

1           **SECTION 85.** 6.865 of the statutes is renumbered 6.865 (2).

2           **SECTION 86.** 6.865 (1) of the statutes is created to read:

3           6.865 (1) In this section, “military elector” and “overseas elector” have the  
4 meanings given under s. 6.36 (2) (c).

5           **SECTION 87.** 6.865 (3) and (4) of the statutes are created to read:

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

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

21           **SECTION 88.** 6.869 of the statutes is created to read:

22           **6.869 Uniform instructions.** The board shall prescribe uniform instructions  
23 for absentee voters. The instructions shall include information concerning the  
24 procedure for correcting errors in marking a ballot and obtaining a replacement for

1 a spoiled ballot. The procedure shall, to the extent possible, respect the privacy of  
2 each elector and preserve the confidentiality of each elector's vote.

3 SECTION 89. 6.87 (3) (d) of the statutes is amended to read:

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

23 SECTION 90. 6.87 (4) of the statutes is amended to read:

24 6.87 (4) Except as otherwise provided in s. 6.875, the elector voting absentee  
25 shall make and subscribe to the certification before one witness. The absent elector,

1 in the presence of the witness, shall mark the ballot in a manner that will not disclose  
2 how the elector's vote is cast. The elector shall then, still in the presence of the  
3 witness, fold the ballots ~~if they are paper ballots~~ so each is separate and so that the  
4 elector conceals the markings thereon and deposit them in the proper envelope. If  
5 a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot ~~if it is a~~  
6 ~~paper ballot~~ so that the elector conceals the markings thereon and deposit the ballot  
7 in the proper envelope. If the elector has registered by mail and has not, or is not  
8 certain whether the elector has, previously voted in an election for national office in  
9 this state, the elector shall enclose identification in the envelope. Identification is  
10 required if the elector is not a military elector or an overseas elector, as defined in  
11 s. 6.36 (2) (c), and the elector registered by mail and has not voted in an election for  
12 national office in this state. The elector may receive assistance under sub. (5). The  
13 return envelope shall then be sealed. The witness may not be a candidate. The  
14 envelope shall be mailed by the elector, postage prepaid, or delivered in person, to the  
15 municipal clerk issuing the ballot or ballots. Failure to return an unused ballot in  
16 a primary does not invalidate the ballot on which the elector's votes are cast. Return  
17 of more than one marked ballot in a primary or return of a ballot prepared under s.  
18 5.655 or a ballot used with an electronic voting system in a primary which is marked  
19 for candidates of more than one party invalidates all votes cast by the elector for  
20 candidates in the primary.

21 **SECTION 91.** 6.88 (3) (a) of the statutes is amended to read:

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

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

15 SECTION 92. 6.94 of the statutes is amended to read:

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

1 person challenged refuses to take the oath or affirmation, the person's vote shall be  
2 rejected. If the person challenged answers fully all relevant questions put to the  
3 elector by the inspector under s. 6.92, takes the oath or affirmation, and fulfills the  
4 applicable registration requirements, ~~where applicable~~, and if the answers to the  
5 questions given by the person indicate that the person meets the voting qualification  
6 requirements, the person's vote shall be received.

7 SECTION 93. 6.95 of the statutes is amended to read:

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

1 under s. 9.01. The standard for disqualification specified in s. 6.325 shall be used to  
2 determine the validity of challenged ballots.

3 SECTION 94. 6.96 of the statutes is created to read:

4 6.96 Voting procedure for electors voting pursuant to federal court  
5 order. Whenever any elector is allowed to vote at a polling place pursuant to a  
6 federal court order after the closing time provided under s. 6.78, the inspectors shall  
7 give the elector a ballot. *center of the back of the ballot is s. 6.96, change to s. 6.78, number*  
8 the back of the ballot the serial number of the elector corresponding to the number  
9 kept at the election on the poll list, or other list maintained under s. 6.79. *After voting, the elector shall return the ballot to the inspectors*  
10 machines are used in the municipality where the elector is voting, the elector's vote *and the notation "s. 6.96" PLAIN*  
11 may be received only upon an absentee ballot furnished by the municipal clerk which  
12 shall have the corresponding number from the poll list or other list maintained under  
13 s. 6.79 *and the notation "s. 6.96" by the inspectors and the notation* written on the back of the ballot *before the ballot is deposited*. When receiving  
14 the elector's ballot, the inspectors shall provide the elector with the written voting  
15 information prescribed by the board under s. 7.08 (8). *The inspectors shall then deposit the ballots. PLAIN* The  
16 ballot shall be counted under s. 5.85 or 7.51 unless the order is vacated. If the order  
17 is vacated after the ballot is counted, the appropriate board or boards of canvassers  
18 or the chairperson of the board or his or her designee shall reopen the canvass to  
19 discount any ballots that were counted pursuant to the vacated order and adjust the  
20 statements, certifications, and determinations accordingly.

