



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-0610/P2

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Wanted Wed 11/27

bill & inserts:  
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X-refs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

(regenerate)

1 AN ACT *to repeal* 6.24 (8), 6.27 (2) to (5), 6.35 (2), 6.35 (5) and (6), 6.54, 6.79 (1),  
2 6.79 (5), 6.79 (6) (a) and 120.06 (5); *to renumber and amend* 6.27 (1), 6.79  
3 (intro.) (except 6.79 (title)) and 6.79 (6) (b); *to amend* 5.02 (17), 6.20, 6.24 (3),  
4 6.24 (4) (a), 6.24 (4) (c), 6.28 (2) (b), 6.28 (3), 6.29 (2) (a), 6.29 (2) (b), 6.33 (title),  
5 6.33 (1), 6.33 (2), 6.35 (3), 6.36 (2) (a), 6.36 (3), 6.47 (2), 6.47 (3), 6.50 (1) (intro.),  
6 6.50 (2m) (a), 6.50 (10), 6.55 (2) (a) 1. (intro.), 6.55 (2) (b), 6.55 (2) (c) 1., 6.55 (2)  
7 (c) 2., 6.55 (2) (d), 6.55 (3), 6.55 (7) (c) 1., 6.55 (7) (c) 2., 6.79 (4), 6.82 (1) (a), 6.86  
8 (3) (a) 1., 6.86 (3) (a) 2., 6.88 (3) (a), 6.94, 6.95, 7.08 (1) (c), 7.10 (1) (b), 7.15 (1)  
9 (c), 7.15 (4), 7.23 (1) (e), 7.37 (7), 7.51 (2) (a), 7.51 (2) (c), 7.51 (2) (e), 7.51 (4) (a),  
10 7.51 (5) (a), 9.01 (1) (b) 1., 59.05 (2), 117.20 (2) and 125.05 (2) (h); *to repeal and*  
11 *recreate* 6.36 (1) and 6.79 (2); and *to create* 5.05 (10) and (11), 5.055, 6.285,  
12 6.33 (5), 15.617, 20.002 (11) (d) 2m., 20.510 (1) (t), 20.510 (1) (u), 20.510 (1) (v),  
13 20.510 (1) (x), 20.855 (4) (bp), 25.17 (1) (e) and 25.425 of the statutes; *relating*

1 to: election administration, voter registration and voting requirements and  
2 procedures, administration of elections, <sup>granting rule-making authority,</sup> and making appropriations.

**Analysis by the Legislative Reference Bureau**

This bill makes various changes in state law relating to voter registration and voting requirements and procedures and administration of elections. Significant provisions include:

*For the purpose of implementing numerous federal mandates imposed upon this state under the Federal Help American Vote Act of 2002 and enabling receipt of federal aids by this state under that act.*

**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. The bill also establishes a centralized, state-wide voter registration list that is compiled and maintained by the state Elections Board. Under the bill, the 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 the bill, each municipal clerk or board of election commissioners must electronically enter valid registrations or changes of registration on the 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 list and the original forms.

**REQUIREMENTS FOR REGISTRATION**

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

*[Handwritten initials and scribbles]*

contained in the individual's registration form or certification. The corroborating elector must then provide acceptable proof of residence.

This bill requires every elector who registers to vote to provide a driver's license 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 social 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 state Elections Board and provide a voting identification number~~ *from the State Elections Board and to provide that number*

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~~FEDERAL AND STATE FINANCIAL ASSISTANCE~~  
**ELECTION ADMINISTRATION ENHANCEMENT**

Under the federal Help America Vote Act of 2002, this state is eligible to receive federal financial assistance for the purchase of voting equipment, compliance with federal requirements for the conduct of federal elections and other election administration costs, construction of barrier-free polling places, and outreach and training of election officials to enable greater participation of individuals with disabilities in federal elections. To be eligible for federal assistance, this state must make a matching contribution equal to at least 5% of the amount of assistance received.

This bill appropriates to the Elections Board all amounts received by this state from the federal government under this act, together with a sum sufficient amount from general purpose revenue to enable this state to meet minimum federal requirements for continued eligibility for federal assistance. The bill directs the board to use a portion of the federal aid to provide financial assistance to eligible counties and municipalities for election administration purposes authorized by federal law. The bill also establishes a segregated fund, as required by federal law, for disbursement of all federal and state moneys to be expended for election administration purposes under the Help America Vote Act.

*Federal and state advisory bodies*  
In accordance with the Help America Vote Act, the bill creates an Election Administration Council whose members are appointed by the executive director of the board to develop and revise as necessary a proposed state plan for the expenditure of federal moneys under the Help America Vote Act. The bill also directs the board to adopt this plan and revise the plan as necessary. In addition, the bill directs the executive director, in consultation with the Elections Board, to appoint a representative of this state as a member of the federal Election Assistance Commission standards board, and to conduct and supervise the election of a representative of county and municipal clerks and boards of election commissioners in this state to serve as a member of the standards board.

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

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

SECTION 1. 5.02 (17) of the statutes is amended to read:

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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 2. 5.05 (10) and (11) of the statutes are created to read:  
4

5 5.05 (10) STATE ELECTION ADMINISTRATION PLAN. With the assistance of the  
6 election administration council, the board shall adopt and modify as necessary a  
7 state plan that meets the requirements of P.L. 107-252 to enable participation by  
8 this state in federal financial assistance programs authorized under that law. The  
9 board shall adopt the plan and any modifications only after publishing a class I notice  
10 under ch. 985 or posting on the Internet a statement describing the proposed plan  
11 or modification and receiving public comment thereon.

12 (11) AIDS TO COUNTIES AND MUNICIPALITIES. From the appropriations under s.  
13 20.510 (1) (t), (v), and (w), the board shall provide financial assistance to eligible  
14 counties and municipalities for election administration costs in accordance with the  
15 plan adopted under sub. (10). As a condition precedent to receipt of assistance under  
16 this subsection, the board shall enter into an agreement with the county or  
17 municipality receiving the assistance specifying the intended use of the assistance  
18 and shall ensure compliance with the terms of the agreement.

the use of any assistance moneys provided to the county or municipality under the agreement the county or municipality shall repay the amount of the assistance provided to the board.

18 SECTION 3. 5.055 of the statutes is created to read:  
19

20 5.055 Election ~~administration~~ <sup>assistance</sup> ~~commission~~ <sup>standards board</sup>. The  
21 executive director of the board shall, in consultation with the board, appoint an  
22 individual to represent this state as a member of the federal election ~~administration~~ <sup>assistance</sup> ~~standards board~~ <sup>commission</sup>. The executive director shall also conduct and supervise a process  
23 for the election of an election official by county and municipal clerks and boards of  
24 election commissioners to represent local election officials of this state as a member  
25 of the federal election ~~administration~~ <sup>assistance commission</sup> standards board.

assistance

Federal election commission of that members appointment or election.

The executive director shall ensure that the members of the federal election assistance commission standards board representing this state shall at no time be members of the same political party. Upon appointment or election of any new member of the federal election assistance commission standards board representing this state, the executive director shall transmit a notice to the chair of the

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

2 **6.20 Absent electors.** Any qualified elector of this state who registers where  
3 required may vote by absentee ballot under ss. 6.84 to 6.89.

