

JWS SA

1 AN ACT to amend 6.46, 6.86 (1) (ar), 7.24 and 7.51 (3) (b) and (5); and to
 2 create 5.05 (10), 7.10 (5), 7.15 (9) and 7.235 of the statutes,
 3 relating to provision of certain information and election materials to
 4 the elections board, the authorized full-time equivalent positions for
 5 the elections board and making an appropriation.

Analysis by the Legislative Reference Bureau

1A The
~~This~~ ^{also} bill ^{also} permits the elections board to request that county or municipal clerks or boards of election commissioners provide information to the board relating to election administration, performance of electronic voting systems and voting machines, and use of paper ballots in elections, and directs the clerks and boards to provide the board with any such requested information.

The bill also permits the elections board, upon expiration of the period for requesting a recount with respect to an election, to order any county or municipal clerk or board of election commissioners to deliver to it any ballots or other voting materials relating to that election for the purpose of studying the effectiveness of the electoral system and evaluating the efficiency of electronic voting systems, voting machines and paper ballots used at that election. The authority does not apply if any court has ordered retention of the materials by a clerk or board of election commissioners.

In addition, the bill provides one additional authorized full-time equivalent position for the elections board and provides funding for the board to evaluate the effectiveness of punch card voting in this state.

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

The people of the state of Wisconsin, represented in senate and assembly,

do enact as follows:

6 SECTION 1. 5.05 (10) of the statutes is created to read:

FWS 11-1:1

1 AN ACT to amend 6.46, 6.86 (1) (ar), 7.24 and 7.51 (3) (b) and (5); and to
 2 create 5.05 (10), 7.10 (5), 7.15 (9) and 7.235 of the statutes,
 3 relating to provision of certain information and election materials to
 4 the elections board, the authorized full-time equivalent positions for
 5 the elections board and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill permits the elections board to request that county or municipal clerks or boards of election commissioners provide information to the board relating to election administration, performance of electronic voting systems and voting machines and use of paper ballots in elections, and directs the clerks and boards to provide the board with any such requested information.

The bill also permits the elections board, upon expiration of the period for requesting a recount with respect to an election, to order any county or municipal clerk or board of election commissioners to deliver to it any ballots or other voting materials relating to that election for the purpose of studying the effectiveness of the electoral system and evaluating the efficiency of electronic voting systems, voting machines and paper ballots used at that election. The authority does not apply if any court has ordered retention of the materials by a clerk or board of election commissioners.

In addition, the bill provides one additional authorized full-time equivalent position for the elections board and provides funding for the board to evaluate the effectiveness of punch card voting in this state.

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

The people of the state of Wisconsin, represented in senate and assembly,

do enact as follows:

6 SECTION 1. 5.05 ⁽¹⁴⁾ of the statutes is created to read:

1 5.05 ^(B)₍₁₄₎₍₁₀₎ ^(CS) INFORMATION FROM COUNTY AND MUNICIPAL CLERKS. The board
2 may request information from county and municipal clerks relating to
3 election administration, performance of electronic voting systems and
4 voting machines and use of paper ballots in elections.

5 SECTION 2. 6.46 of the statutes is amended to read:

6 6.46 POLL LISTS; COPYING. Poll lists shall be preserved by the
7 municipal clerk until destruction or other disposition is authorized under
8 s. 7.23 or 7.235, and shall be open to public inspection. The municipal
9 clerk shall furnish upon request to each candidate who has filed nomina-
10 tion papers for an office which represents at least part of the munici-
11 pality one copy of the current poll list for those areas for which he or
12 she is a candidate for a fee not to exceed the cost of reproduction. If a
13 copying machine is not accessible, the clerk shall remove the lists from
14 the office for the purposes of copying, and return them immediately
15 thereafter.

16 SECTION 3. 6.86 (1) (ar) of the statutes is amended to read:

17 6.86 (1) (ar) Except as authorized in s. 6.875 (6), the municipal
18 clerk shall not issue an absentee ballot unless the clerk receives a
19 written application therefor from a qualified elector of the municipality.
20 The Except as provided in s. 7.235, the clerk shall retain each absentee

21 ~~ballot application until destruction is authorized under s. 7.23 (1).~~

22 ✓ SECTION 4. 7.10 ⁽⁹⁾₍₉₎ of the statutes is created to read:

23 7.10 ⁽⁹⁾₍₉₎ ^(CS) INFORMATION TO BOARD. Each county clerk shall provide to
24 the board any information requested under s. 5.05 ⁽¹⁴⁾₍₁₄₎.

