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Wanted TAV 11/7

-0610/P1

2001 - 2002 LEGISLATURE

LRB-5104/P0

JTK&RJM&MEG:jde/2/2/01:jf&rs

cjs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen cat

inserts

PWF
LPS: proof
all amended
text in bill +
in inserts
w/folio

~~REPEAL~~

1 AN ACT ~~to repeal~~ 6.24 (8), 6.27 (2) to (5), 6.79 (1), 6.79 (5), 6.79 (6) (a), 11.01 (12s),
2 11.05 (3) (o), 11.265, 11.50 (3) and 120.06 (5); **to renumber** 11.05 (2r) (title),
3 11.24 (2) and 11.50 (1) (a) 1.; **to renumber and amend** 6.27 (1), 6.79 (intro.),
4 6.79 (6) (b), 11.05 (1), 11.05 (2), 11.05 (2r), 11.12 (6), 11.26 (9) (a), 11.31 (2m),
5 11.50 (1) (a) 2., 11.50 (5), 11.50 (9), 19.49 (5), 19.59 (7) and 71.10 (3) (a); **to**
6 **amend** 5.02 (13), 5.02 (17), 5.05 (2), 6.20, 6.24 (3), 6.24 (4) (a), 6.24 (4) (c), 6.28
7 (2) (b), 6.28 (3), 6.29 (2) (a), 6.50 (1) (intro.), 6.50 (2m) (a), 6.55 (2) (a) 1. (intro.),
8 6.55 (2) (c) 1., 6.55 (3), 6.79 (4), 6.82 (1) (a), 6.86 (3) (a) 1., 6.86 (3) (a) 2., 6.88 (3)
9 (a), 6.94, 6.95, 7.08 (1) (c), 7.08 (2) (c), 7.08 (2) (cm), 7.10 (1) (b), 7.15 (1) (c), 7.15
10 (4), 7.37 (7), 7.51 (2) (a), 7.51 (2) (c), 7.51 (2) (e), 7.51 (4) (a), 7.51 (5) (a), 8.30 (2),
11 8.35 (4) (a) 1. a. and b., 8.35 (4) (c) and (d), 9.01 (1) (b) 1., 11.05 (3) (c), 11.05 (5),
12 11.05 (9) (b), 11.05 (12) (b), 11.05 (13), 11.06 (1) (intro.), 11.06 (1) (e), 11.06 (2),
13 11.06 (3) (b) (intro.), 11.06 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06 (7m) (b), 11.06
14 (7m) (c), 11.07 (1), 11.07 (5), 11.09 (3), 11.10 (1), 11.12 (2), 11.12 (4), 11.12 (5),
15 11.14 (3), 11.16 (2), 11.16 (5), 11.19 (title), 11.19 (1), 11.20 (1), 11.20 (2), 11.20 (3)

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(a) and (b), 11.20 (7), 11.20 (8) (intro.), ~~11.20 (8) (a)~~, 11.20 (9), 11.20 (10) (a), 11.20 (12), 11.21 (2), 11.21 (15), 11.21 (16), 11.22 (3), 11.23 (1), 11.23 (2), 11.26 (1) (intro.), 11.26 (2) (intro.), 11.26 (2) (a), 11.26 (3), 11.26 (4), 11.26 (5), 11.26 (6), 11.26 (8), 11.26 (9) (b), 11.26 (10), 11.26 (15), 11.26 (17) (a), 11.31 (1) (intro.), 11.31 (1) (a) to (d), 11.31 (1) (e) and (f), 11.31 (2), 11.31 (2m) (title), 11.31 (3), 11.38 (1) (a) 2., 11.38 (6), 11.38 (8) (b), 11.50 (2) (a), 11.50 (2) (b) 3., 11.50 (2) (b) 4., 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (f), 11.50 (2) (g), 11.50 (2) (h), 11.50 (2) (i), 11.50 (6), 11.50 (7) (intro.), 11.50 (8), 11.50 (10m), 11.50 (11) (e), 11.60 (4), 11.61 (1) (a), 19.53 (6), 19.59 (8) (c), 20.510 (1) (q), 25.42, 59.05 (2), 71.08 (1) (intro.), 71.10 (3) (b), 117.20 (2) and 125.05 (2) (h); **to repeal and recreate** 6.79 (2), 11.05 (9) (title) and 11.50 (4); and **to create** 11.001 (2m), 11.01 (4m), 11.01 (13) and (14), 11.01 (16) (a) 3., 11.01 (17g) and (17r), 11.05 (1) (b), 11.05 (2) (b), 11.05 (3) (m), 11.05 (3) (r), 11.06 (2m) (b) to (d), 11.12 (6) (am), 11.12 (6) (c) and (d), 11.12 (8) and (9), 11.20 (2s), 11.20 (2t), 11.20 (8) (am), 11.21 (17), 11.24 (4), 11.26 (1m), 11.26 (1t), 11.26 (2) (ae), (am), (as) and (av), 11.26 (2m), 11.26 (2t), 11.26 (8n), 11.26 (8r), 11.26 (9) (a) 1. and 2., 11.26 (9) (am), 11.26 (10a), 11.31 (1) (de), 11.31 (2m) (a), 11.31 (3p), 11.31 (9), 11.385, 11.50 (1) (a) 1. (intro.), 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1) (bm) and (cm), 11.50 (2) (b) 6., 11.50 (2m), 11.50 (2s), 11.50 (2w), 11.50 (9) (b), 11.50 (14), 11.60 (3r), 19.42 (3m), (4g), (4r) and (7p), 19.45 (13), 19.49 (1m), 19.49 (5) (b), 19.535, 19.59 (1) (br), 19.59 (7) (b), 19.59 (8) (cm) and (cn), 71.07 (6s), 71.10 (3) (ac), 71.10 (3) (d), 71.10 (4) (gw) and 806.04 (11m) of the statutes, relating to: **voter registration and voting requirements and procedures; administration of Wisconsin election campaign fund by individuals filing state income tax returns, nonrefundable income tax credits for certain donations to the Wisconsin election campaign fund, candidate time on public broadcasting**

voter registration and voting requirements and procedures; administration of Wisconsin election campaign fund by individuals filing state income tax returns, nonrefundable income tax credits for certain donations to the Wisconsin election campaign fund, candidate time on public broadcasting

1 television stations and public access channels, official action in return for
 2 providing or withholding political contributions, services or other things of
 3 value, staffing of the elections board, statewide voter registration, providing
 4 exemptions from emergency rule procedures, granting rule-making authority,
 5 providing penalties, and making appropriations.

Analysis by the Legislative Reference Bureau

***NOTE: Analysis is incomplete. Must add the following:

PAC to party contributions under s. 11.26 (8n), plus exceptions these trigger

PAC to PAC contributions under s. 11.26 (8r)

Changes to limit under s. 11.26 (9) (a)

Independent disbursements under ss. 11.01 (16) (a) 3. and 11.12 (6) (am) and (c),
 and (8)

Changes to WECF structure under s. 11.50

This bill makes numerous changes in the campaign financing law. The bill also makes changes to the income tax laws relating to campaign financing and to the staffing of the elections board and requires free time for candidates for state office on public broadcasting stations and public access channels. Significant changes include:

FILING OF CAMPAIGN FINANCE REPORTS

Exemptions from registration and reporting

Currently, any individual who accepts contributions, makes disbursements, or incurs obligations, and any committee or group that makes or accepts contributions, makes disbursements, or incurs obligations, in connection with one or more elections for state or local office or one or more state or local referenda exceeding \$25 cumulatively within a calendar year is potentially subject to requirements to register with the appropriate filing officer and to file campaign finance reports.

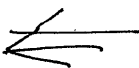
This bill provides that an individual who accepts contributions, makes disbursements, or incurs obligations or a group that makes or accepts contributions, makes disbursements, or incurs obligations in connection with one or more referenda is not subject to registration and reporting requirements until the individual or group engages in activity exceeding \$100 cumulatively within a calendar year.

The bill also permits an individual or committee to claim an exemption from reporting requirements if the individual or committee does not accept contributions, make disbursements, or incur obligations exceeding \$1,000 cumulatively within a calendar year with respect to an election for state office, and does not accept contributions exceeding \$100 from a single source cumulatively within a calendar year. If an individual or committee does not accept contributions, make



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4 to 12



from making a political contribution, or provide or refrain from providing any service or other thing of value, to or for the benefit of a candidate, a political party, any other person who is subject to a registration requirement under the campaign finance law or any person who makes an expenditure independently of a candidate for the purpose of making certain communications containing a reference to a candidate for state or local public office.

Violators are subject to a forfeiture (civil penalty) of not more than \$5,000 for each violation, and are also subject to a forfeiture in an amount equal to the amount or value of any political contribution, service, or other thing of value that was wrongfully obtained, or if no political contribution, service, or other thing of value was obtained, an amount equal to the maximum contribution that an individual is permitted to make a candidate for the office sought or held by the official, whichever amount is greater. Intentional violators are guilty of a misdemeanor and are subject to a fine of not less than \$100 nor more than \$5,000 or imprisonment in the county jail for not more than one year or both.

The bill also provides that, if the ethics board refuses or otherwise fails to authorize an investigation or a district attorney fails to initiate a prosecution with respect to any violation of the prohibition created by the bill within 30 days after receiving a verified complaint alleging such a violation, the person making the complaint may bring a lawsuit to recover a forfeiture on behalf of the state. If the person making the complaint prevails, the bill provides that the court may require the defendant to pay the complainant's attorney fees and costs, but any forfeiture recovered must be paid to the state. If the court finds that a lawsuit was frivolous, the court must award fees and costs to the defendant. The bill provides that no complaint alleging a violation of the prohibition created by the bill may be filed during the period beginning 120 days before a general or spring election or the date that a special election is ordered and ending on the date of that election against a candidate who files a declaration of candidacy to have his or her name appear on the ballot at that election.

DECLARATORY JUDGMENT

This bill requests the attorney general to promptly file suit seeking a declaratory judgment that the provisions of this bill relating to reporting of independent expenditures for mass communications (popularly called "issue ads"), the provision of supplemental grants from the Wisconsin election campaign fund, the adjustment of contribution limits in response to certain expenditures, the provision of different contribution limits for candidates who agree to abide by disbursement limitations, and the limitation upon contributions made by one special interest committee to another are constitutional. The bill also provides that, if the attorney general fails to file this suit within 60 days after the bill becomes law, the joint committee on legislative organization shall within 30 days thereafter retain counsel to file the suit.

STATEWIDE VOTER REGISTRATION

Under current law, voter registration is required in every municipality with a population of greater than 5,000. This bill requires voter registration in every municipality. ~~This bill also directs the elections board to submit, as part of its~~

DOA:.....Jecker - Various election law changes

FOR 2001-03 BUDGET -- NOT READY FOR INTRODUCTION

LPS: this material is an insert - note the version is the 1/4

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AN ACT ... relating to administration of elections, granting rule-making authority, providing a penalty, and making an appropriation.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT
OTHER STATE GOVERNMENT

Elections administration

voter registration

~~Under current law, every municipality with a population of greater than 5,000 is required to maintain a voter registration list. This bill expands current law to require voter registration in every municipality. This bill also establishes a centralized, state-wide voter registration list that is compiled and maintained by the state elections board. Under the bill, the centralized registration list must be electronically accessible by any person, but no person other than the board or an authorized election official may change the list. The bill permits the board to change the list only for the purpose of deleting the registration of certain individuals who have registered to vote in another state, territory, or possession or whose registrations are required to be cancelled as the result of a municipal canvass required under current law. Under this bill, each municipal clerk must electronically enter valid registrations or changes of registration on the centralized list maintained by the board. The town clerk of any town having a population of not more than 5,000~~

the
or board of election commissioners

~~may designate the county clerk of the county where the town is located as the town clerk's agent for entry of this data onto the centralized list.~~ Each municipality must retain the original registrations or changes of registration as provided under current law. Under the bill, the original forms are controlling whenever there is a discrepancy between the ~~centralized~~ list and the original forms.