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

5 6.24 (3) REGISTRATION. ~~If registration is required in the municipality where the~~  
6 The overseas elector resided or where the elector's parent resided, the elector shall  
7 register in the municipality where he or she was last domiciled or where the overseas  
8 elector's parent was last domiciled on a form prescribed by the board designed to  
9 ascertain the elector's qualifications under this section. The form shall be  
10 substantially similar to the original form under s. 6.33 (1), insofar as applicable.  
11 Registration shall be accomplished in accordance with s. 6.30 (4).

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

13 6.24 (4) (a) An overseas elector who is properly registered where registration  
14 is required may request an absentee ballot in writing under ss. 6.86 to 6.89.

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

16 6.24 (4) (c) Upon receipt of a timely application from an individual who  
17 qualifies as an overseas elector and who has registered to vote in a municipality  
18 under sub. (3) ~~whenever registration is required in that municipality,~~ the municipal  
19 clerk of the municipality shall send an absentee ballot to the individual for all  
20 subsequent elections for national office to be held during the year in which the ballot  
21 is requested, unless the individual otherwise requests or until the individual no  
22 longer qualifies as an overseas elector.

23 SECTION 8. 6.24 (8) of the statutes is repealed.

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

1            ~~6.27 Where elector~~ **Elector registration required.** ~~Every municipality~~  
 2            ~~over 5,000 population shall keep a registration list consisting of all currently~~  
 3            ~~registered electors. Where used, registration applies to~~ Registration is required in  
 4            every municipality for all elections.

5            **SECTION 10.** 6.27 (2) to (5) of the statutes are repealed.

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

7            6.28 (2) (b) The municipal clerk of each municipality ~~in which elector~~  
 8            ~~registration is required~~ shall notify the school board of each school district in which  
 9            the municipality is located that high schools shall be used for registration pursuant  
 10           to par. (a). The school board and the municipal clerk shall agree upon the  
 11           appointment of at least one qualified elector at each high school as a special school  
 12           registration deputy. The municipal clerk shall appoint such person as a school  
 13           registration deputy and explain the person's duties and responsibilities. Students  
 14           and staff may register at the high school on any day that classes are regularly held.  
 15           The school registration deputies shall promptly forward properly completed  
 16           registration forms to the municipal clerk of the municipality in which the registering  
 17           student or staff member resides. The municipal clerk, upon receiving such  
 18           registration forms, shall add all those registering electors who have met the  
 19           registration requirements to the registration list. The municipal clerk may reject  
 20           any registration form and shall promptly notify the person whose registration is  
 21           rejected of the rejection and the reason therefor. A person whose registration is  
 22           rejected may reapply for registration if he or she is qualified. The form of each high  
 23           school student who is qualified and will be eligible to vote at the next election shall  
 24           be filed in such a way that when a student attains the age of 18 years the student is

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1 registered to vote automatically. Each school board shall assure that the principal  
2 of every high school communicates elector registration information to students.

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

4 6.28 (3) AT OFFICE OF REGISTER OF DEEDS. Any person who ~~resides in a~~  
5 ~~municipality requiring registration of electors~~ shall be given an opportunity to  
6 register to vote at the office of the register of deeds for the county in which the  
7 person's residence is located. An applicant may fill out the required registration form  
8 under s. 6.33. Upon receipt of a completed form, the register of deeds shall forward  
9 the form within 5 days to the appropriate municipal clerk, or to the board of election  
10 commissioners in cities over 500,000 population. The register of deeds shall forward  
11 the form immediately whenever registration closes within 5 days of receipt.

12 SECTION 13. 6.285 of the statutes is created to read:

13 6.285 Registration identification numbers. (1) The board shall assign a

14 unique registration identification number to each elector who does not have either  
15 a valid Wisconsin driver's license or a social security account number, upon request

16 of that elector. <sup>(B)</sup> ~~(1)~~ (2) If an elector ~~who~~ submits the last 4 digits of a <sup>social security</sup> registration form,  
17 the board shall assign supplemental identifying numerals or characters to the

18 (3) ~~(2)~~ The board shall ensure that each municipal clerk receiving a request from <sup>an individual</sup>  
19 an elector who qualifies for a registration identification number under sub. (1) is able <sup>to</sup> ~~to~~ obtain the number electronically as a part of the system maintained by the board <sup>so that the individual's</sup>

20 under s. 6.36 (1). <sup>or supplemental identification</sup> <sup>is identification</sup> <sup>is Unique.</sup>

21 SECTION 14. 6.29 (2) (a) of the statutes is amended to read:

22 6.29 (2) (a) Any qualified elector of a municipality where registration is  
23 required who has not previously filed a registration form or whose name does not  
24 appear on the registration list of the municipality shall be entitled to vote at the  
25 election if he or she delivers to the municipal clerk may register after the close of

1 registration but not later than 5 p.m. of the day before an election at the office of the  
2 municipal clerk. The elector shall complete, in the manner provided under s. 6.33  
3 (2), a registration form executed by the elector. The form shall contain a certification  
4 by the elector that all statements are true and correct. Alternatively, if the elector  
5 cannot obtain a registration form, the elector may deliver a statement, signed by the  
6 elector, containing all of the information required on the registration form containing  
7 all information required under s. 6.33 (1). The elector shall present also provide  
8 acceptable proof of residence as provided in under s. 6.55 (7). If no proof is presented  
9 Alteratively, if the elector is unable to provide acceptable proof of residence under s.  
10 6.55 (7), the information contained in the registration form or the listing of required  
11 information shall be substantiated corroborated in a statement that is signed by one  
12 any other elector of the municipality, corroborating all the material statements  
13 therein and that contains the current street address of the corroborating elector. The  
14 corroborating elector shall then provide acceptable proof of residence under s. 6.55  
15 (7). The signing of the form by the registering elector and statement by the  
16 corroborating elector shall be done in the presence of the municipal clerk or deputy  
17 clerk not later than 5 p.m. of the day before an election.

18 **SECTION 15.** 6.29 (2) (b) of the statutes is amended to read:

19 6.29 (2) (b) Upon Unless the municipal clerk determines that the registration  
20 list will be revised to incorporate the registration in time for the election, upon the  
21 filing of the registration form required by this section, the municipal clerk shall issue  
22 a certificate containing the name and address of the elector addressed to the  
23 inspectors of the proper ward or election district directing that the elector be  
24 permitted to cast his or her vote, unless the clerk determines that the registration  
25 list will be revised to incorporate the registration in time for the election if the elector

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1 complies with all requirements for voting at the polling place. The certificate shall  
2 be numbered serially, prepared in duplicate and one copy preserved in the office of  
3 the municipal clerk.

4 SECTION 16. 6.33 (title) of the statutes is amended to read:

5 **6.33 (title) Registration forms; manner of completing.**

6 SECTION 17. 6.33 (1) of the statutes is amended to read:

7 6.33 (1) The municipal clerk shall supply sufficient registration forms as  
8 prescribed by the board printed on loose-leaf sheets or cards to obtain from each  
9 applicant information as to name, date, residence location, citizenship, age, whether  
10 the applicant has resided within the ward or election district for at least 10 days,

11 whether the applicant has lost his or her right to vote, and whether the applicant is  
12 currently registered to vote at any other location, and shall provide a space for the  
13 applicant's signature and the ward and aldermanic district, if any, where the elector

14 resides. The forms shall also include a space for the identification serial number of  
15 any elector who is issued such a number under s. 6.47 (3) where the clerk; ~~issues~~

16 ~~office or registration deputy~~ for any applicant who possesses a valid voting  
17 identification card issued to the person under s. 6.47 (3), may record the  
18 identification serial number appearing on the voting identification card. Each

19 register of deeds shall obtain sufficient registration forms at the expense of the unit  
20 of government by which he or she is employed for completion by any elector who  
21 desires to register to vote at the office of the register of deeds under s. 6.28 (3).