25 ✓ ~~SECTION 5. 7.13 of the statutes is created to read:~~

26 ⁽¹²⁾₍₁₂₎ ^(CS) INFORMATION TO BOARD. Each municipal clerk shall provide to
27 the board any information requested under s. 5.05 ⁽¹⁴⁾₍₁₄₎.

28 ✓ SECTION 6. 7.235 of the statutes is created to read:

JWS
48-15

JWS
49-10

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0610/P5ins
JTK.....

INS 17-4:

^X
SECTION 1. 6.15 (4) (d) of the statutes is amended to read:

6.15 (4) (d) Upon satisfactory completion of the procedure under pars. (b) and (c) the inspectors shall deposit the ballot in the ballot box. The inspectors shall enter the name of each elector voting under this section on the poll list with an indication that the elector is voting under this section or on a separate list maintained for the purpose under s. 6.79 (2) (c).

History: 1977 c. 394; 1979 c. 311; 1981 c. 391; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1997 a. 250; 1999 a. 182; 2001 a. 16, 104.

INS 18-17:

(3) Within 90 days after each general election, the board shall compile the information contained in the reports received from municipal clerks under sub. (2) and transmit the information to the federal Election Assistance Commission.

INS 24-6:

a. No person other than an employee of the board, a municipal clerk, ^(a) deputy clerk, ^(an) executive director of a city board of election commissioners, or a deputy designated by the executive director may view the operator's license number, social security account number, or any supplemental identification or registration identification number of an elector, or the address of an elector to whom an identification serial number is issued under s. 6.47 (3).

INS 49-9:

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



JWS 23-8

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

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

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

13 (b) The ^{municipal} ~~town~~ clerk of any ^{municipality} ~~town~~ having a population of ~~more than 5,000~~ may
14 designate ^{any other municipal clerk, any county clerk or the board} ~~the county clerk of the county where the town is located as the town clerk's~~
15 agent to carry out the functions of the ^{municipal} ~~town~~ clerk under this subsection for that ^{municipality} ~~town~~
16 The ^{municipal} ~~town~~ clerk shall notify the county clerk of any such designation in writing. The
17 ^{municipal} ~~town~~ clerk may, by similar notice to the ^{clerk's agent} ~~county clerk~~ at least 14 days prior to the ^{located} ~~effective~~
18 effective date of any change, discontinue the designation. If the ^{or the} ~~town~~ clerk
19 designates ^{another municipal clerk,} ~~a county clerk~~ as his or her agent, the ^{municipal} ~~town~~ clerk shall immediately
20 forward all registration changes filed with the ^{for the board} ~~town~~ clerk to the ^{municipal} ~~county~~ clerk for
21 electronic entry on the registration list. ✓

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

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

December 26, 2002

LRB-0610/P4dr
JTK:cjs:ch

PSdn

stang

\$TNF

#.
number
the
paragraph

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.

this

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

INS D-Note A

INS D-Note B

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0610/P5dn
JTK.....

INS D-Note

number the paragraphs

#. Concerning proposed s. 5.02 (24w) and the proposed treatment of s. 5.25 (4) (a), stats., which require the voting system used at a polling place ensure access for physically disabled persons, you express concern that the use of the term "voting system" might preclude the use of more than one type of system at a particular polling place. The definition of "voting system" is taken from P.L. 107-252, sec. 301 (b), and encompasses "[t]he total combination of ~~total combination of~~ mechanical, electromechanical, or electronic equipment...that is used to define ballots, to cast and count votes, to report or display election results, and to maintain and produce any audit trail information." In my opinion, this definition encompasses more than one type of voting system and s. 5.25 (4) (a), stats., as amended, does not preclude the use of more than one type of voting system at the same polling place.

