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1 SECTION 77. 6.79 (6) (a) of the statutes is repealed.

2 SECTION 78. 6.79 (6) (b) of the statutes is renumbered 6.79 (6) and amended to
3 read:

4 6.79 (6) CONFIDENTIAL NAMES AND ADDRESSES. ~~In municipalities where~~
5 ~~registration is required, an~~ An elector who has a confidential listing under s. 6.47 (2)
6 may present his or her identification card issued under s. 6.47 (3), or may give his
7 or her name and identification serial number issued under s. 6.47 (3), in lieu of
8 stating his or her name and address under sub. (2). If the elector's name and
9 identification serial number appear on the confidential portion of the list, the
10 inspectors shall issue a voting serial number to the elector, record that number on
11 the registration poll list and permit the elector to vote.

12 SECTION 79. ~~6.80 (2) (b) and (f) of the statutes are amended to read:~~

13 6.80 (2) (b) After preparing his or her ballot, ~~unless the ballot is intended for~~
14 ~~counting with automatic tabulating equipment,~~ the elector shall fold it so its face will
15 be concealed.

16 (f) In the presidential preference primary and other partisan primary elections
17 at polling places where ballots are distributed to electors, unless the ballots are
18 prepared under s. 5.655 or are utilized with an electronic voting system in which all
19 candidates appear on the same ballot, after the elector prepares his or her ballot the
20 elector shall detach the remaining ballots, fold the ballots to be discarded and fold
21 the completed ballot ~~unless the ballot is intended for counting with automatic~~
22 ~~tabulating equipment.~~ The elector shall then either personally deposit the ballots
23 to be discarded into the separate ballot box marked "blank ballot box" and deposit
24 the completed ballot into the ballot box indicated by the inspectors, or give the ballots
25 to an inspector who shall ~~deposit the ballots directly into the appropriate ballot~~

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1 boxes. The inspectors shall keep the blank ballot box locked until the canvass is
2 completed and shall dispose of the blank ballots as prescribed by the municipal clerk

3 SECTION 80. 6.82 (1) (a) of the statutes is amended to read:

4 6.82 (1) (a) When any inspectors are informed that an elector is at the entrance
5 to the polling place who as a result of disability is unable to enter the polling place,
6 they shall permit the elector to be assisted in marking a ballot by any individual
7 selected by the elector, except the elector's employer or an agent of that employer or
8 an officer or agent of a labor organization which represents the elector. The
9 individual selected by the elector shall provide identification for the assisted elector,
10 whenever required, and all other information necessary for the elector to obtain a
11 ballot under s. 6.79 (2). The inspectors shall issue a ballot to the individual selected
12 by the elector and shall accompany the individual to the polling place entrance where
13 the assistance is to be given. If the ballot is a paper ballot, the ~~the~~ assisting
14 individual shall fold the ballot after the ballot is marked by the assisting individual.
15 The assisting individual shall then immediately take the ballot into the polling place
16 and give the ballot to an inspector. The inspector shall distinctly announce that he
17 or she has "a ballot offered by (stating person's name), an elector who, as a result
18 of disability, is unable to enter the polling place without assistance". The inspector
19 shall then ask, "Does anyone object to the reception of this ballot?" If no objection
20 is made, the inspectors shall record the elector's name under s. 6.79 and deposit the
21 ballot in the ballot box, and shall make a notation on the registration or poll list:
22 "Ballot received at poll entrance".

23 SECTION 81. 6.86 (3) (a) 1. of the statutes is amended to read:

24 6.86 (3) (a) 1. Any elector who is registered, ~~or otherwise qualified where~~
25 ~~registration is not required,~~ and who is hospitalized, may apply for and obtain an

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1 official ballot by agent. The agent may apply for and obtain a ballot for the
2 hospitalized absent elector by presenting a form prescribed by the board and
3 containing the required information supplied by the hospitalized elector and signed
4 by that elector and any other elector residing in the same municipality as the
5 hospitalized elector, corroborating the information contained therein. The
6 corroborating elector shall state on the form his or her full name and address.

7 **SECTION 82.** 6.86 (3) (a) 2. of the statutes is amended to read:

8 6.86 (3) (a) 2. If a hospitalized elector is not registered ~~where registration is~~
9 ~~required~~, the elector may register by agent under this subdivision at the same time
10 that the elector applies for an official ballot by agent under subd. 1. To register the
11 elector under this subdivision, the agent shall present a completed registration form
12 that contains the required information supplied by the elector and the elector's
13 signature, unless the elector is unable to sign due to physical disability. In this case,
14 the elector may authorize another elector to sign on his or her behalf. Any elector
15 signing a form on another elector's behalf shall attest to a statement that the
16 application is made on request and by authorization of the named elector, who is
17 unable to sign the form due to physical disability. The agent shall present this
18 statement along with all other information required under this subdivision. Except
19 as otherwise provided in this subdivision, the agent shall in every case present
20 provide acceptable proof of the elector's residence under s. 6.55 (7). If the agent
21 cannot present this proof, the registration form shall be signed and substantiated by
22 another elector residing in the elector's municipality of residence, corroborating the
23 information in the form. The form shall contain the full name and address of the
24 corroborating elector. The agent shall then present acceptable proof of the
25 corroborating elector's residence under s. 6.55 (7).

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1 **SECTION 83.** 6.86 (3) (b) of the statutes is amended to read:

2 6.86 (3) (b) When each properly executed form and statement required under
3 par. (a) is presented to the municipal clerk, if the elector who proposes to vote is
4 qualified, an absentee ballot shall be issued and the name of such hospitalized elector
5 shall be recorded by the clerk or special registration deputy. An agent who is issued
6 an absentee ballot under this section shall present ~~identification~~ documentation of
7 his or her identity, provide his or her name and address, and attest to a statement
8 that the ballot is received solely for the benefit of a named elector who is hospitalized,
9 and the agent will promptly transmit the ballot to such person.

10 **SECTION 84.** 6.86 (3) (c) of the statutes is amended to read:

11 6.86 (3) (c) An application under par. (a) 1. may be made and a registration form
12 under par. (a) 2. may be filed in person at the office of the municipal clerk not earlier
13 than 7 days before an election and not later than 5 p.m. on the day of the election.
14 A list of hospitalized electors applying for ballots under par. (a) 1. shall be made by
15 the municipal clerk and used to check that the electors vote only once, and by
16 absentee ballot. If identification is required, the municipal clerk shall so inform the
17 agent and the elector shall enclose identification in the envelope with the ballot. The
18 ballot shall be sealed by the elector and returned to the municipal clerk either by mail
19 or by personal delivery of the agent; but if the ballot is returned on the day of the
20 election, the agent shall make personal delivery at the polling place serving the
21 hospitalized elector's residence before the closing hour for the ballot to be counted.

22 **SECTION 85.** 6.865 (title) of the statutes is amended to read:

23 **6.865 (title) Federal postcard request form absentee ballot requests.**

24 **SECTION 86.** 6.865 of the statutes is renumbered 6.865 (2).