22 SECTION 18. 6.33 (2) of the statutes is amended to read:

23 6.33 (2) (a) The All information may be recorded by any person, but the except  
24 that the ward and aldermanic district, if any, and any information relating to an  
25 applicant's voting identification card shall be recorded by the clerk/issuing officer

the number of  
a valid operators  
license issued to the  
elector under ch.  
343, the last 4 digits  
of the elector's  
social security  
account number,  
and any  
supplemental  
identification  
assigned  
under  
s. 6.285(2)  
or the  
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① ~~of registration deputy.~~ Each applicant shall sign his or her own name unless the  
2 applicant is unable to sign his or her name due to physical disability. In such case,  
3 the applicant may authorize another elector to sign the form on his or her behalf. If  
4 the applicant so authorizes, the elector signing the form shall attest to a statement  
5 that the application is made upon request and by authorization of a named elector  
6 who is unable to sign the form due to physical disability. ~~Ward and aldermanic~~  
7 ~~district information shall be filled in by the clerk.~~

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

13 **SECTION 19.** 6.33 (5) of the statutes is created to read:

14 6.33 (5) Whenever a municipal clerk receives a valid registration or valid  
15 change of a name or address under an existing registration and whenever a  
16 municipal clerk cancels a registration, the municipal clerk shall promptly enter  
17 electronically on the list maintained by the board under s. 6.36 (1) the information  
18 required under that subsection.

19 **SECTION 20.** 6.35 (2) of the statutes is repealed.

20 **SECTION 21.** 6.35 (3) of the statutes is amended to read:

21 6.35 (3) ~~In municipalities employing data processing for keeping of registration~~  
22 ~~records, original~~ Original registration records shall be maintained in the office of the  
23 municipal clerk or board of election commissioners at all times.

24 **SECTION 22.** 6.35 (5) and (6) of the statutes are repealed.

25 **SECTION 23.** 6.36 (1) of the statutes is repealed and recreated to read:



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

*A (f) The board shall make all reasonable efforts to ensure that the list is maintained in a manner that precludes unauthorized persons from making alterations to the list.*

SECTION 24. 6.36 (2) (a) of the statutes is amended to read:

6.36 (2) (a) Except as provided in ~~par. (b)~~ <sup>par. (b) and (c)</sup> the ~~each~~ <sup>each</sup> registration lists ~~list~~ <sup>unauthorized persons from making alterations to the list.</sup> prepared for use at a polling place shall contain the full name and address of each registered 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; a blank column for the entry of the serial number of the electors when they vote; and a form of a certificate bearing the certification of the executive director of the board stating that each the list is a true and complete combined check and registration list of the respective municipality or the ward or wards for which the list is prepared.~~ <sup>and any supplemental identification assigned under s. 6.285 (3)</sup>

SECTION 25. 6.36 (3) of the statutes is amended to read:

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

SECTION 26. 6.47 (2) of the statutes is amended to read:

6.47 (2) Except as authorized in sub. (8), the board, each municipal clerk, and each election official shall withhold from public inspection under s. 19.35 (1) the name and address of any eligible individual whose name appears on a poll list or registration list if the individual files provides the municipal clerk with a valid written request with the clerk to protect the individual's confidentiality. To be valid, a request under this subsection must be accompanied by a copy of a protective order

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*list is maintained in a manner that precludes unauthorized persons from making alterations to the list.*  
*of each elector for whom identification is required under sub. (1)(b).*

1 that is in effect, an affidavit under sub. (1) (a) 2. that is dated within 30 days of the  
 2 date of the request or a statement signed by the operator or an authorized agent of  
 3 the operator of a shelter that is dated within 30 days of the date of the request and  
 4 that indicates that the operator operates the shelter and that the individual making  
 5 the request resides in the shelter. A physically disabled individual who appears  
 6 personally at the office of the municipal clerk accompanied by another elector of this  
 7 state may designate that elector to make a request under this subsection on his or  
 8 her behalf.

9 SECTION 27. 6.47 (3) of the statutes is amended to read:

10 6.47 (3) Upon ~~listing of~~ receiving a valid written request from an elector under  
 11 sub. (2), the municipal clerk shall issue to the elector a voting identification card on  
 12 a form prescribed by the board that shall contain the name of the elector's  
 13 municipality issuing the card of residence and, in the case of a town, the county in  
 14 which the town is located, the elector's name, the ward in which the elector resides,  
 15 if any, and a unique identification serial number issued by the board. The number  
 16 issued to an elector under this subsection shall not be changed for so long as the  
 17 elector continues to qualify for a listing under sub. (2).

18 SECTION 28. 6.50 (1) (intro.) of the statutes is amended to read:

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

24 SECTION 29. 6.50 (2m) ~~of~~ of the statutes is ~~amended to read.~~ <sup>repealed.</sup>

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

4 SECTION 30. 6.50 (10) of the statutes is amended to read:

5 6.50 (10) Any elector whose registration is canceled under this section may  
6 have his or her registration reinstated by filing a new registration form reregister  
7 as provided under s. 6.28 (1), 6.29 (2), or 6.55 (2).

8 SECTION 31. 6.54 of the statutes is repealed.

9 SECTION 32. 6.55 (2) (a) 1. (intro.) of the statutes is amended to read:

10 6.55 (2) (a) 1. (intro.) Except where the procedure under par. (c) or (cm) is  
11 employed, any person who qualifies as an elector in the ward or election district  
12 where he or she desires to vote, but has not previously filed a registration form, or  
13 was registered at another location ~~in a municipality where registration is required,~~  
14 may request permission to vote at the polling place for that ward or election district,  
15 or at an alternate polling place assigned under s. 5.25 (5) (b). When a proper request  
16 is made, the inspector shall require the person to execute a registration form  
17 prescribed by the board ~~that.~~ The registration form shall be completed in the manner  
18 provided under s. 6.33 (2) and shall contain all information required under s. 6.33

19 <sup>together</sup> (1) ~~along~~ with the following certification:

20 SECTION 33. 6.55 (2) (b) of the statutes is amended to read:

21 6.55 (2) (b) Upon executing the registration form under par. (a), the person  
22 elector shall be required by a special registration deputy or inspector to present  
23 provide the number of a valid operator's license issued to the elector under ch. 343,  
24 the last 4 digits of the elector's social security account number, or the registration  
25 identification number issued to the elector under s. 6.285. The elector shall also

1 provide acceptable proof of residence under sub. (7). If the person elector cannot  
2 supply such provide one of the numbers specified in this paragraph and proof of  
3 residence, the information contained in the registration form shall be substantiated  
4 and signed corroborated in a statement that is signed by one other any elector who  
5 resides in the same municipality as the registering elector, corroborating all the  
6 material statements therein. The corroborator shall then provide one of the numbers  
7 specified in this paragraph and acceptable proof of residence as provided in sub. (7).  
8 The signing by the elector executing the registration form and by any elector who  
9 corroborates the information in the form corroborator shall be in the presence of the  
10 special registration deputy or inspector. Upon compliance with this procedure, such  
11 person shall then be given the right to vote the elector shall be permitted to cast his  
12 or her vote, if the elector complies with all other requirements for voting at the polling  
13 place.