22 SECTION 95. 6.97 of the statutes is created to read:

23 6.97 Voting procedure for individuals not providing required  
24 identification. (1) Whenever any individual who is required to provide  
25 identification in order to be permitted to vote appears to vote at a polling place and

marked "Ballot under 5.6.97, stats."

1 cannot provide the required identification or inspectors cannot verify the document  
 2 submitted by the individual, the inspectors shall offer the opportunity for the  
 3 individual to vote under this section. If the individual wishes to vote, the inspectors  
 4 ~~shall require the individual to execute a written affirmation before the inspectors~~  
 5 stating that the individual is a qualified elector of the ward or election district where

*provide the elector with an envelope in which the serial number of the elector is entered and shall*

6 he or she offers to vote and is eligible to vote in the election. The inspectors shall then  
 7 give the individual a ballot. ~~Before depositing~~  
 8 on the back of the ballot the serial number of the individual corresponding to the  
 9 number kept at the election on the poll list or other list maintained under s. 6.79.

*After voting, the elector shall return the ballot to the inspectors. Upon receiving*

10 If voting machines are used in the municipality where the individual is voting, the  
 11 individual's vote may be received only upon an absentee ballot furnished by the  
 12 municipal clerk which shall have the corresponding number from the poll list or  
 13 other list maintained under s. 6.79 written on the back of the ballot ~~before the ballot~~

*by the inspectors*

14 ~~When receiving the individual's ballot, the inspectors shall provide the~~  
 15 individual with written voting information prescribed by the board under s. 7.08 (8).

16 The inspectors shall indicate on the list the fact that the individual is required to  
 17 provide identification but did not do so or the document submitted by the individual  
 18 could not be verified by the inspectors. The inspectors shall notify the individual that  
 19 he or she may provide identification to the municipal clerk. The inspectors shall also

20 promptly notify the municipal clerk of the name, address, and serial number of the  
 21 individual. ~~If, prior to the completion of the canvass of the election by the municipal~~

*The inspectors shall then place the ballot inside the envelope and place it in the ballot container.*

22 board of canvassers, the municipal clerk notifies the board of canvassers that the  
 23 individual is qualified to vote in the ward or election district where the individual's  
 24 ballot was cast, the vote of the individual shall be counted. Otherwise, the vote of

25 the individual may not be counted.

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

9 The inspectors shall promptly notify the municipal clerk of the name, address, and  
10 serial number of the individual. *The inspectors shall then place the ballot inside an envelope on which the name*  
11 municipal board of canvassers, the municipal clerk notifies the board of canvassers *and serial*  
12 that the individual is qualified to vote in the ward or election district where the *number*  
13 individual's ballot was cast, the vote of the individual shall be counted. Otherwise, *of the*  
14 the vote of the individual may not be counted. *election*

15 SECTION 96. 7.08 (1) (c) of the statutes is amended to read:

16 7.08 (1) (c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (4), 6.33 (1), *is*  
17 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 *entered*  
18 such forms shall contain a statement of the penalty applicable to false or fraudulent *and shall*  
19 registration or voting through use of the form. Forms are not required to be furnished *place*  
20 by the board. *the*  
*envelope*  
*in the*  
*ballot*  
*container*

21 SECTION 97. 7.08 (6) and (8) of the statutes are created to read:

22 7.08 (6) ENFORCEMENT OF FEDERAL VOTING SYSTEM STANDARDS. Following each  
23 general election, audit the performance of each voting system used in this state to  
24 determine the error rate of the system in counting ballots that are validly cast by  
25 electors. If the error rate exceeds the rate permitted under standards of the federal



1 election commission in effect on October 29, 2002, the board shall take remedial  
2 action and order remedial action to be taken by affected counties and municipalities  
3 to ensure compliance with the standards. Each county and municipality shall  
4 comply with any order received under this subsection. (CS)

5 (8) ELECTORS VOTING ~~PURSUANT TO FEDERAL COURT ORDER~~ <sup>WITHOUT IDENTIFICATION OR</sup> PURSUANT TO FEDERAL COURT ORDER. Prescribe a written  
6 notice to be distributed to electors who vote under s. 6.96 or 6.97 that informs an  
7 elector how to obtain information regarding whether his or her vote has been  
8 counted, and if the vote will not be counted, the reason that the vote will not be  
9 counted.

