

**2003 DRAFTING REQUEST**

**Senate Substitute Amendment (SSA-SB68)**

Received: **03/25/2003**

Received By: **jkuesel**

Wanted: **Today**

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: **tfast  
agary**

Subject: **Elections - miscellaneous  
Transportation - 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:**

SSA to SB-68

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**Instructions:**

Per LRBs0046/1.

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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 03/25/2003	kgilfoy 03/25/2003		_____			
/1			chaskett 03/25/2003	_____	mbarman 03/25/2003	mbarman 03/25/2003	

FE Sent For:

**<END>**

DNOTE

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1? / 1	jkuesel	3/25 16-3/25 DMF	1-3/25 CB	self 3/26			

FE Sent For:

<END>

2003 - 2004 LEGISLATURE

LRBs0046/T

JTK/TNF/ARG:kmg:jf

WANTED Wed 3/26 8:30AM

S0048/1



SENATE SUBSTITUTE AMENDMENT,  
SENATE 68  
TO 2003 ASSEMBLY BILL ~~11~~

1 AN ACT *to repeal* 6.15 (3) (a) (title), 6.15 (3) (b) (title) and 6.56 (5); *to renumber*  
2 6.79 (3); *to renumber and amend* 6.15 (3) (a) 1., 2. and 3., 6.15 (3) (b) and 6.87  
3 (4); *to amend* 5.40 (6), 6.15 (2) (title), 6.15 (2) (a) (intro.), 6.22 (2) (b), 6.24 (4)  
4 (d), 6.29 (1), 6.55 (2) (b), 6.55 (2) (c) 1., 6.55 (2) (c) 2., 6.55 (2) (d), 6.55 (3), 6.55  
5 (7) (c) 1., 6.55 (7) (c) 2., 6.79 (1), 6.79 (2), 6.79 (3) (title), 6.79 (4), 6.79 (6) (a), 6.79  
6 (6) (b), 6.82 (1) (a), 6.86 (1) (ar), 6.86 (3) (a), 6.87 (3) (d), 6.88 (3) (a), 10.02 (3) (a),  
7 343.50 (3), 343.50 (4), 343.50 (5) and 343.50 (6); *to repeal and recreate* 6.79  
8 (6) (title); and *to create* 6.15 (2) (bm), 6.15 (2) (d) 1g., 6.15 (2) (e), 6.79 (3) (b),  
9 6.869, 6.87 (4) (a), 6.87 (4) (b) 2. and 3., 6.97 and 343.50 (4g) of the statutes;  
10 **relating to:** requiring identification in order to vote at a polling place or obtain

1 an absentee ballot and the fee for an identification card issued by the  
2 Department of Transportation.

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***Analysis by the Legislative Reference Bureau***

With certain limited exceptions, before being permitted to vote at any polling place, an elector currently must provide his or her name and address. If registration is required in order to vote and the elector is not registered, the elector must provide a specified form of proof of residence in order to register. If an elector claims to be registered but his or her name does not appear on the appropriate registration list, the elector must complete a certification of eligibility and present acceptable proof of residence in order to vote. In addition, an elector may be required to provide acceptable proof of residence even if registration is not required. If an elector is not able to present any required proof of residence, as an alternative, current law permits another qualified elector who resides in the same municipality to corroborate the elector's information.

With certain limited exceptions, this substitute amendment requires each person attempting to register or vote at the polls on election day to present a valid Wisconsin driver's license issued by the Department of Transportation (DOT) to the person that contains the person's photograph, a valid, current identification card issued to the person by a U.S. uniformed service, or a valid Wisconsin identification card issued by DOT to the person. Under the substitute amendment, any person who applies for an absentee ballot, except a military or overseas elector, as defined by federal law must provide a copy of the identification, unless the person has already provided a copy of his or her identification in connection with an absentee ballot cast at a previous election and has not changed his or her name or address since that election, or unless the person is indefinitely confined, in which case the person may submit a statement signed by the person who witnesses his or her absentee ballot verifying his or her identity. If a person who votes at a polling place fails to provide identification or fails to provide sufficient identification and the person has registered by mail and has never voted in a federal election in this state, the person may vote provisionally. If a person other than a military or overseas elector, as defined by federal law, votes by absentee ballot and fails to provide the required identification or sufficient identification, the ballot is treated as a provisional ballot. A provisional ballot is marked by the poll workers, who immediately contact the municipal clerk or board of election commissioners. The person may then provide the required identification to the clerk or board. If the person does not provide the required identification to the clerk or board of election commissioners by 4. p.m. or the close of business, whichever is later, on the day following the election, the person's vote is not counted. Under the substitute amendment, the clerk or board of election commissioners must determine the validity of identification no later than the end of the day after the election. The decision of the clerk or board of election commissioners is final and is not subject to review during the canvassing process or during any recount.

The substitute amendment also permits an elector who is eligible to obtain a Wisconsin identification card to obtain the card from DOT free of charge, if the elector specifically requests not to be charged. The substitute amendment permits an applicant to receive a Wisconsin identification card without a photograph being taken, as currently required, if the applicant provides an affidavit stating that he or she has sincerely held religious beliefs against being photographed, that he or she is a member of a religious organization or identifies with the tenets of a religious organization and names that organization, and that the religious tenets of that organization prohibit such photographing.

In addition, the substitute amendment deletes the authority for an elector to utilize corroboration in order to register to vote or to vote on election day.

