

1 **SECTION 60.** 6.55 (2) (d) of the statutes is amended to read:

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

9 **SECTION 61.** 6.55 (3) of the statutes is amended to read:

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

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

12 SECTION 62. 6.55 (7) (c) 1. of the statutes is amended to read:

13 6.55 (7) (c) 1. ~~A Wisconsin motor vehicle~~ An operator's license issued under ch.
 14 343.

15 SECTION 63. 6.55 (7) (c) 2. of the statutes is amended to read:

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

18 SECTION 64. 6.79 (intro.) (except 6.79 (title)) of the statutes is renumbered 6.79
 19 (1m) and amended to read:

20 6.79 (1m) SEPARATE POLL LISTS. Two election officials at each election ward shall
 21 be in charge of and shall maintain 2 separate poll lists of containing information
 22 relating to all persons voting. The municipal clerk may elect to maintain the
 23 information on the poll list lists manually or electronically. ~~If the list is lists are~~
 24 maintained electronically, the officials shall enter the information into an electronic

1 data recording system that enables retrieval of ~~a~~ printed ~~copy~~ copies of the poll list
2 lists at the polling place. The system employed is subject to the approval of the board.

3 SECTION 65. 6.79 (1) of the statutes is repealed.

4 SECTION 66. 6.79 (2) of the statutes is repealed and recreated to read:

5 6.79 (2) VOTING PROCEDURE. (a) Unless information on the poll list is entered
6 electronically, the municipal clerk shall supply the inspectors with 2 copies of the
7 most current official registration list or lists prepared under s. 6.36 (1) for use as poll
8 lists at the polling place. Except as provided in sub. (6), each person, before receiving
9 a serial number, shall state his or her full name and address. The officials shall verify
10 that the name and address provided by the person are the same as the person's name
11 and address on the poll list.

12 (b) Upon the poll list, after the name of each elector, the officials shall enter a
13 serial number for each elector in the order that votes are cast, beginning with
14 number one. The officials shall maintain a separate list for electors who are voting
15 under s. 6.15, 6.29, or 6.55 (2) or (3) and electors who are reassigned from another
16 polling place under s. 5.25 (5) (b) and shall enter the full name, address, and serial
17 number of each of these electors on the appropriate separate list.

18 (c) If the registration list indicates that identification is required, the officials
19 shall require the elector to provide identification. If identification is provided, the
20 officials shall verify that any photograph reasonably resembles the elector or that the
21 name and address on the identification provided is the same as the name and address
22 shown on the registration list. If identification is required and not provided or if the
23 document that is provided cannot be verified by the officials, the officials shall offer
24 the opportunity for the elector to vote under s. 6.97.

1 (d) The officials shall then provide each elector with a slip bearing the same
2 serial number as is recorded for the elector upon the poll list or separate list.

3 SECTION 67. 6.79 (4) of the statutes is amended to read:

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

20 SECTION 68. 6.79 (5) of the statutes is repealed.

21 SECTION 69. 6.79 (6) (a) of the statutes is repealed.

22 SECTION 70. 6.79 (6) (b) of the statutes is renumbered 6.79 (6) and amended to
23 read:

24 6.79 (6) CONFIDENTIAL NAMES AND ADDRESSES. ~~In municipalities where~~
25 ~~registration is required, an~~ An elector who has a confidential listing under s. 6.47 (2)

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

7 SECTION 71. 6.82 (1) (a) of the statutes is amended to read:

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

1 **SECTION 72.** 6.86 (3) (a) 1. of the statutes is amended to read:

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

10 **SECTION 73.** 6.86 (3) (a) 2. of the statutes is amended to read:

11 6.86 (3) (a) 2. If a hospitalized elector is not registered ~~where registration is~~
12 ~~required~~, the elector may register by agent under this subdivision at the same time
13 that the elector applies for an official ballot by agent under subd. 1. To register the
14 elector under this subdivision, the agent shall present a completed registration form
15 that contains the required information supplied by the elector and the elector's
16 signature, unless the elector is unable to sign due to physical disability. In this case,
17 the elector may authorize another elector to sign on his or her behalf. Any elector
18 signing a form on another elector's behalf shall attest to a statement that the
19 application is made on request and by authorization of the named elector, who is
20 unable to sign the form due to physical disability. The agent shall present this
21 statement along with all other information required under this subdivision. Except
22 as otherwise provided in this subdivision, the agent shall in every case present
23 provide the number of a valid driver's operator's license issued to the elector under
24 ch. 343, the last 4 digits of the elector's social security account number, or the
25 registration identification number issued to the elector under s. 6.285, together with

1 acceptable proof of the elector's residence under s. 6.55 (7). If the agent cannot
2 present this proof, the registration form shall be signed and substantiated by
3 another elector residing in the elector's municipality of residence, corroborating the
4 information in the form. The form shall contain the full name and address of the
5 corroborating elector. The agent shall then ~~present~~ provide one of the numbers
6 specified in this subdivision together with acceptable proof of the corroborating
elector's residence under s. 6.55 (7).

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9 SECTION 74. 6.86 (3) (c) of the statutes is amended to read:

10 6.86 (3) (c) An application under par. (a) 1. may be made and a registration form
11 under par. (a) 2. may be filed in person at the office of the municipal clerk not earlier
12 than 7 days before an election and not later than 5 p.m. on the day of the election.
13 A list of hospitalized electors applying for ballots under par. (a) 1. shall be made by
14 the municipal clerk and used to check that the electors vote only once, and by
15 absentee ballot. If identification is required, the municipal clerk shall so inform the
16 agent and the elector shall enclose identification in the envelope with the ballot. The
17 ballot shall be sealed by the elector and returned to the municipal clerk either by mail
18 or by personal delivery of the agent; but if the ballot is returned on the day of the
19 election, the agent shall make personal delivery at the polling place serving the
hospitalized elector's residence before the closing hour for the ballot to be counted.

