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1 **SECTION 98.** 6.79 (6) (b) of the statutes is renumbered 6.79 (6) and amended to
2 read:

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

11 **SECTION 99.** 6.82 (1) (a) of the statutes is amended to read:

12 **6.82 (1) (a)** When any inspectors are informed that an elector is at the entrance
13 to the polling place who as a result of disability is unable to enter the polling place,
14 they shall permit the elector to be assisted in marking a ballot by any individual
15 selected by the elector, except the elector's employer or an agent of that employer or
16 an officer or agent of a labor organization which represents the elector. The
17 individual selected by the elector shall provide identification for the assisted elector,
18 whenever required, and all other information necessary for the elector to obtain a
19 ballot under s. 6.79 (2). The inspectors shall issue a ballot to the individual selected
20 by the elector and shall accompany the individual to the polling place entrance where
21 the assistance is to be given. If the ballot is a paper ballot, the assisting individual
22 shall fold the ballot after the ballot is marked by the assisting individual. The
23 assisting individual shall then immediately take the ballot into the polling place and
24 give the ballot to an inspector. The inspector shall distinctly announce that he or she
25 has "a ballot offered by (stating person's name), an elector who, as a result of

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1 disability, is unable to enter the polling place without assistance". The inspector
2 shall then ask, "Does anyone object to the reception of this ballot?" If no objection
3 is made, the inspectors shall record the elector's name under s. 6.79 and deposit the
4 ballot in the ballot box, and shall make a notation on the ~~registration or~~ poll list:
5 "Ballot received at poll entrance".

6 **SECTION 100.** 6.86 (3) (a) 1. of the statutes is amended to read:

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

15 **SECTION 101.** 6.86 (3) (a) 2. of the statutes is amended to read:

16 6.86 (3) (a) 2. If a hospitalized elector is not registered ~~where registration is~~
17 ~~required,~~ the elector may register by agent under this subdivision at the same time
18 that the elector applies for an official ballot by agent under subd. 1. To register the
19 elector under this subdivision, the agent shall present a completed registration form
20 that contains the required information supplied by the elector and the elector's
21 signature, unless the elector is unable to sign due to physical disability. In this case,
22 the elector may authorize another elector to sign on his or her behalf. Any elector
23 signing a form on another elector's behalf shall attest to a statement that the
24 application is made on request and by authorization of the named elector, who is
25 unable to sign the form due to physical disability. The agent shall present this

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1 statement along with all other information required under this subdivision. Except
2 as otherwise provided in this subdivision, the agent shall in every case ~~present~~
3 provide acceptable proof of the elector's residence under s. 6.55 (7). If the agent
4 cannot present this proof, the registration form shall be signed and substantiated by
5 another elector residing in the elector's municipality of residence, corroborating the
6 information in the form. The form shall contain the full name and address of the
7 corroborating elector. The agent shall then present acceptable proof of the
8 corroborating elector's residence under s. 6.55 (7).

9 SECTION 102. 6.86 (3) (b) of the statutes is amended to read:

10 6.86 (3) (b) When each properly executed form and statement required under
11 par. (a) is presented to the municipal clerk, if the elector who proposes to vote is
12 qualified, an absentee ballot shall be issued and the name of such hospitalized elector
13 shall be recorded by the clerk or special registration deputy. An agent who is issued
14 an absentee ballot under this section shall ~~present identification~~ documentation of
15 his or her identity, provide his or her name and address, and attest to a statement
16 that the ballot is received solely for the benefit of a named elector who is hospitalized,
17 and the agent will promptly transmit the ballot to such person.

18 SECTION 103. 6.86 (3) (c) of the statutes is amended to read:

19 6.86 (3) (c) An application under par. (a) 1. may be made and a registration form
20 under par. (a) 2. may be filed in person at the office of the municipal clerk not earlier
21 than 7 days before an election and not later than 5 p.m. on the day of the election.
22 A list of hospitalized electors applying for ballots under par. (a) 1. shall be made by
23 the municipal clerk and used to check that the electors vote only once, and by
24 absentee ballot. If identification is required, the municipal clerk shall so inform the
25 agent and the elector shall enclose identification in the envelope with the ballot. The

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1 ballot shall be sealed by the elector and returned to the municipal clerk either by mail
2 or by personal delivery of the agent; but if the ballot is returned on the day of the
3 election, the agent shall make personal delivery at the polling place serving the
4 hospitalized elector's residence before the closing hour for the ballot to be counted.