10 SECTION 98. 7.10 (1) (b) of the statutes is amended to read:

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

16 SECTION 99. 7.10 (7) <sup>7.10 (9)</sup> ~~and (8)~~ of the statutes are created to read:

17 7.10 (7) VOTER EDUCATION. Each county clerk shall assist the board in  
18 conducting educational programs under s. 5.05 (12) to inform electors about the  
19 voting process. FREE (CS)

20 (8) ~~TOLL-FREE~~ ELECTION INFORMATION EXCHANGE. Each county clerk shall assist  
21 the board and municipal clerks in maintaining toll-free telephone lines and other  
22 ~~information~~ <sup>Free</sup> access systems under s. 5.05 (13) for exchange of voting information.

23 SECTION 100. 7.10 <sup>(10)</sup> ~~(9)~~ of the statutes is created to read:

24 7.10 <sup>(10)</sup> ~~(9)~~ INFORMATION TO BOARD. Each county clerk shall provide to the board  
25 any information requested under s. 5.05 (14).

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1 SECTION 101. 7.15 (1) (c) of the statutes is amended to read:

2 7.15 (1) (c) Prepare ballots for municipal elections, and distribute ballots and  
3 provide other supplies for conducting all elections. The municipal clerk shall deliver  
4 poll list forms received from the county clerk to the polling places with the ballots to  
5 the polling places before the polls open.

6 SECTION 102. 7.15 (4) of the statutes is amended to read:

7 7.15 (4) RECORDING ELECTORS. After each election where registration is used,  
8 enter on the registration list under the name of  
9 the municipal clerk shall ~~make a record of~~ each elector who has voted at the election  
10 of the municipality  
11 ~~by stamping or writing the date of the election in the appropriate space on the~~  
12 ~~original registration form of the elector. Municipalities employing data processing~~  
13 ~~may, in lieu of this requirement, record voting information in such a manner that it~~  
14 ~~is readily available for retrieval by computer.~~ an indication of the date of  
15 the election in

16 SECTION 103. 7.15 (9) to <sup>(13)</sup> (12) of the statutes are created to read: which the  
17 elector  
18 voted

19 7.15 (9) VOTER EDUCATION. Each municipal clerk shall assist the board in  
20 conducting educational programs under s. 5.05 (12) to inform electors about the  
21 voting process.

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

26 (11) ~~TOLL-FREE~~ FREE VOTE COUNTING INFORMATION. Each municipal clerk shall  
27 maintain a free access  
28 information system under which an elector who votes under s.  
29 6.96 or 6.97 may ascertain current information concerning whether the elector's vote  
30 has been counted, and if the vote will not be counted, the reason that it will not be  
31 counted.

Handwritten notes: "PNS SH 209" and circled numbers "19" and "21".

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

SECTION 104. 7.23 (1) (e) of the statutes is amended to read:

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

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SECTION 105. 7.37 (7) of the statutes is amended to read:

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

SECTION 106. 7.51 (2) (a) of the statutes is amended to read:

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

SECTION 107. 7.51 (2) (c) of the statutes is amended to read:

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1           7.51 (2) (c) Whenever the number of ballots exceeds the number of voting  
2 electors as indicated on the poll ~~or registration~~ list, the inspectors shall place all  
3 ballots face up to check for blank ballots. In this paragraph, "blank ballot" means  
4 a ballot on which no votes are cast for any office or question. The inspectors shall  
5 mark, lay aside and preserve any blank ballots. If the number of ballots still exceeds  
6 the number of voting electors, the inspectors shall place all ballots face down and  
7 proceed to check for the initials. The inspectors shall mark, lay aside and preserve  
8 any ballot not bearing the initials of 2 inspectors or any absentee ballot not bearing  
9 the initials of the municipal clerk. During the count the inspectors shall count those  
10 ballots cast by challenged electors the same as the other ballots.

11           SECTION 108. 7.51 (2) (e) of the statutes is amended to read:

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

1 as to thoroughly mix the ballots. The inspectors shall then open, count and record  
2 the number of votes. When the ballots are counted, the inspectors shall separate  
3 them into piles for ballots similarly voted. Objections may be made to placement of  
4 ballots in the piles at the time the separation is made.