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

1           **SECTION 1.** 5.40 (6) of the statutes is amended to read:

2           **5.40 (6)** A municipality which utilizes voting machines or an electronic voting  
3 system at a polling place may permit use of the machines or system by electors voting  
4 under s. 6.15 only as authorized under s. 6.15 (3) ~~(b)~~.

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

6           **6.15 (2)** (title) ~~APPLICATION FOR BALLOT~~ PROCEDURE AT CLERK'S OFFICE.

7           **SECTION 3.** 6.15 (2) (a) (intro.) of the statutes is amended to read:

8           **6.15 (2) (a)** (intro.) The elector's request for the application form may be made  
9 to the proper municipal clerk either in person or in writing ~~any time during the~~  
10 ~~10-day period in which the elector's residence requirement is incomplete, but not~~  
11 ~~later than the applicable deadline for making application for an absentee ballot.~~  
12 Except as provided in par. (e), application may be made not sooner than 9 days nor  
13 later than 5 p.m. on the day before the election, or may be made at the proper polling  
14 place ~~in~~ for the ward or election district in which the elector resides. The application  
15 form shall be returned to the municipal clerk after the affidavit has been signed in

1 the presence of the clerk or any officer authorized by law to administer oaths. The  
2 affidavit shall be in substantially the following form:

3 SECTION 4. 6.15 (2) (bm) of the statutes is created to read:

4 6.15 (2) (bm) When making application in person at the office of the municipal  
5 clerk, each applicant shall present a valid operator's license issued to the person  
6 under ch. 343 that contains a photograph of the license holder, a valid, current  
7 identification card issued to the person by a U.S. uniformed service, or a valid  
8 identification card issued to the person under s. 343.50.

9 SECTION 5. 6.15 (2) (d) 1g. of the statutes is created to read:

10 6.15 (2) (d) 1g. If the elector makes application in person at the office of the  
11 municipal clerk, the clerk shall verify that the name on the identification provided  
12 by the elector under par. (bm) is the same as the name on the elector's application  
13 and shall verify that the photograph contained in the identification reasonably  
14 resembles the elector.

15 SECTION 6. 6.15 (2) (e) of the statutes is created to read:

16 6.15 (2) (e) If the elector makes application in writing but does not appear in  
17 person, and the clerk receives a properly completed application and cancellation card  
18 from the elector, the clerk shall provide the elector with a ballot. If the ballot is to be  
19 mailed, the application must be received no later than 5 p.m. on the Friday before  
20 the election. In order to be counted, the ballot must be received by the municipal  
21 clerk no later than 5 p.m. on the day before the election.

22 SECTION 7. 6.15 (3) (a) (title) of the statutes is repealed.

23 SECTION 8. 6.15 (3) (a) 1., 2. and 3. of the statutes are renumbered 6.15 (2) (d)  
24 1r., 2. and 3., and 6.15 (2) (d) 1r., as renumbered, is amended to read:

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

12           **SECTION 9.** 6.15 (3) (b) (title) of the statutes is repealed.

13           **SECTION 10.** 6.15 (3) (b) of the statutes is renumbered 6.15 (3) and amended to  
14 read:

15           6.15 (3) ~~VOTING PROCEDURE~~ PROCEDURE AT POLLING PLACE. An eligible elector  
16 may appear at the polling place for the ward or election district where he or she  
17 resides and make application for a ballot under sub. (2). ~~In such case, the inspector~~  
18 ~~or special registration deputy~~ Except as otherwise provided in this subsection, an  
19 elector who casts a ballot under this subsection shall follow the same procedure  
20 required for casting a ballot at the municipal clerk's office under sub. (2). The  
21 inspectors shall perform the duties of the municipal clerk. The elector shall provide  
22 identification. If the elector is qualified, he or she shall be permitted to vote, except  
23 that the inspectors shall return the cancellation card under sub. (2) (b) to the  
24 municipal clerk and the clerk shall forward the card as provided under sub. (2) (c)  
25 if required. Upon proper completion of the application and cancellation card and



1 compliance with sub. (2) (d) 1g., the inspectors shall permit the elector to cast his or  
2 her ballot for president and vice president. The elector shall then mark the ballot  
3 and, unless the ballot is utilized with an electronic voting system, the elector shall  
4 fold the ballot, and shall deposit the ballot into the ballot box or give it to the  
5 inspector. The inspector shall deposit it directly into the ballot box. Voting machines  
6 or ballots utilized with electronic voting systems may only be used by electors voting  
7 under this section if they permit voting for president and vice president only.

8 **SECTION 11.** 6.22 (2) (b) of the statutes is amended to read:

9 6.22 (2) (b) Notwithstanding s. 6.87 (4) (b), a military elector shall make and  
10 subscribe to the certification under s. 6.87 (2) before a witness who is an adult U.S.  
11 citizen.

12 **SECTION 12.** 6.24 (4) (d) of the statutes is amended to read:

13 6.24 (4) (d) An overseas elector who is not registered may request both a  
14 registration form and an absentee ballot at the same time, and the municipal clerk  
15 shall send the ballot automatically if the registration form is received within the time  
16 prescribed in s. 6.28 (1). The board shall prescribe a special certificate form for the  
17 envelope in which the absentee ballot for overseas electors is contained, which shall  
18 be substantially similar to that provided under s. 6.87 (2). Notwithstanding s. 6.87  
19 (4) (b), an overseas elector shall make and subscribe to the special certificate form  
20 before a witness who is an adult U.S. citizen.