20 SECTION 75. 6.865 (title) of the statutes is amended to read:

21 ^{AB}
^A 6.865 (title) ~~Federal postcard request form~~ absentee ballot requests.

22 SECTION 76. 6.865 of the statutes is renumbered 6.865 (2).

23 SECTION 77. 6.865 (1) of the statutes is created to read:

24 6.865 (1) In this section, "military elector" and "overseas elector" have the
25 meanings given under s. 6.36 (2) (c).

1 **SECTION 78.** 6.865 (3) and (4) of the statutes are created to read:

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

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

17 **SECTION 79.** 6.869 of the statutes is created to read:

18 **6.869 Uniform instructions.** The board shall, by rule, prescribe uniform
19 instructions for absentee voters. The instructions shall include information
20 concerning the procedure for correcting errors in marking a ballot and obtaining a
21 replacement for a spoiled ballot. The procedure shall, to the extent possible, respect
22 the privacy of each elector and preserve the confidentiality of each elector's vote.

23 **SECTION 80.** 6.87 (3) (d) of the statutes is amended to read:

24 6.87 (3) (d) A municipal clerk of a municipality may, if the clerk is reliably
25 informed by an absent elector of a facsimile transmission number or electronic mail

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

18 SECTION 81. 6.87 (4) of the statutes is amended to read:

19 6.87 (4) Except as otherwise provided in s. 6.875, the elector voting absentee
20 shall make and subscribe to the certification before one witness. The absent elector,
21 in the presence of the witness, shall mark the ballot in a manner that will not disclose
22 how the elector's vote is cast. The elector shall then, still in the presence of the
23 witness, fold the ballots if they are paper ballots so each is separate and so that the
24 elector conceals the markings thereon and deposit them in the proper envelope. If
25 a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot if it is a

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

16 SECTION 82. 6.88 (3) (a) of the statutes is amended to read:

17 6.88 (3) (a) Any time between the opening and closing of the polls on election
18 day, the inspectors shall open the carrier envelope only, and announce the name of
19 the absent elector or the identification serial number of the absent elector if the
20 elector has a confidential listing under s. 6.47 (2). When the inspectors find that the
21 certification has been properly executed, the applicant is a qualified elector of the
22 ward or election district, and the applicant has not voted in the election, they shall
23 enter an indication on the poll ~~or registration~~ list next to the applicant's name
24 indicating an absentee ballot is cast by the elector. They shall then open the envelope
25 containing the ballot in a manner so as not to deface or destroy the certification

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

10 SECTION 83. 6.94 of the statutes is amended to read:

11 **6.94 Challenged elector oath.** If the person challenged refuses to answer
12 fully any relevant questions put to him or her by the inspector under s. 6.92, the
13 inspectors shall reject the elector's vote. If the challenge is not withdrawn after the
14 person offering to vote has answered the questions, one of the inspectors shall
15 administer to the person the following oath or affirmation: "You do solemnly swear
16 (or affirm) that: you are 18 years of age; you are a citizen of the United States; you
17 are now and for 10 days have been a resident of this ward except under s. 6.02 (2);
18 you have not voted at this election; you have not made any bet or wager or become
19 directly or indirectly interested in any bet or wager depending upon the result of this
20 election; you are not on any other ground disqualified to vote at this election". If the
21 person challenged refuses to take the oath or affirmation, the person's vote shall be
22 rejected. If the person challenged answers fully all relevant questions put to the
23 elector by the inspector under s. 6.92, takes the oath or affirmation, and fulfills the
24 applicable registration requirements, ~~where applicable,~~ and if the answers to the

1 questions given by the person indicate that the person meets the voting qualification
2 requirements, the person's vote shall be received.

3 SECTION 84. 6.95 of the statutes is amended to read:

4 **6.95 Voting procedure for challenged electors.** Whenever the inspectors
5 under ss. 6.92 to 6.94 receive the vote of a person offering to vote who has been
6 challenged, they shall give the elector a ballot. Before depositing the ballot, the
7 inspectors shall write on the back of the ballot the serial number of the challenged
8 person corresponding to the number kept at the election on the ~~registration or~~ poll
9 list, or other list maintained under s. 6.79. If voting machines are used in the
10 municipality where the person is voting, the person's vote may be received only upon
11 an absentee ballot furnished by the municipal clerk which shall have the
12 corresponding serial number from the ~~registration or~~ poll list or other list
13 maintained under s. 6.79 written on the back of the ballot before the ballot is
14 deposited. The inspectors shall indicate on the list the reason for the challenge. The
15 challenged ballots shall be counted under s. 5.85 or 7.51. The municipal board of
16 canvassers may decide any challenge when making its canvass under s. 7.53. If the
17 returns are reported under s. 7.60, a challenge may be reviewed by the county board
18 of canvassers. If the returns are reported under s. 7.70, a challenge may be reviewed
19 by the chairperson of the board or the chairperson's designee. The decision of any
20 board of canvassers or of the chairperson or chairperson's designee may be appealed
21 under s. 9.01. The standard for disqualification specified in s. 6.325 shall be used to
22 determine the validity of challenged ballots.