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SECTION 109. 7.51 (4) (a) of the statutes is amended to read:

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

SECTION 110. 7.51 (5) (a) of the statutes is amended to read:

21 7.51 (5) (a) The inspectors shall make full and accurate return of the votes cast  
22 for each candidate and proposition on tally sheet forms provided by the municipal  
23 clerk for that purpose. Each tally sheet shall record the returns for each office or  
24 referendum by ward, unless combined returns are authorized in accordance with s.  
25 5.15 (6) (b) in which case the tally sheet shall record the returns for each group of

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

11 SECTION 111. 8.17 (1) (a) of the statutes is amended to read:

12 8.17 (1) (a) Political parties qualifying for a separate ballot under s. 5.62 (1) (b)  
13 or (2) shall elect their party committeemen and committeewomen as provided under  
14 sub. (5) (b). The function of committeemen and committeewomen is to represent  
15 their neighborhoods in the structure of a political party. Committeemen and  
16 committeewomen shall act as liaison representatives between their parties and the  
17 residents of the election districts in which they serve. Activities of committeemen  
18 and committeewomen shall include, but not be limited to, ~~voter identification~~  
19 identifying voters; assistance in voter registration drives; increasing voter  
20 participation in political parties; polling and other methods of passing information  
21 from residents to political parties and elected public officials; and dissemination of  
22 information from public officials to residents. For assistance in those and other  
23 activities of interest to a political party, each committeeman and committeewoman  
24 may appoint a captain to engage in these activities in each ward, if the election  
25 district served by the committeeman or committeewoman includes more than one

1 ward. In an election district which includes more than one ward, the committeeman  
2 or committeewoman shall coordinate the activities of the ward captains in promoting  
3 the interests of his or her party.

4 SECTION 112. 9.01 (1) (b) 1. of the statutes is amended to read:

5 9.01 (1) (b) 1. The board of canvassers shall first compare the ~~registration or~~  
6 poll lists and determine the number of voting electors.

7 SECTION 113. 10.02 (3) (a) of the statutes is amended to read:

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

17 *MS*  
*56.116* → SECTION 114. 11.30 (title) of the statutes is amended to read:

18 11.30 (title) ~~Identification~~ Attribution of political contributions,  
19 disbursements and communications.

20 SECTION 115. 12.13 (3) (u) of the statutes is amended to read:

21 12.13 (3) (u) ~~Present~~ Provide false identification documentation of identity for  
22 the purpose of inducing an election official to permit the person or another person to  
23 vote.

24 SECTION 116. 15.617 of the statutes is created to read:

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

9           SECTION 117. 19.69 (4) of the statutes is created to read:

10           19.69 (4) NONAPPLICABILITY. This section does not apply to any matching  
 11 program established between the secretary of transportation and the commissioner  
 12 of the federal social security administration pursuant to an agreement specified  
 13 under s. 85.61 (2).

14           SECTION 118. 20.002 (11) (d) 2m. of the statutes is created to read:

15           20.002 (11) (d) 2m. The election administration fund under s. ~~80.055~~

16           SECTION 119. 20.005 (3) (schedule) of the statutes: at the appropriate place,  
 17 insert the following amounts for the purposes indicated:

		2003-04	2004-05
18			
19	<b>20.510 Elections board</b>		
20	(1) ADMINISTRATION OF ELECTION AND CAMPAIGN LAWS		
21	(v) Election administration	SEG A	-0-      -0-

22           SECTION 120. 20.510 (1) (t) of the statutes is created to read:

23           20.510 (1) (t) *Election administration; state contribution.* From the election  
 24 administration fund, a sum sufficient to meet federal requirements for state

✓  
 JMS  
 57-2



1 contribution towards elections administration costs financed with federal aid under  
2 P.L. 107-252.

3 **SECTION 121.** 20.510 (1) (u) of the statutes is created to read:

4 20.510 (1) (u) *Federal audit exceptions.* From the election administration fund,  
5 a sum sufficient to repay the federal government for federal aid received by this state  
6 under P.L. 107-252 that the federal government requires to be refunded or that is  
7 used for purposes for which federal financial participation is denied.

8 **SECTION 122.** 20.510 (1) (v) of the statutes is created to read:

9 20.510 (1) (v) *Election administration.* From the election administration fund,  
10 the amounts in the schedule to meet federal requirements for the conduct of federal  
11 elections under P.L. 107-252.

12 **SECTION 123.** 20.510 (1) (x) of the statutes is created to read:

13 20.510 (1) (x) *Federal aid.* From the election administration fund, all moneys  
14 received from the federal government, as authorized by the governor under s. 16.54,  
15 to be used for election administration costs under P.L. 107-252.