25 **SECTION 87.** 6.865 (1) of the statutes is created to read:

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1 6.865 (1) In this section, “military elector” and “overseas elector” have the
2 meanings given under s. 6.36 (2) (c).

3 **SECTION 88.** 6.865 (3) and (4) of the statutes are created to read:

4 6.865 (3) If the elector making a timely request for an absentee ballot is a
5 military elector or an overseas elector and the elector requests that he or she be sent
6 an absentee ballot for the next 2 general elections, the municipal clerk or board of
7 election commissioners shall comply with the request except that no ballot shall be
8 sent for a succeeding general election if the elector’s name appeared on the
9 registration list for a previous general election and no longer appears on the
10 registration list for the succeeding general election. If the elector’s address for the
11 succeeding general election is in a municipality that is different from the
12 municipality in which the elector resided for the first general election, the clerk or
13 board of election commissioners shall forward the request to the clerk or board of
14 election commissioners of the municipality where the elector resides.

15 (4) If the municipal clerk or board of election commissioners rejects a request
16 for an absentee ballot from a military elector or an overseas elector, the clerk or board
17 of election commissioners shall promptly inform the elector of the reason for the
18 rejection.

19 **SECTION 89.** 6.869 of the statutes is created to read:

20 **6.869 Uniform instructions.** The board shall prescribe uniform instructions
21 for absentee voters. The instructions shall include information concerning the
22 procedure for correcting errors in marking a ballot and obtaining a replacement for
23 a spoiled ballot. The procedure shall, to the extent possible, respect the privacy of
24 each elector and preserve the confidentiality of each elector’s vote.

25 **SECTION 90.** 6.87 (3) (d) of the statutes is amended to read:

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1 6.87 (3) (d) A municipal clerk of a municipality may, if the clerk is reliably
2 informed by an absent elector of a facsimile transmission number or electronic mail
3 address where the elector can receive an absentee ballot, transmit a facsimile or
4 electronic copy of the absent elector's ballot to that elector in lieu of mailing under
5 this subsection if, in the judgment of the clerk, the time required to send the ballot
6 through the mail may not be sufficient to enable return of the ballot by the time
7 provided under sub. (6). An elector may receive an absentee ballot under this
8 subsection only if the elector has filed a valid application for the ballot under sub. (1).
9 If the clerk transmits an absentee ballot under this paragraph, the clerk shall also
10 transmit a facsimile or electronic copy of the text of the material that appears on the
11 certificate envelope prescribed in sub. (2), together with instructions prescribed by
12 the board. The instructions shall require the absent elector to make and subscribe
13 to the certification as required under sub. (4) and to enclose the absentee ballot in
14 a separate envelope contained within a larger envelope, that shall include the
15 completed certificate. The elector shall then mail the absentee ballot with postage
16 prepaid to the municipal clerk. An Except as authorized in s. 6.97 (2), an absentee
17 ballot received under this paragraph shall not be counted unless it is cast in the
18 manner prescribed in this paragraph and in accordance with the instructions
19 provided by the board.

20 **SECTION 91.** 6.87 (4) of the statutes is amended to read:

21 6.87 (4) Except as otherwise provided in s. 6.875, the elector voting absentee
22 shall make and subscribe to the certification before one witness. The absent elector,
23 in the presence of the witness, shall mark the ballot in a manner that will not disclose
24 how the elector's vote is cast. The elector shall then, still in the presence of the
25 witness, fold the ballots ~~if they are paper ballots~~ so each is separate and so that the

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1 elector conceals the markings thereon and deposit them in the proper envelope. If
2 a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot ~~if it is a~~
3 ~~paper ballot~~ so that the elector conceals the markings thereon and deposit the ballot
4 in the proper envelope. If the elector has registered by mail and has not, or is not
5 certain whether the elector has, previously voted in an election for national office in
6 this state, the elector shall enclose identification in the envelope. Identification is
7 required if the elector is not a military elector or an overseas elector, as defined in
8 s. 6.36 (2) (c), and the elector registered by mail and has not voted in an election for
9 national office in this state. The elector may receive assistance under sub. (5). The
10 return envelope shall then be sealed. The witness may not be a candidate. The
11 envelope shall be mailed by the elector, postage prepaid, or delivered in person, to the
12 municipal clerk issuing the ballot or ballots. Failure to return an unused ballot in
13 a primary does not invalidate the ballot on which the elector's votes are cast. Return
14 of more than one marked ballot in a primary or return of a ballot prepared under s.
15 5.655 or a ballot used with an electronic voting system in a primary which is marked
16 for candidates of more than one party invalidates all votes cast by the elector for
17 candidates in the primary.

18 **SECTION 92.** 6.88 (3) (a) of the statutes is amended to read:

19 6.88 (3) (a) Any time between the opening and closing of the polls on election
20 day, the inspectors shall open the carrier envelope only, and announce the name of
21 the absent elector or the identification serial number of the absent elector if the
22 elector has a confidential listing under s. 6.47 (2). When the inspectors find that the
23 certification has been properly executed, the applicant is a qualified elector of the
24 ward or election district, and the applicant has not voted in the election, they shall
25 enter an indication on the poll ~~or registration~~ list next to the applicant's name

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1 indicating an absentee ballot is cast by the elector. They shall then open the envelope
2 containing the ballot in a manner so as not to deface or destroy the certification
3 thereon. The inspectors shall take out the ballot without unfolding it or permitting
4 it to be unfolded or examined. Unless the ballot is cast under s. 6.95, the inspectors
5 shall verify that the ballot has been endorsed by the issuing clerk. If the registration
6 list indicates that identification is required and no identification is enclosed or the
7 name or address on the document that is provided cannot be verified by the
8 inspectors, the inspectors shall proceed as provided under s. 6.97 (2). The inspectors
9 shall then deposit the ballot into the proper ballot box and enter the absent elector's
10 name or voting number after his or her name on the poll ~~or registration~~ list in the
11 same manner as if the elector had been present and voted in person.

12 **SECTION 93.** 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

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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 94.** 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~~ After voting, the
8 person shall return the ballot to the inspectors. Upon receiving the ballot, the
9 inspectors shall write on the back of the ballot the serial number of the challenged
10 person corresponding to the number kept at the election on the ~~registration or~~ poll
11 list, or other list maintained under s. 6.79, and the notation "s. 6.95". If voting
12 machines are used in the municipality where the person is voting, the person's vote
13 may be received only upon an absentee ballot furnished by the municipal clerk which
14 shall have the corresponding serial number from the ~~registration or~~ poll list or other
15 list maintained under s. 6.79 and the notation "s. 6.95" written on the back of the
16 ballot ~~before the ballot is deposited by the inspectors~~. The inspectors shall indicate
17 on the list the reason for the challenge. The inspectors shall then deposit the ballot.
18 The challenged ballots shall be counted under s. 5.85 or 7.51. The municipal board
19 of canvassers may decide any challenge when making its canvass under s. 7.53. If
20 the returns are reported under s. 7.60, a challenge may be reviewed by the county
21 board of canvassers. If the returns are reported under s. 7.70, a challenge may be
22 reviewed by the chairperson of the board or the chairperson's designee. The decision
23 of any board of canvassers or of the chairperson or chairperson's designee may be
24 appealed under s. 9.01. The standard for disqualification specified in s. 6.325 shall
25 be used to determine the validity of challenged ballots.