23 SECTION 85. 6.96 of the statutes is created to read:

24 **6.96 Voting procedure for electors voting pursuant to federal court**
25 **order.** Whenever any elector is allowed to vote at a polling place pursuant to a

1 federal court order after the closing time provided under s. 6.78, the inspectors shall
2 give the elector a ballot. Before depositing the ballot, the inspectors shall write on
3 the back of the ballot the serial number of the elector corresponding to the number
4 kept at the election on the poll list, or other list maintained under s. 6.79. If voting
5 machines are used in the municipality where the elector is voting, the elector's vote
6 may be received only upon an absentee ballot furnished by the municipal clerk which
7 shall have the corresponding number from the poll list or other list maintained under
8 s. 6.79 written on the back of the ballot before the ballot is deposited. When receiving
9 the elector's ballot, the inspectors shall provide the elector with the written voting
10 information prescribed by the board under s. 7.08 (8). The inspectors shall indicate
11 on the list the fact that the elector is voting pursuant to a federal court order. The
12 ballot shall be counted under s. 5.85 or 7.51 unless the order is vacated. If the order
13 is vacated after the ballot is counted, the appropriate board or boards of canvassers
14 or the chairperson of the board or his or her designee shall reopen the canvass to
15 discount any ballots that were counted pursuant to the vacated order and adjust the
16 statements, certifications, and determinations accordingly.

17 SECTION 86. 6.97 of the statutes is created to read:

18 **6.97 Voting procedure for individuals not providing required**
19 **identification.** (1) Whenever any individual who is required to provide
20 identification in order to be permitted to vote appears to vote at a polling place and
21 cannot provide the required identification or inspectors cannot verify the document
22 submitted by the individual, the inspectors shall offer the opportunity for the
23 individual to vote under this section. If the individual wishes to vote, the inspectors
24 shall require the individual to execute a written affirmation before the inspectors
25 stating that the individual is a qualified elector of the ward or election district where

1 he or she offers to vote and is eligible to vote in the election. The inspectors shall then
2 give the individual a ballot. Before depositing the ballot, the inspectors shall write
3 on the back of the ballot the serial number of the individual corresponding to the
4 number kept at the election on the poll list or other list maintained under s. 6.79.
5 If voting machines are used in the municipality where the individual is voting, the
6 individual's vote may be received only upon an absentee ballot furnished by the
7 municipal clerk which shall have the corresponding number from the poll list or
8 other list maintained under s. 6.79 written on the back of the ballot before the ballot
9 is deposited. When receiving the individual's ballot, the inspectors shall provide the
10 individual with written voting information prescribed by the board under s. 7.08 (8).
11 The inspectors shall indicate on the list the fact that the individual is required to
12 provide identification but did not do so or the document submitted by the individual
13 could not be verified by the inspectors. The inspectors shall notify the individual that
14 he or she may provide identification to the municipal clerk. The inspectors shall also
15 promptly notify the municipal clerk of the name, address, and serial number of the
16 individual. If, prior to the completion of the canvass of the election by the municipal
17 board of canvassers, the municipal clerk notifies the board of canvassers that the
18 individual is qualified to vote in the ward or election district where the individual's
19 ballot was cast, the vote of the individual shall be counted. Otherwise, the vote of
20 the individual may not be counted.

21 (2) Whenever any individual who votes by absentee ballot is required to
22 provide identification in order to be permitted to vote and does not provide the
23 required identification or the inspectors cannot verify the document submitted by
24 the individual, the inspectors shall write on the back of the absentee ballot the serial
25 number of the individual corresponding to the number kept at the election on the poll

1 list or other list maintained under s. 6.79. The inspectors shall indicate on the list
2 the fact that the individual is required to provided identification but did not do so or
3 the document submitted by the individual could not be verified by the inspectors.
4 The inspectors shall promptly notify the municipal clerk of the name, address, and
5 serial number of the individual. If, prior to completion of the canvass by the
6 municipal board of canvassers, the municipal clerk notifies the board of canvassers
7 that the individual is qualified to vote in the ward or election district where the
8 individual's ballot was cast, the vote of the individual shall be counted. Otherwise,
9 the vote of the individual may not be counted.

10 SECTION 87. 7.08 (1) (c) of the statutes is amended to read:

11 7.08 (1) (c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (4), 6.33 (1),
12 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
13 such forms shall contain a statement of the penalty applicable to false or fraudulent
14 registration or voting through use of the form. Forms are not required to be furnished
15 by the board.

16 SECTION 88. 7.08 (6) and (8) of the statutes are created to read:

17 7.08 (6) ENFORCEMENT OF FEDERAL VOTING SYSTEM STANDARDS. Following each
18 general election, audit the performance of each voting system used in this state to
19 determine the error rate of the system in counting ballots that are validly cast by
20 electors. If the error rate exceeds the rate permitted under standards of the federal
21 election commission in effect on October 29, 2002, the board shall take remedial
22 action and order remedial action to be taken by affected counties and municipalities
23 to ensure compliance with the standards. Each county and municipality shall
24 comply with any order received under this subsection.

1 (8) ELECTORS VOTING PURSUANT TO FEDERAL COURT ORDER. Prescribe a written
2 notice to be distributed to electors who vote under s. 6.96 or 6.97 that informs an
3 elector how to obtain information regarding whether his or her vote has been
4 counted, and if the vote will not be counted, the reason that the vote will not be
5 counted.

6 SECTION 89. 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 90. 7.10 (7) and (8) of the statutes are created to read:

13 7.10 (7) VOTER EDUCATION. Each county clerk shall assist the board in
14 conducting educational programs under s. 5.05 (12) to inform electors about the
15 voting process.

16 (8) TOLL-FREE ELECTION INFORMATION EXCHANGE. Each county clerk shall assist
17 the board in maintaining toll-free telephone lines and other information access
18 systems under s. 5.05 (13) for exchange of voting information.