#. Concerning proposed s. 5.061, which establishes a complaint procedure for certain alleged violations of P.L. 107-252, sec. 402 (a) (2) (F) of P.L. 107-252 requires a state, if the state determines that there is a violation of any provision of Title III of P.L. 107-252, to "provide the appropriate remedy." Although it may not have been intended, it may be argued that the only remedy that is appropriate for some violations is to correct a canvass and potentially thereby to change an election result. Proposed s. 5.061 (4), which precludes this action, may be inconsistent with the federal requirement.

replace with square bracket

#. Proposed s. 6.33 (5) (a) generally requires municipal clerks and their agents to promptly enter new registrations in the electronic registration list. However, new registrations at a polling place may be entered within 10 days of the election at which they occur. As a practical matter, this should present no problem. However, the language of P.L. 107-252 is tight on this point. Section 303 (a) (1) (a) (vi) provides that "[a]ll voter registration information obtained by any local election official...shall be electronically entered into the computerized list on an expedited basis at the time that the information is provided to the local official." Proposed s. 6.33 (5) (a) appears to be inconsistent with the federal language. The quoted language also appears to run counter to the procedure in s. proposed 6.33 (5) (b) under which municipal clerks who delegate their responsibilities to maintain their electronic registration lists may take in new registrations and send them to their agents for entry at a later time.

#. Concerning proposed s. 6.33 (5) (b), which permits municipal clerks to delegate their electronic registration responsibilities to another clerk or board by mutual consent,

stays

no I ten

the

✓ ↓
 this draft amends s. 6.29 (2) (a), states to permit an elector who wishes to register at the clerk's office after the close of registration to register at the office of the agent instead of at the office of the clerk. The reasons I did this were that the agent will in some cases be more likely to be open for business for 40 hours per week and direct registration with the agent will facilitate immediate updating of the electronic list at the time when prompt updating is most critical. ✓

#. Proposed s. 6.36 (1) (b) 1^{#space}a., which precludes access to certain information in registration lists by certain election officials, appears to contravene P.L. 107-252, sec. 303 (a) (1) (A) (v), which provides that any election official in the state, including any local election official, must be able to obtain immediate electronic access to the information contained in the computerized registration list. Perhaps this provision was only intended to ensure electronic access to nonconfidential information in the list, but the wording is unfortunately broader than that.

#. Concerning the proposed requirement in s. 6.82 (1) (a), states for an individual who assists another elector in voting to provide proof of his or her own residence, this statute is based upon 42 USC s. 1973aa-6, which does not contain this requirement. ○

< end INS D-Note >

Insert A (page 1 of 2)

(B)(1)

Requirements to match information

(A) In accordance with the Help America Vote Act, the bill requires the secretary of transportation (secretary) to enter into two agreements. First, the secretary and the executive director of the ^{Elections} Board must enter into an agreement to match personally identifiable information on the official registration list maintained by the ^{Elections} Board with personally identifiable information in driver licensing and vehicle registration records maintained by the department of transportation (DOT), for the purpose of verifying voter registration information. Second, the secretary must enter into an agreement with the commissioner of the federal social security administration to match the name, date of birth, and social security number

Insert A (page 2 of 2)

of individuals in ^{DOT's} driver licensing and vehicle registration records ~~maintained by DOT~~ with such information in the records of the social security administration and to determine whether any individuals are listed as deceased in social security administration records. This agreement must contain safeguards to maintain the confidentiality of any information disclosed and procedures to allow the secretary to use any information disclosed in maintaining the records of DOT.

(end of insert)

Insert 11-14

SECTION #. CR; 5.056^{*}

(B)

5.056 Matching program with secretary

(B)

of transportation. The executive director of the board shall enter into the agreement with the secretary of transportation specified under s. 85.61(1) personally identifiable to match information on the official registration list maintained by the board under s. 6.36(1) with personally identifiable information maintained by the department of transportation.

Insert 54-20

*

④ SECTION #. CR; 19.69(4)

③

CS

④ 19.69(4) NONAPPLICABILITY. This

=
section does not apply to any matching program
established between the secretary of transportation
and the commissioner of the federal social
security administration pursuant to an agreement
specified under s. 85.61(2).

Insert 57-8 (page 1 of 3)

SECTION #. CR; 85.61

85.61 Compliance with federal Help America

Vote Act. (1) The secretary of transportation

and the executive director of the elections board

shall enter into an agreement to match personally

identifiable information on the official registration

list maintained by the elections board under s.

6.36(1) with personally identifiable information

in the operating record file database under ch.

343 and vehicle registration records under ch. 341

~~maintained by the department~~ to the extent required

to enable the secretary of transportation and the

executive director of the elections board to verify

the accuracy of the information provided for the

purpose of voter registration.