21 **SECTION 13.** 6.29 (1) of the statutes is amended to read:

22 6.29 (1) No names may be added to a registration list for any election after the  
23 close of registration, except as authorized under this section or s. 6.28 (1), 6.55 (2),  
24 or 6.86 (3) (a) 2. Any person whose name is not on the registration list but who is  
25 otherwise a qualified elector is entitled to vote at the election upon compliance with

1     this section, if the person complies with all other requirements for voting at the  
2     polling place.

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

4             6.55 (2) (b) Upon executing the registration form under par. (a), the person  
5     shall be required by a special registration deputy or inspector to present a valid  
6     operator's license issued to the person under ch. 343 that contains the photograph  
7     of the license holder, a valid, current identification card issued to the person by a U.S.  
8     uniformed service, or a valid identification card issued to the person under s. 343.50.  
9     If the identification presented is not acceptable proof of residence under sub. (7), the  
10    person shall also present acceptable proof of residence under sub. (7). ~~If the person~~  
11    ~~cannot supply such proof, the registration form shall be substantiated and signed by~~  
12    ~~one other elector who resides in the same municipality as the registering elector,~~  
13    ~~corroborating all the material statements therein. The corroborator shall then~~  
14    ~~provide acceptable proof of residence.~~ The signing by the elector executing the  
15    registration form and by any elector who corroborates the information in the form  
16    under par. (a) shall be in the presence of the special registration deputy or inspector.  
17    Upon compliance with this procedure and all other requirements for voting at the  
18    polling place, such person shall then be given the right to vote.

19             **SECTION 15.** 6.55 (2) (c) 1. of the statutes is amended to read:

20             6.55 (2) (c) 1. As an alternative to registration at the polling place under pars.  
21    (a) and (b), the board of election commissioners, or the governing body of any  
22    municipality in which registration is required may by resolution require a person  
23    who qualifies as an elector and who is not registered and desires to register on the  
24    day of an election to do so at another readily accessible location in the same building  
25    as the polling place serving the elector's residence or at an alternate polling place

1 assigned under s. 5.25 (5) (b), instead of at the polling place serving the elector's  
2 residence. In such case, the municipal clerk shall prominently post a notice of the  
3 registration location at the polling place. The municipal clerk, deputy clerk, or  
4 special registration deputy at the registration location shall require such person to  
5 execute a registration form as prescribed under par. (a) and to present a valid  
6 operator's license issued to the person under ch. 343 that contains the photograph  
7 of the license holder, a valid, current identification card issued to the person by a U.S.  
8 uniformed service, or a valid identification card issued to the person under s. 343.50.  
9 If the identification presented is not acceptable proof of residence under sub. (7), the  
10 person shall also provide acceptable proof of residence as provided under sub. (7).  
11 ~~If the person cannot supply such proof, the registration form shall be corroborated~~  
12 ~~in the manner provided in par. (b).~~ The signing by the elector executing the  
13 registration form and by any corroborating elector as prescribed under par. (a) shall  
14 be in the presence of the municipal clerk, deputy clerk, or special registration deputy.  
15 Upon proper completion of registration, the municipal clerk, deputy clerk, or special  
16 registration deputy shall serially number the registration and give one copy to the  
17 elector for presentation at the polling place serving the elector's residence or an  
18 alternate polling place assigned under s. 5.25 (5) (b).

19 **SECTION 16.** 6.55 (2) (c) 2. of the statutes is amended to read:

20 6.55 (2) (c) 2. Upon compliance with the procedures under subd. 1., the  
21 municipal clerk or deputy clerk shall issue a certificate addressed to the inspectors  
22 of the proper polling place directing that the elector be permitted to cast his or her  
23 vote. ~~If the elector's registration is corroborated, the clerk shall enter the name and~~  
24 ~~address of the corroborator on the face of the certificate~~ if the elector complies with  
25 all requirements for voting at the polling place. The certificate shall be numbered

1 serially and prepared in duplicate. The municipal clerk shall preserve one copy in his  
2 or her office.

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

4 6.55 (2) (d) A registered elector who has changed his or her name but resides  
5 at the same address, and has not notified the municipal clerk under s. 6.40 (1) (c),  
6 shall notify the inspector of the change before voting. The inspector shall then notify  
7 the municipal clerk at the time which materials are returned under s. 6.56 (1). If an  
8 elector ~~changes~~ has changed both a name and address, the elector shall ~~complete a~~  
9 ~~registration form~~ register at the polling place or other registration location under  
10 pars. (a) and (b).

11 **SECTION 18.** 6.55 (3) of the statutes is amended to read:

12 6.55 (3) Any qualified elector in the ward or election district where the elector  
13 desires to vote whose name does not appear on the registration list where  
14 registration is required but who claims to be registered to vote in the election may  
15 request permission to vote at the polling place for that ward or election district.  
16 When the request is made, the inspector shall require the person to give his or her  
17 name and address. If the elector is not at the polling place which serves the ward or  
18 election district where the elector resides, the inspector shall provide the elector with  
19 directions to the correct polling place. If the elector is at the correct polling place, the  
20 elector shall then execute the following written statement: "I, ....., hereby certify that  
21 to the best of my knowledge, I am a qualified elector, having resided at .... for at least  
22 10 days immediately preceding this election, and that I am not disqualified on any  
23 ground from voting, and I have not voted at this election and am properly registered  
24 to vote in this election." The person shall be required to ~~provide~~ present a valid  
25 operator's license issued to the person under ch. 343 that contains a photograph of