19 SECTION 91. 7.15 (1) (c) of the statutes is amended to read:

20 7.15 (1) (c) Prepare ballots for municipal elections, and distribute ballots and
21 provide other supplies for conducting all elections. The municipal clerk shall deliver
22 ~~poll list forms received from the county clerk to the polling places with the ballots to~~
23 the polling places before the polls open.

24 SECTION 92. 7.15 (4) of the statutes is amended to read:

1 7.15 (4) RECORDING ELECTORS. After each election where registration is used,
2 the municipal clerk shall make a record of each elector who has voted at the election
3 by stamping or writing the date of the election in the appropriate space on the
4 original registration form of the elector. Municipalities employing data processing
5 may, in lieu of this requirement, record voting information in such a manner that it
6 is readily available for retrieval by computer.

7 SECTION 93. 7.15 (9) and (10) of the statutes are created to read:

8 7.15 (9) VOTER EDUCATION. Each municipal clerk shall assist the board in
9 conducting educational programs under s. 5.05 (12) to inform electors about the
10 voting process.

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

14 SECTION 94. 7.23 (1) (e) of the statutes is amended to read:

15 7.23 (1) (e) ~~Registration and poll~~ Poll lists created at a nonpartisan primary or
16 election may be destroyed 2 years after the primary or election at which they were
17 created and ~~registration and poll~~ lists created at a partisan primary or election may
18 be destroyed 4 years after the primary or election at which they were created.

19 SECTION 95. 7.37 (7) of the statutes is amended to read:

20 7.37 (7) ~~REGISTRATION AND POLL~~ POLL LISTS. Two inspectors shall be assigned
21 to have charge of the ~~registration or~~ poll lists at each election.

22 SECTION 96. 7.51 (2) (a) of the statutes is amended to read:

23 7.51 (2) (a) The inspectors shall first compare the poll ~~or registration~~ lists,
24 correcting any mistakes until the poll ~~or registration~~ lists agree. The chief inspector
25 and the inspectors who are responsible for recording electors under s. 6.79 shall

1 verify the correctness of the poll ~~or registration~~ lists after the polls close by each
2 signing their name thereto. Where ballots are distributed to electors, the inspectors
3 shall then open the ballot box and remove and count the number of ballots therein
4 without examination except as is necessary to ascertain that each is a single ballot.
5 If 2 or more ballots are folded together so as to appear as a single ballot, the inspectors
6 shall lay them aside until the count is completed; and if, after a comparison of the
7 count and the appearance of the ballots it appears to a majority of the inspectors that
8 the ballots folded together were voted by the same person they may not be counted
9 but the inspectors shall mark them as to the reason for removal, set them aside and
10 carefully preserve them. The inspectors shall then proceed under par. (b).

11 **SECTION 97.** 7.51 (2) (c) of the statutes is amended to read:

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

22 **SECTION 98.** 7.51 (2) (e) of the statutes is amended to read:

23 7.51 (2) (e) If, after any ballots have been laid aside, the number of ballots still
24 exceeds the total number of electors recorded on the ~~registration or~~ poll list, the
25 inspectors shall separate the absentee ballots from the other ballots. If there is an

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

16 SECTION 99. 7.51 (4) (a) of the statutes is amended to read:

17 7.51 (4) (a) The tally sheets shall state the total number of votes cast for each
18 office and for each individual receiving votes for that office, whether or not the
19 individual's name appears on the ballot, and shall state the vote for and against each
20 proposition voted on. Upon completion of the tally sheets, the inspectors shall
21 immediately complete inspectors' statements in duplicate. The inspectors shall state
22 the excess, if any, by which the number of ballots exceeds the number of electors
23 voting as shown by the poll ~~or registration~~ list, if any, and shall state the number of
24 the last elector as shown by the ~~registration or~~ poll lists. At least 3 inspectors,
25 including the chief inspector and, unless election officials are appointed under s. 7.30

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

6 SECTION 100. 7.51 (5) (a) of the statutes is amended to read:

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

22 SECTION 101. 9.01 (1) (b) 1. of the statutes is amended to read:

23 9.01 (1) (b) 1. The board of canvassers shall first compare the ~~registration or~~
24 poll lists and determine the number of voting electors.

25 SECTION 102. 9.01 (11) of the statutes is amended to read:

INS 21
51-21

1 9.01 (11) **EXCLUSIVE REMEDY.** ~~This~~ Except as authorized in ss. 5.061 and 227.52,
2 this section constitutes the exclusive judicial remedy for testing the right to hold an
3 elective office as the result of an alleged irregularity, defect or mistake committed
4 during the voting or canvassing process.

Handwritten scribble with numbers 4, 5, 6 and other illegible marks.

5 **SECTION 103.** 10.02 (3) (a) of the statutes is amended to read:

6 10.02 (3) (a) Upon entering the polling place and before being permitted to vote,
7 an elector shall ~~give state~~ his or her name and address ~~before being permitted to vote~~
8 and provide identification if required by federal law. Where ballots are distributed
9 to electors, the initials of 2 inspectors must appear on the ballot. Upon being
10 permitted to vote, the elector shall retire alone to a voting booth or machine and cast
11 his or her ballot, except that an elector who is a parent or guardian may be
12 accompanied by the elector's minor child or minor ward. An election official may
13 inform the elector of the proper manner for casting a vote, but the official may not
14 in any manner advise or indicate a particular voting choice.

Handwritten scribble with numbers 14, 15, 16 and other illegible marks.

15 **SECTION 104.** 15.617 of the statutes is created to read:

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

24 **SECTION 105.** 20.002 (11) (d) 2m. of the statutes is created to read:

25 20.002 (11) (d) 2m. The election administration fund under s. 5.055.