5 **SECTION 104.** 6.865 (title) of the statutes is amended to read:

6 **6.865 (title) Federal ~~postcard request form~~ absentee ballot requests.**

7 **SECTION 105.** 6.865 of the statutes is renumbered 6.865 (2).

8 **SECTION 106.** 6.865 (1) of the statutes is created to read:

9 6.865 (1) In this section, "military elector" and "overseas elector" have the
10 meanings given under s. 6.36 (2) (c).

11 **SECTION 107.** 6.865 (3) and (4) of the statutes are created to read:

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

23 (4) If the municipal clerk or board of election commissioners rejects a request
24 for an absentee ballot from a military elector or an overseas elector, the clerk or board

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1 of election commissioners shall promptly inform the elector of the reason for the
2 rejection.

3 **SECTION 108.** 6.869 of the statutes is created to read:

4 **6.869 Uniform instructions.** The board shall prescribe uniform instructions
5 for absentee voters. The instructions shall include information concerning the
6 procedure for correcting errors in marking a ballot and obtaining a replacement for
7 a spoiled ballot. The procedure shall, to the extent possible, respect the privacy of
8 each elector and preserve the confidentiality of each elector's vote.

9 **SECTION 109.** 6.87 (3) (d) of the statutes is amended to read:

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

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1 ballot received under this paragraph shall not be counted unless it is cast in the
2 manner prescribed in this paragraph and in accordance with the instructions
3 provided by the board.

4 **SECTION 110.** 6.87 (4) of the statutes is amended to read:

5 6.87 (4) Except as otherwise provided in s. 6.875, the elector voting absentee
6 shall make and subscribe to the certification before one witness. The absent elector,
7 in the presence of the witness, shall mark the ballot in a manner that will not disclose
8 how the elector's vote is cast. The elector shall then, still in the presence of the
9 witness, fold the ballots ~~if they are paper ballots~~ so each is separate and so that the
10 elector conceals the markings thereon and deposit them in the proper envelope. If
11 a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot ~~if it is a~~
12 ~~paper ballot~~ so that the elector conceals the markings thereon and deposit the ballot
13 in the proper envelope. If the elector has registered by mail and has not, or is not
14 certain whether the elector has, previously voted in an election for national office in
15 this state, the elector shall enclose identification in the envelope. Identification is
16 required if the elector is not a military elector or an overseas elector, as defined in
17 s. 6.36 (2) (c), and the elector registered by mail and has not voted in an election for
18 national office in this state. The elector may receive assistance under sub. (5). The
19 return envelope shall then be sealed. The witness may not be a candidate. The
20 envelope shall be mailed by the elector, postage prepaid, or delivered in person, to the
21 municipal clerk issuing the ballot or ballots. Failure to return an unused ballot in
22 a primary does not invalidate the ballot on which the elector's votes are cast. Return
23 of more than one marked ballot in a primary or return of a ballot prepared under s.
24 5.655 or a ballot used with an electronic voting system in a primary which is marked

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1 for candidates of more than one party invalidates all votes cast by the elector for
2 candidates in the primary.

3 **SECTION 111.** 6.88 (3) (a) of the statutes is amended to read:

4 6.88 (3) (a) Any time between the opening and closing of the polls on election
5 day, the inspectors shall open the carrier envelope only, and announce the name of
6 the absent elector or the identification serial number of the absent elector if the
7 elector has a confidential listing under s. 6.47 (2). When the inspectors find that the
8 certification has been properly executed, the applicant is a qualified elector of the
9 ward or election district, and the applicant has not voted in the election, they shall
10 enter an indication on the poll ~~or registration~~ list next to the applicant's name
11 indicating an absentee ballot is cast by the elector. They shall then open the envelope
12 containing the ballot in a manner so as not to deface or destroy the certification
13 thereon. The inspectors shall take out the ballot without unfolding it or permitting
14 it to be unfolded or examined. Unless the ballot is cast under s. 6.95, the inspectors
15 shall verify that the ballot has been endorsed by the issuing clerk. If the poll list
16 indicates that identification is required and no identification is enclosed or the name
17 or address on the document that is provided cannot be verified by the inspectors, the
18 inspectors shall proceed as provided under s. 6.97 (2). The inspectors shall then
19 deposit the ballot into the proper ballot box and enter the absent elector's name or
20 voting number after his or her name on the poll ~~or registration~~ list in the same
21 manner as if the elector had been present and voted in person.

22 **SECTION 112.** 6.94 of the statutes is amended to read:

23 **6.94 Challenged elector oath.** If the person challenged refuses to answer
24 fully any relevant questions put to him or her by the inspector under s. 6.92, the
25 inspectors shall reject the elector's vote. If the challenge is not withdrawn after the

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1 person offering to vote has answered the questions, one of the inspectors shall
 2 administer to the person the following oath or affirmation: “You do solemnly swear
 3 (or affirm) that: you are 18 years of age; you are a citizen of the United States; you
 4 are now and for 10 days have been a resident of this ward except under s. 6.02 (2);
 5 you have not voted at this election; you have not made any bet or wager or become
 6 directly or indirectly interested in any bet or wager depending upon the result of this
 7 election; you are not on any other ground disqualified to vote at this election”. If the
 8 person challenged refuses to take the oath or affirmation, the person’s vote shall be
 9 rejected. If the person challenged answers fully all relevant questions put to the
 10 elector by the inspector under s. 6.92, takes the oath or affirmation, and fulfills the
 11 applicable registration requirements, ~~where applicable,~~ and if the answers to the
 12 questions given by the person indicate that the person meets the voting qualification
 13 requirements, the person’s vote shall be received.

14 SECTION 113. 6.95 of the statutes is amended to read:

15 **6.95 Voting procedure for challenged electors.** Whenever the inspectors
 16 under ss. 6.92 to 6.94 receive the vote of a person offering to vote who has been
 17 challenged, ~~they shall give the elector a ballot. Before depositing the ballot, the~~
 18 ~~person shall return the ballot to the inspectors. Upon receiving the ballot, the~~
 19 ~~inspectors shall write on the back of the ballot the serial number of the challenged~~
 20 ~~person corresponding to the number kept at the election on the registration or poll~~
 21 ~~list, or other list maintained under s. 6.79, and the notation “s. 6.95”.~~ If voting
 22 machines are used in the municipality where the person is voting, the person’s vote
 23 may be received only upon an absentee ballot furnished by the municipal clerk which
 24 shall have the corresponding serial number from the ~~registration or poll list or other~~
 25 ~~list maintained under s. 6.79 and the notation “s. 6.95”~~ written on the back of the

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1 ballot before the ballot is deposited by the inspectors. ^{before the ballot is given to} The inspectors shall indicate ^{the} ~~the~~ elector
 2 on the list the reason for the challenge. The inspectors shall then deposit the ballot.
 3 The challenged ballots shall be counted under s. 5.85 or 7.51. The municipal board
 4 of canvassers may decide any challenge when making its canvass under s. 7.53. If
 5 the returns are reported under s. 7.60, a challenge may be reviewed by the county
 6 board of canvassers. If the returns are reported under s. 7.70, a challenge may be
 7 reviewed by the chairperson of the board or the chairperson's designee. The decision
 8 of any board of canvassers or of the chairperson or chairperson's designee may be
 9 appealed under s. 9.01. The standard for disqualification specified in s. 6.325 shall
 10 be used to determine the validity of challenged ballots.

