamilton Street - 5th Floor  
Madison, WI 53703