1 SECTION 106. 20.005 (3) (schedule) of the statutes: at the appropriate place,
2 insert the following amounts for the purposes indicated:

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	2003-04	2004-05
20.510 Elections board		
(1) ADMINISTRATION OF ELECTION AND CAMPAIGN LAWS		
(v) Election administration	SEG A	-0- -0-

7 SECTION 107. 20.510 (1) (t) of the statutes is created to read:

8 20.510 (1) (t) *Election administration; state contribution.* From the election
9 administration fund, a sum sufficient to meet federal requirements for state
10 contribution towards elections administration costs financed with federal aid under
11 P.L. 107-252.

12 SECTION 108. 20.510 (1) (u) of the statutes is created to read:

13 20.510 (1) (u) *Federal audit exceptions.* From the election administration fund,
14 a sum sufficient to repay the federal government for federal aid received by this state
15 under P.L. 107-252 that the federal government requires to be refunded or that is
16 used for purposes for which federal financial participation is denied.

17 SECTION 109. 20.510 (1) (v) of the statutes is created to read:

18 20.510 (1) (v) *Election administration.* From the election administration fund,
19 the amounts in the schedule to meet federal requirements for the conduct of federal
20 elections under P.L. 107-252.

21 SECTION 110. 20.510 (1) (x) of the statutes is created to read:

22 20.510 (1) (x) *Federal aid.* From the election administration fund, all moneys
23 received from the federal government, as authorized by the governor under s. 16.54,
24 to be used for election administration costs under P.L. 107-252.

1 **SECTION 111.** 20.855 (4) (bp) of the statutes is created to read:

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

5 **SECTION 112.** 25.17 (1) (e) of the statutes is created to read:

6 25.17 (1) (e) Election administration fund (s. 25.425);

7 **SECTION 113.** 25.425 of the statutes is created to read:

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

12 **SECTION 114.** 51.62 (3) (a) 4. of the statutes is created to read:

13 51.62 (3) (a) 4. Engage in activities to ensure full participation in the electoral
14 process for eligible electors with mental illness or developmental disabilities,
15 including registering to vote, voting, and obtaining access to polling places.

16 **SECTION 115.** 51.62 (3m) of the statutes is amended to read:

17 51.62 (3m) **FUNDING.** From the appropriation under s. 20.435 (7) (md), the
18 department may not distribute more than \$75,000 in each fiscal year and, from the
19 appropriation under s. 20.435 (7) (na), the department shall distribute funds made
20 available under P.L. 107–252 to the protection and advocacy agency for performance
21 of community mental health protection and advocacy services.

22 **SECTION 116.** 59.05 (2) of the statutes is amended to read:

23 59.05 (2) If two-fifths of the legal voters of any county, to be determined by the
24 registration ~~or~~ poll lists of the last previous general election held in the county, the
25 names of which voters shall appear on some one of the registration ~~or~~ poll lists of such

1 election, present to the board a petition conforming to the requirements of s. 8.40
2 asking for a change of the county seat to some other place designated in the petition,
3 the board shall submit the question of removal of the county seat to a vote of the
4 qualified voters of the county. The board shall file the question as provided in s. 8.37.
5 The election shall be held only on the day of the general election, notice of the election
6 shall be given and the election shall be conducted as in the case of the election of
7 officers on that day, and the votes shall be canvassed, certified and returned in the
8 same manner as other votes at that election. The question to be submitted shall be
9 “Shall the county seat of county be removed to?”.

10 SECTION 117. 117.20 (2) of the statutes is amended to read:

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

22 SECTION 118. 120.06 (5) of the statutes is repealed.

23 SECTION 119. 125.05 (2) (h) of the statutes is amended to read:

24 125.05 (2) (h) *Number of electors.* The number of electors in a residence district
25 shall equal not less than the number of names with residences in the district which

1 appear on ~~a~~ the registration list, as defined in s. 5.02 (17). ~~If there is no registration~~
2 ~~list, the number of electors shall equal the number of names with residences in the~~
3 ~~district which appear on a poll list as defined in s. 5.02 (14) compiled at the last~~
4 ~~gubernatorial or presidential election, whichever is most recent, for the residence~~
5 district on the date that the remonstrance, consent, or counter petition is filed. A
6 person whose name does not appear on a registration list ~~or poll list~~ may not sign a
7 protest petition, consent or counter petition.

8 **SECTION 120. Initial applicability.**

9 (1) The treatment of sections 5.02 (17), 6.20, 6.24 (3), (4) (a) and (c), and (8), 6.27
10 (1) and (2) to (5), 6.28 (2) (b) and (3), 6.285, 6.29 (2) (a) and (b), 6.36 (2) (a) and (c),
11 6.50 (1) (intro.) and (2m), 6.54, 6.55 (2) (a) 1. (intro.), (b), and (c) 1. and 2., (3), and
12 (7) (c) 2., 6.79 (intro.), (1), (2), (4), (5), and (6) (a) and (b), 6.82 (1) (a), 6.86 (3) (a) 1.
13 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 (7), 7.51
14 (2) (a), (c), and (e), (4) (a), and (5) (a), 9.01 (1) (b) 1., 59.05 (2), 117.20 (2), 120.06 (5),
15 and 125.05 (2) (h) of the statutes first applies with respect to the 2004 spring primary
16 election.

17 **SECTION 121. Effective dates.** This act takes effect on the day after
18 publication, except as follows:

19 (1) The treatment of sections 5.02 (24w), 5.05 (12), 5.25 (4) (a) and (c), 5.91 (15)
20 to (18), 6.869, 7.08 (6), 7.10 (7) and 7.15 (9) of the statutes, the renumbering of section
21 5.87 of the statutes and the creation of section 5.87 (2) of the statutes take effect on
22 January 1, 2006.