11 SECTION 114. 6.96 of the statutes is created to read:

12 6.96 Voting procedure for electors voting pursuant to federal court
 13 order. Whenever any elector is allowed to vote at a polling place pursuant to a
 14 federal court order after the closing time provided under s. 6.78, the inspectors shall
 15 ^{before giving the elector a ballot,} ~~give the elector a ballot. After voting, the elector shall return the ballot to the~~
 16 ~~inspectors. Upon receiving the ballot, the inspectors shall~~ write on the back of the
 17 ballot the notation "s. 6.96". If voting machines are used in the municipality where
 18 the elector is voting, the elector's vote may be received only upon an absentee ballot
 19 furnished by the municipal clerk which shall have the notation "s. 6.96" written on
 20 ^{before the ballot is given to the elector} the back of the ballot by the inspectors. When receiving the elector's ballot, the
 21 inspectors shall provide the elector with the written voting information prescribed
 22 by the board under s. 7.08 (8). The inspectors shall indicate on the list the fact that
 23 the elector is voting pursuant to a federal court order. The inspectors shall then
 24 deposit the ballot. The ballot shall be counted under s. 5.85 or 7.51 unless the order
 25 is vacated. If the order is vacated after the ballot is counted, the appropriate board

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1 or boards of canvassers or the chairperson of the board or his or her designee shall
2 reopen the canvass to discount any ballots that were counted pursuant to the vacated
3 order and adjust the statements, certifications, and determinations accordingly.

4 SECTION 115. 6.97 of the statutes is created to read:

5 **6.97 Voting procedure for individuals not providing required**
6 **identification.** (1) Whenever any individual who is required to provide
7 identification in order to be permitted to vote appears to vote at a polling place and
8 cannot provide the required identification or inspectors cannot verify the document
9 submitted by the individual, the inspectors shall offer the opportunity for the
10 individual to vote under this section. If the individual wishes to vote, the inspectors
11 shall provide the elector with an envelope marked "Ballot under s. 6.97, stats." on
12 which the serial number of the elector is entered and shall require the individual to
13 execute on the envelope a written affirmation stating that the individual is a
14 qualified elector of the ward or election district where he or she offers to vote and is
15 eligible to vote in the election. The inspectors shall ^{before giving the elector} ~~then give the individual a ballot.~~

16 ^{a ballot,} ~~After voting, the elector shall return the ballot to the inspectors. Upon receiving the~~
17 ~~ballot, the inspectors shall~~ write on the back of the ballot the serial number of the
18 individual corresponding to the number kept at the election on the poll list or other
19 list maintained under s. 6.79 and the notation "s. 6.97". If voting machines are used
20 in the municipality where the individual is voting, the individual's vote may be
21 received only upon an absentee ballot furnished by the municipal clerk which shall
22 have the corresponding number from the poll list or other list maintained under s.
23 6.79 and the notation "s. 6.97" written on the back of the ballot by the inspectors ^{before the ballot is given to the} ~~elector~~
24 When receiving the individual's ballot, the inspectors shall provide the individual
25 with written voting information prescribed by the board under s. 7.08 (8). The

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1 inspectors shall indicate on the list the fact that the individual is required to provide
2 identification but did not do so or the document submitted by the individual could
3 not be verified by the inspectors. The inspectors shall notify the individual that he
4 or she may provide identification to the municipal clerk. The inspectors shall also
5 promptly notify the municipal clerk of the name, address, and serial number of the
6 individual. The inspectors shall then place the ballot inside the envelope and place
7 the envelope in the ballot container. No later than 4 p.m. on the day after the election,
8 the municipal clerk shall provide written notice to the board of canvassers of each
9 municipality, special purpose district, and county that is responsible for canvassing
10 the election of the number of ballots cast under this section in each ward or election
11 district. The municipal clerk then shall determine whether each individual casting
12 a ballot under this section is qualified to vote in the ward or election district where
13 the individual's ballot is cast. The municipal clerk shall record the procedure used
14 to determine the validity of each ballot. If, prior to 4 p.m. on the day after the election,
15 the municipal clerk notifies the board of canvassers for each municipality, special
16 purpose district, and county that is responsible for canvassing the election that the
17 individual is qualified to vote in the ward or election district where the individual's
18 ballot was cast, the vote of the individual shall be counted. Otherwise, the vote of
19 the individual may not be counted.