14 **SECTION 34.** 6.55 (2) (c) 1. of the statutes is amended to read:

15 6.55 (2) (c) 1. As an alternative to registration at the polling place under pars.  
16 (a) and (b), the board of election commissioners, or the governing body of any  
17 municipality ~~in which registration is required~~ may by resolution require a person  
18 who qualifies as an elector and who is not registered and desires to register on the  
19 day of an election to do so at another readily accessible location in the same building  
20 as the polling place serving the elector's residence or at an alternate polling place  
21 assigned under s. 5.25 (5) (b), instead of at the polling place serving the elector's  
22 residence. In such case, the municipal clerk shall prominently post a notice of the  
23 registration location at the polling place. The municipal clerk, deputy clerk or special  
24 registration deputy at the registration location shall require such person to execute  
25 a registration form as prescribed under par. (a) and to provide the number of a valid

1 operator's license issued to the elector under ch. 343, the last 4 digits of the elector's  
2 social security account number, or the registration identification number issued to  
3 the elector under s. 6.285. The elector shall also provide acceptable proof of residence  
4 as provided under sub. (7). If the person elector cannot supply such provide one of  
5 the numbers specified in this subdivision and acceptable proof of residence, the  
6 information contained in the registration form shall be corroborated in the manner  
7 provided in par. (b). The signing by the elector executing the registration form and  
8 by any corroborating elector corroborator shall be in the presence of the municipal  
9 clerk, deputy clerk or special registration deputy. Upon proper completion of  
10 registration, the municipal clerk, deputy clerk or special registration deputy shall  
11 serially number the registration and give one copy to the elector for presentation at  
12 the polling place serving the elector's residence or an alternate polling place assigned  
13 under s. 5.25 (5) (b).

14 **SECTION 35.** 6.55 (2) (c) 2. of the statutes is amended to read:

15 6.55 (2) (c) 2. Upon compliance with the procedures under subd. 1., the  
16 municipal clerk or deputy clerk shall issue a certificate addressed to the inspectors  
17 of the proper polling place directing that the elector be permitted to cast his or her  
18 vote if the elector complies with all requirements for voting at the polling place. The  
19 clerk shall enter the name and address of the elector and the number provided by the  
20 elector on the face of the certificate. If the elector's registration is corroborated, the  
21 clerk shall also enter the name and address of the corroborator and the number  
22 provided by the corroborator on the face of the certificate. The certificate shall be  
23 numbered serially and prepared in duplicate. The municipal clerk shall preserve one  
24 copy in his or her office.

25 **SECTION 36.** 6.55 (2) (d) of the statutes is amended to read:

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

8           **SECTION 37.** 6.55 (3) of the statutes is amended to read:

9           6.55 (3) Any qualified elector in the ward or election district where the elector  
10 desires to vote whose name does not appear on the registration list ~~where~~  
11 ~~registration is required~~ but who claims to be registered to vote in the election may  
12 request permission to vote at the polling place for that ward or election district.  
13 When the request is made, the inspector shall require the person to give his or her  
14 name and address. If the elector is not at the polling place which serves the ward or  
15 election district where the elector resides, the inspector shall provide the elector with  
16 directions to the correct polling place. If the elector is at the correct polling place, the  
17 elector shall then execute the following written statement: "I, ..., hereby certify that  
18 to the best of my knowledge, I am a qualified elector, having resided at ... for at least  
19 10 days immediately preceding this election, and that I am not disqualified on any  
20 ground from voting, and I have not voted at this election and am properly registered  
21 to vote in this election." The person shall be required to provide the number of a valid  
22 operator's license issued to the elector under ch. 343, the last 4 digits of the elector's  
23 social security number, or the registration identification number issued to the elector  
24 under s. 6.285. The elector shall also provide acceptable proof of residence as  
25 provided under sub. (7) and shall then be given the right to vote. ~~If acceptable proof~~

1 is presented, the elector need not have the information corroborated by any other  
2 elector. If acceptable the elector cannot provide one of the numbers specified in this  
3 subsection and acceptable proof is not presented of residence, the statement shall be  
4 certified by the elector and shall be corroborated in a statement that is signed by  
5 ~~another~~ any other elector who resides in the municipality. The corroborator shall  
6 then provide one of the numbers specified in this subsection and acceptable proof of  
7 residence as provided in sub. (7). Whenever the question of identity or residence  
8 cannot be satisfactorily resolved and the elector cannot be permitted to vote, an  
9 inspector shall telephone the office of the municipal clerk to reconcile the records at  
10 the polling place with those at the office.

11 SECTION 38. 6.55 (7) (c) 1. of the statutes is amended to read:

12 6.55 (7) (c) 1. ~~A Wisconsin motor vehicle~~ An operator's license issued under ch.  
13 343.

14 SECTION 39. 6.55 (7) (c) 2. of the statutes is amended to read:

15 6.55 (7) (c) 2. ~~A Wisconsin~~ An identification card issued under ~~s. 125.08, 1987~~  
16 ~~stats s. 343.50.~~

17 SECTION 40. 6.79 (intro.) (except 6.79 (title)) of the statutes is renumbered 6.79  
18 (1m) and amended to read:

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

1 SECTION 41. 6.79 (1) of the statutes is repealed.

2 SECTION 42. 6.79 (2) of the statutes is repealed and recreated to read:

3 6.79 (2) ~~VERIFICATION OF NAME AND ADDRESS AND MAINTENANCE OF POLL LISTS.~~ <sup>VOTING PROCEDURE. ← CS</sup> (a)

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

10 (b) Upon the poll list, after the name of each elector, the officials shall enter a  
11 serial number for each elector in the order that votes are cast, beginning with  
12 number one. The officials shall maintain a separate list for electors who are voting  
13 under s. 6.15, 6.29, or 6.55 (2) or (3) and electors who are reassigned from another

14 ~~polling place under s. 5.25 (5) (b) and shall enter the full name, address, and serial~~  
15 ~~number of each of these electors on the appropriate separate list.~~ <sup>If the registration list indicates that identification is required, the officials shall</sup>  
16 ~~provide each elector with a slip bearing the same serial number as is recorded for the~~ <sup>then</sup> ~~elector upon the poll list or separate list.~~ <sup>provide identification. If identification is provided, the officials shall verify that any photograph reasonably resembles the elector or the name and address on the identification provided is the same as shown on the registration list.</sup>

18 SECTION 43. 6.79 (4) of the statutes is amended to read:

19 6.79 (4) SUPPLEMENTAL INFORMATION. When any elector provides identification, shall  
20 a license, social security or identifying number, or proof of residence under sub. (1)  
21 or s. 6.15, 6.29 or 6.55 (2) or (3), the election officials shall enter the type of  
22 identification on the poll or registration list, or supplemental list maintained under  
23 sub. (2). If the form of identification or proof includes a number which applies only  
24 to the individual holding that piece of identification or proof, the election officials  
25 shall also enter that number on the list. When any elector corroborates the  
26 <sup>shall be that or required and not provided</sup> <sup>shall be verified by the officials</sup> <sup>shall be that or required and not provided</sup> <sup>shall be verified by the officials</sup> <sup>shall be that or required and not provided</sup> <sup>shall be verified by the officials</sup>

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

10 SECTION 44. 6.79 (5) of the statutes is repealed.

11 SECTION 45. 6.79 (6) (a) of the statutes is repealed.

12 SECTION 46. 6.79 (6) (b) of the statutes is renumbered 6.79 (6) and amended to  
13 read:

14 6.79 (6) CONFIDENTIAL NAMES AND ADDRESSES. ~~In municipalities where~~  
15 ~~registration is required, an~~ An elector who has a confidential listing under s. 6.47 (2)  
16 may present his or her identification card issued under s. 6.47 (3), or may give his  
17 or her name and identification serial number issued under s. 6.47 (3), in lieu of  
18 stating his or her name and address under sub. (2). If the elector's name and  
19 identification serial number appear on the confidential portion of the list, the  
20 inspectors shall issue a voting serial number to the elector, record that number on  
21 the ~~registration~~ poll list and permit the elector to vote.