23 (2) The treatment of sections 5.05 (13), 5.35 (6) (a) 2m. 4., 4a., and 4b., 6.96, 7.08
24 (8), 7.10 (8) and 7.15 (10) of the statutes takes effect on January 1, 2004.

25 (END)

D-note

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0610/P4ins
JTK.....

SAE ✓
o Plan
1 no names
of "identification"
chs 5 to 12 ✓
X-revs ✓

plain

x

13-10

SECTION 1. 5.55 (title) of the statutes is amended to read:

5.55 (title) Ballot identification Identifying information on ballots.

History: 1985 a. 304; 1997 a. 250; 1999 a. 182; 2001 a. 16.

SECTION 2. 6.55 (7) (a) (intro.) of the statutes is amended to read:

6.55 (7) (a) (intro.) For purposes of this section, a form of identification an identifying document constitutes acceptable proof of residence if it includes:

History: 1971 c. 304 s. 29 (2); 1973 c. 222; 1975 c. 85, 93, 199, 200; 1977 c. 394, 427; 1979 c. 311; 1981 c. 44 s. 3; 1981 c. 202 s. 23; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1999 a. 49, 186.

SECTION 3. 6.55 (7) (b) of the statutes is amended to read:

6.55 (7) (b) If an elector's address has changed since a piece of identification an identifying document was issued, the new information may be typed or printed on the identification- document by hand, in ink.

History: 1971 c. 304 s. 29 (2); 1973 c. 222; 1975 c. 85, 93, 199, 200; 1977 c. 394, 427; 1979 c. 311; 1981 c. 44 s. 3; 1981 c. 202 s. 23; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1999 a. 49, 186.

SECTION 4. 6.55 (7) (c) (intro.) of the statutes is amended to read:

6.55 (7) (c) (intro.) Forms of identification Identifying documents which constitute acceptable proof of residence under this section, when they contain the information specified in par. (a), include the following:

History: 1971 c. 304 s. 29 (2); 1973 c. 222; 1975 c. 85, 93, 199, 200; 1977 c. 394, 427; 1979 c. 311; 1981 c. 44 s. 3; 1981 c. 202 s. 23; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1999 a. 49, 186.

SECTION 5. 6.55 (7) (d) of the statutes is amended to read:

6.55 (7) (d) Forms of identification Identifying documents specified in par. (c) which are valid for use during a specified period shall be valid on the day of an election in order to constitute acceptable proof of residence at that election.

History: 1971 c. 304 s. 29 (2); 1973 c. 222; 1975 c. 85, 93, 199, 200; 1977 c. 394, 427; 1979 c. 311; 1981 c. 44 s. 3; 1981 c. 202 s. 23; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1999 a. 49, 186.

SECTION 6. 6.86 (3) (b) of the statutes is amended to read:

6.86 (3) (b) When each properly executed form and statement required under par. (a) is presented to the municipal clerk, if the elector who proposes to vote is qualified, an absentee ballot shall be issued and the name of such hospitalized elector

33-11

JWS
33-17

38-7



38-7
contd

shall be recorded by the clerk or special registration deputy. An agent who is issued an absentee ballot under this section shall present identification documentation of his or her identity, provide his or her name and address, and attest to a statement that the ballot is received solely for the benefit of a named elector who is hospitalized, and the agent will promptly transmit the ballot to such person.

end

History: 1975 c. 85 ss. 37, 38, 65; 1975 c. 90, 199, 200, 275, 422; 1977 c. 394 ss. 14, 40, 41; 1979 c. 232, 311; 1981 c. 391; 1983 a. 183, 484; 1985 a. 304 ss. 69, 156; 1987 a. 391; 1995 a. 313; 1999 a. 182, 2001 a. 51

SECTION 7. 8.17 (1) (a) of the statutes is amended to read:

51-21

8.17 (1) (a) Political parties qualifying for a separate ballot under s. 5.62 (1) (b) or (2) shall elect their party committeemen and committeewomen as provided under sub. (5) (b). The function of committeemen and committeewomen is to represent their neighborhoods in the structure of a political party. Committeemen and committeewomen shall act as liaison representatives between their parties and the residents of the election districts in which they serve. Activities of committeemen and committeewomen shall include, but not be limited to, voter identification identifying voters; assistance in voter registration drives; increasing voter participation in political parties; polling and other methods of passing information from residents to political parties and elected public officials; and dissemination of information from public officials to residents. For assistance in those and other activities of interest to a political party, each committeeman and committeewoman may appoint a captain to engage in these activities in each ward, if the election district served by the committeeman or committeewoman includes more than one ward. In an election district which includes more than one ward, the committeeman or committeewoman shall coordinate the activities of the ward captains in promoting the interests of his or her party.

History: 1971 c. 304 s. 29 (1), (2); 1971 c. 336; 1973 c. 334; 1979 c. 260, 311, 355; 1981 c. 116; 1983 a. 484, 549; 1985 a. 131, 304; 1987 a. 391; 1991 a. 316; 1993 a. 184; 1999 a. 182.

52-14A

SECTION 8. 11.30 (title) of the statutes is amended to read:

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

History: 1973 c. 334; 1975 c. 93, 199, 224, 422; 1979 c. 328; 1983 a. 491; 1985 a. 303; 1987 a. 370; 1989 a. 192; 1991 a. 316.