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1 **SECTION 95.** 6.96 of the statutes is created to read:

2 **6.96 Voting procedure for electors voting pursuant to federal court**

3 **order.** Whenever any elector is allowed to vote at a polling place pursuant to a

4 federal court order after the closing time provided under s. 6.78, the inspectors shall

5 give the elector a ballot. After voting, the elector shall return the ballot to the

6 inspectors. Upon receiving the ballot, the inspectors shall write on the back of the

7 ballot ~~the serial number of the elector corresponding to the number kept at the~~

8 ~~election on the poll list, or other list maintained under s. 6.79, and~~ the notation "s.

9 6.96". If voting machines are used in the municipality where the elector is voting,

10 the elector's vote may be received only upon an absentee ballot furnished by the

11 municipal clerk which shall have ~~the corresponding number from the poll list or~~

12 ~~other list maintained under s. 6.79 and~~ the notation "s. 6.96" written on the back of

13 the ballot by the inspectors. When receiving the elector's ballot, the inspectors shall

14 provide the elector with the written voting information prescribed by the board

15 under s. 7.08 (8). The inspectors shall indicate on the list the fact that the elector is

16 voting pursuant to a federal court order. The inspectors shall then deposit the ballot.

17 The ballot shall be counted under s. 5.85 or 7.51 unless the order is vacated. If the

18 order is vacated after the ballot is counted, the appropriate board or boards of

19 canvassers or the chairperson of the board or his or her designee shall reopen the

20 canvass to discount any ballots that were counted pursuant to the vacated order and

21 adjust the statements, certifications, and determinations accordingly.

22 **SECTION 96.** 6.97 of the statutes is created to read:

23 **6.97 Voting procedure for individuals not providing required**

24 **identification.** (1) Whenever any individual who is required to provide

25 **identification in order to be permitted to vote appears to vote at a polling place and**

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1 cannot provide the required identification or inspectors cannot verify the document
 2 submitted by the individual, the inspectors shall offer the opportunity for the
 3 individual to vote under this section. If the individual wishes to vote, the inspectors
 4 shall provide the elector with an envelope marked "Ballot under s. 6.97, stats." on
 5 which the serial number of the elector is entered and shall require the individual to
 6 execute on the envelope a written affirmation stating that the individual is a
 7 qualified elector of the ward or election district where he or she offers to vote and is
 8 eligible to vote in the election. The inspectors shall then give the individual a ballot.
 9 After voting, the elector shall return the ballot to the inspectors. Upon receiving the
 10 ballot, the inspectors shall write on the back of the ballot the serial number of the
 11 individual corresponding to the number kept at the election on the poll list or other
 12 list maintained under s. 6.79/ *and the notation "s. 6.97"* If voting machines are used in the municipality where
 13 the individual is voting, the individual's vote may be received only upon an absentee
 14 ballot furnished by the municipal clerk which shall have the corresponding number
 15 from the poll list or other list maintained under s. 6.79/ *and the notation "s. 6.97"* written on the back of the
 16 ballot by the inspectors. When receiving the individual's ballot, the inspectors shall
 17 provide the individual with written voting information prescribed by the board
 18 under s. 7.08 (8). The inspectors shall indicate on the list the fact that the individual
 19 is required to provide identification but did not do so or the document submitted by
 20 the individual could not be verified by the inspectors. The inspectors shall notify the
 21 individual that he or she may provide identification to the municipal clerk. The
 22 inspectors shall also promptly notify the municipal clerk of the name, address, and
 23 serial number of the individual. The inspectors shall then place the ballot inside the
 24 envelope and place the envelope in the ballot container. If, prior to *4 P.M. on* ~~the reception~~
 25 ~~of the canvass of the election by the municipal board of canvassers,~~ *the day after the election* the municipal

The municipal clerk shall determine whether the individual is qualified to vote in the ward or election district where the individual's ballot is cast.

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1 clerk notifies the board of canvassers, ^{for each municipality, school district, and county that is} that the individual is qualified to vote in the ^{responsible} ward or election district where the individual's ballot was cast, the vote of the ^{for canvassing} individual shall be counted. Otherwise, the vote of the individual may not be ^{the} counted. ^{election}

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3
4
5 (2) Whenever any individual who votes by absentee ballot is required to
6 provide identification in order to be permitted to vote and does not provide the
7 required identification or the inspectors cannot verify the document submitted by
8 the individual, the inspectors shall write on the back of the absentee ballot the serial
9 number of the individual corresponding to the number kept at the election on the poll
10 list or other list maintained under s. 6.79/ ^{and the notation "s. 6.97"} The inspectors shall indicate on the list
11 the fact that the individual is required to provided identification but did not do so or
12 the document submitted by the individual could not be verified by the inspectors.

13 The inspectors shall promptly notify the municipal clerk of the name, address, and
14 serial number of the individual. The inspectors shall then place the ballot inside an
15 envelope on which the name and serial number of the elector is entered and shall
16 place the envelope in the ballot container. If, prior to ^{4 p.m. on the day} ~~completion of the canvass by~~
17 ^{after the election} ~~the municipal board of canvassers~~, the municipal clerk notifies the board of
18 ^{for each municipality, school district, and county that is} canvassers that the individual is qualified to vote in the ward or election district ^{responsible}
19 where the individual's ballot was cast, the vote of the individual shall be counted. ^{for canvassing}

20 Otherwise, the vote of the individual may not be counted. ^{the} ^{election}

21 **SECTION 97.** 7.08 (1) (c) of the statutes is amended to read:

22 7.08 (1) (c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (4), 6.33 (1),
23 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
24 such forms shall contain a statement of the penalty applicable to false or fraudulent

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1 registration or voting through use of the form. Forms are not required to be furnished
2 by the board.

3 **SECTION 98.** 7.08 (6) and (8) of the statutes are created to read:

4 **7.08 (6) ENFORCEMENT OF FEDERAL VOTING SYSTEM STANDARDS.** Following each
5 general election, audit the performance of each voting system used in this state to
6 determine the error rate of the system in counting ballots that are validly cast by
7 electors. If the error rate exceeds the rate permitted under standards of the federal
8 election commission in effect on October 29, 2002, the board shall take remedial
9 action and order remedial action to be taken by affected counties and municipalities
10 to ensure compliance with the standards. Each county and municipality shall
11 comply with any order received under this subsection.