1 the license holder, a valid, current identification card issued to the person by a U.S.  
2 uniformed service, or a valid identification card issued to the person under s. 343.50.  
3 If any identification presented by the person is not acceptable proof of residence as  
4 provided under sub. (7), the person shall also present acceptable proof of residence  
5 as provided under sub. (7) and shall then be given the right to vote. If acceptable  
6 proof is presented, the elector need not have the information corroborated by any  
7 other elector. If acceptable proof is not presented, the statement shall be certified by  
8 the elector and shall be corroborated by another elector who resides in the  
9 municipality. The corroborator shall then provide acceptable proof of residence as  
10 provided in sub. (7). Whenever the question of identity or residence cannot be  
11 satisfactorily resolved and the elector cannot be permitted to vote, an inspector shall  
12 telephone the office of the municipal clerk to reconcile the records at the polling place  
13 with those at the office.

14 **SECTION 19.** 6.55 (7) (c) 1. of the statutes is amended to read:

15 6.55 (7) (c) 1. ~~A Wisconsin motor vehicle~~ An operator's license issued under ch.  
16 343.

17 **SECTION 20.** 6.55 (7) (c) 2. of the statutes is amended to read:

18 6.55 (7) (c) 2. ~~A Wisconsin~~ An identification card issued under s. ~~125.08, 1987~~  
19 ~~stats.~~ 343.50.

20 **SECTION 21.** 6.56 (5) of the statutes is repealed.

21 **SECTION 22.** 6.79 (1) of the statutes is amended to read:

22 6.79 (1) MUNICIPALITIES WITHOUT REGISTRATION. Except as provided in sub. (6)  
23 (a), where there is no registration, before being permitted to vote, each person elector  
24 shall state his or her full name and address and present to the officials a valid  
25 operator's license issued to the elector under ch. 343 that contains a photograph of

1 the license holder, a valid, current identification card issued to the person by a U.S.  
2 uniformed service, or a valid identification card issued to the elector under s. 343.50.  
3 The officials shall enter each name and address on a poll list in the same order as the  
4 votes are cast. If the residence of the elector does not have a number, the election  
5 officials shall, in the appropriate space, enter "none". Alternatively, the municipal  
6 clerk may maintain a poll list consisting of the full name and address of electors  
7 compiled from previous elections. Whenever an elector appears to vote, the officials  
8 shall verify the correctness of the elector's name and address, and shall enter a serial  
9 number next to the name of the elector in the order that the votes are cast, beginning  
10 with the number one. If the name and address of an elector do not appear on the  
11 prepared poll list, the officials shall enter the name, address and serial number of the  
12 elector at the bottom of the list. Except as provided in sub. (6), before being permitted  
13 to vote, each elector shall present to the officials a valid operator's license issued to  
14 the elector under ch. 343 that contains a photograph of the license holder, a valid,  
15 current identification card issued to the person by a U.S. uniformed service, or a valid  
16 identification card issued to the elector under s. 343.50. The officials may require any  
17 elector to provide ~~identification, including acceptable proof of residence, or to have~~  
18 ~~another elector corroborate his or her information in accordance with the procedure~~  
19 ~~specified in s. 6.55 (2) (b) under s. 6.55 (7) before permitting the elector to vote. An~~  
20 ~~elector who presents an identification card under sub. (6) (a) is not required to~~  
21 ~~provide separate identification.~~ The officials shall maintain a separate list of those  
22 persons voting under ss. 6.15 and 6.24.

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

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

1 shall state his or her full name and address and present to the officials a valid  
2 operator's license issued to the elector under ch. 343 that contains a photograph of  
3 the license holder, a valid, current identification card issued to the person by a U.S.  
4 uniformed service, or a valid identification card issued to the elector under s. 343.50.

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

12 **SECTION 24.** 6.79 (3) (title) of the statutes is amended to read:

13 6.79 (3) (title) REFUSAL TO GIVE NAME AND ADDRESS AND FAILURE TO PRESENT  
14 IDENTIFICATION.

15 **SECTION 25.** 6.79 (3) of the statutes is renumbered 6.79 (3) (a).

16 **SECTION 26.** 6.79 (3) (b) of the statutes is created to read:

17 6.79 (3) (b) If identification is not provided or if the document that is provided  
18 cannot be verified by the officials, and s. 6.97 applies, the officials shall offer the  
19 opportunity for the elector to vote under s. 6.97.

20 **SECTION 27.** 6.79 (4) of the statutes is amended to read:

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

1 ~~enter that number on the list. When any elector corroborates the registration~~  
2 ~~identity or residence of any person offering to vote under sub. (1) or s. 6.55 (2) (b) or~~  
3 ~~(c) or (3), or the registration identity or residence of any person registering on election~~  
4 ~~day under s. 6.86 (3) (a) 2., the name and address of the corroborator shall also be~~  
5 ~~entered next to the name of the elector whose information is being corroborated on~~  
6 ~~the registration or poll list, or the separate list maintained under sub. (2). When any~~  
7 ~~person offering to vote has been challenged and taken the oath, following the person's~~  
8 ~~name on the registration or poll list, the officials shall enter the word "Sworn".~~

9 **SECTION 28.** 6.79 (6) (title) of the statutes is repealed and recreated to read:

10 6.79 (6) (title) EXCEPTIONS REGARDING IDENTIFICATION.