22 ~~SECTION 47.~~ 6.82 (1) (a) of the statutes is amended to read:

23 6.82 (1) (a) When any inspectors are informed that ~~an elector is at the entrance~~  
24 ~~to the polling place who as a result of disability is unable to enter the polling place,~~  
25 ~~they shall permit the elector to be assisted in marking a ballot by any individual~~

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

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21-13 →  
14 SECTION 48. 6.86 (3) (a) 1. of the statutes is amended to read:

15 6.86 (3) (a) 1. Any elector who is registered, ~~or otherwise qualified where~~  
16 ~~registration is not required,~~ and who is hospitalized, may apply for and obtain an  
17 official ballot by agent. The agent may apply for and obtain a ballot for the  
18 hospitalized absent elector by presenting a form prescribed by the board and  
19 containing the required information supplied by the hospitalized elector and signed  
20 by that elector and any other elector residing in the same municipality as the  
21 hospitalized elector, corroborating the information contained therein. The  
22 corroborating elector shall state on the form his or her full name and address.

23 SECTION 49. 6.86 (3) (a) 2. of the statutes is amended to read:

24 6.86 (3) (a) 2. If a hospitalized elector is not registered ~~where registration is~~  
25 ~~required,~~ the elector may register by agent under this subdivision at the same time

1 that the elector applies for an official ballot by agent under subd. 1. To register the  
2 elector under this subdivision, the agent shall present a completed registration form  
3 that contains the required information supplied by the elector and the elector's  
4 signature, unless the elector is unable to sign due to physical disability. In this case,  
5 the elector may authorize another elector to sign on his or her behalf. Any elector  
6 signing a form on another elector's behalf shall attest to a statement that the  
7 application is made on request and by authorization of the named elector, who is  
8 unable to sign the form due to physical disability. The agent shall present this  
9 statement along with all other information required under this subdivision. Except  
10 as otherwise provided in this subdivision, the agent shall in every case present  
11 provide the number of a valid driver's operator's license issued to the elector under  
12 ch. 343, the last 4 digits of the elector's social security account number, or the  
13 registration identification number issued to the elector under s. 6.285, together with  
14 acceptable proof of the elector's residence under s. 6.55 (7). If the agent cannot  
15 present this proof, the registration form shall be signed and substantiated by  
16 another elector residing in the elector's municipality of residence, corroborating the  
17 information in the form. The form shall contain the full name and address of the  
18 corroborating elector. The agent shall then ~~present~~ provide one of the numbers  
19 specified in this subdivision together with acceptable proof of the corroborating  
20 elector's residence under s. 6.55 (7).

21 **SECTION 50.** 6.88 (3) (a) of the statutes is amended to read:

22 6.88 (3) (a) Any time between the opening and closing of the polls on election  
23 day, the inspectors shall open the carrier envelope only, and announce the name of  
24 the absent elector or the identification serial number of the absent elector if the  
25 elector has a confidential listing under s. 6.47 (2). When the inspectors find that the

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1 certification has been properly executed, the applicant is a qualified elector of the  
2 ward or election district, and the applicant has not voted in the election, they shall  
3 enter an indication on the poll ~~or registration~~ list next to the applicant's name  
4 indicating an absentee ballot is cast by the elector. They shall then open the envelope  
5 containing the ballot in a manner so as not to deface or destroy the certification  
6 thereon. The inspectors shall take out the ballot without unfolding it or permitting  
7 it to be unfolded or examined. Unless the ballot is cast under s. 6.95, the inspectors  
8 shall verify that the ballot has been endorsed by the issuing clerk. ~~They shall~~  
9 ~~then~~ deposit the ballot into the proper ballot box and enter the absent elector's name  
10 or voting number after his or her name on the poll ~~or registration~~ list in the same  
11 manner as if the elector had been present and voted in person.

12 **SECTION 51.** 6.94 of the statutes is amended to read:

13 **6.94 Challenged elector oath.** If the person challenged refuses to answer  
14 fully any relevant questions put to him or her by the inspector under s. 6.92, the  
15 inspectors shall reject the elector's vote. If the challenge is not withdrawn after the  
16 person offering to vote has answered the questions, one of the inspectors shall  
17 administer to the person the following oath or affirmation: "You do solemnly swear  
18 (or affirm) that: you are 18 years of age; you are a citizen of the United States; you  
19 are now and for 10 days have been a resident of this ward except under s. 6.02 (2);  
20 you have not voted at this election; you have not made any bet or wager or become  
21 directly or indirectly interested in any bet or wager depending upon the result of this  
22 election; you are not on any other ground disqualified to vote at this election". If the  
23 person challenged refuses to take the oath or affirmation, the person's vote shall be  
24 rejected. If the person challenged answers fully all relevant questions put to the  
25 elector by the inspector under s. 6.92, takes the oath or affirmation, and fulfills the

1 applicable registration requirements, ~~where applicable~~, and if the answers to the  
2 questions given by the person indicate that the person meets the voting qualification  
3 requirements, the person's vote shall be received.

4 SECTION 52. 6.95 of the statutes is amended to read:

5 **6.95 Voting procedure for challenged electors.** Whenever the inspectors  
6 under ss. 6.92 to 6.94 receive the vote of a person offering to vote who has been  
7 challenged, they shall give the elector a ballot. Before depositing the ballot, the  
8 inspectors shall write on the back of the ballot the serial number of the challenged  
9 person corresponding to the number kept at the election on the ~~registration or~~ poll  
10 list, or other list maintained under s. 6.79. If voting machines are used in the  
11 municipality where the person is voting, the person's vote may be received only upon  
12 an absentee ballot furnished by the municipal clerk which shall have the  
13 corresponding serial number from the ~~registration or~~ poll list or other list  
14 maintained under s. 6.79 written on the back of the ballot before the ballot is  
15 deposited. The inspectors shall indicate on the list the reason for the challenge. The  
16 challenged ballots shall be counted under s. 5.85 or 7.51. The municipal board of  
17 canvassers may decide any challenge when making its canvass under s. 7.53. If the  
18 returns are reported under s. 7.60, a challenge may be reviewed by the county board  
19 of canvassers. If the returns are reported under s. 7.70, a challenge may be reviewed  
20 by the chairperson of the board or the chairperson's designee. The decision of any  
21 board of canvassers or of the chairperson or chairperson's designee may be appealed  
22 under s. 9.01. The standard for disqualification specified in s. 6.325 shall be used to  
23 determine the validity of challenged ballots.

24 SECTION 53. 7.08 (1) (c) of the statutes is amended to read:

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1           7.08 (1) (c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (4), 6.33 (1),  
 2           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  
 3           such forms shall contain a statement of the penalty applicable to false or fraudulent  
 4           registration or voting through use of the form. Forms are not required to be furnished  
 5           by the board.

6           **SECTION 54.** 7.10 (1) (b) of the statutes is amended to read:

7           7.10 (1) (b) The county clerk shall supply sufficient ~~poll list forms for~~  
 8           ~~municipalities that do not have elector registration and other~~ election supplies for  
 9           national, state and county elections to municipalities within the county. The ~~poll list~~  
 10          ~~forms and other~~ election supplies shall be enclosed in the sealed package containing  
 11          the official ballots and delivered to the municipal clerk.