12 **(8) ELECTORS VOTING WITHOUT IDENTIFICATION OR PURSUANT TO COURT ORDER.**
13 Prescribe a written notice to be distributed to electors who vote under s. 6.96 or 6.97
14 that informs an elector how to obtain information regarding whether his or her vote
15 has been counted, and if the vote will not be counted, the reason that the vote will
16 not be counted.

17 **SECTION 99.** 7.10 (1) (b) of the statutes is amended to read:

18 **7.10 (1) (b)** The county clerk shall supply sufficient ~~poll list forms for~~
19 ~~municipalities that do not have elector registration and other election supplies for~~
20 national, state and county elections to municipalities within the county. The ~~poll list~~
21 ~~forms and other election supplies~~ shall be enclosed in the sealed package containing
22 the official ballots and delivered to the municipal clerk.

23 **SECTION 100.** 7.10 (7) to (9) of the statutes are created to read:

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1 7.10 (7) VOTER EDUCATION. Each county clerk shall assist the board in
2 conducting educational programs under s. 5.05 (12) to inform electors about the
3 voting process.

4 (8) FREE ELECTION INFORMATION EXCHANGE. Each county clerk shall assist the
5 board and municipal clerks in maintaining toll-free telephone lines and other free
6 access systems under s. 5.05 (13) for exchange of voting information.

7 (9) TRAINING OF ELECTION OFFICIALS. Each county clerk shall assist the board
8 in the training of election officials under ss. 5.05 (7) and 7.31.

9 **SECTION 101.** 7.10 (10) of the statutes is created to read:

10 7.10 (10) INFORMATION TO BOARD. Each county clerk shall provide to the board
11 any information requested under s. 5.05 (14).

12 **SECTION 102.** 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 103.** 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~~ enter on the registration list under the
20 name of each elector of the municipality who has voted at the election by stamping
21 ~~or writing the date of the election in the appropriate space on the original registration~~
22 ~~form of the elector. Municipalities employing data processing may, in lieu of this~~
23 ~~requirement, record voting information in such a manner that it is readily available~~
24 ~~for retrieval by computer~~ an indication of the date of the election in which the elector
25 voted.

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1 **SECTION 104.** 7.15 (9) to (13) of the statutes are created to read:

2 **7.15 (9) VOTER EDUCATION.** Each municipal clerk shall assist the board in
3 conducting educational programs under s. 5.05 (12) to inform electors about the
4 voting process.

5 **(10) FREE ELECTION INFORMATION EXCHANGE.** Each municipal clerk shall assist
6 the board in maintaining toll-free telephone lines and any other free access systems
7 under s. 5.05 (13) for exchange of voting information.

8 **(11) TRAINING OF ELECTION OFFICIALS.** Each municipal clerk shall assist the
9 board in the training of election officials under ss. 5.05 (7) and 7.31.

10 **(12) FREE VOTE COUNTING INFORMATION.** Each municipal clerk shall maintain a
11 free access information system under which an elector who votes under s. 6.96 or 6.97
12 may ascertain current information concerning whether the elector's vote has been
13 counted, and if the vote will not be counted, the reason that it will not be counted.

14 **(13) INFORMATION TO BOARD.** Each municipal clerk shall provide to the board any
15 information requested under s. 5.05 (14).

16 **SECTION 105.** 7.23 (1) (c) of the statutes is amended to read:

17 **7.23 (1) (c)** Registration cards forms which are canceled under s. 6.50 (7) may
18 be destroyed 4 years after cancellation.

19 **SECTION 106.** 7.23 (1) (e) of the statutes is amended to read:

20 **7.23 (1) (e)** ~~Registration and poll~~ Poll lists created at a nonpartisan primary or
21 election may be destroyed 2 years after the primary or election at which they were
22 created and ~~registration and poll~~ lists created at a partisan primary or election may
23 be destroyed 4 years after the primary or election at which they were created.

24 ~~**SECTION 107.** 7.37 (4) of the statutes is amended to read:~~

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1 ~~7.37 (4) BALLOTING PROCEDURE. At polling places which utilize paper ballots or~~
2 ~~electronic voting systems in which ballots are distributed to electors, 2 inspectors~~
3 ~~shall be assigned to take charge of the official ballots. They shall write their initials~~
4 ~~on the back of each ballot and deliver to each elector as he or she enters the voting~~
5 ~~booth one ballot properly endorsed by each of them. Where paper ballots are used,~~
6 ~~the inspectors shall fold each ballot in the proper manner to be deposited before~~
7 ~~delivering it to the elector. If asked, inspectors may instruct any elector as to the~~
8 ~~proper manner of marking the ballot, but they may not give advice, suggestions,~~
9 ~~express any preferences or make any requests as to the person for whom, the~~
10 ~~question on which or the ballot on which the elector shall vote.~~

11 SECTION 108. 7.37 (7) of the statutes is amended to read:

12 7.37 (7) ~~REGISTRATION AND POLL~~ POLL LISTS. Two inspectors shall be assigned
13 to have charge of the ~~registration or poll~~ lists at each election.

14 SECTION 109. 7.51 (2) (a) of the statutes is amended to read:

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

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1 but the inspectors shall mark them as to the reason for removal, set them aside and
2 carefully preserve them. The inspectors shall then proceed under par. (b).

3 **SECTION 110.** 7.51 (2) (c) of the statutes is amended to read:

4 7.51 (2) (c) Whenever the number of ballots exceeds the number of voting
5 electors as indicated on the poll ~~or registration~~ list, the inspectors shall place all
6 ballots face up to check for blank ballots. In this paragraph, "blank ballot" means
7 a ballot on which no votes are cast for any office or question. The inspectors shall
8 mark, lay aside and preserve any blank ballots. If the number of ballots still exceeds
9 the number of voting electors, the inspectors shall place all ballots face down and
10 proceed to check for the initials. The inspectors shall mark, lay aside and preserve
11 any ballot not bearing the initials of 2 inspectors or any absentee ballot not bearing
12 the initials of the municipal clerk. During the count the inspectors shall count those
13 ballots cast by challenged electors the same as the other ballots.

14 **SECTION 111.** 7.51 (2) (e) of the statutes is amended to read:

15 7.51 (2) (e) If, after any ballots have been laid aside, the number of ballots still
16 exceeds the total number of electors recorded on the ~~registration or~~ poll list, the
17 inspectors shall separate the absentee ballots from the other ballots. If there is an
18 excess number of absentee ballots, the inspectors shall place the absentee ballots in
19 the ballot box and one of the inspectors shall publicly and without examination draw
20 therefrom by chance the number of ballots equal to the excess number of absentee
21 ballots. If there is an excess number of other ballots, the inspectors shall place those
22 ballots in the ballot box and one of the inspectors shall publicly and without
23 examination draw therefrom by chance the number of ballots equal to the excess
24 number of those ballots. All ballots so removed may not be counted but shall be
25 specially marked as having been removed by the inspectors on original canvass due

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1 to an excess number of ballots, set aside and preserved. When the number of ballots
 2 and total shown on the poll or registration list agree, the inspectors shall return all
 3 ballots to be counted to the ballot box and shall turn the ballot box in such manner
 4 as to thoroughly mix the ballots. The inspectors shall then open, count and record
 5 the number of votes. When the ballots are counted, the inspectors shall separate
 6 them into piles for ballots similarly voted. Objections may be made to placement of
 7 ballots in the piles at the time the separation is made.