Insert 57-8 (page 2 of 3)

Ⓟ

91

(2) The secretary of transportation shall enter into an agreement with the commissioner of the federal social security administration for the purpose of verifying whether the name, date of birth, and social security number of an individual in the operating record file database under ch. 343 or vehicle registration records under ch. 341 match the information contained in the records of the social security administration and determining whether such individual is shown on the records of the social security administration as being deceased. The agreement shall include safeguards to ensure the maintenance of the confidentiality of any personally identifiable information ~~disclosed~~ disclosed and procedures to permit the secretary of transportation to use any applicable personally identifiable information for

disclosed



Insert 57-8 (page 3 of 3)

purposes related to maintenance of departmental records.

(end of insert)

INS D-NOTE B

~~LRB-0610/PS~~
~~JTK & TNF~~

~~DRAFTER'S NOTE~~

Please see proposed ss. 5.056, 19.69(4),
and 85.61 for provisions relating to agreements
that the secretary of transportation is required
to enter into for the matching of personally
identifiable information. ✓

TNF

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0610/P5dn
JTK&TNF:cjs:jf

February 12, 2003

Kevin Kennedy:

1. 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 this draft. We will redraft to include these portions when time permits.
2. Concerning proposed s. 5.02 (24w) and the proposed treatment of s. 5.25 (4) (a), stats., which require the voting system used at a polling place ensure access for physically disabled persons, you express concern that the use of the term "voting system" might preclude the use of more than one type of system at a particular polling place. The definition of "voting system" is taken from P.L. 107-252, sec. 301 (b), and encompasses "[t]he total combination of mechanical, electromechanical, or electronic equipment...that is used to define ballots, to cast and count votes, to report or display election results, and to maintain and produce any audit trail information." In my opinion, this definition encompasses more than one type of voting system and s. 5.25 (4) (a), stats., as amended, does not preclude the use of more than one type of voting system at the same polling place.
3. Concerning proposed s. 5.061, which establishes a complaint procedure for certain alleged violations of P.L. 107-252, sec. 402 (a) (2) (F) of P.L. 107-252 requires a state, if the state determines that there is a violation of any provision of Title III of P.L. 107-252, to "provide the appropriate remedy." Although it may not have been intended, it may be argued that the only remedy that is appropriate for some violations is to correct a canvass and potentially thereby to change an election result. Proposed s. 5.061 (4), which precludes this action, may be inconsistent with the federal requirement.
4. Proposed s. 6.33 (5) (a) generally requires municipal clerks and their agents to promptly enter new registrations in the electronic registration list. However, new registrations at a polling place may be entered within ten days of the election at which they occur. As a practical matter, this should present no problem. However, the language of P.L. 107-252 is tight on this point. Section 303 (a) (1) (a) (vi) provides that "[a]ll voter registration information obtained by any local election official...shall be electronically entered into the computerized list on an expedited basis *at the time that the information is provided to the local official.*". Proposed s. 6.33 (5) (a) appears to be

inconsistent with the federal language. The quoted language also appears to run counter to the procedure in proposed s. 6.33 (5) (b) under which municipal clerks who delegate their responsibilities to maintain their electronic registration lists may take in new registrations and send them to their agents for entry at a later time.

5. Concerning proposed s. 6.33 (5) (b), which permits municipal clerks to delegate their electronic registration responsibilities to another clerk or the board by mutual consent, this draft amends s. 6.29 (2) (a), stats., to permit an elector who wishes to register at the clerk's office after the close of registration to register at the office of the agent instead of at the office of the clerk. The reasons I did this were that the agent will in some cases be more likely to be open for business for 40 hours per week and direct registration with the agent will facilitate immediate updating of the electronic list at the time when prompt updating is most critical.

6. Proposed s. 6.36 (1) (b) 1. a., which precludes access to certain information in registration lists by certain election officials, appears to contravene P.L. 107-252, sec. 303 (a) (1) (A) (v), which provides that any election official in the state, including any local election official, must be able to obtain immediate electronic access to the information contained in the computerized registration list. Perhaps this provision was only intended to ensure electronic access to nonconfidential information in the list, but the wording is unfortunately broader than that.

7. Concerning the proposed requirement in s. 6.82 (1) (a), stats., for an individual who assists another elector in voting to provide proof of his or her own residence, this statute is based upon 42 USC s. 1973aa-6, which does not contain this requirement.

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

Please see proposed ss. 5.056, 19.69 (4), and 85.61 for provisions relating to agreements that the secretary of transportation is required to enter into for the matching of personally identifiable information.