12          **SECTION 55.** 7.15 (1) (c) of the statutes is amended to read:

13          7.15 (1) (c) Prepare ballots for municipal elections, and distribute ballots and  
 14          provide other supplies for conducting all elections. The municipal clerk shall deliver  
 15          ~~poll list forms received from the county clerk to the polling places with the ballots to~~  
 16          the polling places before the polls open.

17          **SECTION 56.** 7.15 (4) of the statutes is amended to read:

18          7.15 (4) RECORDING ELECTORS. After each election ~~where registration is used,~~  
 19          the municipal clerk shall make a record of each elector who has voted at the election  
 20          by stamping or writing the date of the election in the appropriate space on the  
 21          original registration form of the elector. Municipalities employing data processing  
 22          may, in lieu of this requirement, record voting information in such a manner that it  
 23          is readily available for retrieval by computer.

24          **SECTION 57.** 7.23 (1) (e) of the statutes is amended to read:

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

5           **SECTION 58.** 7.37 (7) of the statutes is amended to read:

6           7.37 (7) ~~REGISTRATION AND POLL~~ POLL LISTS. Two inspectors shall be assigned  
7 to have charge of the ~~registration or~~ poll lists at each election.

8           **SECTION 59.** 7.51 (2) (a) of the statutes is amended to read:

9           7.51 (2) (a) The inspectors shall first compare the poll ~~or registration~~ lists,  
10 correcting any mistakes until the poll ~~or registration~~ lists agree. The chief inspector  
11 and the inspectors who are responsible for recording electors under s. 6.79 shall  
12 verify the correctness of the poll ~~or registration~~ lists after the polls close by each  
13 signing their name thereto. Where ballots are distributed to electors, the inspectors  
14 shall then open the ballot box and remove and count the number of ballots therein  
15 without examination except as is necessary to ascertain that each is a single ballot.  
16 If 2 or more ballots are folded together so as to appear as a single ballot, the inspectors  
17 shall lay them aside until the count is completed; and if, after a comparison of the  
18 count and the appearance of the ballots it appears to a majority of the inspectors that  
19 the ballots folded together were voted by the same person they may not be counted  
20 but the inspectors shall mark them as to the reason for removal, set them aside and  
21 carefully preserve them. The inspectors shall then proceed under par. (b).

22           **SECTION 60.** 7.51 (2) (c) of the statutes is amended to read:

23           7.51 (2) (c) Whenever the number of ballots exceeds the number of voting  
24 electors as indicated on the poll ~~or registration~~ list, the inspectors shall place all  
25 ballots face up to check for blank ballots. In this paragraph, “blank ballot” means

1 a ballot on which no votes are cast for any office or question. The inspectors shall  
2 mark, lay aside and preserve any blank ballots. If the number of ballots still exceeds  
3 the number of voting electors, the inspectors shall place all ballots face down and  
4 proceed to check for the initials. The inspectors shall mark, lay aside and preserve  
5 any ballot not bearing the initials of 2 inspectors or any absentee ballot not bearing  
6 the initials of the municipal clerk. During the count the inspectors shall count those  
7 ballots cast by challenged electors the same as the other ballots.

8 **SECTION 61.** 7.51 (2) (e) of the statutes is amended to read:

9 7.51 (2) (e) If, after any ballots have been laid aside, the number of ballots still  
10 exceeds the total number of electors recorded on the ~~registration~~ or poll list, the  
11 inspectors shall separate the absentee ballots from the other ballots. If there is an  
12 excess number of absentee ballots, the inspectors shall place the absentee ballots in  
13 the ballot box and one of the inspectors shall publicly and without examination draw  
14 therefrom by chance the number of ballots equal to the excess number of absentee  
15 ballots. If there is an excess number of other ballots, the inspectors shall place those  
16 ballots in the ballot box and one of the inspectors shall publicly and without  
17 examination draw therefrom by chance the number of ballots equal to the excess  
18 number of those ballots. All ballots so removed may not be counted but shall be  
19 specially marked as having been removed by the inspectors on original canvass due  
20 to an excess number of ballots, set aside and preserved. When the number of ballots  
21 and total shown on the poll ~~or registration~~ list agree, the inspectors shall return all  
22 ballots to be counted to the ballot box and shall turn the ballot box in such manner  
23 as to thoroughly mix the ballots. The inspectors shall then open, count and record  
24 the number of votes. When the ballots are counted, the inspectors shall separate

1 them into piles for ballots similarly voted. Objections may be made to placement of  
2 ballots in the piles at the time the separation is made.

3 **SECTION 62.** 7.51 (4) (a) of the statutes is amended to read:

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

18 **SECTION 63.** 7.51 (5) (a) of the statutes is amended to read:

19 7.51 (5) (a) The inspectors shall make full and accurate return of the votes cast  
20 for each candidate and proposition on tally sheet forms provided by the municipal  
21 clerk for that purpose. Each tally sheet shall record the returns for each office or  
22 referendum by ward, unless combined returns are authorized in accordance with s.  
23 5.15 (6) (b) in which case the tally sheet shall record the returns for each group of  
24 combined wards. After recording the votes, the inspectors shall seal in a carrier  
25 envelope outside the ballot bag or container one inspectors' statement under sub. (4)

1 (a), one tally sheet, and one poll ~~or registration~~ list for delivery to the county clerk,  
2 unless the election relates only to municipal or school district offices or referenda.  
3 The inspectors shall also similarly seal one inspectors' statement, one tally sheet,  
4 and one poll ~~or registration~~ list for delivery to the municipal clerk. For school district  
5 elections, except in 1st class cities, the inspectors shall similarly seal one inspectors'  
6 statement, one tally sheet, and one poll ~~or registration~~ list for delivery to the school  
7 district clerk. The inspectors shall immediately deliver all ballots, statements, tally  
8 sheets, lists, and envelopes to the municipal clerk.

9 **SECTION 64.** 9.01 (1) (b) 1. of the statutes is amended to read:

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

12 **SECTION 65.** 15.617 of the statutes is created to read:

13 **15.617 Same; council.** (1) ELECTION ADMINISTRATION COUNCIL. There is  
14 created in the elections board an election administration council consisting of  
15 members appointed by the executive director of the elections board, including the  
16 clerk or executive director of the board of election commissioners of the 2 counties or  
17 municipalities in this state having the largest population, one or more election  
18 officials of other counties or municipalities, representatives of organizations that  
19 advocate for the interests of individuals with disabilities and organizations that  
20 advocate for the interests of the voting public, <sup>and</sup> ~~or~~ other electors of this state.

21 **SECTION 66.** 20.002 (11) (d) 2m. of the statutes is created to read:

22 20.002 (11) (d) 2m. The election administration fund under s. 5.055.

23 **SECTION 67.** 20.005 (3) (schedule) of the statutes: at the appropriate place,  
24 insert the following amounts for the purposes indicated:

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2004-05

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**20.510 Elections board**

(1) ADMINISTRATION OF ELECTION AND CAMPAIGN LAWS

(v) Election administration                      SEG      A                      -0-                      -0-

**SECTION 68.** 20.510 (1) (t) of the statutes is created to read:

20.510 (1) (t) *Election administration; state contribution.* From the election administration fund, a sum sufficient to meet federal requirements for state contribution towards elections administration costs financed with federal aid under P.L. 107-252.