16 **SECTION 124.** 20.855 (4) (bp) of the statutes is created to read:

17 20.855 (4) (bp) *Election administration fund transfer.* A sum sufficient to make  
18 the payments required under s. 20.510 (1) (t) to (v), to be transferred <sup>to</sup> the election  
19 administration fund.

20 **SECTION 125.** 25.17 (1) (e) of the statutes is created to read:

21 25.17 (1) (e) Election administration fund (s. 25.425);

22 **SECTION 126.** 25.425 of the statutes is created to read:

23 25.425 **Election administration fund.** There is established a separate  
24 nonlapsible trust fund designated the election administration fund consisting of all

1 moneys received from the federal government under P.L. 107-252 and all moneys  
2 transferred to the fund from other funds.

3 SECTION 127. 51.62 (3) (a) 4. of the statutes is created to read:

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

7 SECTION 128. 51.62 (3m) of the statutes is amended to read:

8 51.62 (3m) FUNDING. From the appropriation under s. 20.435 (7) (md), the  
9 department may not distribute more than \$75,000 in each fiscal year and, from the  
10 appropriation under s. 20.435 (7) (na), the department shall distribute funds made  
11 available under P.L. 107-252 to the protection and advocacy agency for performance  
12 of community mental health protection and advocacy services.

13 SECTION 129. 59.05 (2) of the statutes is amended to read:

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

1           **SECTION 130.** 85.61 of the statutes is created to read:

2           **85.61 Compliance with federal Help America Vote Act.** (1) The secretary  
3 of transportation and the executive director of the elections board shall enter into an  
4 agreement to match personally identifiable information on the official registration  
5 list maintained by the elections board under s. 6.36 (1) with personally identifiable  
6 information in the operating record file database under ch. 343 and vehicle  
7 registration records under ch. 341 to the extent required to enable the secretary of  
8 transportation and the executive director of the elections board to verify the accuracy  
9 of the information provided for the purpose of voter registration.

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

21           **SECTION 131.** 117.20 (2) of the statutes is amended to read:

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

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

8 SECTION 132. 120.06 (5) of the statutes is repealed.

9 SECTION 133. 125.05 (2) (h) of the statutes is amended to read:

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

19 SECTION 134. Initial applicability. <sup>commas</sup>

20 (1) The treatment of sections 5.02 (17), 6.20, 6.24 (3), (4) (a) and (c), and (8), 6.27  
21 (1) and (2) to (5), 6.28 (2) (b) and (3), 6.28 ~~and~~ 6.29 (2) (a) and (b), <sup>6.33(3) and (4),</sup> 6.36 (2) (a) and (c),  
22 6.50 (1) (intro.), ~~and~~ (2m), <sup>(7) and (9)</sup> 6.54, 6.55 (2) (a) 1. (intro.), (b), and (c) 1. and 2., (3), and  
23 (7) (c) 2., 6.79 (intro.), (1), (2), (4), (5), and (6) (a) and (b), 6.82 (1) (a), 6.86 (3) (a) 1.  
24 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  
25 (2) (a), (c), and (e), (4) (a), and (5) (a), 9.01 (1) (b) 1., <sup>20.510(1)(h),</sup> 59.05 (2), 117.20 (2), 120.06 (5),

1 and 125.05 (2) (h) of the statutes first applies with respect to the 2004 spring primary  
2 election.

3 SECTION 135. Effective dates. This act takes effect on the day after  
4 publication, except as follows:

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

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

11 (END)

^ or on the  
, day after  
publication ^  
whichever  
is later

2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0610/lins2  
JTK.....

INS 3A:

The bill also permits an elector who does not register by the close of registration to register at the office of the municipal clerk or board of election commissioners by 5 p.m. or the close of business, whichever is later, on the day before an election.

INS 5A:

***Voting by new residents***

Currently, an individual who has resided in this state for less than <sup>ten</sup>10 days at the time of a presidential election may vote for president and vice president only at the office of a municipal clerk or board of election commissioners, by absentee ballot, or at a polling place on election day. This bill provides that such an individual may only vote at the office of a municipal clerk or board of election commissioners or at a polling place on election day. ✓

INS 8A:

Currently, the elections board conducts information and training meetings for election officials and also conducts a training program for chief inspectors (supervising poll workers). This bill directs county and municipal clerks and boards of election commissioners to assist the board in conducting those training programs. ✓

HR 524-19

Section #. 6.33 (4) of the statutes is amended to read:

6.33 (4) When an individual's registration is canceled, the municipal clerk or board of election commissioners shall enter the date and reason for cancellation on the individual's registration form.