Currently, if registration is required, any individual who qualifies as an elector of a municipality but who is not registered to vote may register in person at various locations within the applicable municipality or may mail to the appropriate municipal clerk a completed registration form. With certain exceptions, the deadline for voter registration is 5 p.m. on the second Wednesday preceding the election. Registrations made by mail must be delivered to the office of the municipal clerk or board of election commissioners or postmarked not later than this deadline. However, under current law, voters may also register in person at the office of the municipal clerk or board of election commissioners up to 5 p.m. on the day before the election or, in most cases, may register at the proper polling place on election day. In addition, voters may register at any time after the deadline if the municipal clerk determines that the registration list can be revised to incorporate the registration in time for the election. ↗

~~Currently, 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 an individual attempting to vote under these late registration or election day registration procedures 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. The corroborating elector ~~currently~~ must provide acceptable proof of residence. ~~currently, a person may act as a corroborating elector~~~~

~~This bill requires any elector who registers to vote under the late registration or election day registration procedures to present a valid Wisconsin driver's license or valid Wisconsin identification card containing the elector's photograph and current street address (preferred identification). If the elector is unable to present preferred identification, the bill permits the elector to present any identification card that contains the photograph and current street address of the elector (alternate identification). If the elector is unable to present preferred or alternate identification, the bill permits the elector to present any identification card that contains the name and photograph of the elector and an identifying number. For each elector that presents an identification card that is not preferred or alternate identification, the registration official must record on the elector's registration form the type of identification card presented and the identifying number listed on the card.~~

~~Any elector who is unable to present any satisfactory identification may have his or her identity and registration information corroborated by another elector as provided under current law. However, under this bill, a corroborating elector may not corroborate more than two registrations in one day. The bill also requires a corroborating elector to present identification.~~

Sub
REQUIREMENTS
FOR
REGISTRATION

then
every

number from a valid Wisconsin driver's license, or if the elector does not have a driver's license, the last four digits of the elector's

state elections

Security number. If the elector does not have either a driver's license or a social security number, the bill requires the elector to obtain from the board and provide a voting identification number.

~~2003-05 biennial budget request, a proposal to finance the creation of statewide centralized voter registration list system. The bill requires the board to provide its recommendations for implementation of the system to the legislature no later than the first day of the tenth month after the bill becomes law. The bill requires the board to initially implement the system for the 2004 spring primary. In developing its system, the elections board must consider several issues, which are specified in the bill. In accordance with current law, the registration requirements under the system do not apply to military electors, as defined by law.~~

~~NONSEVERABILITY~~

~~Currently, if any part of an act is found by a court to be invalid, those parts that are valid are severed from the invalid part and the severed parts continue in force. This bill provides that, if any part of the act resulting from enactment of the bill relating to free time on public broadcasting television stations and public access channels for candidates for state office is found by a court to be unconstitutional, then all parts of the act relating to that subject are void. The bill also provides that, if any other part of the act resulting from enactment of this bill is found by a court to be unconstitutional, then the entire act is void.~~

~~ELECTIONS BOARD~~

~~This bill increases the authorized FTE positions for the board by 1.0 GPR campaign finance investigator position and 1.0 GPR auditor position.~~

~~For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.~~

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

1 ~~SECTION 1. 5.02 (13) of the statutes is amended to read:~~

2 ~~5.02 (13) "Political party" or "party" means a state committee registered under~~
 3 ~~s. 11.05 and organized exclusively for political purposes under whose name~~
 4 ~~candidates appear on a ballot at any election, and all county, congressional,~~
 5 ~~legislative, local and other affiliated committees authorized to operate under the~~
 6 ~~same name. For purposes of ch. 11, the term does not include a legislative campaign~~
 7 ~~committee or a committee filing an oath under s. 11.06 (7).~~

8 SECTION 2. 5.02 (17) of the statutes is amended to read:

1 5.02 (17) "Registration list" means the list of electors who are properly
2 registered to vote ~~in municipalities in which registration is required.~~

3 ~~SECTION 3. 5.05 (2) of the statutes is amended to read:~~

4 5.05 (2) AUDITING. In addition to the facial examination of reports and
5 statements required under s. 11.21 (13), the board shall conduct an audit of reports
6 and statements which are required to be filed with it to determine whether violations
7 of ch. 11 have occurred. The board may examine records relating to matters required
8 to be treated in such reports and statements. The board shall make official note in
9 the file of a candidate, committee, group or individual under ch. 11 of any error or
10 other discrepancy which the board discovers and shall inform the person submitting
11 the report or statement. The board may also examine all documentation that is
12 required to be maintained by political parties that receive grants from the Wisconsin
13 election campaign fund under s. 11.50 (2s).

14 SECTION 4. 6.20 of the statutes is amended to read:

15 **6.20 Absent electors.** Any qualified elector of this state who registers where
16 required may vote by absentee ballot under ss. 6.84 to 6.89. ✓

17 SECTION 5. 6.24 (3) of the statutes is amended to read:

18 6.24 (3) REGISTRATION. ~~If registration is required in the municipality where the~~
19 ~~The overseas elector resided or where the overseas elector's parent resided, the~~
20 elector shall register in the municipality where he or she was last domiciled or where
21 the overseas elector's parent was last domiciled on a form prescribed by the board
22 designed to ascertain the elector's qualifications under this section. The form shall
23 be substantially similar to the original form under s. 6.33 (1), insofar as applicable.
24 Registration shall be accomplished in accordance with s. 6.30 (4). ✓

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

1 6.24 (4) (a) An overseas elector who is properly registered ~~where registration~~
2 ~~is required~~ may request an absentee ballot in writing under ss. 6.86 to 6.89.

3 **SECTION 7.** 6.24 (4) (c) of the statutes is amended to read:

4 6.24 (4) (c) Upon receipt of a timely application from an individual who
5 qualifies as an overseas elector and who has registered to vote in a municipality
6 under sub. (3) ~~whenever registration is required in that municipality~~, the municipal
7 clerk of the municipality shall send an absentee ballot to the individual for all
8 subsequent elections for national office to be held during the year in which the ballot
9 is requested, unless the individual otherwise requests or until the individual no
10 longer qualifies as an overseas elector.

11 **SECTION 8.** 6.24 (8) of the statutes is repealed. ✓

12 **SECTION 9.** 6.27 (1) of the statutes is renumbered 6.27 and amended to read:

13 **6.27 ~~Where elector~~ Elector registration required.** ~~Every municipality~~
14 ~~over 5,000 population shall keep a registration list consisting of all currently~~
15 ~~registered electors. Where used, registration applies to~~ Registration is required in
16 every municipality for all elections. ✓

17 **SECTION 10.** 6.27 (2) [✓] to (5) [✓] of the statutes are repealed. ✓

18 **SECTION 11.** 6.28 (2) (b) of the statutes is amended to read:

19 6.28 (2) (b) The municipal clerk of each municipality ~~in which elector~~
20 ~~registration is required~~ shall notify the school board of each school district in which
21 the municipality is located that high schools shall be used for registration pursuant
22 to par. (a). The school board and the municipal clerk shall agree upon the
23 appointment of at least one qualified elector at each high school as a special school
24 registration deputy. The municipal clerk shall appoint such person as a school
25 registration deputy and explain the person's duties and responsibilities. Students

1 and staff may register at the high school on any day that classes are regularly held.
 2 The school registration deputies shall promptly forward properly completed
 3 registration forms to the municipal clerk of the municipality in which the registering
 4 student or staff member resides. The municipal clerk, upon receiving such
 5 registration forms, shall add all those registering electors who have met the
 6 registration requirements to the registration list. The municipal clerk may reject
 7 any registration form and shall promptly notify the person whose registration is
 8 rejected of the rejection and the reason therefor. A person whose registration is
 9 rejected may reapply for registration if he or she is qualified. The form of each high
 10 school student who is qualified and will be eligible to vote at the next election shall
 11 be filed in such a way that when a student attains the age of 18 years the student is
 12 registered to vote automatically. Each school board shall assure that the principal
 13 of every high school communicates elector registration information to students.

14 SECTION 12. 6.28 (3) of the statutes is amended to read:

15 6.28 (3) AT OFFICE OF REGISTER OF DEEDS. Any person who resides in a
 16 ~~municipality requiring registration of electors~~ shall be given an opportunity to
 17 register to vote at the office of the register of deeds for the county in which the
 18 person's residence is located. An applicant may fill out the required registration form
 19 under s. 6.33. Upon receipt of a completed form, the register of deeds shall forward
 20 the form within 5 days to the appropriate municipal clerk, or to the board of election
 21 commissioners in cities over 500,000 population. The register of deeds shall forward
 22 the form immediately whenever registration closes within 5 days of receipt.

23 ~~SECTION 13. 6.29 (2) (a) of the statutes is amended to read:~~

24 6.29 (2) (a) Any qualified elector of a municipality where registration is
 25 required who has not previously filed a registration form or whose name does not

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1 appear on the registration list of the municipality shall be entitled to vote at the
 2 election if he or she delivers to the municipal clerk a registration form executed by
 3 the elector. The form shall contain a certification by the elector that all statements
 4 are true and correct. Alternatively, if the elector cannot obtain a registration form,
 5 the elector may deliver a statement, signed by the elector, containing all of the
 6 information required on the registration form. The elector shall present acceptable
 7 proof of residence as provided in s. 6.55 (7). If no proof is presented, the registration
 8 form or the listing of required information shall be substantiated by one other elector
 9 of the municipality, corroborating all the material statements therein. The
 10 corroborating elector shall then provide acceptable proof of residence under s. 6.55
 11 (7). The signing of the form by the registering elector and statement by the
 12 corroborating elector shall be done in the presence of the municipal clerk or deputy
 13 clerk not later than 5 p.m. of the day before an election.

14 SECTION 14. 6.50 (1) (intro.) of the statutes is amended to read:

15 6.50 (1) (intro.) Within 90 days following each general election, the municipal
 16 clerk or board of election commissioners of each municipality in which registration
 17 is required shall examine the registration records and identify each elector who has
 18 not voted within the previous 4 years if qualified to do so during that entire period
 19 and shall mail a notice to the elector in substantially the following form:

20 SECTION 15. 6.50 (2m) (a) of the statutes is amended to read:

21 6.50 (2m) (a) As an alternative to the procedure prescribed in subs. (1) and (2),
 22 the governing body of a municipality where registration is required may provide for
 23 revision of registration lists under this subsection.

24 SECTION 16. 6.55 (2) (a) 1. (intro.) of the statutes is amended to read:

⇒ LPS delete all material ←
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1 office of the municipal clerk to reconcile the records at the polling place with those
2 at the office.

3 SECTION 19. 6:79 (intro.) of the statutes is renumbered 6.79 (1m) and amended
4 to read:

5 6.79 (1m) Two election officials at each election ward shall be in charge of and
6 shall maintain 2 separate poll lists of containing information relating to all persons
7 voting. The municipal clerk may elect to maintain the information on the poll list
8 lists manually or electronically. If the ~~list is~~ lists are maintained electronically, the
9 officials shall enter the information into an electronic data recording system that
10 enables retrieval of a printed copy of the poll list at the polling place. The system
11 employed is subject to the approval of the board.