11 **SECTION 29.** 6.79 (6) (a) of the statutes is amended to read:

12 6.79 (6) (a) In municipalities where there is no registration, an elector who has  
13 a confidential listing under s. 6.47 (2) may present an identification card issued  
14 under s. 6.47 (3) in lieu of providing his or her name and address and presenting  
15 identification under sub. (1). If the elector resides in the area served by the polling  
16 place, the inspectors shall then enter the elector's name and identification serial  
17 number on the poll list in a section following the other names, shall issue a voting  
18 serial number to the elector and shall record that number on the poll list and permit  
19 the elector to vote.

20 **SECTION 30.** 6.79 (6) (b) of the statutes is amended to read:

21 6.79 (6) (b) In municipalities where registration is required, an elector who has  
22 a confidential listing under s. 6.47 (2) may present his or her identification card  
23 issued under s. 6.47 (3) or may give his or her name and identification serial number  
24 issued under s. 6.47 (3), in lieu of stating his or her name and address and presenting  
25 identification under sub. (2). If the elector's name and identification serial number



1 appear on the confidential portion of the list, the inspectors shall issue a voting serial  
2 number to the elector, record that number on the registration list and permit the  
3 elector to vote.

4 **SECTION 31.** 6.82 (1) (a) of the statutes is amended to read:

5 6.82 (1) (a) When any inspectors are informed that an elector is at the entrance  
6 to the polling place who as a result of disability is unable to enter the polling place,  
7 they shall permit the elector to be assisted in marking a ballot by any individual  
8 selected by the elector, except the elector's employer or an agent of that employer or  
9 an officer or agent of a labor organization which represents the elector. The  
10 individual selected by the elector shall provide all information necessary for the  
11 elector to obtain a ballot under s. 6.79 (1) or (2). The inspectors shall then issue a  
12 ballot to the individual selected by the elector and shall accompany the individual  
13 to the polling place entrance where the assistance is to be given. If the ballot is a  
14 paper ballot, the assisting individual shall fold the ballot after the ballot is marked  
15 by the assisting individual. The assisting individual shall then immediately take the  
16 ballot into the polling place and give the ballot to an inspector. The inspector shall  
17 distinctly announce that he or she has "a ballot offered by .... (stating person's name),  
18 an elector who, as a result of disability, is unable to enter the polling place without  
19 assistance". The inspector shall then ask, "Does anyone object to the reception of this  
20 ballot?" If no objection is made, the inspectors shall record the elector's name under  
21 s. 6.79 and deposit the ballot in the ballot box, and shall make a notation on the  
22 registration or poll list: "Ballot received at poll entrance".

23 **SECTION 32.** 6.86 (1) (ar) of the statutes is amended to read:

24 6.86 (1) (ar) Except as authorized in s. 6.875 (6), the municipal clerk shall not  
25 issue an absentee ballot unless the clerk receives a written application therefor from

1 a qualified elector of the municipality. The clerk shall retain each absentee ballot  
2 application until destruction is authorized under s. 7.23 (1). If an elector applies for  
3 an absentee ballot in person at the clerk's office, the clerk shall not issue the elector  
4 an absentee ballot unless the elector presents a valid operator's license issued to the  
5 elector under ch. 343 that contains a photograph of the license holder, a valid, current  
6 identification card issued to the person by a U.S. uniformed service, or a valid  
7 identification card issued to the elector under s. 343.50.

8 SECTION 33. 6.86 (3) (a) of the statutes is amended to read:

9 6.86 (3) (a) 1. Any elector who is registered, or otherwise qualified where  
10 registration is not required, and who is hospitalized, may apply for and obtain an  
11 official ballot by agent. The agent may apply for and obtain a ballot for the  
12 hospitalized absent elector by presenting a form prescribed by the board and  
13 containing the required information supplied by the hospitalized elector and signed  
14 by that elector ~~and any other elector residing in the same municipality as the~~  
15 ~~hospitalized elector, corroborating the information contained therein. The~~  
16 ~~corroborating elector shall state on the form his or her full name and address. Except~~  
17 as provided in s. 6.87 (4) (b) 2., the agent shall provide the identification required  
18 under sub. (1) (ar).

19 2. If a hospitalized elector is not registered where registration is required, the  
20 elector may register by agent under this subdivision at the same time that the elector  
21 applies for an official ballot by agent under subd. 1. To register the elector under this  
22 subdivision, the agent shall present a completed registration form that contains the  
23 required information supplied by the elector and the elector's signature, unless the  
24 elector is unable to sign due to physical disability. In this case, the elector may  
25 authorize another elector to sign on his or her behalf. Any elector signing a form on

1 another elector's behalf shall attest to a statement that the application is made on  
2 request and by authorization of the named elector, who is unable to sign the form due  
3 to physical disability. The agent shall present this statement along with all other  
4 information required under this subdivision. ~~Except as otherwise provided in this~~  
5 ~~subdivision, the~~ The agent shall in every case present acceptable proof of the elector's  
6 residence under s. 6.55 (7). ~~If the agent cannot present this proof, the registration~~  
7 ~~form shall be signed and substantiated by another elector residing in the elector's~~  
8 ~~municipality of residence, corroborating the information in the form. The form shall~~  
9 ~~contain the full name and address of the corroborating elector. The agent shall then~~  
10 ~~present acceptable proof of the corroborating elector's residence under s. 6.55 (7).~~

11 **SECTION 34.** 6.869 of the statutes is created to read:

12 **6.869 Uniform instructions.** The board shall prescribe uniform instructions  
13 for absentee voters. The instructions shall include information concerning whether  
14 a copy of identification is required to be submitted and, if so, the form of identification  
15 that is required.