**SECTION 69.** 20.510 (1) (u) of the statutes is created to read:

20.510 (1) (u) *Federal audit exceptions.* From the election administration fund, a sum sufficient to repay the federal government for federal aid received by this state under P.L. 107-252 <sup>that</sup> ~~that~~ *which the federal government requires to be refunded or* that is used for purposes for which federal financial participation is denied.

**SECTION 70.** 20.510 (1) (v) of the statutes is created to read:

20.510 (1) (v) *Election administration.* From the election administration fund, the amounts in the schedule to meet federal requirements for the conduct of federal elections under P.L. 107-252.

**SECTION 71.** 20.510 (1) (x) of the statutes is created to read:

20.510 (1) (x) *Federal aid.* From the election administration fund, all moneys received from the federal government, as authorized by the governor under s. 16.54, to be used for election administration costs under P.L. 107-252.

**SECTION 72.** 20.855 (4) (bp) of the statutes is created to read:

1           20.855 (4) (bp) *Election administration fund transfer*. A sum sufficient to make  
2 the payments required under s. 20.510 (1) (t) to (v), to be transferred the election  
3 administration fund.

4           **SECTION 73.** 25.17 (1) (e) of the statutes is created to read:

5           25.17 (1) (e) Election administration fund (s. 25.425);

6           **SECTION 74.** 25.425 of the statutes is created to read:

7           **25.425 Election administration fund.** There is established a separate  
8 nonlapsible trust fund designated the election administration fund consisting of all  
9 moneys received from the federal government under P.L. 107–252 and all moneys  
10 transferred to the fund from other funds.

11           **SECTION 75.** 59.05 (2) of the statutes is amended to read:

12           59.05 (2) If two-fifths of the legal voters of any county, to be determined by the  
13 registration ~~or~~ poll lists of the last previous general election held in the county, the  
14 names of which voters shall appear on some one of the registration ~~or~~ poll lists of such  
15 election, present to the board a petition conforming to the requirements of s. 8.40  
16 asking for a change of the county seat to some other place designated in the petition,  
17 the board shall submit the question of removal of the county seat to a vote of the  
18 qualified voters of the county. The board shall file the question as provided in s. 8.37.  
19 The election shall be held only on the day of the general election, notice of the election  
20 shall be given and the election shall be conducted as in the case of the election of  
21 officers on that day, and the votes shall be canvassed, certified and returned in the  
22 same manner as other votes at that election. The question to be submitted shall be  
23 “Shall the county seat of .... county be removed to ....?”.

24           **SECTION 76.** 117.20 (2) of the statutes is amended to read:

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31-10

1           117.20 (2) The clerk of each affected school district shall publish notice, as  
2 required under s. 8.55, in the territory of that school district. The procedures for  
3 school board elections under s. 120.06 (5), (9), (11), (13) and (14) apply to a  
4 referendum held under this section. The school board and school district clerk of each  
5 affected school district shall each perform, for that school district, the functions  
6 assigned to the school board and the school district clerk, respectively, under those  
7 subsections. The form of the ballot shall correspond to the form prescribed by the  
8 elections board under ss. 5.64 (2) and 7.08 (1) (a). The clerk of each affected school  
9 district shall file with the secretary of the board a certified statement prepared by  
10 the school district board of canvassers of the results of the referendum in that school  
11 district.

12           **SECTION 77.** 120.06 (5) of the statutes is repealed.

13           **SECTION 78.** 125.05 (2) (h) of the statutes is amended to read:

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

23           **SECTION 79. Initial applicability.**

24           (1) ~~STATEWIDE VOTER REGISTRATION.~~ The treatment of sections 5.02 (17), 6.20,  
25 6.24 (3), (4) (a) and (c), and (8), 6.27 (1) and (2) to (5), 6.28 (2) (b) and (3), <sup>6.285,</sup> 6.29 (2) (a)

1 and (b), 6.36 (2) (a), <sup>and (c)</sup> 6.50 (1) (intro.) and (2m) ~~(a)~~, 6.54, 6.55 (2) (a) 1. (intro.), (b), and  
2 (c) 1. and 2., (3), and (7) (c) 2., 6.79 (intro.), (1), (2), (4), (5), and (6) (a) and (b), 6.82  
3 (1) (a), 6.86 (3) (a) 1. and 2., 6.88 (3) (a), 6.94, 6.95, 7.08 (1) (c), 7.10 (1) (b), 7.15 (1)  
4 (c) and (4), 7.37 (7), 7.51 (2) (a), (c), and (e), (4) (a), and (5) (a), 9.01 (1) (b) 1., 59.05  
5 (2), 117.20 (2), 120.06 (5), and 125.05 (2) (h) of the statutes first applies with respect  
6 to the 2004 spring primary election.

(END)

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33-67

INS 3B:

**IDENTIFICATION REQUIRED TO VOTE**

*Ins A*

This bill provides that if an elector other than a military or overseas elector, as defined by federal law, registers to vote by mail and has never voted in a federal election in this state, the elector must provide a form of identification specified by federal law in order to be permitted to vote in a federal election. The form of identification used must be either 1) a current and valid piece of identification containing a photograph of the elector; or 2) a copy of a utility bill, bank statement, paycheck, or a check or other document issued by a unit of government that shows the current name and address of the elector. If the elector votes by absentee ballot, the elector must provide a copy of any identification used. If an elector who votes at a polling place is required to provide identification and fails to do so or fails to provide sufficient identification, the elector may vote provisionally. If an elector who fails to provide required identification or sufficient identification votes by absentee ballot, the ballot is treated as a provisional ballot. A provisional ballot is marked by the poll workers, who immediately contact the municipal clerk. The clerk is then directed to determine whether the individual submitting the ballot is a qualified elector where he or she is attempting to vote. If the clerk does not notify the municipal board of canvassers that the elector is qualified before the municipal canvass is completed, the elector's vote is not counted.

**COMPLIANCE WITH HELP AMERICA VOTE ACT**

Currently, an elector who believes that the action or inaction of an election official concerning nominations, qualification of candidates, voting qualifications, ward division and numbering, recall, ballot preparation, election administration, or the conduct of elections is contrary to law or that the actions or inactions of an election official with respect to any such matter constitute an abuse of discretion, may file a complaint with the Elections Board and the board may order appropriate relief. The decision of the board may be appealed to the courts. Any elector who believes that an election official is acting in violation of the law may request the appropriate district attorney or, in some cases, the attorney general to petition a court for appropriate relief. However, the recount procedure is the exclusive judicial remedy for addressing any alleged irregularity, defect, or mistake committed during the voting or canvassing process.

This bill creates another procedure for addressing alleged noncompliance with any provision of the federal Help America Vote Act relating to voting system standards, provisional voting, voting information, registration procedure and administration, and voter identification. Under the bill, whenever any person (whether an individual or another entity and whether inside or outside this state) believes that a violation of the Act has occurred, is occurring, or is proposed to occur with respect to an election for national office in this state, that person may file a written, sworn complaint with the Elections Board. The board must grant the complainant a formal hearing and must issue a decision on the complaint, together

FWS A

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

2001 - 2002 Legislature

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permits another qualified elector who resides in the same municipality to corroborate the elector's information.

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with an order for any appropriate relief, within 89 days. In its order, the board may direct the reopening of a canvass and if the results of the new canvass so require, may withdraw a certificate of election and issue a new certificate. The board's decision is subject to appeal in the courts. Under the U.S. constitution, the congress retains final authority to determine the results of elections for national office.