Timothy N. Fast
Senior Legislative Attorney
Phone: (608) 266-9739
E-mail: tim.fast@legis.state.wi.us

Kuesel, Jeffery

From: Kennedy, Kevin
Sent: Monday, March 03, 2003 9:16 AM
To: Kuesel, Jeffery
Subject: HAVA drafting instructions

Jeff,

Attached is the latest drafting instructions. I will be in all day if you want to discuss them. We discussed much of this last week, but there are some more provisions that need to be changed to reflect HAVA or current practices.



Kuesel drafting
2.26.03.doc

Kevin Kennedy, Executive Director
Wisconsin State Elections Board
132 East Wilson Street, Suite 200
PO Box 2973
Madison, WI 53701-2973

608-266-8087
608-267-0500 (Fax)

kevin.kennedy@seb.state.wi.us
<http://elections.state.wi.us>

State of Wisconsin \ Elections Board

Post Office Box 2973
132 East Wilson Street, 2nd Floor
Madison, WI 53701-2973
Voice (608) 266-8005
Fax (608) 267-0500
E-mail: seb@seb.state.wi.us
http://elections.state.wi.us



STEVEN V. PONTO
Chairperson

KEVIN J. KENNEDY
Executive Director

March 3, 2003

Sent by e-mail

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

Dear Jeff,

Thank you for the painstaking work on the initial drafts (LRB 0610/P5) of legislation to implement the Help America Vote Act of 2002, P.L. 107-252. This follows up our discussion on what should be the final changes before introduction.

- ✓ 1. The first paragraph of the LRB analysis on page 3 under the section "Identification Required to Vote" should be clarified to reflect the current procedure described is the late voter registration process in the clerk's office after the close of registration.
- ✓ 2. In the second paragraph of the LRB analysis on page 4 under the section "Compliance with HAVA", the language should be clarified to describe that the Elections Board is only required to grant a hearing if requested by the complainant.
- ✓ 3. The last sentence of the paragraph of the LRB analysis on page 5 under the section "Voting after hours..." should be deleted because the Board is not required to maintain a toll free line. See my comments for Section 103 about a "free access system" maintained by the municipal clerk. The analysis at the top of page 7 should reflect the "free access system" maintained by the municipal clerk.
- ✓ 4. The first paragraph of the LRB analysis on page 6 under the section "Federal and state financial assistance" should reflect that the state match is an appropriation of 5% of the amount spent, rather than the amount received. HAVA Section 253(b)(5)
- ✓ 5. **Section 14.** I suggest that the title of the section be "Ballot Information." This describes what the provision requires for ballots.
- ✓ 6. **Section 20.** Delete the sentence on page 16, lines 4 and 5 that directs that if the ballot is mailed, the application shall be received by 5 pm on the Friday before the election. While current law provides that a written application must be received by that time, there is no explicit provision for voting absentee for the new Wisconsin elector that may only vote for president. It makes more sense to limit this voting option to voting in the clerk's office or at the polling place. Since the new resident is not an elector under 6.03, this is not inconsistent with S. 6.20, Wis. Stats.
- ✓ 7. **Section 22.** This section is not necessary if the new resident may not receive an absentee ballot by mail limited to voting for president.
- ✓ 8. **Section 24.** Section 24, page 17, lines 11 and 12 – The language "Unless the ballot is utilized with an electronic voting system" can be deleted because it deals with punch card. Optical scan ballots can be folded and are folded when mailed as absentee ballots.