SECTION 9. 12.13 (3) (u) of the statutes is amended to read:

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

History: 1973 c. 334; 1975 c. 85, 93, 199; 1977 c. 427, 447; 1979 c. 89, 249, 260, 311, 357; 1983 a. 183 s. 45; 1983 a. 192 s. 304; 1983 a. 484 ss. 135, 172 (3), 174; 1983 a. 491; 1985 a. 304; 1987 a. 391; 1989 a. 192; 1991 a. 316; 1999 a. 49; 2001 a. 16.

JWS
52-14B

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

4 SECTION 46. 6.36 (2) (a) of the statutes is amended to read:

5 6.36 (2) (a) Except as provided in ~~par.~~ par. (b) and (c), the, each registration
6 lists list prepared for use at a polling place shall contain the full name and address
7 of each registered elector; the number of a valid operator's license issued to the
8 elector under ch. 343, the last 4 digits of the elector's social security account number
9 and any supplemental identification assigned under s. 6.285 (2), or the registration
10 identification number issued to the elector under s. 6.285; a blank column for the
11 entry of the serial number of the electors when they vote; if the list is prepared for
12 use at an election for national office, an indication next to the name of each elector
13 for whom identification is required under ^{par. (c) 2.} ~~sub. (1)(b)~~; and a form of a certificate
14 bearing the certification of the executive director of the board stating that ~~each~~ the
15 list is a true and complete ~~combined check and~~ registration list of the respective
16 municipality or the ward or wards for which the list is prepared.

17 SECTION 47. 6.36 (2) (c) of the statutes is created to read:

18 6.36 (2) (c) 1. In this paragraph:

19 a. "Military elector" means a member of a uniformed service on active duty who,
20 by reason of that duty, is absent from the residence where the member is otherwise
21 qualified to vote; a member of the merchant marine, as defined in s. 6.22 (1) (a), who
22 by reason of service in the merchant marine, is absent from the residence where the
23 member is otherwise qualified to vote; or the spouse or dependent of any such
24 member who, by reason of the duty or service of the member, is absent from the
25 residence where the spouse or dependent is otherwise qualified to vote.

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

LRB-0610/P4dn

JTK.....

ej's

Kevin Kennedy:

This redraft makes technical changes related to establishing a definition of "identification". It does not change the definition used in the previous draft. The portions of the federal law relating to the required agreements between the elections board and DOT and between the DOT and the Commissioner of Social Security have yet to be incorporated into the draft. We will redraft to include these portions when time permits.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0610/P4dn
JTK:cjs:ch

December 26, 2002

Kevin Kennedy:

This redraft makes technical changes related to establishing a definition of "identification". It does not change the definition used in the previous draft. The portions of the federal law relating to the required agreements between the elections board and DOT and between DOT and the Commissioner of Social Security have yet to be incorporated into the draft. We will redraft to include these portions when time permits.

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STEVEN V. PONTO
Chairperson

KEVIN J. KENNEDY
Executive Director

January 10, 2002

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

Dear Jeff,

Thank you for the very detailed work on the initial drafts (LRB 0610/P4) of legislation to implement the Help America Vote Act of 2002, P.L. 107-252. I have a number of changes that I would like you to incorporate into the draft. I will start with some general observations and then proceed by section in the draft legislation.

1. **Unique voting identification number.** In the draft there are several references to a voter obtaining a unique voting identification number from the Elections Board if the voter does not supply a Wisconsin operator's license number or the last 4 digits of the voter's social security number (SSN). The federal law requires an individual registering to vote to provide a driver's license number or the last 4 digits of their SSN or a statement that the individual does not have a driver's license or a social security number. If the individual does not have either element, then the Elections Board assigns the unique identification number to the voter's record in the state registration file.

This is not a number that will be given to the voter, but a number that will be used in the system to track the voter and match the voter against various data bases as required by the federal law. When the statewide voter list is designed, we will determine how that number will be generated. I do not envision that the Elections Board will distribute these numbers to voters at their request. The number will be part of the statewide voter list as a data management tool.

The draft should not contain references to this number in several locations that I will identify later. This will mean a change to Section 35.

2. **Privacy issues.** Under federal law, the Department of Transportation treats the operator's license number as exempt from the public records law. The number has to be collected as part of the voter registration process and has to be included in the data base. I would like to provide in this legislation that the operator's license number and the last 4 digits of the social security number are not a public record. We may choose to generate the unique voting identification number in the same manner that the operator's license number is generated. We already shield address information from public access for voters that qualify under S. 6.47, Wis. Stats. The operator's license number and the last 4 digits of the social security number should not be accessible through this list because they are not accessible through DOT or the Social Security Administration.
3. **Complaint procedure.** I do not think that the complaint procedure should permit reopening canvass results. The procedure is limited to addressing failure to comply with HAVA requirements. The complaint procedure should not be a means to change election outcomes. It was designed as a substitute for a private right of action by citizens aggrieved by a failure to comply with HAVA requirements. A citizen that brings a civil rights action because of an infringement of voting rights does not get to change the results of the election. See sections 7 and 109.
4. **Section 1.** The new definition of identification meets the minimum standard under the federal law. Wisconsin could choose to require that the photo identification contain the individual's full name and current

address, similar to the requirement for identifying information for proof of residence set out in S. 6.55 (7)(a)1. Wis. Stats. For purposes of this draft, the definition should stay as drafted. The legislature may want to make the two provisions identical.