16 **SECTION 35.** 6.87 (3) (d) of the statutes is amended to read:

17 **6.87 (3) (d)** A municipal clerk of a municipality may, if the clerk is reliably  
18 informed by an absent elector of a facsimile transmission number or electronic mail  
19 address where the elector can receive an absentee ballot, transmit a facsimile or  
20 electronic copy of the absent elector's ballot to that elector in lieu of mailing under  
21 this subsection if, in the judgment of the clerk, the time required to send the ballot  
22 through the mail may not be sufficient to enable return of the ballot by the time  
23 provided under sub. (6). An elector may receive an absentee ballot under this  
24 subsection only if the elector has filed a valid application for the ballot under sub. (1).  
25 If the clerk transmits an absentee ballot under this paragraph, the clerk shall also

1 transmit a facsimile or electronic copy of the text of the material that appears on the  
2 certificate envelope prescribed in sub. (2), together with instructions prescribed by  
3 the board. The instructions shall require the absent elector to make and subscribe  
4 to the certification as required under sub. (4) (b) and to enclose the absentee ballot  
5 in a separate envelope contained within a larger envelope, that shall include the  
6 completed certificate. The elector shall then mail the absentee ballot with postage  
7 prepaid to the municipal clerk. An absentee ballot received under this paragraph  
8 shall not be counted unless it is cast in the manner prescribed in this paragraph and  
9 in accordance with the instructions provided by the board.

10 **SECTION 36.** 6.87 (4) of the statutes is renumbered 6.87 (4) (b) 1. and amended  
11 to read:

12 6.87 (4) (b) 1. Except as otherwise provided in s. 6.875, the elector voting  
13 absentee shall make and subscribe to the certification before one witness. The  
14 absent elector, in the presence of the witness, shall mark the ballot in a manner that  
15 will not disclose how the elector's vote is cast. The elector shall then, still in the  
16 presence of the witness, fold the ballots if they are paper ballots so each is separate  
17 and so that the elector conceals the markings thereon and deposit them in the proper  
18 envelope. If a consolidated ballot under s. 5.655 is used, the elector shall fold the  
19 ballot if it is a paper ballot so that the elector conceals the markings thereon and  
20 deposit the ballot in the proper envelope. Except as authorized in subds. 2. and 3.,  
21 the elector shall enclose a copy of the identification required under s. 6.86 (1) (ar) in  
22 the envelope, unless the elector is a military elector or an overseas elector, as defined  
23 in s. 6.87 (4) (a). The elector may receive assistance under sub. (5). The return  
24 envelope shall then be sealed. The witness may not be a candidate. The envelope  
25 shall be mailed by the elector, postage prepaid, or delivered in person, to the

1 municipal clerk issuing the ballot or ballots. Failure to return an unused ballot in  
2 a primary does not invalidate the ballot on which the elector's votes are cast. Return  
3 of more than one marked ballot in a primary or return of a ballot prepared under s.  
4 5.655 or a ballot used with an electronic voting system in a primary which is marked  
5 for candidates of more than one party invalidates all votes cast by the elector for  
6 candidates in the primary.

7 **SECTION 37.** 6.87 (4) (a) of the statutes is created to read:

8 **6.87 (4) (a)** In this paragraph:

9 1. "Military elector" means a member of a uniformed service on active duty who,  
10 by reason of that duty, is absent from the residence where the member is otherwise  
11 qualified to vote; a member of the merchant marine, as defined in s. 6.22 (1) (a), who,  
12 by reason of service in the merchant marine, is absent from the residence where the  
13 member is otherwise qualified to vote; or the spouse or dependent of any such  
14 member who, by reason of the duty or service of the member, is absent from the  
15 residence where the spouse or dependent is otherwise qualified to vote.

16 2. "Overseas elector" means an elector who resides outside the United States  
17 and who is qualified under federal law to vote in elections for national office in this  
18 state because the elector was last domiciled in this state immediately prior to the  
19 elector's departure from the United States.

20 **SECTION 38.** 6.87 (4) (b) 2. and 3. of the statutes are created to read:

21 **6.87 (4) (b) 2.** Unless subd. 3. applies, if the absentee elector has applied for and  
22 qualified to receive absentee ballots automatically under s. 6.86 (2) (a), the elector  
23 may, in lieu of providing a copy of the identification required under s. 6.86 (1) (ar),  
24 submit with his or her absentee ballot a statement signed by the same individual who

1 witnesses voting of the ballot which contains the name and address of the elector and  
2 verifies that the name and address are correct.

3 3. If the absentee elector has received an absentee ballot from the municipal  
4 clerk for a previous election, has provided a copy of the identification required under  
5 s. 6.86 (1) (ar) with that ballot, and has not changed his or her name or address since  
6 providing that identification, the elector is not required to provide a copy of the  
7 identification required under s. 6.86 (1) (ar).