12 SECTION 20. 6.79 (1) of the statutes is repealed. ✓

13 SECTION 21. 6.79 (2) of the statutes is repealed and recreated to read:

14 6.79 (2) VERIFICATION OF NAME AND ADDRESS AND MAINTENANCE OF POLL LISTS. (a)

15 Unless information on the poll list is entered electronically, the municipal clerk shall
16 supply the inspectors with 2 copies of the most current ^{official} ~~original~~ registration list or
17 lists prepared under s. 6.36 (1) for use as poll lists at the polling place. Except as
18 provided in sub. (6), each person, before receiving a serial number, shall state his or
19 her full name and address. The officials shall verify that the name and address
20 provided by the person are the same as the person's name and address on the poll list.

21 (b) Upon the poll list, after the name of each elector, the officials shall enter a
22 serial number for each elector in the order that votes are cast, beginning with
23 number one. The officials shall maintain a separate list for electors who are voting
24 under s. 6.15, 6.29 or 6.55 (2) or (3) and electors who are reassigned from another
25 polling place under s. 5.25 (5) (b) and shall enter the full name, address, and serial

1 number of each of these electors on the appropriate separate list. The officials shall
2 provide each elector with a slip bearing the same serial number as is recorded for the
3 elector upon the poll list or separate list.

4 **SECTION 22.** 6.79 (4) of the statutes, ~~as affected by 2001 Wisconsin Act 54,~~ is
5 amended to read:

6 6.79 (4) SUPPLEMENTAL INFORMATION. When any elector provides identification
7 under ~~sub. (1) or s. 6.15, 6.29 or 6.55 (2) or (3),~~ the election officials shall enter the
8 type of identification on the poll ~~or registration~~ list, or supplemental list maintained
9 under sub. (2). If the form of identification includes a number which applies only to
10 the individual holding that piece of identification, the election officials shall also
11 enter that number on the list. When any elector corroborates the registration
12 identity or residence of any person offering to vote under ~~sub. (1) or s. 6.55 (2) (b) or~~
13 ~~(c) or (3),~~ or the registration identity or residence of any person registering on election
14 day under s. 6.86 (3) (a) 2., the name and address of the corroborator shall also be
15 entered next to the name of the elector whose information is being corroborated on
16 the ~~registration or poll list,~~ or the separate list maintained under sub. (2). When any
17 person offering to vote has been challenged and taken the oath, following the person's
18 name on the ~~registration or poll list,~~ the officials shall enter the word "Sworn".

19 **SECTION 23.** 6.79 (5) of the statutes is repealed. ✓

20 **SECTION 24.** 6.79 (6) (a) of the statutes is repealed. ✓

21 **SECTION 25.** 6.79 (6) (b) of the statutes is renumbered 6.79 (6) and amended to
22 read:

Confidential names and addresses. (CS)

23 6.79 (6) ~~In municipalities where registration is required, an~~ An elector who has
24 a confidential listing under s. 6.47 (2) may present his or her identification card
25 issued under s. 6.47 (3), or may give his or her name and identification serial number

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✓

1 issued under s. 6.47 (3), in lieu of stating his or her name and address under sub. (2). ✓
2 If the elector's name and identification serial number appear on the confidential
3 portion of the list, the inspectors shall issue a voting serial number to the elector,
4 record that number on the registration poll list and permit the elector to vote. ✓

5 **SECTION 26.** 6.82 (1) (a) of the statutes, as affected by 2001 Wisconsin Act 16,
6 is amended to read:

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

23 **SECTION 27.** 6.86 (3) (a) 1. of the statutes, as affected by 2001 Wisconsin Act 51,
24 is amended to read:

1 6.86 (3) (a) 1. Any elector who is registered, ~~or otherwise qualified where~~
2 ~~registration is not required~~, and who is hospitalized, may apply for and obtain an
3 official ballot by agent. The agent may apply for and obtain a ballot for the
4 hospitalized absent elector by presenting a form prescribed by the board and
5 containing the required information supplied by the hospitalized elector and signed
6 by that elector and any other elector residing in the same municipality as the
7 hospitalized elector, corroborating the information contained therein. The
8 corroborating elector shall state on the form his or her full name and address. ✓

9 **SECTION 28.** 6.86 (3) (a) 2. of the statutes, as created by 2001 Wisconsin Act 51
10 is amended to read:

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

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1 information in the form. The form shall contain the full name and address of the
2 corroborating elector. The agent shall then present acceptable proof of the
3 corroborating elector's residence under s. 6.55 (7).

4 **SECTION 29.** 6.88 (3) (a) of the statutes is amended to read:

5 6.88 (3) (a) Any time between the opening and closing of the polls on election
6 day, the inspectors shall open the carrier envelope only, and announce the name of
7 the absent elector or the identification serial number of the absent elector if the
8 elector has a confidential listing under s. 6.47 (2). When the inspectors find that the
9 certification has been properly executed, the applicant is a qualified elector of the
10 ward or election district, and the applicant has not voted in the election, they shall
11 enter an indication on the poll ~~or registration~~ list next to the applicant's name
12 indicating an absentee ballot is cast by the elector. They shall then open the envelope
13 containing the ballot in a manner so as not to deface or destroy the certification
14 thereon. The inspectors shall take out the ballot without unfolding it or permitting
15 it to be unfolded or examined. Unless the ballot is cast under s. 6.95, the inspectors
16 shall verify that the ballot has been endorsed by the issuing clerk. The inspectors
17 shall deposit the ballot into the proper ballot box and enter the absent elector's name
18 or voting number after his or her name on the poll ~~or registration~~ list in the same
19 manner as if the elector had been present and voted in person.

20 **SECTION 30.** 6.94 of the statutes is amended to read:

21 **6.94 Challenged elector oath.** If the person challenged refuses to answer
22 fully any relevant questions put to him or her by the inspector under s. 6.92, the
23 inspectors shall reject the elector's vote. If the challenge is not withdrawn after the
24 person offering to vote has answered the questions, one of the inspectors shall
25 administer to the person the following oath or affirmation: "You do solemnly swear

1 (or affirm) that: you are 18 years of age; you are a citizen of the United States; you
2 are now and for 10 days have been a resident of this ward except under s. 6.02 (2);
3 you have not voted at this election; you have not made any bet or wager or become
4 directly or indirectly interested in any bet or wager depending upon the result of this
5 election; you are not on any other ground disqualified to vote at this election”. If the
6 person challenged refuses to take the oath or affirmation, the person’s vote shall be
7 rejected. If the person challenged answers fully all relevant questions put to the
8 elector by the inspector under s. 6.92, takes the oath or affirmation, and fulfills the
9 applicable registration requirements, ~~where applicable~~, and if the answers to the
10 questions given by the person indicate that the person meets the voting qualification
11 requirements, the person’s vote shall be received.

12 **SECTION 31.** 6.95 of the statutes is amended to read:

13 **6.95 Voting procedure for challenged electors.** Whenever the inspectors
14 under ss. 6.92 to 6.94 receive the vote of a person offering to vote who has been
15 challenged, they shall give the elector a ballot. Before depositing the ballot, the
16 inspectors shall write on the back of the ballot the serial number of the challenged
17 person corresponding to the number kept at the election on the ~~registration or~~ poll
18 list, or other list maintained under s. 6.79. If voting machines are used in the
19 municipality where the person is voting, the person’s vote may be received only upon
20 an absentee ballot furnished by the municipal clerk which shall have the
21 corresponding serial number from the ~~registration or~~ poll list or other list
22 maintained under s. 6.79 written on the back of the ballot before the ballot is
23 deposited. The inspectors shall indicate on the list the reason for the challenge. The
24 challenged ballots shall be counted under s. 5.85 or 7.51. The municipal board of
25 canvassers may decide any challenge when making its canvass under s. 7.53. If the

1 returns are reported under s. 7.60, a challenge may be reviewed by the county board
2 of canvassers. If the returns are reported under s. 7.70, a challenge may be reviewed
3 by the chairperson of the board or the chairperson's designee. The decision of any
4 board of canvassers or of the chairperson or chairperson's designee may be appealed
5 under s. 9.01. The standard for disqualification specified in s. 6.325 shall be used to
6 determine the validity of challenged ballots.

7 SECTION 32. 7.08 (1) (c) of the statutes is amended to read:

8 7.08 (1) (c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (4), 6.33 (1),
9 6.40 (1) (b), 6.47 (1) (a) 2. and (3), 6.55 (2) and (3), 6.79 (5) and 6.86 (2) and (3). All
10 such forms shall contain a statement of the penalty applicable to false or fraudulent
11 registration or voting through use of the form. Forms are not required to be furnished
12 by the board.

13 SECTION 33. 7.08 (2) (c) of the statutes is amended to read:

14 7.08 (2) (c) As soon as possible after the canvass of the spring and September
15 primary votes, but no later than the first Tuesday in March and the 4th Tuesday in
16 September, transmit to the state treasurer a certified list of all eligible candidates
17 for state office who have filed applications under s. 11.50 (2) and whom the board
18 determines to be eligible to receive payments from the Wisconsin election campaign
19 fund, together with a list of eligible political parties that are authorized to use grants
20 from the Wisconsin election campaign fund to make contributions under s. 11.50 (2s)
21 (f) to those candidates. The board shall also electronically transmit a similar list of
22 candidates who the board determines are eligible to receive a grant under s. 11.50
23 (4) (b) within 24 hours after any candidate qualifies to receive such a grant. The list
24 shall contain each candidate's name, the mailing address indicated upon the
25 candidate's registration form, the office for which the individual is a candidate and

1 the party or principle which he or she represents, if any, or the name of the eligible
2 political party and the mailing address indicated on the party's registration form.

3 **SECTION 34.** 7.08 (2) (cm) of the statutes is amended to read:

4 7.08 (2) (cm) As soon as possible after the canvass of a special primary, or the
5 date that the primary would be held, if required, transmit to the state treasurer a
6 certified list of all eligible candidates for state office who have filed applications
7 under s. 11.50 (2) and whom the board determines to be eligible to receive a grant
8 from the Wisconsin election campaign fund prior to the election. The board shall also
9 transmit a similar list of candidates, if any, who have filed applications under s. 11.50
10 (2) and whom the board determines to be eligible to receive a grant under s. 11.50 (1)
11 (a) ~~2. 1. b.~~ after the special election. In addition, the board shall transmit at the same
12 time a list of eligible political parties that are authorized to use grants from the
13 Wisconsin election campaign fund to make contributions under s. 11.50 (2s) (f) to
14 candidates of those parties whose names are certified under this paragraph. The
15 board shall electronically transmit a similar list of candidates who the board
16 determines are eligible to receive a grant under s. 11.50 (4) (b) within 24 hours after
17 any candidate qualifies to receive such a grant. The list shall contain each
18 candidate's name, the mailing address indicated upon the candidate's registration
19 form, the office for which the individual is a candidate and the party or principle
20 which he or she represents, if any or the name of the eligible political party and the
21 mailing address indicated on the party's registration form.

22 **SECTION 35.** 7.10 (1) (b) of the statutes as affected by 2001 Wisconsin Act 107,
23 is amended to read:

24 7.10 (1) (b) The county clerk shall supply sufficient ~~poll list forms for~~
25 ~~municipalities that do not have elector registration and other election supplies for~~

1 national, state and county elections to municipalities within the county. The poll list
2 ~~forms and other~~ election supplies shall be enclosed in the sealed package containing
3 the official ballots and delivered to the municipal clerk.