5. **Section 3.** It is important that the definition of a voting system permit a combination of voting mechanisms available at the polling place. For example, the use of paper ballots and an optical scan system at a polling place must be treated as part of the "voting system" for that polling place. Otherwise each component voting device at a polling place will have to be treated as fully accessible to persons with disabilities. The only cost effective way to address the accessibility issue is to ensure that an optical scan voting system can be enhanced or supplemented with a barrier free component voting device.
6. **Section 4.** Federal law holds the chief election officer responsible for developing the state plan. While the Elections Board will have a significant role to play in its development, the draft should refer to the executive director rather than the Board.
7. **Section 4.** The draft requires that the Board provide financial assistance to counties and municipalities. The language should be permissive. It is entirely possible that any funding made available will be spent by the state to make infrastructure improvements that benefit local election administration. The federal grant management requirements are onerous enough for our agency, without adding oversight of local election officials grant management practices.
8. **Section 5.** The language authorizing a toll free line for provisional ballots should be permissive. There may be more cost effective means of informing voters who cast provisional ballots whether the ballot was counted. In most cases it will be the municipality, not the Board that has this responsibility. We need to retain as much flexibility in dealing with what is likely to be a very minimal requirement.
9. **Section 6.** The local election official that will serve on the federal standards board should be selected under the process supervised by the executive director rather than elected. Also, notification of new members should be given to the appropriate federal official, because once the new federal commission is up and running it will receive notice of any changes.
10. **Section 7.** I think that the complaint procedure can be incorporated into S. 5.06, Wis. Stats. The key elements are that the complaint must be written and sworn. If the complainant requests a hearing it does not have to be a contested case hearing. The Board needs to have flexibility in processing these complaints. The purpose of the complaint procedure is to provide an aggrieved voter with an administrative remedy for failure to comply with the HAVA requirements. For that reason there should not be administrative authority for reopening and correcting canvass results in response to a HAVA based complaint.
11. **Section 22.** Current law makes reference to a voter in the clerk's office depositing a ballot and sealing it in an envelope. The ballot should be "placed" in the envelope rather than "deposited".
12. **Section 32.** The federal absentee voting statistics should be provided to the Board to transmit to the Department of Defense. I think that this can be incorporated into S. 6.275, Wis. Stats., which needs to be changed to reflect the statewide voter registration requirements. The Board will need access to this information to efficiently administer elections and to serve as the primary contact for UOCAVA information for military and overseas electors under Section 16. We should not have to go to DOD or municipal clerks for this information. We will have to work with the municipal clerks to make sure this information is collected and reported.
13. The Elections Board should be given authority under S. 5.05, Wis. Stats., to request and receive information from counties and municipalities with respect to election administration. Many local officials balk at providing polling place accessibility data, poll worker wage information and other information that the legislature and the public expect the agency to have access to. See 1993 Assembly Bill 1217.

14. **Section 35.** I do not believe that this section is necessary based on my discussion in Number 1. The federal requirement is each voter on the list has an assigned unique identifier. S.303 (a)(1)A (iii). The requirement can be placed in our law under S. 6.36, but it merely repeats the federal standard.
15. **Section 39.** The voter does not provide the unique identifier. This language should be removed.
16. **Section 45.** There are some basic structural issues that need to be changed in the section on the statewide voter registration list. As described in Number 14, this is the place to clarify that the Elections Board assigns the unique identifier. This is also the section where the privacy provisions for the operator's license number and last 4 digits of the SSN can be added.

I do not believe that the Elections Board should be limited on what changes it can make to the information in the system. It may be necessary for list maintenance for the agency staff or a contractor to make changes. For example the matching process will require that someone correct the problems identified. The Board will establish operating procedures and practices for the maintenance of the statewide voter registration list.

We also need to have a provision that enables municipalities to delegate to or contract with another municipality, county or the SEB for maintaining the voter data for their municipality. We know that many smaller municipalities do not have the resources to do this. In Michigan, the county does this for municipalities with a population of less than 5,000.

17. **Section 46.** In order to protect the privacy of the operator's license number and last 4 digits of the SSN, this information should not be on the registration list used at the polling place. I do not think we should be too specific about the format of the poll list, so that we can have some flexibility on implementation.
18. **Section 58.** The voter does not provide the unique identifier. This language should be removed. The corroborator should not have to provide anything more than current law, proof of residence.
19. **Section 59.** The voter does not provide the unique identifier. This language should be removed.
20. **Section 60.** The corroborator should not have to provide anything more than current law, proof of residence.
21. **Section 62.** The voter does not provide the unique identifier. This language should be removed. The corroborator should not have to provide anything more than current law, proof of residence.
22. **Section 71.** Rather than be required to maintain separate lists for new Wisconsin residents voting for president only (S. 6.15), persons registering in the clerks office after the close of registration (S. 6.29), person registering at the polling place (S. 6.55) and persons reassigned from another polling place (S. 5.25) – the statutory directive should be that this information can be recorded on the poll list. If the list is maintained electronically, one of the functions will be the ability to identify these voters and sort this information from the list.
23. **Section 72.** The voter does not provide the unique identifier. This language should be removed.
24. **Section 76.** The language needs to be clarified to reflect that the assisting individual is merely providing any identification or information on behalf of the assisted elector. The assisting individual does not need to provide any personal identification other than their name and address.
25. **Section 78.** The voter does not provide the unique identifier. This language should be removed.
26. **Section 85.** The requirement that the SEB specify the uniform instruction for absentee voters by rule is too restrictive. The instructions may change by election type. In order to maintain flexibility, the SEB should

simply prescribe the instructions. Currently the recount procedures, S. 9.01(10) Wis. Stats., ballot design, S. 7.08 (1)(a) Wis. Stats., and other forms, S. 7.08 (1)(b),(c) Wis. Stats., are prescribed without requiring an administrative rule.

27. **Section 109.** The added language should be deleted. Recounts should continue to be the exclusive means of challenging the outcome of an election based on electoral irregularities. Nothing in HAVA requires this change.
28. **Section 122.** The statute should provide that any interest earned on the fund balance stays with the fund for distribution.

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

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Executive Director