~~History: 1971 c. 304 s. 29 (1), (2); 1971 c. 336 s. 37; 1975 c. 85 ss. 15, 16, 17, 66 (3); 1975 c. 94 s. 91; 1977 c. 378, 394, 447; 1979 c. 32; 1981 c. 44 s. 3; 1981 c. 202 s. 23; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1999 a. 49, 182; 2001 a. 51.~~

list

RWS 52-2

Section #. 7.23 (1) (c) of the statutes is amended to read:

↓ forms

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

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



SA ✓  
X-106 ✓

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INS 27-10:

(f) 1. If a municipal clerk receives a request from an elector to transfer his or her registration to another municipality in this state, the clerk shall cancel the elector's registration and shall notify the municipal clerk of the municipality to which the elector is changing his or her residence.

2. If a municipal clerk receives a request from an elector who is registered in another municipality to transfer his or her registration to the municipality served by the clerk, the clerk shall notify the municipal clerk of the municipality where the elector formerly resided of the elector's change of residence. Upon receipt of such notification, that municipal clerk shall cancel the elector's registration. ✓

INS 30-18:

SECTION 1. 6.50 (7) of the statutes is amended to read: ✓

6.50 (7) When an elector's registration is canceled, the municipal clerk shall make an entry ~~upon~~ on the registration card list, giving the date of and the cause of for cancellation. ✓

History: 1971 c. 242; 1971 c. 304 s. 29 (2); 1971 c. 336 s. 37; 1973 c. 164; 1975 c. 85, 199, 200; 1977 c. 394 ss. 27, 53; 1979 c. 260; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1999 a. 150 s. 672.

INS 31-12:

SECTION 2. 6.50 (9) of the statutes is repealed. ✓

History: 1971 c. 242; 1971 c. 304 s. 29 (2); 1971 c. 336 s. 37; 1973 c. 164; 1975 c. 85, 199, 200; 1977 c. 394 ss. 27, 53; 1979 c. 260; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1999 a. 150 s. 672.

INS 38-25:

✓  
**SECTION 3.** 6.80 (2) (b) and (f) of the statutes are amended to read:

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

History: 1977 c. 427 ss. 40, 41, 132; 1979 c. 311; 1981 c. 377, 391; 1983 a. 484 ss. 45m, 172 (3); 1985 a. 304; 1991 a. 316; 1999 a. 182.

(f) In the presidential preference primary and other partisan primary elections at polling places where ballots are distributed to electors, unless the ballots are prepared under s. 5.655 or are utilized with an electronic voting system in which all candidates appear on the same ballot, after the elector prepares his or her ballot the elector shall detach the remaining ballots, fold the ballots to be discarded and fold the completed ballot ~~unless the ballot is intended for counting with automatic tabulating equipment.~~ The elector shall then either personally deposit the ballots to be discarded into the separate ballot box marked "blank ballot box" and deposit the completed ballot into the ballot box indicated by the inspectors, or give the ballots to an inspector who shall deposit the ballots directly into the appropriate ballot boxes. The inspectors shall keep the blank ballot box locked until the canvass is completed and shall dispose of the blank ballots as prescribed by the municipal clerk.

History: 1977 c. 427 ss. 40, 41, 132; 1979 c. 311; 1981 c. 377, 391; 1983 a. 484 ss. 45m, 172 (3); 1985 a. 304; 1991 a. 316; 1999 a. 182.

✓  
**SECTION 4.** 6.82 (1) (a) of the statutes is amended to read:

6.82 (1) (a) When any inspectors are informed that an elector is at the entrance to the polling place ~~who as a result of disability is unable to enter the polling place,~~ they shall permit the elector to be assisted in marking a ballot by any individual selected by the elector, except the elector's employer or an agent of that employer or an officer or agent of a labor organization which represents the elector. The ~~inspectors~~ shall issue a ballot to the individual selected by the elector and shall accompany the individual to the polling place entrance where the assistance is to be

~~given. If the ballot is a paper ballot, the~~ The assisting individual shall fold the ballot after the ballot is marked by the assisting individual. The assisting individual shall then immediately take the ballot into the polling place and give the ballot to an inspector. The inspector shall distinctly announce that he or she has "a ballot offered by .... (stating person's name), an elector who, as a result of disability, is unable to enter the polling place without assistance". The inspector shall then ask, "Does anyone object to the reception of this ballot?" If no objection is made, the inspectors shall record the elector's name under s. 6.79 and deposit the ballot in the ballot box, and shall make a notation on the registration or poll list: "Ballot received at poll entrance".