INS 3D:

**REVISION OF REGISTRATION LIST**

Under current law, municipalities must use either a "negative purge" or a "positive purge" system to maintain their voter registration lists. Under the negative purge procedure, an elector who does not vote for a ~~4~~ year period and does not respond to a notice by requesting continuation of his or her registration is purged from the list. Under the positive purge procedure, the municipal clerk or board of election commissioners sends a registration verification notice to each elector who does not vote for a ~~4~~ year period. Each elector whose notice is returned as undeliverable is purged from the list. This bill deletes the "positive purge" procedure.

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four

INS 3A:

***Voter educational programs***

This bill permits the elections board, with the assistance of county and municipal clerks, to conduct or prescribe requirements for educational programs to inform electors about voting procedures, voting rights, and voting technology. However, the bill requires the board to conduct an educational program for the specific purpose of educating electors who cast paper ballots, ballots that are counted at a central counting location, and absentee ballots of the effect of casting excess votes for an office. The bill also permits the board, with the assistance of county and municipal clerks, to maintain one or more toll-free telephone lines for electors to report possible voting fraud and voting rights violations, to obtain general election information and to access information concerning their registration status, current polling place locations, and other information relevant to voting in elections. However, the bill requires the board to maintain a toll-free information system under which voters who vote pursuant to a federal court order after a polling place is scheduled to close may ascertain the status of their votes.

***Instructions for absentee voters***

The bill directs the elections board to prescribe uniform instructions for absentee voters. The instructions must include information concerning the procedure for correcting errors in marking a ballot and obtaining a replacement for a spoiled ballot.

***Electronic voting system standards***

Effective on January 1, 2006, the bill creates new standards for approval by the elections board of electronic voting systems for use at elections in this state. Under

the bill, all electronic voting systems must enable <sup>an</sup> electors to privately verify the votes selected by the elector before casting his or her ballot, they must provide the elector with an opportunity to change his or her votes or to obtain a replacement for a spoiled ballot before casting his or her vote, and, unless a ballot is counted at a central counting location, they must include a mechanism for notifying an elector of an overvote for an office and provide an opportunity for the elector to correct his or her ballot or to cast a replacement ballot to eliminate the overvote. The system must also produce a permanent paper record of the vote cast by each elector who uses an electronic voting system at the time the elector casts his or her vote that enables a manual count or recount of the elector's vote.

***Enforcement of federal voting system standards***

Effective on January 1, 2006, the bill directs the elections board to audit the performance of each voting system used in this state, including any paper ballot voting system, following each general election. In the audit, the board must determine the error rate of the system in counting ballots that are validly cast by electors. If the error rate exceeds the rate permitted by the federal government, the bill directs the board to take remedial action and to order affected counties and municipalities to take remedial action. The bill requires counties and municipalities to comply with remedial orders.

***Polling place accessibility, equipment and materials***

Currently, each polling place in the state is required to be accessible to elderly and handicapped individuals, unless the elections board otherwise permits in accordance with guidelines prescribed by rule. This bill requires, effective January 1, 2006, that each polling place in the state be accessible to all physically disabled individuals. The bill also directs the board to ensure that the voting system used at each polling place allows all such individuals to vote without the need for assistance and with the same degree of privacy that is accorded to nondisabled electors voting at the same polling place. In any jurisdiction that is currently subject to federal requirements to provide voting materials in any language other than English, the board must ensure that the voting system used at each polling place in the jurisdiction is in compliance with those requirements. In addition, the bill deletes the authority of the board to waive compliance with accessibility requirements.

***Notices posted at polling places***

Currently, municipalities are required to post at each polling place relevant voting instructions, a copy of state election fraud laws, two sample ballots, special information concerning voting at partisan primaries, and other information directed to be posted by the elections board. This bill requires, in addition, that municipalities post information concerning the date of the election, the hours during which the polling place is open, special instructions for electors who are voting for the first time after registering to vote, and general information prescribed by the board concerning voting rights under applicable state and federal laws and federal laws relating to election fraud and misrepresentation in elections.

***Statistical reports***

This bill requires each municipal clerk and board of election commissioners to report to the federal Election Assistance Commission, within 90 days after each general election, the number of absentee ballots transmitted to absent uniformed services and overseas voters, as defined by federal law, for that election and the combined number of those ballots that were cast by those electors in that election. Currently, there is no similar requirement.

INS 3C:

**VOTING PROCESS**

***Standards for determining validity of votes***

Currently, state law specifies in detail whether particular indications of elector intent shall be counted as votes cast for particular candidates or propositions. The standards for determining the validity of votes are to some degree applicable to votes cast using electronic voting systems. This bill directs the elections board to prescribe, by rule, uniform standards for determining the validity of votes cast or attempted to be cast with each electronic voting system that the board approves for use in this state. The rules only apply in situations that are not addressed under current law.

***Federal absentee ballot procedures***

Currently, when a uniformed service or overseas voter (as defined by federal law) requests an absentee ballot in a timely manner, the voter is sent an absentee ballot for the next election. Under this bill, such a voter may request and receive an absentee ballot for the next two general (national) elections at the same time, unless the voter is subject to a registration requirement and the voter is no longer registered to vote in this state at the time that an absentee ballot would otherwise be transmitted.

The bill also provides that if any municipal clerk or board of election commissioners rejects a request for an absentee ballot from a uniformed service or overseas voter, the clerk or board must promptly inform the voter of the reason for the rejection.

***Voting after hours pursuant to federal court order***

This bill provides that if a federal court orders that a polling place remain open after the official closing hour of 8 p.m., any electors who vote after hours must vote by ballot and have their ballots marked. The late ballots are then counted unless the court order is overturned. If the order is overturned after the canvass of the election, the bill requires the canvass to be reopened. The bill also requires the elections board to maintain a toll-free information system under which electors who vote pursuant to a federal court order may ascertain the status of their votes.



ANALYSIS INSERT 3C cont.

subsub Protection and advocacy activities  
state

¶ Under current law, the protection and advocacy agency implements a system to protect and advocate for the rights of persons with developmental disabilities or mental illness.

Q remove xtra space

¶ The bill authorizes the protection and advocacy agency to engage in activities to ensure full participation in the electoral process for eligible electors with developmental disabilities or mental illness and requires the Department of Health and Family Services to distribute federal funding for these activities.

To the agency

<end INS 3C>

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SECTION - CR; 5.02 (24w)

9 5.02 (24w)

"Voting system" means:

17 (a) the total combination of mechanical,  
18 electromechanical, or electronic equipment, including  
19 the software, <sup>hardware</sup> ~~hardware~~, and documentation required  
20 to program, control, and support the equipment,  
21 that is used

~~no 9~~ ~~to~~ define ballots

~~no 9~~ ~~to~~ cast and count votes

~~no 9~~ ~~to~~ report or display election results

25 and

~~no 9~~ ~~to~~ maintain and produce any audit trail information

(b) The practices and associated documentation used ~~for~~ for any of the following purposes:

1. ~~to~~ identify <sup>equipment</sup> ~~system~~ components and versions of such components

2. ~~to~~ test the <sup>equipment</sup> ~~system~~ during its development and maintenance

3. ~~to~~ maintain records of <sup>equipment</sup> ~~system~~ errors and defects

4. ~~to~~ determine specific <sup>equipment</sup> ~~system~~ changes to be made ~~to~~ ~~system~~ after the initial qualification of the <sup>equipment</sup> ~~system~~ and

5. ~~to~~ make available any materials to the ~~an~~ <sup>an</sup> elector voter (such as notices, instructions, forms, or paper ballots)