SECTION 112. 7.51 (3) (a) of the statutes is amended to read:

9 7.51 (3) (a) The inspectors shall place together all ballots counted by them
 10 which relate to any national, state or county office or any state, county or technical
 11 college district referendum and secure them together so that they cannot be untied
 12 or tampered with without breaking the seal. The secured ballots together with any
 13 ballots marked "Defective" ~~and the provisional ballots under 4.6.97~~ shall then be
 14 secured by the inspectors in the ballot container in such a manner that the container
 15 cannot be opened without breaking the seals or locks, or destroying the container.

16 The inspectors shall ^{then} deliver the ballots to the municipal clerk in the ^{ballot} container ^{and} ^{carrier} ^{envelope}

SECTION 113. 7.51 (4) (a) of the statutes is amended to read:

18 7.51 (4) (a) The tally sheets shall state the total number of votes cast for each
 19 office and for each individual receiving votes for that office, whether or not the
 20 individual's name appears on the ballot, and shall state the vote for and against each
 21 proposition voted on. Upon completion of the tally sheets, the inspectors shall
 22 immediately complete inspectors' statements in duplicate. The inspectors shall state
 23 the excess, if any, by which the number of ballots exceeds the number of electors
 24 voting as shown by the poll or registration list, if any, and shall state the number of
 25 the last elector as shown by the registration or poll lists. At least 3 inspectors,

all this material is covered

The inspectors shall place the ballots cast under S. 6.97 in a separate, securely sealed carrier envelope which is clearly marked "Section 6.97 ballots". The chief inspector and 2 other inspectors shall sign the envelope. The envelope shall not be placed in the ballot container.

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1 including the chief inspector and, unless election officials are appointed under s. 7.30
2 (4) (c) without regard to party affiliation, at least one inspector representing each
3 political party, shall then certify to the correctness of the statements and tally sheets
4 and sign their names. All other election officials assisting with the tally shall also
5 certify to the correctness of the tally sheets. When the tally is complete, the
6 inspectors shall publicly announce the results from the statements.

7 **SECTION 114.** 7.51 (5) (a) of the statutes is amended to read:

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

23 **SECTION 115.** 8.17 (1) (a) of the statutes is amended to read:

24 8.17 (1) (a) Political parties qualifying for a separate ballot under s. 5.62 (1) (b)
25 or (2) shall elect their party committeemen and committeewomen as provided under

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1 sub. (5) (b). The function of committeemen and committeewomen is to represent
2 their neighborhoods in the structure of a political party. Committeemen and
3 committeewomen shall act as liaison representatives between their parties and the
4 residents of the election districts in which they serve. Activities of committeemen
5 and committeewomen shall include, but not be limited to, ~~voter identification~~
6 identifying voters; assistance in voter registration drives; increasing voter
7 participation in political parties; polling and other methods of passing information
8 from residents to political parties and elected public officials; and dissemination of
9 information from public officials to residents. For assistance in those and other
10 activities of interest to a political party, each committeeman and committeewoman
11 may appoint a captain to engage in these activities in each ward, if the election
12 district served by the committeeman or committeewoman includes more than one
13 ward. In an election district which includes more than one ward, the committeeman
14 or committeewoman shall coordinate the activities of the ward captains in promoting
15 the interests of his or her party.

16 **SECTION 116.** 9.01 (1) (b) 1. of the statutes is amended to read:

17 9.01 (1) (b) 1. The board of canvassers shall first compare the ~~registration or~~
18 ~~poll lists~~ and determine the number of voting electors.

19 **SECTION 117.** 10.02 (3) (a) of the statutes is amended to read:

20 10.02 (3) (a) Upon entering the polling place and before being permitted to vote,
21 an elector shall give state his or her name and address ~~before being permitted to vote~~
22 and provide identification if required by federal law. Where ballots are distributed
23 to electors, the initials of 2 inspectors must appear on the ballot. Upon being
24 permitted to vote, the elector shall retire alone to a voting booth or machine and cast
25 his or her ballot, except that an elector who is a parent or guardian may be

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1 accompanied by the elector's minor child or minor ward. An election official may
2 inform the elector of the proper manner for casting a vote, but the official may not
3 in any manner advise or indicate a particular voting choice.

4 ~~SECTION 118. 10.02 (3) (f) of the statutes is amended to read:~~

5 10.02 (3) (f) After an official paper ballot is marked, it shall be folded so the
6 inside marks do not show but so the printed endorsements and inspectors' initials
7 on the outside do show. After casting his or her vote, the elector shall leave the voting
8 machine or booth, and where paper ballots are distributed to electors, deposit his or
9 her folded ballot in the ballot box or deliver it to an inspector for deposit in the box,
10 and shall leave the polling place promptly.

11 SECTION 119. 11.30 (title) of the statutes is amended to read:

12 11.30 (title) **Identification Attribution of political contributions,**
13 **disbursements and communications.**

14 SECTION 120. 12.13 (3) (u) of the statutes is amended to read:

15 12.13 (3) (u) ~~Present~~ Provide false identification documentation of identity for
16 the purpose of inducing an election official to permit the person or another person to
17 vote.

18 SECTION 121. 15.617 of the statutes is created to read:

19 15.617 **Same; council.** (1) **ELECTION ADMINISTRATION COUNCIL.** There is
20 created in the elections board an election administration council consisting of
21 members appointed by the executive director of the elections board, including the
22 clerk or executive director of the board of election commissioners of the 2 counties or
23 municipalities in this state having the largest population, one or more election
24 officials of other counties or municipalities, representatives of organizations that

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1 advocate for the interests of individuals with disabilities and organizations that
2 advocate for the interests of the voting public, and other electors of this state.

3 **SECTION 122.** 19.69 (4) of the statutes is created to read:

4 19.69 (4) **NONAPPLICABILITY.** This section does not apply to any matching
5 program established between the secretary of transportation and the commissioner
6 of the federal social security administration pursuant to an agreement specified
7 under s. 85.61 (2).

8 **SECTION 123.** 20.002 (11) (d) 2m. of the statutes is created to read:

9 20.002 (11) (d) 2m. The election administration fund.