History: 1971 c. 304 s. 29 (2); 1975 c. 85, 199, 275; 1977 c. 26; 1977 c. 394 s. 53; 1979 c. 260, 311, 355; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 192; 2001 a. 16.

INS 50-22:

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

INS 51-19:

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

INS 52-7:

SECTION 5. 7.37 (4) of the statutes is amended to read:

7.37 (4) BALLOTING PROCEDURE. At polling places which utilize paper ballots or electronic voting systems in which ballots are distributed to electors, 2 inspectors

shall be assigned to take charge of the official ballots. They shall write their initials on the back of each ballot and deliver to each elector as he or she enters the voting booth one ballot properly endorsed by each of them. ~~Where paper ballots are used,~~ ~~the~~ The inspectors shall fold each ballot in the proper manner to be deposited before delivering it to the elector. If asked, inspectors may instruct any elector as to the proper manner of marking the ballot, but they may not give advice, suggestions, express any preferences or make any requests as to the person for whom, the question on which or the ballot on which the elector shall vote.

History: 1971 c. 304 s. 29 (2); 1975 c. 85; 1977 c. 427; 1979 c. 260, 311, 355; 1981 c. 391; 1983 a. 484 ss. 68, 69, 71 to 73, 172 (3); 1985 a. 304; 1989 a. 192; 1999 a. 182; 2001 a. 16.

INS 54-4:

**SECTION 6.** 7.51 (3) (a) of the statutes is amended to read:

7.51 (3) (a) The inspectors shall place together all ballots counted by them which relate to any national, state or county office or any state, county or technical college district referendum and secure them together so that they cannot be untied or tampered with without breaking the seal. The secured ballots together with any ballots marked "Defective" and the provisional ballots under ~~§ 6.97~~ <sup>S.</sup> 6.97 shall then be secured by the inspectors in the ballot container in such a manner that the container cannot be opened without breaking the seals or locks, or destroying the container. The inspectors shall deliver the ballots to the municipal clerk in the container.

History: 1971 c. 304 s. 29 (2); 1977 c. 29; 1977 c. 394 s. 53; 1977 c. 427, 447; 1979 c. 260 ss. 36, 48; 1979 c. 311; 1981 c. 4, 391; 1983 a. 183, 442; 1983 a. 484 ss. 76, 77, 172 (3); 1983 a. 538; 1985 a. 120, 304; 1987 a. 391; 1989 a. 56, 192; 1993 a. 399; 1997 a. 127; 1999 a. 49, 182; 2001 a. 107, 109.

INS 56-16:

**SECTION 7.** 10.02 (3) (f) of the statutes is amended to read:

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

**History:** 1971 c. 304 s. 29 (2); 1973 c. 334 s. 57; 1975 c. 85, 199; 1977 c. 107, 427, 447; 1979 c. 311; 1981 c. 377; 1983 a. 484 ss. 119, 172 (3); 1985 a. 304; 1989 a. 31; 1997 a. 250; 1999 a. 182.

INS 57-21:



**SECTION 8.** 20.510 (1) (h) of the statutes is amended to read:

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

**History:** 1973 c. 334 ss. 48, 50; 1975 c. 85; 1977 c. 29, 107; 1979 c. 260; 1983 a. 27, 484; 1985 a. 303; 1989 a. 31; 1995 a. 27; 1997 a. 27, 230; 1999 a. 9, 32; 2001 a. 16, 109.



# State of Wisconsin \ Elections Board

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STEVEN V. PONTO  
Chairperson

KEVIN J. KENNEDY  
Executive Director

March 27, 2003

Sent by e-mail

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

Dear Jeff,

Thank you for the detailed work on the draft (LRB 0610/1) of legislation to implement the Help America Vote Act of 2002, P.L. 107-252. I have shared the draft with our state plan committee and staff. I would like to make the following changes before it is submitted to the legislature for introduction.