8 **SECTION 39.** 6.88 (3) (a) of the statutes is amended to read:

9 6.88 (3) (a) Any time between the opening and closing of the polls on election  
10 day, the inspectors shall open the carrier envelope only, and announce the name of  
11 the absent elector or the identification serial number of the absent elector if the  
12 elector has a confidential listing under s. 6.47 (2). When the inspectors find that the  
13 certification has been properly executed, the applicant is a qualified elector of the  
14 ward or election district, and the applicant has not voted in the election, they shall  
15 enter an indication on the poll ~~or registration~~ list next to the applicant's name  
16 indicating an absentee ballot is cast by the elector. They shall then open the envelope  
17 containing the ballot in a manner so as not to deface or destroy the certification  
18 thereon. The inspectors shall take out the ballot without unfolding it or permitting  
19 it to be unfolded or examined. Unless the ballot is cast under s. 6.95, the inspectors  
20 shall verify that the ballot has been endorsed by the issuing clerk. If the elector is  
21 required to provide a copy of the identification required under s. 6.86 (1) (ar) and no  
22 copy of the elector's identification is enclosed or the name or address on the document  
23 that is provided cannot be verified by the inspectors, the elector's ballot may not be  
24 counted. The inspectors shall then deposit the ballot into the proper ballot box and  
25 enter the absent elector's name or voting number after his or her name on the poll

1 ~~or registration list~~ in the same manner as if the elector had been present and voted  
2 in person.

3 SECTION 40. 6.97 of the statutes is created to read:

4 **6.97 Voting procedure for individuals not providing required**  
5 **identification.** If an individual who appears to vote at a polling place has registered  
6 by mail and has not previously voted in an election for national office in this state,  
7 and the elector cannot provide the required identification or inspectors cannot verify  
8 the document submitted by the individual, the inspectors shall offer the opportunity  
9 for the individual to vote under this section. If the individual wishes to vote, the  
10 inspectors shall require the individual to execute a written affirmation before the  
11 inspectors stating that the individual is a qualified elector of the ward or election  
12 district where he or she offers to vote and is eligible to vote in the election. The  
13 inspectors shall then give the individual a ballot. Before depositing the ballot, the  
14 inspectors shall write on the back of the ballot the serial number of the individual  
15 corresponding to the number kept at the election on the poll list or other list  
16 maintained under s. 6.79. If voting machines are used in the municipality where the  
17 individual is voting, the individual's vote may be received only upon an absentee  
18 ballot furnished by the municipal clerk which shall have the corresponding number  
19 from the poll list or other list maintained under s. 6.79 written on the back of the  
20 ballot before the ballot is deposited. The inspectors shall indicate on the list the fact  
21 that the individual did not provide identification or the document submitted by the  
22 individual could not be verified by the inspectors. The inspectors shall notify the  
23 individual that he or she may provide to the municipal clerk a valid operator's license  
24 issued to the individual under ch. 343 that contains a photograph of the license  
25 holder, a valid, current identification card issued to the person by a U.S. uniformed

1 service, or a valid identification card issued to the individual under s. 343.50. The  
2 inspectors shall also promptly notify the municipal clerk of the name, address, and  
3 serial number of the individual. If by 4 p.m. or the close of business, whichever is  
4 later, on the day after the election the elector provides a valid license or identification  
5 card to the municipal clerk, the municipal clerk shall, no later than the day after the  
6 election, notify the board of canvassers that the individual is qualified to vote in the  
7 ward or election district where the individual's ballot was cast, and the vote of the  
8 individual shall be counted. Otherwise, the vote of the individual may not be  
9 counted. The decision of the municipal clerk with respect to the validity of  
10 identification under this section is final and is not subject to review by the board of  
11 canvassers, by the chairperson of the elections board or his or her designee, or under  
12 s. 9.01. A ballot cast under this section by an elector for whom a valid license or  
13 identification card is required shall not be counted unless the municipal clerk  
14 provides timely notification that the elector has provided valid identification under  
15 this section.

16 **SECTION 41.** 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  
24 proper manner for casting a vote, but the official may not in any manner advise or  
25 indicate a particular voting choice.



1           **SECTION 42.** 343.50 (3) of the statutes is amended to read:

2           **343.50 (3) DESIGN AND CONTENTS OF CARD.** The card shall be the same size as  
3 an operator's license but shall be of a design which is readily distinguishable from  
4 the design of an operator's license and bear upon it the words "IDENTIFICATION  
5 CARD ONLY". The information on the card shall be the same as specified under s.  
6 343.17 (3). The card may serve as a document of gift under s. 157.06 (2) (b) and (c)  
7 and the holder may affix a sticker thereto as provided in s. 343.175 (3). The card may  
8 also serve as a document of refusal to make an anatomical gift under s. 157.06 (2) (i).  
9 The Except as provided in sub. (4g), the card shall contain the holder's photograph  
10 and, if applicable, shall be of the design specified under s. 343.17 (3) (a) 12.

11           **SECTION 43.** 343.50 (4) of the statutes is amended to read:

12           **343.50 (4) APPLICATION.** The application for an identification card shall include  
13 any information required under ss. 85.103 (2) and 343.14 (2) (a), (b), (bm), (br), and  
14 (em), such further information as the department may reasonably require to enable  
15 it to determine whether the applicant is entitled by law to an identification card, and,  
16 for applicants who are aged 65 years or older, material, as provided by the  
17 department, explaining the voluntary program that is specified in s. 71.55 (10) (b).  
18 The Except as provided in sub.(4g), the department shall, as part of the application  
19 process, take a photograph of the applicant to comply with sub. (3). No Except as  
20 provided in sub.(4g), no application may be processed without the photograph being  
21 taken. Misrepresentations in violation of s. 343.14 (5) are punishable as provided in  
22 s. 343.14 (9).