- ✓ 9. **Section 35.** Page 20, line 1 – the time for municipal clerks to send this information to the Elections Board should be changed to 30 days following the election.
- ✓ 10. **Section 38.** This section is not necessary if we specify in Section 6.36 that the Board will assign a unique identifier for each elector on the list. See HAVA, Section 303(a)(1)(B) (iii).
- ✓ 11. **Section 39.** Add language that permits a municipality to keep the clerk's office open later than 5 pm on the day before the election for late voter registration.
- ✓ 12. **Section 39.** On page 22, line 16 you have added a requirement that the corroborating elector provide a current street address. This should be carried out in other sections where an elector residing in the municipality can corroborate the residence information for an elector registering without proof of residence. – Ss. 6.15, 6.55 (2), (3). See page 32, line 17, page 33, line 13, page 35, line 8.
- ✓ 13. **Section 42.** The elector should be required to provide date of birth on the registration form. This information will make the DMV match much more practical. The information should be shielded from public disclosure in the registration list. We currently require DOB for overseas voters.
- ✓ 14. **Section 43.** Page 24, line 7 – the Board, municipal clerks' agents and election inspectors should also be permitted to record this information.
- ✓ 15. **Section 44.** Page 25, line 6 – the reference should be to the section rather than the subsection since there are a number of responsibilities in S. 6.33 that the agent may perform for the clerk.
- ✓ 16. **Section 48.** The Board will assign a unique identification number to each elector on the list. The list should contain all the information required under S. 6.33 including the DOB for the elector. *other info prescribed by law*
- ✓ 17. **Section 48.** On page 26, lines 9, 10, 12, 13 and page 27, line 2 – municipal clerks' agents and the Board should be permitted to view the list and make changes. *ok ok X*
- ✓ 18. **Section 48.** Section 6.36 (1)(c) is where it should be clarified that when a voter registration is changed within the state, the clerk, agent or Board may cancel the previous registration and send a notice to the clerk in the municipality of the previous registration *entries 6.50(7)(h)*
- ✓ 19. **Section 50.** Page 28, line 15 - disabled voters that can vote absentee exempt from ID under 42 USC 1973gg - 4. This may provide a limited exception from the identification requirement for certain voters with disabilities *Temp to 1/1/06. (hold)*
- ✓ 20. **Section 59.** Instead of repealing S. 6.54, it should be clarified to provide that late and election day registrants can vote and be added to the list.
- ✓ 21. **Section 61.** The DL # and last 4 digits of the SSN are on the form, so there is no need to provide the language on Page 32, lines 7 and 8. If the new registrant can not provide the numbers, they state they do not have either number. Proof of residence is still required. See also page 33, lines 7 -10 and page 35, line 1-3.
- ✓ 22. **Section 75.** Page 37, lines 23, 24 – the new language should be “proof of residence” rather than “a license or social security account number” because that is what a voter provides if registering at the polls on election day. The DL# or SSN information will already be recorded on the registration form.
- ✓ 23. **Section 76.** This provision should not be repealed because it describes the format of the poll list that will be used at the polling place. *6.36(2)(a) X RUG-79(2)*

- ✓ 24. **Section 79.** Page 39, line 9,10 – the new language requiring an assisting elector to provide proof of residence should be deleted. It is not required under current state or federal law.
- ✓ 25. **Section 81.** Page 40, lines 19, 20 – the DL# and SSN information are already listed on the registration form, so this language is not required.
- ✓ 26. **Section 95.** Page 48, lines 7, 8,9, page 49, lines 4,5,6 – a provisional ballot will be placed in an envelope on which the affirmation is printed. Since the ballot will not count until the voter's eligibility is confirmed by the municipal clerk, the ballot will not be deposited in the ballot box. It will be secured like an absentee ballot before it is brought to the polling place. *AB111 (based on 6.95) mark only ref to sections 2 chg*
- X 27. **Section 96.** Page 49, line 17 – if S. 6.79 is not repealed, the reference in this section should be maintained.
- ✓ 28. **Section 102.** The municipal clerk should be required to add the voting history to the state list maintained by the Board. *also 6.33(3) - all elec chronic - yes*
- ✓ 29. **Section 103.** Page 54, lines 20, 21 – the language should be changed to a “free access system” to track the federal language, HAVA, Section 302 (a)(5)(B). We should not be limited to a toll free number if there are other means to provide free access.
- ✓ 30. **Section 118.** Page 57, line 15 – the reference to Section 5.055 is not correct. I was unable to determine what section is supposed to be referenced.
- ✓ 31. **Section 124.** Page 58, line 18 the word “to” needs to be added following the word “transferred”.
- ✓ 32. **Section 129.** Page 59, lines 15, 16 – the word “registration” should be deleted and the words “poll lists” should be kept. *as of how petition is filed*
- 33. **Section 130.** page 60, line 15, 16 – the language about determining from social security administration records if an individual is deceased should be eliminated. The SSA match with DMV will be subject to SSA criteria that differ from this language.
- ✓ 34. **Sections 131, 132.** Section 120.06 (5) should be kept and modified to reflect that the list of school district electors will be drawn from the state maintained voter list. *120.06 (1) (g) (a) 6.33(6) + offices eligible to vote for or referenda*

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