10 **SECTION 124.** 20.005 (3) (schedule) of the statutes: at the appropriate place,
11 insert the following amounts for the purposes indicated:

	2003-04	2004-05
12		
13 20.510 Elections board		

14 (1) **ADMINISTRATION OF ELECTION AND CAMPAIGN LAWS**

15 (v) Election administration	SEG A	-0-	-0-
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16 **SECTION 125.** 20.510 (1) (h) of the statutes is amended to read:

17 20.510 (1) (h) *Materials and services.* The amounts in the schedule for the cost
18 of publishing documents, locating and copying records, providing contractual
19 services under s. 6.33 (5) (b), and conducting administrative meetings and
20 conferences and for supplies, postage and shipping. All moneys received by the board
21 from collections for sales of publications, copies of records and supplies, for postage,
22 for shipping and records location fees, for providing contractual services under s. 6.33
23 (5) (b), and for charges assessed to participants in administrative meetings and
24 conferences shall be credited to this appropriation account.

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1 **SECTION 126.** 20.510 (1) (t) of the statutes is created to read:

2 20.510 (1) (t) *Election administration; state contribution.* From the election
3 administration fund, a sum sufficient to meet federal requirements for state
4 contribution towards elections administration costs financed with federal aid under
5 P.L. 107-252.

6 **SECTION 127.** 20.510 (1) (u) of the statutes is created to read:

7 20.510 (1) (u) *Federal audit exceptions.* From the election administration fund,
8 a sum sufficient to repay the federal government for federal aid received by this state
9 under P.L. 107-252 that the federal government requires to be refunded or that is
10 used for purposes for which federal financial participation is denied.

11 **SECTION 128.** 20.510 (1) (v) of the statutes is created to read:

12 20.510 (1) (v) *Election administration.* From the election administration fund,
13 the amounts in the schedule to meet federal requirements for the conduct of federal
14 elections under P.L. 107-252.

15 **SECTION 129.** 20.510 (1) (x) of the statutes is created to read:

16 20.510 (1) (x) *Federal aid.* From the election administration fund, all moneys
17 received from the federal government, as authorized by the governor under s. 16.54,
18 to be used for election administration costs under P.L. 107-252.

19 **SECTION 130.** 20.855 (4) (bp) of the statutes is created to read:

20 20.855 (4) (bp) *Election administration fund transfer.* A sum sufficient to make
21 the payments required under s. 20.510 (1) (t) to (v), to be transferred to the election
22 administration fund.

23 **SECTION 131.** 25.17 (1) (e) of the statutes is created to read:

24 25.17 (1) (e) Election administration fund (s. 25.425);

25 **SECTION 132.** 25.425 of the statutes is created to read:

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1 **25.425 Election administration fund.** There is established a separate
2 nonlapsible trust fund designated the election administration fund consisting of all
3 moneys received from the federal government under P.L. 107-252 and all moneys
4 transferred to the fund from other funds.

5 **SECTION 133.** 51.62 (3) (a) 4. of the statutes is created to read:

6 51.62 (3) (a) 4. Engage in activities to ensure full participation in the electoral
7 process for eligible electors with mental illness or developmental disabilities,
8 including registering to vote, voting, and obtaining access to polling places.

9 **SECTION 134.** 51.62 (3m) of the statutes is amended to read:

10 **51.62 (3m) FUNDING.** From the appropriation under s. 20.435 (7) (md), the
11 department may not distribute more than \$75,000 in each fiscal year and, from the
12 appropriation under s. 20.435 (7) (na), the department shall distribute funds made
13 available under P.L. 107-252 to the protection and advocacy agency for performance
14 of community mental health protection and advocacy services.

15 **SECTION 135.** 59.05 (2) of the statutes is amended to read:

16 **59.05 (2)** If a petition conforming to the requirements of s. 8.40 is filed with the
17 board by at least two-fifths of the legal voters of any county, to be determined by the
18 registration or poll lists of list for the last previous general election held in the county
19 at the time of filing, the names of which voters shall appear on some one of the
20 registration or poll lists of list for such election, present to the board a petition
21 conforming to the requirements of s. 8.40 asking for a change of the county seat to
22 some other place designated in the petition, the board shall submit the question of
23 removal of the county seat to a vote of the qualified voters of the county. The board
24 shall file the question as provided in s. 8.37. The election shall be held only on the
25 day of the general election, notice of the election shall be given and the election shall

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1 be conducted as in the case of the election of officers on that day, and the votes shall
2 be canvassed, certified and returned in the same manner as other votes at that
3 election. The question to be submitted shall be "Shall the county seat of county
4 be removed to?"

5 **SECTION 136.** 85.61 of the statutes is created to read:

6 **85.61 Compliance with federal Help America Vote Act.** (1) The secretary
7 of transportation and the executive director of the elections board shall enter into an
8 agreement to match personally identifiable information on the official registration
9 list maintained by the elections board under s. 6.36 (1) with personally identifiable
10 information in the operating record file database under ch. 343 and vehicle
11 registration records under ch. 341 to the extent required to enable the secretary of
12 transportation and the executive director of the elections board to verify the accuracy
13 of the information provided for the purpose of voter registration.

14 (2) The secretary of transportation shall enter into an agreement with the
15 commissioner of the federal social security administration for the purpose of
16 verifying whether the name, date of birth, and social security number of an
17 individual in the operating record file database under ch. 343 or vehicle registration
18 records under ch. 341 match the information contained in the records of the social
19 security administration. The agreement shall include safeguards to ensure the
20 maintenance of the confidentiality of any personally identifiable information
21 disclosed and procedures to permit the secretary of transportation to use any
22 applicable personally identifiable information disclosed for purposes related to
23 maintenance of departmental records.

24 **SECTION 137.** 117.20 (2) of the statutes is amended to read:

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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 138.** 120.06 (5) of the statutes is repealed.

13 **SECTION 139.** 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 140. Initial applicability.**

24 (1) The treatment of sections 5.02 (17), 6.20, 6.24 (3), (4) (a) and (c), and (8), 6.27
25 (1) and (2) to (5), ^{6.275 (1) (b) to (d)} 6.28 (2) (b) and (3), 6.29 (2) (a) and (b), 6.33 (3) and (4), 6.36 (2) (a)

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1 and (c), 6.50 (1) (intro.), (2m), (7), and (9), 6.55 (2) (a) 1. (intro.), (b), and (c) 1. and 2.,
2 (3), and (7) (c) 2., 6.79 (intro.), (1), (2), (4), (5), and (6) (a) and (b), 6.82 (1) (a), 6.86 (3)
3 (a) 1. and 2., 6.88 (3) (a), 6.94, 6.95, 7.08 (1) (c), 7.10 (1) (b), 7.15 (1) (c) and (4), 7.37
4 (7), 7.51 (2) (a), (c), and (e), (4) (a), and (5) (a), 9.01 (1) (b) 1., 20.510 (1) (h), 59.05 (2),
5 117.20 (2), 120.06 (5), and 125.05 (2) (h) of the statutes first applies with respect to
6 the ~~2004~~²⁰⁰⁶ spring primary election.