4 SECTION 36. 7.15 (1) (c) of the statutes is amended to read:

5 7.15 (1) (c) Prepare ballots for municipal elections, and distribute ballots and
6 provide other supplies for conducting all elections. The municipal clerk shall deliver
7 ~~poll list forms received from the county clerk to the polling places with the ballots to~~
8 the polling places before the polls open.

9 SECTION 37. 7.15 (4) of the statutes is amended to read:

10 7.15 (4) RECORDING ELECTORS. After each election ~~where registration is used~~,
11 the municipal clerk shall make a record of each elector who has voted at the election
12 by stamping or writing the date of the election in the appropriate space on the
13 original registration form of the elector. Municipalities employing data processing
14 may, in lieu of this requirement, record voting information in such a manner that it
15 is readily available for retrieval by computer.

New insert
↓
FWR 29-15

16 SECTION 38. 7.37 (7) of the statutes is amended to read:

17 7.37 (7) ~~REGISTRATION AND POLL~~ POLL LISTS. Two inspectors shall be assigned
18 to have charge of the ~~registration or~~ poll lists at each election.

19 SECTION 39. 7.51 (2) (a) of the statutes is amended to read:

20 7.51 (2) (a) The inspectors shall first compare the poll ~~or registration~~ lists,
21 correcting any mistakes until the poll ~~or registration~~ lists agree. The chief inspector
22 and the inspectors who are responsible for recording electors under s. 6.79 shall
23 verify the correctness of the poll ~~or registration~~ lists after the polls close by each
24 signing their name thereto. Where ballots are distributed to electors, the inspectors
25 shall then open the ballot box and remove and count the number of ballots therein

1 without examination except as is necessary to ascertain that each is a single ballot.
2 If 2 or more ballots are folded together so as to appear as a single ballot, the inspectors
3 shall lay them aside until the count is completed; and if, after a comparison of the
4 count and the appearance of the ballots it appears to a majority of the inspectors that
5 the ballots folded together were voted by the same person they may not be counted
6 but the inspectors shall mark them as to the reason for removal, set them aside and
7 carefully preserve them. The inspectors shall then proceed under par. (b).

8 **SECTION 40.** 7.51 (2) (c) of the statutes is amended to read:

9 7.51 (2) (c) Whenever the number of ballots exceeds the number of voting
10 electors as indicated on the poll ~~or registration~~ list, the inspectors shall place all
11 ballots face up to check for blank ballots. In this paragraph, "blank ballot" means
12 a ballot on which no votes are cast for any office or question. The inspectors shall
13 mark, lay aside and preserve any blank ballots. If the number of ballots still exceeds
14 the number of voting electors, the inspectors shall place all ballots face down and
15 proceed to check for the initials. The inspectors shall mark, lay aside and preserve
16 any ballot not bearing the initials of 2 inspectors or any absentee ballot not bearing
17 the initials of the municipal clerk. During the count the inspectors shall count those
18 ballots cast by challenged electors the same as the other ballots.

19 **SECTION 41.** 7.51 (2) (e) of the statutes is amended to read:

20 7.51 (2) (e) If, after any ballots have been laid aside, the number of ballots still
21 exceeds the total number of electors recorded on the ~~registration or~~ poll list, the
22 inspectors shall separate the absentee ballots from the other ballots. If there is an
23 excess number of absentee ballots, the inspectors shall place the absentee ballots in
24 the ballot box and one of the inspectors shall publicly and without examination draw
25 therefrom by chance the number of ballots equal to the excess number of absentee

1 ballots. If there is an excess number of other ballots, the inspectors shall place those
2 ballots in the ballot box and one of the inspectors shall publicly and without
3 examination draw therefrom by chance the number of ballots equal to the excess
4 number of those ballots. All ballots so removed may not be counted but shall be
5 specially marked as having been removed by the inspectors on original canvass due
6 to an excess number of ballots, set aside and preserved. When the number of ballots
7 and total shown on the poll ~~or registration~~ list agree, the inspectors shall return all
8 ballots to be counted to the ballot box and shall turn the ballot box in such manner
9 as to thoroughly mix the ballots. The inspectors shall then open, count and record
10 the number of votes. When the ballots are counted, the inspectors shall separate
11 them into piles for ballots similarly voted. Objections may be made to placement of
12 ballots in the piles at the time the separation is made.

13 **SECTION 42.** 7.51 (4) (a) of the statutes is amended to read:

14 7.51 (4) (a) The tally sheets shall state the total number of votes cast for each
15 office and for each individual receiving votes for that office, whether or not the
16 individual's name appears on the ballot, and shall state the vote for and against each
17 proposition voted on. Upon completion of the tally sheets, the inspectors shall
18 immediately complete inspectors' statements in duplicate. The inspectors shall state
19 the excess, if any, by which the number of ballots exceeds the number of electors
20 voting as shown by the poll ~~or registration~~ list, ~~if any~~, and shall state the number of
21 the last elector as shown by the ~~registration~~ or poll lists. At least 3 inspectors,
22 including the chief inspector and, unless election officials are appointed under s. 7.30
23 (4) (c) without regard to party affiliation, at least one inspector representing each
24 political party, shall then certify to the correctness of the statements and tally sheets
25 and sign their names. All other election officials assisting with the tally shall also

1 certify to the correctness of the tally sheets. When the tally is complete, the
2 inspectors shall publicly announce the results from the statements.

3 **SECTION 43.** 7.51 (5) (a) of the statutes, as affected by 2001 Wisconsin Act 107,
4 is amended to read:

5 7.51 (5) (a) The inspectors shall make full and accurate return of the votes cast
6 for each candidate and proposition on tally sheet forms provided by the municipal
7 clerk for that purpose. Each tally sheet shall record the returns for each office or
8 referendum by ward, unless combined returns are authorized in accordance with s.
9 5.15 (6) (b) in which case the tally sheet shall record the returns for each group of
10 combined wards. After recording the votes, the inspectors shall seal in a carrier
11 envelope outside the ballot bag or container one inspectors' statement under sub. (4)
12 (a), one tally sheet, and one poll ~~or registration~~ list for delivery to the county clerk,
13 unless the election relates only to municipal or school district offices or referenda.
14 The inspectors shall also similarly seal one inspectors' statement, one tally sheet,
15 and one poll ~~or registration~~ list for delivery to the municipal clerk. For school district
16 elections, except in 1st class cities, the inspectors shall similarly seal one inspectors'
17 statement, one tally sheet, and one poll ~~or registration~~ list for delivery to the school
18 district clerk. The inspectors shall immediately deliver all ballots, statements, tally
19 sheets, lists, and envelopes to the municipal clerk. ✓

20 **SECTION 44.** ~~8.30 (2)~~ of the statutes is amended to read:

21 8.30 (2) If no registration statement has been filed by or on behalf of a candidate
22 for state or local office in accordance with s. 11.05 (2g) ~~or (2r)~~ by the applicable
23 deadline for filing nomination papers by such the candidate, or the deadline for filing
24 a declaration of candidacy for an office for which nomination papers are not filed, the
25 name of the candidate may not appear on the ballot. This subsection may not be

1 construed to exempt a candidate from applicable penalties if he or she files a
2 registration statement later than the time prescribed in ss. 11.01 (1) and 11.05 (2g).

3 SECTION 45. 8.35 (4) (a) 1. a. and b. of the statutes are amended to read:

4 8.35 (4) (a) 1. a. ~~Donated to the former candidate's local or state political party~~
5 ~~if~~ If the former candidate was a partisan candidate or, donated to the former
6 candidate's local or state political party, donated to the a charitable organization of
7 the former candidate's choice or the charitable organization chosen or transferred to
8 the board for deposit in the Wisconsin election campaign fund, as instructed by the
9 former candidate or, if the candidate left no instruction, by the former candidate's
10 next of kin if the former candidate is deceased, or if no choice is made returned to the
11 donors on a proportional basis; or

12 b. If the former candidate was a nonpartisan candidate, donated to the a
13 charitable organization ~~of the former candidate's choice or the charitable~~
14 ~~organization chosen or transferred to the board for deposit in the Wisconsin election~~
15 ~~campaign fund, as instructed by the former candidate or, if the candidate left no~~
16 ~~instruction, by the former candidate's next of kin if the former candidate is deceased;~~
17 or

18 SECTION 46. 8.35 (4) (c) and (d) of the statutes are amended to read:

19 8.35 (4) (c) The transfer to the replacement candidate under par. (b) shall be
20 made and reported to the appropriate filing officer in a special report submitted by
21 the former candidate's campaign treasurer. If the former candidate is deceased and
22 was serving as his or her own campaign treasurer, the former candidate's petitioner
23 or personal representative shall file the report and make the transfer required by
24 par. (b), if any and file the report. The report shall be made at the appropriate
25 interval under s. 11.20 (2) or (4) and shall include a complete statement of all

1 ~~contributions, disbursements and incurred obligations~~ pursuant to s. 11.06 (1)
 2 covering the period from the day after the last date covered on the former candidate's
 3 most recent report to the date of disposition.

4 (d) The newly appointed candidate shall file his or her report at the next
 5 appropriate interval under s. 11.20 (2) or (4) after his or her appointment. The
 6 appointed candidate shall include any transferred funds moneys in his or her first
 7 report.

8 **SECTION 47.** 9.01 (1) (b) 1. of the statutes is amended to read:

9 9.01 (1) (b) 1. The board of canvassers shall first compare the registration of
 10 poll lists and determine the number of voting electors. ✓

11 ~~**SECTION 48.** 11.001 (2m) of the statutes is created to read:~~

12 11.001 (2m) The legislature finds a compelling justification for minimal
 13 disclosure of all communications that are to be made near the time of an election and
 14 that include a reference to or depiction of a clearly identified candidate at that
 15 election in order to permit increased funding for candidates who are affected by those
 16 communications. This minimal disclosure burden is outweighed by the need to
 17 establish an effective funding mechanism for affected candidates to effectively
 18 respond to communications that may impact an election.

19 **SECTION 49.** 11.01 (4m) of the statutes is created to read:

20 11.01 (4m) "Communication" means a message, other than a communication
 21 that is exempt from reporting under s. 11.29, that is transmitted by means of a
 22 printed advertisement, billboard, handbill, sample ballot, radio or television
 23 advertisement, mass telephoning, or mass mailing, or any medium that may be
 24 utilized for the purpose of disseminating or broadcasting a message, but not

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 35 to 97

1 (cn) If the district attorney refuses or otherwise fails to commence an action to
2 enforce sub. (1) (br) within 30 days after receiving a verified complaint alleging a
3 violation of sub. (1) (br), the person making the complaint may bring an action to
4 recover the forfeiture under sub. (7) on his or her relation in the name, and on behalf,
5 of the state. In such actions, the court may award actual and necessary costs of
6 prosecution, including reasonable attorney fees, to the relator if he or she prevails,
7 but any forfeiture recovered shall be paid to the state. If the court finds in any such
8 action that the cause of action was frivolous as provided in s. 814.025, the court shall
9 award costs and fees to the defendant under that section.

10 SECTION 200. 20.510 (1) (q) of the statutes is amended to read:

11 20.510 (1) (q) *Wisconsin election campaign fund.* As a continuing
12 appropriation from the Wisconsin election campaign fund, the moneys determined
13 under s. 11.50 to provide for payments to eligible candidates whose names are
14 certified under s. 7.08 (2) (c) and (cm) and to provide for public information as
15 authorized under s. 11.50 (2m).