20 (2) Whenever any individual who votes by absentee ballot is required to
21 provide identification in order to be permitted to vote and does not provide the
22 required identification or the inspectors cannot verify the document submitted by
23 the individual, the inspectors shall write on the back of the absentee ballot the serial
24 number of the individual corresponding to the number kept at the election on the poll
25 list or other list maintained under s. 6.79 and the notation "s. 6.97". The inspectors

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1 shall indicate on the list the fact that the individual is required to provided
2 identification but did not do so or the document submitted by the individual could
3 not be verified by the inspectors. The inspectors shall promptly notify the municipal
4 clerk of the name, address, and serial number of the individual. The inspectors shall
5 then place the ballot inside an envelope on which the name and serial number of the
6 elector is entered and shall place the envelope in the ballot container. If, prior to 4
7 p.m. on the day after the election, the municipal clerk notifies the board of canvassers
8 for each municipality, school district, and county that is responsible for canvassing
9 the election that the individual is qualified to vote in the ward or election district
10 where the individual's ballot was cast, the vote of the individual shall be counted.
11 Otherwise, the vote of the individual may not be counted.

12 **SECTION 116.** 7.08 (1) (c) of the statutes is amended to read:

13 7.08 (1) (c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (4), 6.33 (1),
14 6.40 (1) ~~(b)~~ (a), 6.47 (1) (a) 2. and (3), 6.55 (2) and (3), ~~6.79 (5)~~ and 6.86 (2) and (3).
15 All such forms shall contain a statement of the penalty applicable to false or
16 fraudulent registration or voting through use of the form. Forms are not required
17 to be furnished by the board.

18 **SECTION 117.** 7.08 (6) and (8) of the statutes are created to read:

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

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1 to ensure compliance with the standards. Each county and municipality shall
2 comply with any order received under this subsection.

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

8 SECTION 118. 7.10 (1) (b) of the statutes is amended to read:

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

14 SECTION 119. 7.10 (7) to (9) of the statutes are created to read:

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

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

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

23 SECTION 120. 7.10 (10) of the statutes is created to read:

24 7.10 (10) 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 121. 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 122. 7.15 (4) of the statutes is amended to read:

7 7.15 (4) RECORDING ELECTORS. ^{↓ Within 30 days after} ~~After each election where registration is used,~~
8 the municipal clerk shall ~~make a record of~~ enter on the registration list under the
9 name of each elector of the municipality who has voted at the election by ~~stamping~~
10 ~~or writing the date of the election in the appropriate space on the original registration~~
11 ~~form of the elector. Municipalities employing data processing may, in lieu of this~~
12 ~~requirement, record voting information in such a manner that it is readily available~~
13 ~~for retrieval by computer~~ an indication of the date of the election in which the elector
14 voted.

15 SECTION 123. 7.15 (9) to (14) of the statutes are created to read:

16 7.15 (9) VOTER EDUCATION. Each municipal clerk shall assist the board in
17 conducting educational programs under s. 5.05 (12) to inform electors about the
18 voting process.

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

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

24 (12) FREE VOTE COUNTING INFORMATION. Each municipal clerk shall maintain a
25 free access information system under which an elector who votes under s. 6.96 or 6.97

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1 may ascertain current information concerning whether the elector's vote has been
2 counted, and if the vote will not be counted, the reason that it will not be counted.

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

5 (14) VOTING ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES. Each
6 municipal clerk shall make reasonable efforts to comply with requests for voting
7 accommodations made by individuals with disabilities whenever feasible.

8 SECTION 124. 7.23 (1) (c) of the statutes is amended to read:

9 7.23 (1) (c) ~~Registration cards which are canceled~~ forms of electors whose
10 registrations are changed to ineligible status under s. 6.50 (7) may be destroyed 4
11 years after ~~cancellation~~ the change, unless an elector becomes eligible again during
12 that period.

13 SECTION 125. 7.23 (1) (e) of the statutes is amended to read:

14 7.23 (1) (e) ~~Registration and poll~~ Poll lists created at a nonpartisan primary or
15 election may be destroyed 2 years after the primary or election at which they were
16 created and ~~registration and~~ poll lists created at a partisan primary or election may
17 be destroyed 4 years after the primary or election at which they were created.