23           **SECTION 44.** 343.50 (4g) of the statutes is created to read:

24           **343.50 (4g) PHOTOGRAPH REQUIREMENT; EXCEPTION.** An application may be  
25 processed and an original or renewal identification card issued under this section

1 without a photograph being taken to comply with subs. (3) and (4) to an applicant  
2 who requests the identification card without charge under sub. (5) or (6) and who  
3 provides to the department an affidavit stating that the applicant has sincerely held  
4 religious beliefs against being photographed; that he or she is a member of a religious  
5 organization or identifies with the religious tenets of a religious organization, and,  
6 in addition, names the religious organization; and that the religious tenets of such  
7 organization prohibit such photographing.

8 **SECTION 45.** 343.50 (5) of the statutes is amended to read:

9 343.50 (5) VALID PERIOD; FEES. The fee for an original card and for the  
10 reinstatement of an identification card after cancellation under sub. (10) shall be \$9  
11 or, upon request of the applicant, without charge. The card shall be valid for the  
12 succeeding period of 4 years from the applicant's next birthday after the date of  
13 issuance.

14 **SECTION 46.** 343.50 (6) of the statutes is amended to read:

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

23 (END)

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

50048/1dn  
LRBs0046/1dn  
JTK:kmg:jf

~~March 24, 2003~~

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. (See section 303 (b) (2) (A) of P.L. 107-252.) The Help America Vote Act requires state-implementing legislation and that legislation has not yet been introduced or considered by the Wisconsin legislature.
2. It is possible that, if enacted, this draft may activate certain requirements under the National Voter Registration Act 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. This act exempts any state which, since May 20, 1993, has continuously permitted all voters in federal elections to "... register to vote at the polling place at the time of voting." 42 USC 1973gg-2 (b) (2). The Help America Vote Act also contains a provisional balloting procedure for all electors who vote at polling places in elections for federal office whenever their ballots are not accepted, but states that are exempt from compliance with the National Voter Registration Act under 42 USC 1973gg-2 (b) are not covered by this procedure. Because this draft will preclude some persons from registering and voting on election day if the persons have no acceptable ID and are unable to obtain them from the department of transportation before the close of the polls, it could be interpreted to make these federal exemptions inapplicable. You may want to consider allowing these persons, only for the applicable election, to establish their identity by corroboration or to provide some type of statement certifying their identity and residence.
3. This draft includes a procedure under proposed s. 6.97 whereby a person who has registered to vote by mail and has not voted previously in a federal election in this state and who does not have a Wisconsin driver's license, a uniformed service identification card, or a Wisconsin identification card may vote a marked ballot and then, by 4 p.m.

or the close of business, whichever is later, on the day after the election, provide the required identification to the municipal clerk or board of election commissioners. This provisional balloting procedure differs from the procedure required under the Help America Vote Act, section 302 (a), in that it does not apply to absentee voters, it places the burden on the voter to verify his or her identity, whereas the federal procedure places the burden on state and local election officials, and it includes a specific deadline for provisional ballots to be validated, whereas the federal law does not include any deadline.

4. Under this draft, electors who vote in person must present a specified form of identification, but electors who vote by absentee ballot, except military and overseas electors, need only present a copy of that identification. Although there is some argument to be made that this disparate treatment may not comport with equal protection requirements, it is probable that the treatment would be found to have a rational basis. To avoid the issue entirely, however, you may want to consider requiring all absent electors, except military and overseas electors, to obtain an absentee ballot in person and to present an I.D.

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

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

LRBs0048/1dn  
JTK:kmg:cph

March 25, 2003

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. (See section 303 (b) (2) (A) of P.L. 107-252.) The Help America Vote Act requires state-implementing legislation and that legislation has not yet been introduced or considered by the Wisconsin legislature.
2. It is possible that, if enacted, this draft may activate certain requirements under the National Voter Registration Act 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. This act exempts any state which, since May 20, 1993, has continuously permitted all voters in federal elections to "... register to vote at the polling place at the time of voting." 42 USC 1973gg-2 (b) (2). The Help America Vote Act also contains a provisional balloting procedure for all electors who vote at polling places in elections for federal office whenever their ballots are not accepted, but states that are exempt from compliance with the National Voter Registration Act under 42 USC 1973gg-2 (b) are not covered by this procedure. Because this draft will preclude some persons from registering and voting on election day if the persons have no acceptable ID and are unable to obtain them from the department of transportation before the close of the polls, it could be interpreted to make these federal exemptions inapplicable. You may want to consider allowing these persons, only for the applicable election, to establish their identity by corroboration or to provide some type of statement certifying their identity and residence.
3. This draft includes a procedure under proposed s. 6.97 whereby a person who has registered to vote by mail and has not voted previously in a federal election in this state and who does not have a Wisconsin driver's license, a uniformed service identification card, or a Wisconsin identification card may vote a marked ballot and then, by 4 p.m.

or the close of business, whichever is later, on the day after the election, provide the required identification to the municipal clerk or board of election commissioners. This provisional balloting procedure differs from the procedure required under the Help America Vote Act, section 302 (a), in that it does not apply to absentee voters, it places the burden on the voter to verify his or her identity, whereas the federal procedure places the burden on state and local election officials, and it includes a specific deadline for provisional ballots to be validated, whereas the federal law does not include any deadline.

4. Under this draft, electors who vote in person must present a specified form of identification, but electors who vote by absentee ballot, except military and overseas electors, need only present a copy of that identification. Although there is some argument to be made that this disparate treatment may not comport with equal protection requirements, it is probable that the treatment would be found to have a rational basis. To avoid the issue entirely, however, you may want to consider requiring all absent electors, except military and overseas electors, to obtain an absentee ballot in person and to present an I.D.

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