16 SECTION 201. 25.42 of the statutes is amended to read:

17 **25.42 Wisconsin election campaign fund.** All moneys appropriated under
18 s. 20.855 (4) (b) together with all moneys deposited under ss. 8.35 (4) (a), 11.07 (5),
19 11.12 (2), 11.16 (2), 11.19 (1), 11.23 (2), and 11.38 (6), all moneys reverting to the state
20 under s. 11.50 (8) and all gifts, bequests and devises received under s. 11.50 (13)
21 constitute the Wisconsin election campaign fund, to be expended for the purposes of
22 s. 11.50. All moneys in the fund not disbursed by the state treasurer shall continue
23 ~~to accumulate indefinitely.~~

24 SECTION 202. 59.05 (2) of the statutes is amended to read:

1 59.05 (2) If two-fifths of the legal voters of any county, to be determined by the
2 registration or poll lists of the last previous general election held in the county, the
3 names of which voters shall appear on some one of the registration or poll lists of such
4 election, present to the board a petition conforming to the requirements of s. 8.40
5 asking for a change of the county seat to some other place designated in the petition,
6 the board shall submit the question of removal of the county seat to a vote of the
7 qualified voters of the county. The board shall file the question as provided in s. 8.37.
8 The election shall be held only on the day of the general election, notice of the election
9 shall be given and the election shall be conducted as in the case of the election of
10 officers on that day, and the votes shall be canvassed, certified and returned in the
11 same manner as other votes at that election. The question to be submitted shall be
12 “Shall the county seat of county be removed to?”.

13 ~~Section 203. 71.07 (6s) of the statutes is created to read:~~

14 71.07 (6s) CAMPAIGN FUND TAX CREDIT. (a) *Definitions.* In this subsection:

15 1. “Claimant” means an individual who makes a designation.

16 2. “Designation” means an amount that may be designated under s. 71.10 (3)
17 (am).

18 (b) *Filing claims.* Subject to the limitations and conditions provided in this
19 subsection, a claimant may claim as a credit against the tax imposed under s. 71.02,
20 up to the amount of those taxes, for the taxable year to which the income tax return
21 relates, an amount equal to the claimant’s designation.

22 (c) *Limitations and conditions.* 1. No credit may be allowed under this
23 subsection unless it is claimed within the time period under s. 71.75 (2).

24 2. If both spouses of a married couple meet the definition of claimant under par.
25 (a) 1., each spouse may claim the credit under this subsection.

1 ~~(d) Administration.~~ Subsection (9e) (d), to the extent that it applies to the credit
2 under that subsection, applies to the credit under this subsection.

3 **SECTION 204.** 71.08 (1) (intro.) of the statutes is amended to read:

4 71.08 (1) IMPOSITION. (intro.) If the tax imposed on a natural person, married
5 couple filing jointly, trust or estate under s. 71.02, not considering the credits under
6 ss. 71.07 (1), (2dd), (2de), (2di), (2dj), (2dL), (2dr), (2ds), (2dx), (2fd), (3m), (3s), (6),
7 (6s), and (9e), 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx), (1fd), (2m) and (3) and
8 71.47 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx), (1fd), (2m) and (3) and subchs. VIII
9 and IX and payments to other states under s. 71.07 (7), is less than the tax under this
10 section, there is imposed on that natural person, married couple filing jointly, trust
11 or estate, instead of the tax under s. 71.02, an alternative minimum tax computed
12 as follows:

13 **SECTION 205.** 71.10 (3) (a) of the statutes is renumbered 71.10 (3) (am) and
14 amended to read:

15 71.10 (3) (am) Every individual, who is a full-year resident of this state, filing
16 an income tax return who has would have a tax liability or is entitled to a tax refund
17 before making a designation under this paragraph may designate \$1 the lesser of
18 \$12.50 or the individual's tax liability for transfer to the Wisconsin election campaign
19 fund for the use of eligible candidates under s. 11.50. If the individuals filing a joint
20 return would have a tax liability or are entitled to a tax refund before making a
21 designation under this paragraph, each individual may make a designation of \$1 the
22 lesser of \$12.50 or one-half of the married couple's tax liability under this subsection.
23 Each individual making a designation shall indicate whether the amount designated
24 by that individual shall be placed in the general account for the use of all eligible
25 candidates for state office, or in the account of an eligible political party whose name

1 ~~is certified to the secretary of revenue under s. 11.50 (14). If an individual does not~~
2 ~~indicate that the amount of his or her designation shall be placed in the account of~~
3 ~~a particular eligible political party, that amount shall be placed in the general~~
4 ~~account.~~

****NOTE: May need to refine preceding section to incorporate committee's intent with regard to WECF.

5 **SECTION 206.** 71.10 (3) (ac) of the statutes is created to read:

6 71.10 (3) (ac) In this subsection, "tax liability" means any amount of tax
7 determined by an individual or by an individual and his or her spouse after he or she
8 calculates the order of computation through s. 71.10 (4) (gu).

9 **SECTION 207.** 71.10 (3) (b) of the statutes is amended to read:

10 71.10 (3) (b) The secretary of revenue shall ~~provide a place for these~~ ensure that
11 space for the designations under par. (am) is provided on the face of the individual
12 income tax return and in a manner that is convenient to the individual filing the
13 return. The secretary of revenue shall provide next to that the place on the return
14 where designation under par. (am) is made a statement that a designation will not
15 increase tax liability, that the amount of a designation may be claimed as a credit
16 under s. 71.07 (6s), and that by making a designation the individual is also claiming
17 the credit. The department of revenue shall ensure that an individual may make the
18 designation under par. (am) and claim the credit under s. 71.07 (6s) by marking only
19 one box, which shall be on the face of the individual income tax return. The secretary
20 of revenue shall also provide and highlight a place in the instructions that
21 accompany the return for information submitted to the secretary by the elections
22 board under s. 11.50 (2m) without cost to the board. Annually on August 15, the
23 secretary of revenue shall certify to the elections board, the department of

1 administration, and the state treasurer under s. 11.50 the total amount of
2 designations made on returns processed by the department of revenue during the
3 preceding fiscal year and the amount of designations made during that fiscal year
4 for the general account and for the account of each eligible political party. If any
5 individual designates an amount greater than the amount authorized under par.
6 (am) or attempts to place any condition or restriction upon a designation not
7 authorized under par. (am), that individual is deemed not to have made a designation
8 on his or her tax return.

9 SECTION 208. 71.10 (3) (d) of the statutes is created to read:

10 71.10 (3) (d) If an individual's income tax return is prepared by a paid tax
11 preparer and if the individual does not make a designation under par. (am), the tax
12 preparer shall obtain from the individual his or her signature, on a form prepared
13 by the department of revenue, acknowledging that he or she chooses not to make a
14 designation under par. (am). The form shall contain information regarding the
15 purposes of the designation. No penalty may be imposed on a paid tax preparer who
16 fails to obtain from any individual the form that is required under this paragraph.

17 SECTION 209. 71.10 (4) (gw) of the statutes is created to read:

18 71.10 (4) (gw) 1. The addition of the campaign fund designation under sub. (3)
19 (am).

20 2. The subtraction of the campaign fund tax credit under s. 71.07 (6s).

21 SECTION 210. 117.20 (2) of the statutes is amended to read:

22 117.20 (2) The clerk of each affected school district shall publish notice, as
23 required under s. 8.55, in the territory of that school district. The procedures for
24 school board elections under s. 120.06 (5), (9), (11), (13) and (14) apply to a
25 referendum held under this section. The school board and school district clerk of each

1 affected school district shall each perform, for that school district, the functions
2 assigned to the school board and the school district clerk, respectively, under those
3 subsections. The form of the ballot shall correspond to the form prescribed by the
4 elections board under ss. 5.64 (2) and 7.08 (1) (a). The clerk of each affected school
5 district shall file with the secretary of the board a certified statement prepared by
6 the school district board of canvassers of the results of the referendum in that school
7 district.

8 **SECTION 211.** 120.06 (5) of the statutes is repealed. ✓

9 **SECTION 212.** 125.05 (2) (h) of the statutes is amended to read:

10 125.05 (2) (h) *Number of electors.* The number of electors in a residence district
11 shall equal not less than the number of names with residences in the district which
12 appear on ~~a~~ the registration list, as defined in s. 5.02 (17). ~~If there is no registration~~
13 ~~list, the number of electors shall equal the number of names with residences in the~~
14 ~~district which appear on a poll list as defined in s. 5.02 (14) compiled at the last~~
15 ~~gubernatorial or presidential election, whichever is most recent, for the residence~~
16 district on the date that the remonstrance, consent, or counter petition is filed. A
17 person whose name does not appear on a registration list ~~or poll list~~ may not sign a
18 protest petition, consent or counter petition. ✓

19 **SECTION 213.** ~~806.04 (11m)~~ of the statutes is created to read:

20 **806.04 (11m) CAMPAIGN FINANCE REGISTRATION.** Any person who proposes to
21 publish, disseminate, or broadcast, or causes to be published, disseminated, or
22 broadcast, any communication may commence a proceeding under this section to
23 determine the application to that person of a registration requirement under s. 11.05
24 (1), (2), or (2g).

25 ~~**SECTION 214. Nonstatutory provisions.**~~

1 (1) ~~WISCONSIN ELECTION CAMPAIGN FUND BALANCE TRANSFER.~~ The balances in all
2 accounts within the Wisconsin election campaign fund on the effective date of this
3 subsection are credited to the general account of the Wisconsin election campaign
4 fund established under section 11.50 (2w) of the statutes, as created by this act.

5 (2) ~~RULES FOR PUBLIC ACCESS CHANNELS AND PUBLIC TELEVISION STATIONS.~~

6 (a) Using the procedure under section 227.24 of the statutes, the elections
7 board may promulgate the rules required under section 11.21 (17) of the statutes, as
8 created by this act, for the period before the effective date of the permanent rules, but
9 not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes.
10 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the elections
11 board is not required to provide evidence that promulgating rules under this
12 paragraph as emergency rules is necessary for the preservation of the public peace,
13 health, safety, or welfare and is not required to provide a finding of emergency for any
14 rule promulgated under this paragraph.

15 (b) The elections board shall submit in proposed form the rules required under
16 section 11.21 (17) of the statutes, as created by this act, to the legislative council staff
17 under section 227.15 (1) of the statutes no later than the first day of the 10th month
18 beginning after the effective date of this paragraph.

19 (3) ~~DECLARATORY JUDGMENT.~~ The legislature directs the attorney general to
20 promptly commence an action seeking a declaratory judgment that the treatment of
21 chapter 11 of the statutes by 2001 Wisconsin Act (this act), including specifically
22 the treatment of sections 11.01 (16) (a) 3., and 11.12 (6) (am) and (c), 11.26 (1), (1m),
23 (2), (2m), (8), (8n), (8r), and (9) (a), 11.31 (3p), 11.50 (4) (b), and 11.60 (3r) are
24 constitutional. The legislature directs the attorney general to petition for leave to
25 commence the action as an original action before the Wisconsin supreme court. If

1 such a petition is denied, the legislature directs the attorney general to commence
2 the action in the circuit court for Dane County. If the attorney general fails to
3 commence an action under this subsection by the 61st day following the effective date
4 of this subsection, the joint committee on legislative organization shall, within 30
5 days thereafter, retain counsel for the purpose of commencing such an action.

6 (4) ~~STATEWIDE VOTER REGISTRATION LIST.~~

7 (a) Notwithstanding section 16.42 (1) of the statutes, the elections board shall
8 submit as a part of its budget request for the 2003–05 fiscal biennium under section
9 16.42 of the statutes a proposal to finance the creation of a statewide, centralized
10 voter registration list system. In developing the system, the elections board shall
11 consider at least each of the following issues:

- 12 1. How the list should be created and maintained.
- 13 2. The fiscal impact upon the state and local governments of maintaining the
14 list.
- 15 3. How accuracy of the list should be ensured.
- 16 4. Whether, to use the list, an electronic connection would need to be
17 established between each polling place in the state and the board and how such a
18 connection would be established and maintained.
- 19 5. How registrations on election day would be integrated into the list.
- 20 6. How procedures for corroboration of the identities of electors would be
21 affected by maintenance of the list.
- 22 7. How absentee balloting would be affected by the creation of the list.
- 23 8. The impact of maintenance of the list upon transient populations, such as
24 college students.