7 **SECTION 141. Effective dates.** This act takes effect on the day after
8 publication, except as follows:

9 (1) The treatment of sections 5.02 (24w), 5.05 (12), 5.25 (4) (a) and (c), 5.91 (15)
10 to (18), 6.869, 7.08 (6), 7.10 (7) and 7.15 (9) of the statutes, the renumbering of section
11 5.87 of the statutes, and the creation of section 5.87 (2) of the statutes take effect on
12 January 1, 2006.

13 (2) The treatment of sections 5.05 (13), 5.35 (6) (a) 2m. 4., 4a., and 4b., 6.96, 7.08
14 (8), 7.10 (8) and 7.15 (10) of the statutes takes effect on January 1, 2004, or on the
15 day after publication, whichever is later.

16 (END)

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0610/2ins
JTK.....

INS 14-13:

delete extra space
SECTION 1. 5.36 of the statutes is created to read:

5.36 Notice of voting by individuals with disabilities. Any individual with a disability may notify a municipal clerk that he or she intends to vote at a polling place on election day and may specify the type of accommodation that will facilitate his or her voting. ✓

INS 18-17:

4m B
SECTION 2. 6.15 (b) of the statutes is created to read:

4m
6.15 (b) REGISTRATION. *If an elector voting under this section expects to provide the* The municipal clerk or inspectors shall offer *with a mail* *to reside in the ward or election district for at least 10 days, the* opportunity to each elector who votes under this section to file a registration form under s. *6.30(4)* ✓

INS 19-21:

SECTION 3. 6.275 (1) (b) to (d) of the statutes are amended to read:

6.275 (1) (b) ~~Where registration applies, the~~ The total number of electors of the municipality residing in that county who were preregistered on the deadline specified in s. 6.28 (1), including valid mail registrations which are postmarked by that day. ✓

(c) ~~Where registration applies, the~~ The total number of electors of the municipality residing in that county who registered after the close of registration and prior to the day of the primary or election under ss. 6.28 (1), 6.29, and 6.86 (3) (a) 2. ✓

(d) ~~Where registration applies, the~~ The total number of electors of the municipality residing in that county who registered on the day of the primary or election under ss. 6.55 and 6.86 (3) (a) 2.

History: 1979 c. 260; 1979 c. 355 ss. 12 to 14; 1983 a. 484; 1985 a. 304; 1989 a. 192; 1999 a. 182; 2001 a. 51.

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

LRB-610/2dn

JTK.....

JTK
gs

Kevin Kennedy:

1. Per your item 1. and my drafter's note to /P3, item 4.a., the draft in its treatment of s. 5.25 (4) (a), stats, now requires that individuals with any type of disability, including a mental disability, be accommodated. In order not to create a conflict with s. 6.03 (1) (a), stats., which disqualifies some individuals with mental disabilities from voting, the draft excludes these individuals from the right of accommodation. ✓

2. Proposed s. 5.36, which permits individuals with disabilities to notify a municipal clerk or board of election commissioners that they intend to vote in person and to specify the type of accommodation that will facilitate their voting, does not change the law because currently any individual may notify a clerk or board of anything. I hope that the failure to provide notice under this provision will not be used as a defense to any failure to accommodate disabled electors. I also hope that disabled electors will not feel that this language obligates municipalities to supply the specific type of accommodation requested if something else will suffice.

3. I did not change the references to folding of ballots in ss. 6.15 (3) (a) and 6.87 (4), stats, because those provisions relate to mailed ballots, which would need to be folded. ✓

INS
DIA
5
Concerning the treatment of s. 6.55 (2) (c) 2., stats., the reference to a number provided by the elector should have been removed on the previous draft. Thanks for catching this reference. ✓

6
Concerning the military and overseas electors, as I related, the affected provisions are: 1) application for absentee ballots simultaneously for two general elections; 2) informing applicants of the reason(s) for rejection of absentee ballot requests; 3) exemption from voter identification requirements; and 4) federal statistical reports. The state definitions are broader except that the federal definition of "overseas voter" includes some military electors whereas the state definition does not. For purposes of 1) and 2), the state definitions could probably be used. For purposes of 3) and 4), however, the only way to comply with the Help America Vote Act is to use the federal definitions. While this causes an administrative burden, it will be mitigated if the appropriate tags are incorporated into the electronic registration list. ✓

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

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

LRB-0610/2dni
JTK.....

RS DIA

4m

4 . Concerning proposed s. 6.15 (A), which relates to registration of new residents, I did not think it was appropriate for new electors to affirm that they have resided in the ward or election district for *less than* 10 days on one form and then, at the same time, affirm that they have resided in the ward or election district for *at least* 10 days on another form. Therefore, the draft provides for the municipal clerk or inspectors to offer to provide the elector with a mail registration form. If there are no such forms at the polling place, the officials can make a notation and have the municipal clerk send out the form later.

✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0610/2dn
JTK:cjs:pg

April 1, 2003

Kevin Kennedy:

1. Per your item 1. and my drafter's note to /P3, item 4.a., the draft in its treatment of s. 5.25 (4) (a), stats, now requires that individuals with any type of disability, including a mental disability, be accommodated. In order not to create a conflict with s. 6.03 (1) (a), stats., which disqualifies some individuals with mental disabilities from voting, the draft excludes these individuals from the right of accommodation.
2. Proposed s. 5.36, which permits individuals with disabilities to notify a municipal clerk or board of election commissioners that they intend to vote in person and to specify the type of accommodation that will facilitate their voting, does not change the law because currently any individual may notify a clerk or board of anything. I hope that the failure to provide notice under this provision will not be used as a defense to any failure to accommodate disabled electors. I also hope that disabled electors will not feel that this language obligates municipalities to supply the specific type of accommodation requested if something else will suffice.
3. I did not change the references to folding of ballots in ss. 6.15 (3) (a) and 6.87 (4), stats., because those provisions relate to mailed ballots, which would need to be folded.
4. Concerning proposed s. 6.15 (4m), which relates to registration of new residents, I did not think it was appropriate for new electors to affirm that they have resided in the ward or election district for *less than* 10 days on one form and then, at the same time, affirm that they have resided in the ward or election district for *at least* 10 days on another form. Therefore, the draft provides for the municipal clerk or inspectors to offer to provide the elector with a mail registration form. If there are no such forms at the polling place, the officials can make a notation and have the municipal clerk send out the form later.
5. Concerning the treatment of s. 6.55 (2) (c) 2., stats., the reference to a number provided by the elector should have been removed on the previous draft. Thanks for catching this reference.
6. Concerning the military and overseas electors, as I related, the affected provisions are: 1) application for absentee ballots simultaneously for two general elections; 2) informing applicants of the reason(s) for rejection of absentee ballot requests; 3) exemption from voter identification requirements; and 4) federal statistical reports.

The state definitions are broader except that the federal definition of "overseas voter" includes some military electors whereas the state definition does not. For purposes of 1) and 2), the state definitions could probably be used. For purposes of 3) and 4), however, the only way to comply with the Help America Vote Act is to use the federal definitions. While this causes an administrative burden, it will be mitigated if the appropriate tags are incorporated into the electronic registration list.