- ✓ 1. **Section 10.** The references to "physically disabled" individuals should be changed to "individuals with disabilities." This is the term from HAVA and the term preferred by the community. See also the reference in LRB analysis at page 8. There should be a provision added that permits a voter with disabilities to notify the municipal clerk before election day of any need for accommodations to facilitate voting at the polling place.
- ✓ 2. **Section 12.** The instructions described in new subparagraph 4a. should be for electors who may be required to provide identification or vote pursuant to S. 6.97. It is not first time voters.
- ✓ 3. **Section 20.** S. 6.15 (2)(a)(intro) is amended, however, the affected language is not the intro to subsection (2) but the language in paragraph (a) which does not have an intro. The current (2) intro section should be changed to reflect that the application for the presidential only ballot will be treated as a registration for subsequent elections.
- X 4. **Section 22.** The language on page 17 at lines 12, 13 needs to reflect that only paper ballots are folded.
- ✓ 5. **Section 24.** The language on page 18 at lines 12, 13 needs to reflect that only paper ballots are folded.
- ✓ 6. **Section 30.** The municipal clerk needs to maintain a list of overseas electors and integrate it into the state registration list and poll list because these voters get a federal offices only ballot.
- ✓ 7. Following **Section 32**, current S. 6.275 (1) (b)-(d) needs to be amended to strike the language "Where registration applies."
- ✓ 8. **Section 47.** The state list should permit recording of supplemental information including if a voter needs special accommodations. This information should only be accessible to the Elections Board and municipal clerks or their agents.
5. ✓ 9. **Section 48.** The reference on page 28, at lines 1, 2 to "registration" list prepared for use at the polls should be changed to "poll" list. The legislation uses the term "registration" list to describe the state maintained list. The list at the polling place is a "poll" list.
- ✓ 10. I am not sure what the new language in **Section 63** on page 34 at lines 11, 12 "and the number provided by the elector" refers to. There is no requirement for a voter registering to provide anything other than proof of residence. Is this the unique number that may appear on the form of proof of residence such as a DL #?

- ✓ 11. **Section 79.** The language that was stricken on page 39 at lines 14, 21, 22 "unless the ballot is intended for counting with automatic tabulating equipment" should be restored. Optical scan ballots should not be folded. The voter is given a secrecy sleeve to shield the marked ballot before it is inserted in the automatic tabulating equipment
- ✓ 12. **Section 80.** The language that was stricken on page 40 at line 13 should be restored. Only paper ballots are folded.
- X 13. **Section 91.** The language that was stricken on page 44 at line 25 should be restored. Only paper ballots are folded.
- ✓ 14. **Section 95.** References to the voter number on page 48 at lines 7, 8, 11, 12 should be stricken. The only information on the ballot is the notation to the statute, "s. 6.96." There should not be a means of tracing the ballot to the voter when the individual is voting pursuant to a court order.
- ✓ 15. **Section 96.** The provisional absentee ballot must also contain a notation that the ballot is cast subject to "s.6.97" like the provisional ballot cast at the polling place.
- affirmative duties ✓ 16. **Section 96.** The clerk has to be given a deadline for determining if the provisional ballot should be counted. I suggest that the determination must be made by 4 pm on the day following the election. The municipal clerk should then notify the municipal, school or county boards of canvassers that the canvass needs to be reopened to count the provisional ballot.
- ✓ 17. **Section 107.** The language that was stricken on page 54 at lines 5, 6 should be restored. Only paper ballots are folded.
- ✓ 18. **Section 112.** Provisional ballots have to be secured outside the ballot container, because they may be opened if the clerk determines the individual was eligible to cast a vote or provides the required identification by the deadline. per 7.51(3)(d)
- ✓ 19. **Section 118.** The language that was stricken on page 59 at lines 5, 8 should be restored. Only paper ballots are folded.
- ✓ 20. **Section 140.** The effective date for requiring all municipalities to have voter registration and related sections such as the state registration list should be the spring 2006 primary election.
- dn ✓ 21. Definitions of military and overseas electors. If the current state definitions in Ss. 6.22 (1), 6.24 (1), Wis. Stats., are broader than the federal definitions from UOCAVA and HAVA, I suggest we simply incorporate them into or the affected sections. **Sections 49, 87, 91.**

I expect the legislature to respond to suggestions that there be no provisional voting under 6.97 on the basis that our election day registration exemption covers first time voters who registered by mail and can not provide identification. Alternatively, there may be a suggestion that the deadline for providing identification and verification of eligibility by the municipal clerk be moved from 4 pm on the day following the election, my proposal, to 8 pm on election day, a proposal favored by county clerks.

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**

Attorney Jeff Kuesel  
March 27, 2003  
Page 3

Kevin J. Kennedy  
Executive Director

H.Kuesel drafting 3.27.03