1 9. How the list could be accurately purged of the names of convicted felons who
2 are ineligible to vote while ensuring that no eligible electors are disenfranchised.

3 10. How the list should be purged of the names of ineligible or inactive electors
4 while ensuring that no eligible electors are disenfranchised.

5 11. Whether the list should be publicly maintained or a private entity should
6 be retained to maintain the list.

7 12. If a private entity were retained to maintain the list, the standards to which
8 the entity should be held to account.

9 13. Whether and how provisional voting of challenged electors could be
10 facilitated after the list is established.

11 (b) The elections board shall study and prepare recommendations for
12 implementing the requirement of this act for creation of a statewide voter
13 registration list. In conducting its study, the board shall address each of the issues
14 specified in paragraph (a). The board shall submit the results of its study and
15 recommendations to the legislature in the manner provided in section 13.172 (2) of
16 the statutes no later than the first day of the 10th month beginning after the effective
17 date of this paragraph.

18 (5) NONSEVERABILITY.

19 (a) Notwithstanding section 990.001 (11) of the statutes, if a court finds that
20 all or any portion of sections 11.01 (17g) and (17r) and 11.21 (17) of the statutes, as
21 created by this act, or SECTION 214 (2) of this act are unconstitutional, then sections
22 11.01 (17g) and (17r) and 11.21 (17) of the statutes, as created by this act, and SECTION
23 214 (2) of this act are void in their entirety.

1 (b) Notwithstanding section 990.001 (11) of the statutes, if a court finds that
2 any part of this act other than the parts specified in paragraph (a) is
3 unconstitutional, this entire act is void.

4 **SECTION 215. Appropriation changes; elections board.**

5 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation
6 to the elections board under section 20.510 (1) (a) of the statutes, as affected by the
7 acts of 2001, the dollar amount is increased by \$85,100 for fiscal year 2002-03 to
8 increase the authorized FTE positions for the elections board by 1.0 GPR campaign
9 finance investigator position and 1.0 GPR auditor position and to fund supporting
10 expenses for these positions.

11 **SECTION 216. Appropriation changes; revenue.**

12 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation
13 to the department of revenue under section 20.566 (1) (a) of the statutes, as affected
14 by the acts of 2001, the dollar amount is increased by \$96,500 for fiscal year 2002-03
15 to increase funding for the cost of changing income tax forms.

16 **SECTION 217. Initial applicability.**

17 (1) STATEWIDE VOTER REGISTRATION. The treatment of sections 5.02 (17), 6.20,
18 6.24 (3), (4) (a) and (c), and (8), 6.27 (1) and (2) to (5), 6.28 (2) (b) and (3), 6.29 (2) (a),
19 6.50 (1) (intro.) and (2m) (a), 6.545 6.55 (2) (a) 1. (intro.) and (c) 1., and (3), 6.79 (Intro.), (1),
20 (2), (4), (5), and (6) (a) and (b), 6.82 (1) (a), 6.86 (3) (a) 1. and 2., 6.88 (3) (a), 6.94, 6.95,
21 7.08 (1) (c), 7.10 (1) (b), 7.15 (1) (c) and (4), 7.37 (7), 7.51 (2) (a), (c) and (e), (4) (a), and
22 (5) (a), 9.01 (1) (b) 1., 59.05 (2), 117.20 (2), 120.06 (5), and 125.05 (2) (h) of the statutes
23 first applies with respect to the 2004 spring primary election.

and
(b)
6.36
(2)(a)

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1 (2) ~~NONRESIDENT REGISTRANT REPORTING.~~ The treatment of sections 11.06 (1)
2 (intro.) and (3) (b) (intro.) and 11.12 (4) of the statutes first applies with respect to
3 reporting periods which begin on or after the effective date of this subsection.

4 (3) ~~COST-OF-LIVING ADJUSTMENTS.~~ The treatment of sections 11.26 (10a) and
5 11.31 (9) of the statutes first applies to adjustments for the 2-year period beginning
6 on January 1, 2006.

7 (4) ~~CAMPAIGN FUND TAX CREDIT.~~ The treatment of sections 71.07 (6s), 71.08 (1)
8 (intro.), and 71.10 (3) (b) and (4) (gw) of the statutes, the renumbering and
9 amendment of section 71.10 (3) (a) of the statutes, and the creation of section 71.10
10 (3) (ac) of the statutes first apply to taxable years beginning on January 1, 2002.

11 **SECTION 218. Effective dates.** This act takes effect on July 1, 2003, except as
12 follows:

13 (1) The treatment of sections 71.07 (6s), 71.08 (1) (intro.), and 71.10 (3) (b) and
14 (4) (gw) of the statutes, the renumbering and amendment of section 71.10 (3) (a) of
15 the statutes, and the creation of section 71.10 (3) (ac) of the statutes and SECTION 217
16 (4) of this act take effect on the day after publication.

17 (END)

2003-2004 DRAFTING INSERT
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LEGISLATIVE REFERENCE BUREAU

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SECTION 1. 6.285 of the statutes is created to read:

6.285 Registration identification numbers. (1) The board shall assign a unique registration identification number to each elector who does not have either a valid Wisconsin driver's license or a social security account number, upon request of that elector.

(2) The board shall ensure that each municipal clerk receiving a request from an elector who qualifies for a registration identification number under sub. (1) is able to obtain the number electronically as a part of the system maintained by the board under s. 6.36 (1).

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SECTION 25

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1 be filed in such a way that when a student attains the age of 18 years the student is
2 registered to vote automatically. Each school board shall assure that the principal
3 of every high school communicates elector registration information to students.

4 **SECTION 26.** 6.28 (3) of the statutes is amended to read:

5 6.28 (3) AT OFFICE OF REGISTER OF DEEDS. Any person who resides in a
6 municipality requiring registration of electors shall be given an opportunity to
7 register to vote at the office of the register of deeds for the county in which the
8 person's residence is located. An applicant may fill out the required registration form
9 under s. 6.33. Upon receipt of a completed form, the register of deeds shall forward
10 the form within 5 days to the appropriate municipal clerk, or to the board of election
11 commissioners in cities over 500,000 population. The register of deeds shall forward
12 the form immediately whenever registration closes within 5 days of receipt.

13 **SECTION 27.** 6.29 (1) of the statutes is amended to read:

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

19 **SECTION 28.** 6.29 (2) (a) of the statutes is amended to read:

20 6.29 (2) (a) Any qualified elector of a municipality where registration is
21 required who has not previously filed a registration form or whose name does not
22 appear on the registration list of the municipality shall be entitled to vote at the
23 election if he or she delivers to the municipal clerk may register after the close of
24 registration but not later than 5 p.m. of the day before an election at the office of the
25 municipal clerk or at the office of the county clerk if the county clerk is acting as the

~~agent of the municipal clerk for electronic entry of registration changes under s. 6.33~~

~~(5) (b). The elector shall complete, in the manner provided under s. 6.33 (2), a registration form executed by the elector. The form shall contain a certification by the elector that all statements are true and correct. Alternatively, if the elector cannot obtain a registration form, the elector may deliver a statement, signed by the elector, containing all of the information required on the registration form containing all information required under s. 6.33 (1). The elector shall present preferred~~

~~identification or, if the elector is unable to present preferred identification, the elector shall present alternate identification. If the elector is unable to present preferred or alternate identification, the elector shall present any identification card that contains the name and photograph of the elector and an identifying number. If any identification presented by the elector is not acceptable proof of residence as~~

~~provided in under s. 6.55 (7) the elector shall also present acceptable proof of residence.~~

~~Alternatively, if no proof is presented the elector is unable to present any identification authorized under this paragraph or acceptable proof of residence under s. 6.55 (7),~~

~~the information contained in the registration form or the listing of required information shall be substantiated corroborated in a statement that is signed by one any other elector of the municipality, corroborating all the material statements therein who has not, during that day, corroborated the registration information of~~

~~more than one other elector and that contains the current street address of the corroborating elector. The corroborating elector shall then provide identification in the same manner as if the corroborating elector were registering under this~~

~~paragraph and acceptable proof of residence under s. 6.55 (7). The signing of the form by the registering elector and statement by the corroborating elector shall be done~~

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1 in the presence of the municipal clerk or deputy clerk not later than 5 p.m. of the day
2 before an election.

3 SECTION 29. 6.29 (2) (b) of the statutes is amended to read:

4 6.29 (2) (b) ~~Upon~~ Unless the municipal clerk determines that the registration
5 list will be revised to incorporate the registration in time for the election, upon the
6 filing of the registration form required by this section, the municipal clerk
7 ~~county clerk if designated under s. 6.25 (5) (b)~~ ^{containing the name and address of} shall issue a certificate ^{name and address of} addressed to
8 the inspectors of the proper ward or election district directing that the elector be ^{the}
9 permitted to cast his or her vote, ~~unless the clerk determines that the registration~~
10 ~~list will be revised to incorporate the registration in time for the election if the elector~~
11 complies with all requirements for voting at the polling place. The certificate shall
12 be numbered serially, prepared in duplicate and one copy preserved in the office of
13 the municipal clerk. The certificate shall indicate the name and address of the
14 elector and, if the elector is unable to present preferred or alternate identification,
15 the certificate shall indicate the type of identification, if any, the elector is able to
16 present and the identifying number contained in that identification.

17 SECTION 30. 6.33 (title) of the statutes is amended to read:

18 **6.33 (title) Registration forms; manner of completing.**

19 SECTION 31. 6.33 (1) of the statutes is amended to read:

20 6.33 (1) The municipal clerk shall supply sufficient registration forms as
21 prescribed by the board printed on loose-leaf sheets or cards to obtain from each
22 applicant information as to name, date, residence location, citizenship, age, whether
23 the applicant has resided within the ward or election district for at least 10 days,
24 whether the applicant has lost his or her right to vote, and whether the applicant is
25 currently registered to vote at any other location, and shall provide a space for the

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1 applicant's signature and the ward and aldermanic district, if any, where the elector
2 resides. The forms shall also include a space for where the clerk, issuing officer, or
3 registration deputy may record, for any applicant under s. 6.29 (2) or 6.55 (2) who is
4 unable to present preferred or alternate identification, the ~~AAA~~ identification
5 serial ~~if any the applicant is able to present and the identifying~~ number of any
6 elector who is issued such a number under s. 6.47 (3) ~~contained in that identification.~~

7 ~~The forms shall also include a space~~ where the clerk, issuing officer, or registration
8 deputy, for any applicant who possesses a valid voting identification card issued to
9 the person under s. 6.47 (3), may record the identification serial number appearing
10 on the voting identification card and shall include a space for any other information
11 ~~prescribed by rule of the board.~~ Each register of deeds shall obtain sufficient

12 registration forms at the expense of the unit of government by which he or she is
13 employed for completion by any elector who desires to register to vote at the office
14 of the register of deeds under s. 6.28 (3).