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STEVEN V. PONTO
Chairperson

KEVIN J. KENNEDY
Executive Director

April 21, 2003

Sent by e-mail

Jeffery Kuesel
Legislative Reference Bureau
100 N. Hamilton Street
Madison, WI 53702

Dear Jeff,

Thank you for the detailed work on the draft (LRB 0610/2) of legislation to implement the Help America Vote Act of 2002, P.L. 107-252. I have some additional changes to be included in the draft before introduction.

- ✓ 1. **Section 14.** The language that the voter with a disability "specify" the type of accommodation should be changed to "request". Additional language should be added "that the clerk shall reasonably attempt to comply with the accommodation request."
- ✓ 2. **Section 28.** Please delete this section. After discussion with users, it appears that it is preferable for the municipal clerk to discuss voter registration options with the new resident rather than sending a mail registration application.
- ✓ 3. **Section 34.** Since the state keeps the registration list, I suggest that the registration requirement be applied to voters rather than municipalities. The statute can specify that all electors, except military (6.22), former residents (6.18) and new residents (6.15) must be registered. In other sections we address how municipalities and the Board maintain the list. In its current form someone could interpret that each municipality must maintain its own registration list.
- ✓ 4. In order to facilitate voter registration in municipalities that do not have voter registration, the Elections Board should be given the authority to appoint a qualified elector of the state to be a voting registration deputy for any municipality in the state. This would require a change in S. 6.26, Wis. Stats.
5. A voter's record on the state list will never be deleted. It will be changed to reflect the voter's status. If a voter moves from one municipality to another within the state, the address will change and the accompanying information will be transferred. If a voter becomes ineligible to vote due to moving out of state, death, felony conviction, or some other disqualifying act, the voter record will be changed to reflect the inactive status.

If a name is removed because of the purge procedures the record will also be changed to reflect inactive status. These are list management procedures that we have developed as part of the business requirements for the statewide voter list. It enables the municipal clerk and the Board to track any change to the list and prevent someone from voting using the name of a deceased individual or some other voter whose registration status changed.

- ✓ This means that we have to change the statutory language to replace the words "cancel", "remove" or "strike" with language that reflects the list maintenance procedures. For example in **Sections 46 and 47** on page 25 at lines 14, 15 and 20 the words "cancelled", "cancellation" and "cancels" should be amended to "change", "the change" and "changes" respectively.

- ✓ In **Section 51** on page 27 at line 24, the word "remove" should be deleted. On page 28 at line 7, the word "remove" should be changed to reflect that the clerk or Board is changing the voter's registration by marking the record as "ineligible to vote" to reflect that the voter is registered in another state. On page 28 at lines 10, and 15, the word "removes" should be changed to reflect that the Board has marked the voter's record as "ineligible to vote." On page 28 at line 16, the word "removal" should be amended to "change."
- ✓ On page 28 at line 18 the word "cancel" should be amended to "change." On page 28 at lines 24, 25 the last sentence can be deleted. Language should be added to reflect that the clerk in the new municipality will transfer the registration.
- ✓ In **Section 55** the provisions for transferring within a municipality, S. 6.40 (1)(a) and within the state, S. 6.40 (1)(b), should be combined into one subsection. A transfer within the state should be treated the same as a transfer within the municipality. The provisions in Section 51 creating S. 6.36 (1)(f) may be better located in this statutory section.
- ✓ In **Section 55** on page 30 at line 17, the words "deletion from" should be amended to "marking" and at line 21 the word "canceling" should be amended to "changing."
- ✓ In **Section 60** at page 32 at lines 11 and 13 the words "cancelled" and "cancellation" should be amended to "changed and " the change." In **Section 63** on page 33 at line 10 the word "cancelled" should be amended to "changed."

The word "cancelled" or "removed" or some variation also appears in the following sections and should be changed as noted:

- ✓ 6.32 (4) the word "strike" to "mark as ineligible to vote",
 - ✗ 6.40 (1)(a) the words "cancel" and "cancellation" will not be needed because of the treatment of transferring registrations within the state described earlier,
 - RP 6.40 (1)(b) the words "deletion from" should be amended to "marking" and the word "canceling" should be amended to "changing",
 - ✓ 6.48 (1)(d) the language "cancel the challenged elector's registration," should be deleted,
 - ✓ 6.50 (1) the word "cancelled" should be changed to "suspended",
 - RP 6.50 (2m)(b) the word "cancelled" should be amended to "changed",
 - ✓ 6.50 (3) the word "cancel" should be amended to "change",
 - ✓ 6.50 (4) the word "cancel" should be amended to "change",
 - ✓ 6.50 (5) the word "cancelled" should be amended to "changed" and the word "cancellation" should amended to "the change",
 - ✓ 6.50 (6) the word "cancel" should be amended to "change",
 - RP 6.50 (9) the language should be amended to read "Whenever a voter's record is changed on the registration list, the reason for the change shall be entered on the list.",
 - ✓ 6.55(2)(a)2. This language will not be needed because of the treatment of transferring registrations within the state described earlier,
 - ✓ 6.56 (3) the language "remove the elector's name from" should be changed to "mark the elector's name as ineligible to vote on" and the language following "of the removal" following notice should be deleted,
 - ✓ 6.56 (4) the word "cancelled" should be amended to "changed".
- ✓ 7. When a name is added to the registration list by the clerk or the Board, a notation should be made on the list how the registration form was received. i.e from a high school, by mail, a registration drive, in the clerk's office, at the polling place, etc.

- ✓ 8. **Section 78.** The reference on page 39, at line 4 to "registration" list should be changed to "poll" list because the list at the polling place is a poll list.
- ✓ 9. **Section 95.** The reference on page 46, at line 20 to "registration" list should be changed to "poll" list because the list at the polling place is a poll list.
- ✓ 10. **Section 99.** The municipal clerk should be required to notify the municipal, school district and county boards of canvassers by the 4 p.m. deadline of the treatment of any provisional ballots. The clerk should also record the action taken to determine how the eligibility of the voter was determined. The word "provided" on page 51 at line 2 should be changed to "provide".
- ✓ 11. Section 5.05 should have language that recognizes the board's authority to create and manage the statewide registration list including authority to specify the procedures for maintaining the list and compelling municipalities to use the list and adhere to the board's procedures.
- ✓ 12. Add a provision that the Legislative Audit Bureau perform a program audit after the enactment of the legislation to determine:

Accessibility

Compliance with P.L. 107-252

Treatment of elector complaints, including individuals, denial of the right to vote, denial of right to corroborate, forced to provide non required identification, running out of ballots

Accusation of voter fraud

Maintenance of the voter file

The Legislative Audit Bureau shall consult with the Elections Board to determine the timing and conduct of the audit.

I appreciate your attention to these changes. I also appreciate the amount of work that has gone into developing the draft legislation. Thank you. If you have any questions please contact me at 608-266-8087.

State Elections Board

Kevin J. Kennedy
Executive Director