SECTION 32. 6.33 (2) ~~(4)~~ of the statutes is amended to read:

6.33 (2) ~~(4)~~ The All information may be recorded by any person, but the except

17 that the ward and aldermanic district, if any, and ~~any information relating to the~~
18 ~~identification an applicant under s. 6.29 (2) or 6.55 (2) is able to present and any~~

19 information relating to an applicant's voting identification card shall be recorded by
20 the clerk, issuing officer, or registration deputy. Each applicant shall sign his or her
21 own name unless the applicant is unable to sign his or her name due to physical
22 disability. In such case, the applicant may authorize another elector to sign the form
23 on his or her behalf. If the applicant so authorizes, the elector signing the form shall
24 attest to a statement that the application is made upon request and by authorization

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1 of a named elector who is unable to sign the form due to physical disability. Ward and
2 aldermanic district information shall be filled in by the clerk.

3 SECTION 33. 6.33 (5) of the statutes is created to read:

4 6.33 (5) ~~(a) Except as provided in par. (b),~~ Whenever a municipal clerk receives
5 a valid registration or valid change of a name or address under an existing
6 registration and whenever a municipal clerk cancels a registration, the municipal
7 clerk shall promptly enter electronically on the list maintained by the board under
8 s. 6.36 (1) the information required under that subsection ~~except that the municipal~~
9 clerk may update any entries that change on the date of an election in the
10 municipality within 10 days after that date, and the municipal clerk shall provide
11 to the board information that is confidential under s. 6.47 (2) in such manner as the
12 board prescribes.

13 (b) The town clerk of any town having a population of not more than 5,000 may
14 designate the county clerk of the county where the town is located as the town clerk's
15 agent to carry out the functions of the town clerk under this subsection for that town.
16 The town clerk shall notify the county clerk of any such designation in writing. The
17 town clerk may, by similar notice to the county clerk at least 14 days prior to the
18 effective date of any change, discontinue the designation. If the town clerk
19 designates a county clerk as his or her agent, the town clerk shall immediately
20 forward all registration changes filed with the town clerk to the county clerk for
21 electronic entry on the registration list.

22 SECTION 34. 6.35 (2) of the statutes is repealed. ✓

23 SECTION 35. 6.35 (3) of the statutes is amended to read:

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~~Section # 6.53 (2) (b) of the statutes is amended to read:~~

¶ ~~6.53 (2)~~ (b) Except as provided ^{strike} ~~under ss. 6.30 (4) and~~ ^{in s.} 6.86 (3) (a) 2., the registration form shall be signed by the registering elector and any corroborating elector under s. 6.29 (2) (a) or 6.55 (2) before the clerk, issuing officer or registration deputy. The form shall contain a certification by the registering elector that all statements are true and correct. ✓

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; 2001 a. 51

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1 6.35 (3) In municipalities employing data processing for keeping of registration
2 forms, original Original registration forms shall be maintained in the office of the
3 municipal clerk or board of election commissioners at all times. ✓

4 SECTION 36. 6.35 (5) and (6) of the statutes are repealed. ✓✓

5 SECTION 37. 6.36 (1) of the statutes is repealed and recreated to read:

6 6.36 (1) (a) The board shall compile and maintain electronically an official

7 registration list. ~~Except as provided in sub. (2) (b)~~ the list shall contain the name and

8 address of each registered elector in the state) and such other information as the

9 board prescribes by rule

10 (b) Except for the addresses of electors who obtain a confidential listing under

11 s. 6.47 (2), the list shall be open to public inspection under s. 19.35 (1) and shall be

12 electronically accessible by any person, but no person other than the board or an

13 election official who is authorized by a municipal clerk may make a change in the list.

14 The list shall be electronically accessible by name and shall also be accessible in

15 alphabetical order of the electors' names for the entire state and for each county,

16 municipality, ward, and combination of wards authorized under s. 5.15 (6) (b). ✓

17 (c) The list shall be designed in such a way that the municipal clerk or board

18 of election commissioners of any municipality may, by electronic transmission, add,

19 revise, or remove entries on the list for any elector who resides in, or who the list

20 identifies as residing in, that municipality and no other municipality. ✓

21 (d) The board shall not make any changes in entries to the registration list

22 except as follows: that, upon

23 1. Upon receipt of official notification by the appropriate election

24 administrative authority of another state, territory, or possession that an elector

the ward and aldermanic district of the elector, if any, and, for each elector, the number of a valid operator's license issued to the elector under ch. 343, the last 4 digits of the elector's social security account number, or the registration identification number issued to the elector under s. 6.285

5 a municipal clerk

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1 whose name appears on the list has registered to vote in that state, territory, or
2 possession, the board shall remove the name of that elector from the list. ✓

3 2. If the board conducts the canvass required under s. 6.50 (1) and (2) or (2m),
4 the board shall cancel the registration of any elector whose registration is required
5 to be canceled by the municipal clerk or board of election commissioners under those
6 provisions.

7 (e) If the board removes the name of any elector from the list, the board shall
8 promptly notify the municipal clerk of the municipality where the elector resides or
9 resided, in writing or by electronic transmission. ✓

10 SECTION 38. 6.36 (2) (a) of the statutes is amended to read:

11 6.36 (2) (a) Except as provided in par. (b), the each registration lists list
12 prepared for use at a polling place shall contain the full name and address of each
13 registered elector; ~~the type of identification card, if any, that each elector registered~~
14 ~~under s. 6.29 (2) or 6.55 (2) is able to present and the identifying number contained~~
15 ~~in that identification card;~~ ^{number of a valid operator's license issued to the}
^{elector under ch. 343, the last 4 digits of the elector's social security account}
16 electors when they vote; and a form of a certificate bearing the certification of the
17 executive director of the board stating that each the list is a true and complete
18 ~~combined check and registration list of the respective municipality or the ward or~~
19 ~~wards~~ for which the list is prepared. ✓ _{6.285}

20 SECTION 39. 6.36 (3) of the statutes is amended to read:

21 6.36 (3) Municipalities shall prepare at least 2 copies of the registration list for
22 each ward and bind them in book form. The original registration forms constitute the
23 official registration list and shall be controlling whenever discrepancies occur in
24 entering information from the forms under s. 6.33 (5). ✓

25 SECTION 40. 6.47 (2) of the statutes is amended to read:

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1 6.47 (2) Except as authorized in sub. (8), the board ~~and~~ ^{election official} each municipal clerk,
2 ~~and each county clerk who is designated under s. 6.33 (5) (b) as the agent of a~~
3 ~~municipal clerk~~ shall withhold from public inspection under s. 19.35 (1) the name
4 and address of any eligible individual whose name appears on a poll list or
5 registration list if the individual files provides the municipal clerk ~~of the county~~
6 ~~clerk if designated under s. 6.33 (5) (b)~~ with a valid written request with the clerk
7 to protect the individual's confidentiality. To be valid, a request under this subsection
8 must be accompanied by a copy of a protective order that is in effect, an affidavit
9 under sub. (1) (a) 2. that is dated within 30 days of the date of the request or a
10 statement signed by the operator or an authorized agent of the operator of a shelter
11 that is dated within 30 days of the date of the request and that indicates that the
12 operator operates the shelter and that the individual making the request resides in
13 the shelter. A physically disabled individual who appears personally at the office of
14 the municipal clerk ~~or the county clerk if designated under s. 6.33 (5) (b)~~
15 accompanied by another elector of this state may designate that elector to make a
16 request under this subsection on his or her behalf. Any county clerk that receives
17 a valid written request under this subsection shall promptly forward the request to
18 the municipal clerk.

SECTION 41. 6.47 (3) of the statutes is amended to read:

20 6.47 (3) Upon ~~listing of~~ receiving a valid written request from an elector under
21 sub. (2), the municipal clerk ~~or the county clerk if designated under s. 6.33 (5) (b)~~
22 shall issue to the elector a voting identification card on a form prescribed by the board
23 that shall contain the name of the elector's municipality ~~issuing the card of residence~~
24 and, in the case of a town, the county in which the town is located, the elector's name,
25 the ward in which the elector resides, if any, and a unique identification serial

1 number issued by the board. The number issued to an elector under this subsection
2 shall not be changed for so long as the elector continues to qualify for a listing under
3 sub. (2).

4 ~~SECTION 42. 6.50 (1) (intro.) of the statutes is amended to read:~~

5 6.50 (1) (intro.) Within 90 days following each general election, the municipal
6 clerk or board of election commissioners of each municipality in which registration
7 is required shall examine the registration records and identify each elector who has
8 not voted within the previous 4 years if qualified to do so during that entire period
9 and shall mail a notice to the elector in substantially the following form:

10 SECTION 43. 6.50 (2m) (a) of the statutes is amended to read:

11 6.50 (2m) (a) As an alternative to the procedure prescribed in subs. (1) and (2),
12 the governing body of a municipality where registration is required may provide for
13 revision of registration lists under this subsection.

14 SECTION 44. 6.50 (2m) (b) of the statutes is amended to read:

15 6.50 (2m) (b) ~~Following~~ Within 90 days following each general election, the
16 municipal clerk of the municipality shall revise and correct the registration list by
17 reviewing the registration of any elector who failed to vote within the past 4 years
18 if qualified to do so during that entire period. Each such elector shall be mailed an
19 address verification card under par. (c). If an address verification card is returned
20 by the postal service to the clerk, the registration of such elector shall be canceled.
21 Otherwise, the registration shall be retained notwithstanding failure of the elector
22 to vote at any election, except as provided in subs. (4) to (7).

23 SECTION 45. 6.50 (2s) of the statutes is created to read:

24 6.50 (2s) If, within 120 days following a general election, the municipal clerk
25 or board of election commissioners has not completed the canvass required under

<end INS 18-13>

MS 18-23:1

1 sub. (1) and (2) or (2m) the board may conduct the canvass and may submit to the
2 municipal clerk or board of election commissioners a statement of its reasonable
3 costs incurred. The municipality shall reimburse the board for those costs within 30
4 days following receipt of the statement. If the municipality fails to timely reimburse
5 the board, the board may submit a statement to the department of administration
6 indicating the amount of the reimbursement due from the municipality and directing
7 the department to deduct that amount from the next payment made to the
8 municipality under s. 79.02.

9 SECTION 46. 6.50 (10) of the statutes is amended to read:

10 6.50 (10) Any elector whose registration is canceled under this section may
11 ~~have his or her registration reinstated by filing a new registration form~~ reregister
12 as provided under s. 6.28 (1), 6.29 (2), or 6.55 (2).

13 SECTION 47. 6.54 of the statutes is repealed. ✓

14 SECTION 48. 6.55 (2) (a) 1. (intro.) of the statutes is amended to read:

15 6.55 (2) (a) 1. (intro.) Except where the procedure under par. (c) or (cm) is
16 employed, any person who qualifies as an elector in the ward or election district
17 where he or she desires to vote, but has not previously filed a registration form, or
18 was registered at another location ~~in a municipality where registration is required,~~
19 may request permission to vote at the polling place for that ward or election district,
20 or at an alternate polling place assigned under s. 5.25 (5) (b). When a proper request
21 is made, the inspector shall require the person to execute a registration form
22 prescribed by the board ~~that.~~ The registration form shall be completed in the manner
23 provided under s. 6.33 (2) and shall contain all information required under s. 6.33
24 (1), along with the following certification:

25 SECTION 49. 6.55 (2) (b) of the statutes is amended to read:

strike

1 6.55 (2) (b) Upon executing the registration form under par. (a), the person ^{elector} ~~person~~

2 shall be required by a special registration deputy or inspector to present ~~the number of a valid operator's license issued to the elector under ch.~~ ^{provide} ~~identification or if the person is unable to present preferred identification, the~~ ^{Score}

3 ~~343, the last 4 digits of the elector's social security account number~~ ^{Score}

4 ~~person shall present alternate identification. If the person is unable to present~~

5 ~~preferred or alternate identification, the person shall present any identification card~~

6 ~~that contains the name and photograph of the person and an identifying number.~~

7 ~~If any identification presented by the person is not~~ ^{The elector shall also provide} acceptable proof of residence

8 under sub. (7) ~~and the person shall also present acceptable proof of residence.~~ If the

9 ~~person cannot supply such proof~~ ^{elector provide one of the numbers specified in this paragraph} ~~identification as provided in sub. (7) and~~

10 ^{strike} ~~proof~~ ^{strike} ~~of residence,~~ ^{PLAIN ← LPS:ATTN!} the information contained in the registration form shall be

11 substantiated and signed corroborated in a statement that is signed by one other any

12 elector who resides in the same municipality as the registering elector, corroborating

13 all the material statements therein ~~and who has not during that day corroborated~~

14 ~~the registration information of more than one other person and that contains the~~

15 ~~current street address of the corroborator.~~ The corroborator shall then provide

16 ~~identification in the same manner as if the corroborator were registering under this~~ ^{one of the numbers specified in this paragraph}

17 ~~subsection and shall provide~~ acceptable proof of residence. ^{The signing by the elector} ~~The signing by the~~ ^{as provided in sub. (7)} ~~elector~~ ^{and}

18 ~~person~~ ^{PLAIN} executing the registration form and by any elector who corroborates the

19 information in the form corroborator shall be in the presence of the special

20 registration deputy or inspector. Upon compliance with this procedure, such person

21 shall then be given the right to vote the elector shall be permitted to cast his or her

22 vote, if the elector complies with all other requirements for voting at the polling

23 place.

LPS:ATTN!

[Handwritten signature and scribbles over lines 14-15]

PLAIN

SECTION 50. 6.55 (2) (c) 1. of the statutes is amended to read:

6.55 (2) (c) 1. As an alternative to registration at the polling place under pars. (a) and (b), the board of election commissioners, or the governing body of any municipality in which registration is required may by resolution require a person who qualifies as an elector and who is not registered and desires to register on the day of an election to do so at another readily accessible location in the same building as the polling place serving the elector's residence or at an alternate polling place assigned under s. 5.25 (5) (b), instead of at the polling place serving the elector's residence. In such case, the municipal clerk shall prominently post a notice of the registration location at the polling place. The municipal clerk, deputy clerk or special registration deputy at the registration location shall require such person to execute a registration form as prescribed under par. (a) and to provide ~~proof of residence~~ ^{the number} of a valid operator's license issued to the elector under ch. 343, the ~~identification number if the person is unable to present preferred identification or the last 4 digits of the elector's social security account number, or the registration identification number if the person is unable to present preferred or alternate identification number issued to the elector under s. 6.285.~~ ^{social security} The elector shall ~~the person shall present any identification card that contains the name and photograph of the person and an identifying number. If any identification presented by the person is not~~ ^{also provide} acceptable proof of residence as provided under sub. (7) ~~the~~ ^{strike} elector ^{strike} shall also present acceptable proof of residence. If the person cannot supply such proof ~~identification authorized under this subdivision or acceptable proof of residence,~~ ^{provide one of the numbers specified in this paragraph and acceptable} the information contained in the registration form shall be corroborated in the manner provided in par. (b). The signing by the elector ~~person~~ ^{person} executing the registration form and by any corroborating elector ~~corroborator~~ shall be in the presence of the municipal clerk, deputy clerk or special registration deputy. Upon proper completion of registration, the municipal clerk, deputy clerk or special registration deputy shall serially number the registration and give one copy to the

PLAIN - ATTN: LPS!

Social Security

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subdivision

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JWS 18-23:4

1 elector for presentation at the polling place serving the elector's residence or an
2 alternate polling place assigned under s. 5.25 (5) (b).

3 SECTION 51. 6.55 (2) (c) 2. of the statutes is amended to read:

4 6.55 (2) (c) 2. Upon compliance with the procedures under subd. 1., the
5 municipal clerk or deputy clerk shall issue a certificate addressed to the inspectors
6 of the proper polling place directing that the elector be permitted to cast his or her
7 vote if the elector complies with all requirements for voting at the polling place. If

8 the elector's registration is corroborated, the clerk shall ^{also} enter the name and address
9 of the corroborator ^{ATTN: LPS!} and the number provided by the corroborator
10 serially and prepared in duplicate. The municipal clerk shall preserve one copy in his

11 or her office. ^{clerk shall enter} The ~~certificate shall indicate~~ the name and address of the elector and
12 the number provided by the elector on the face of the certificate
~~if the elector is unable to present preferred or alternate identification the certificate~~

13 ~~shall indicate the type of identification, if any, the elector is able to present and the~~
14 ~~identifying number contained in that identification.~~

15 SECTION 52. 6.55 (2) (d) of the statutes is amended to read:

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

23 SECTION 53. 6.55 (3) of the statutes is amended to read:

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

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no period

JWS 18-23:5

1 registration is required but who claims to be registered to vote in the election may
2 request permission to vote at the polling place for that ward or election district.
3 When the request is made, the inspector shall require the person to give his or her
4 name and address. If the elector is not at the polling place which serves the ward or
5 election district where the elector resides, the inspector shall provide the elector with
6 directions to the correct polling place. If the elector is at the correct polling place, the
7 elector shall then execute the following written statement: "I, ..., hereby certify that

8 to the best of my knowledge, I am a qualified elector, having resided at ... for at least
9 10 days immediately preceding this election, and that I am not disqualified on any
10 ground from voting, and I have not voted at this election and am properly registered

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11 to vote in this election." The person shall be required to provide ^{provide} ~~present preferred~~ the number of a
12 valid operator's license issued to the elector under ch. 343, the last 4 digits
13 ~~identification or, if the person is unable to present preferred identification, alternate~~
14 ~~identification. If the person is unable to present preferred or alternate identification,~~
15 ~~the person shall present any identification card that contains the name and~~
16 ~~also provide~~ ~~photograph of the person and an identifying number. If any identification presented~~

17 ~~by the person is not acceptable proof of residence as provided under sub. (7) the~~

18 ~~person shall also present acceptable proof of residence~~ and shall then be given the
19 right to vote. If acceptable proof is presented, the elector need not have the

Subsection

ATTN: LPS

20 information corroborated by any other elector. If acceptable ~~the person fails to~~
21 ~~provide one of the numbers specified in this paragraph) and acceptable~~
22 ~~present any identification of) proof is not presented of residence required under this~~

ATTN: LPS!

23 ~~subsection) the statement shall be certified by the elector and shall be corroborated~~
24 ~~in a statement that is signed by another any other elector who resides in the~~
25 ~~municipality and who has not, during that day, corroborated the registration~~
~~information of more than one other person and that contains the current street~~
~~address of the corroborator.)~~

one of the numbers identification in the

The corroborator shall then provide

specified in part (b) and

this subsection

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1 ~~same manner as if the corroborator were executing the certification under this~~
2 ~~subsection and, if the identification is not acceptable proof of residence as provided~~
3 ~~under sub. (1), shall provide acceptable proof of residence as provided in sub. (7)~~

where
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4 Whenever the question of identity or residence cannot be satisfactorily resolved and
5 the elector cannot be permitted to vote, an inspector shall telephone the office of the
6 municipal clerk to reconcile the records at the polling place with those at the office.

7 SECTION 54. 6.55 (7) (c) 1. of the statutes is amended to read:

8 ~~A Wisconsin motor vehicle~~ An operator's license issued under ch.
9 343.

10 SECTION 55. 6.55 (7) (c) 2. of the statutes is amended to read:

11 ~~A Wisconsin~~ An identification card issued under s. 125.08, 1987
12 stats s. 343.50.

13 SECTION 56. 6.79 (intro.) (except 6.79 (title)) of the statutes is renumbered 6.79
14 (1m) and amended to read:

15 6.79 (1m) SEPARATE POLL LISTS. Two election officials at each election ward shall
16 be in charge of and shall maintain 2 separate poll lists of containing information
17 relating to all persons voting. The municipal clerk may elect to maintain the
18 information on the ~~poll list~~ lists manually or electronically. If the ~~list is~~ lists are
19 maintained electronically, the officials shall enter the information into an electronic
20 data recording system that enables retrieval of a printed ~~copy~~ copies of the ~~poll list~~ lists at the
21 polling place. The system employed is subject to the approval of the board.

→ (20)

22 SECTION 57. 6.79 (1) of the statutes is repealed.

23 SECTION 58. 6.79 (2) of the statutes is repealed and recreated to read:

24 6.79 (2) VERIFICATION OF IDENTITY AND ADDRESS AND MAINTENANCE OF POLL LISTS.

25 (a) Unless information on the poll list is entered electronically, the municipal clerk

PWS22-3

Section #. 6.79 (4) of the statutes is amended to read:

6.79 (4) SUPPLEMENTAL INFORMATION. When any elector provides identification ^{a license, social security} under sub. (1) ^{or} ~~identifying~~ ^{number} or s. 6.15, 6.29 or 6.55 (2) or (3), the election officials shall enter the type of identification on the poll ^{or registration} list, or supplemental list maintained under sub. (2). If the form of identification ^{or proof} includes a number which applies only to the individual holding that piece of identification, the election officials shall also enter that number on the list. When any elector corroborates the registration identity or residence of any person offering to vote under ~~sub. (1)~~ or s. 6.55 (2) (b) or (c) or (3), or the registration identity or residence of any person registering on election day under s. 6.86 (3) (a) 2., ~~the name and address of the corroborator shall also be entered~~ ^{election officials shall also enter the} ~~and the license, social security~~ ^{or} ~~number~~ ^{identifying} whose information is being corroborated on the ~~registration or~~ ^{strike} 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~~ ^{or proof} poll list, the officials shall enter the word "Sworn". ^{of residence}

History: 1971 c. 304 s. 29 (2); 1975 c. 85, 199, 200; 1977 c. 394, 447; 1979 c. 260, 311, 355; 1985 a. 304; 1989 a. 192; 1999 a. 49, 182; 2001 a. 38, 51.

TWS 25-3

Section #. 6.86 (3) (a) 2. of the statutes is amended 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 that contains the required information supplied by the elector and the elector's signature, 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.

~~Provide the number of a valid operator's license issued to the elector under ch. 343, the~~
Except as otherwise provided in this subdivision, the agent shall in every case ~~present~~ acceptable ^{last 4 digits of the elector's social security account number or the registration identification number issued to the elector under s. 6.285,} proof of the elector's residence under s. 6.55 (7). If the agent cannot present this proof, the registration form shall be signed and substantiated by another elector residing in the elector's municipality of residence, corroborating the information in the form. The form shall contain the full name and ~~provide one of the numbers specified in this paragraph together with~~ address of the corroborating elector. The agent shall then ~~present~~ acceptable proof of the corroborating elector's residence under s. 6.55 (7). ^{ATN: LPS -> subdivision}

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; 2001 a. 51.

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INS 29-15:

SECTION 1. 7.23 (1) (e) of the statutes is amended to read:

7.23 (1) (e) ~~Registration and poll~~ Poll lists created at a nonpartisan primary or election may be destroyed 2 years after the primary or election at which they were created and ~~registration and~~ poll lists created at a partisan primary or election may be destroyed 4 years after the primary or election at which they were created.

History: 1973 c. 334; 1975 c. 85, 200; 1977 c. 394 s. 53; 1977 c. 427; 1979 c. 260 ss. 42, 94; 1979 c. 311, 328; 1983 a. 484 ss. 60 to 63, 174; 1985 a. 304 ss. 82, 143; 1987 a. 391.