18 SECTION 126. 7.37 (7) of the statutes is amended to read:

19 7.37 (7) ~~REGISTRATION AND POLL~~ POLL LISTS. Two inspectors shall be assigned
20 to have charge of the ~~registration or~~ poll lists at each election.

21 SECTION 127. 7.51 (2) (a) of the statutes is amended to read:

22 7.51 (2) (a) The inspectors shall first compare the poll ~~or registration~~ lists,
23 correcting any mistakes until the poll ~~or registration~~ lists agree. The chief inspector
24 and the inspectors who are responsible for recording electors under s. 6.79 shall
25 verify the correctness of the poll ~~or registration~~ lists after the polls close by each

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

10 **SECTION 128.** 7.51 (2) (c) of the statutes is amended to read:

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

21 **SECTION 129.** 7.51 (2) (e) of the statutes is amended to read:

22 7.51 (2) (e) If, after any ballots have been laid aside, the number of ballots still
23 exceeds the total number of electors recorded on the ~~registration or~~ poll list, the
24 inspectors shall separate the absentee ballots from the other ballots. If there is an
25 excess number of absentee ballots, the inspectors shall place the absentee ballots in

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

15 **SECTION 130.** 7.51 (3) (a) of the statutes is amended to read:

16 7.51 (3) (a) The inspectors shall place together all ballots counted by them
17 which relate to any national, state or county office or any state, county or technical
18 college district referendum and secure them together so that they cannot be untied
19 or tampered with without breaking the seal. The secured ballots together with any
20 ballots marked "Defective" shall then be secured by the inspectors in the ballot
21 container in such a manner that the container cannot be opened without breaking
22 the seals or locks, or destroying the container. The inspectors shall place the ballots
23 cast under s. 6.97 in a separate, securely sealed carrier envelope which is clearly
24 marked "Section 6.97 ballots". The chief inspector and 2 other inspectors shall sign
25 the carrier envelope. The carrier envelope shall not be placed in the ballot container.

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1 The inspectors shall then deliver the ballots to the municipal clerk in the ballot
2 container and carrier envelope.

3 **SECTION 131.** 7.51 (4) (a) of the statutes is amended to read:

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

18 **SECTION 132.** 7.51 (5) (a) of the statutes is amended to read:

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

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

9 **SECTION 133.** 8.17 (1) (a) of the statutes is amended to read:

10 8.17 (1) (a) Political parties qualifying for a separate ballot under s. 5.62 (1) (b)
11 or (2) shall elect their party committeemen and committeewomen as provided under
12 sub. (5) (b). The function of committeemen and committeewomen is to represent
13 their neighborhoods in the structure of a political party. Committeemen and
14 committeewomen shall act as liaison representatives between their parties and the
15 residents of the election districts in which they serve. Activities of committeemen
16 and committeewomen shall include, but not be limited to, ~~voter identification~~
17 identifying voters; assistance in voter registration drives; increasing voter
18 participation in political parties; polling and other methods of passing information
19 from residents to political parties and elected public officials; and dissemination of
20 information from public officials to residents. For assistance in those and other
21 activities of interest to a political party, each committeeman and committeewoman
22 may appoint a captain to engage in these activities in each ward, if the election
23 district served by the committeeman or committeewoman includes more than one
24 ward. In an election district which includes more than one ward, the committeeman

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1 or committeewoman shall coordinate the activities of the ward captains in promoting
2 the interests of his or her party.

3 **SECTION 134.** 9.01 (1) (b) 1. of the statutes is amended to read:

4 9.01 (1) (b) 1. The board of canvassers shall first compare the ~~registration or~~
5 poll lists and determine the number of voting electors.

6 **SECTION 135.** 10.02 (3) (a) of the statutes is amended to read:

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

16 **SECTION 136.** 11.30 (title) of the statutes is amended to read:

17 **11.30 (title) ~~Identification~~ Attribution of political contributions,**
18 **disbursements and communications.**

19 **SECTION 137.** 12.13 (3) (u) of the statutes is amended to read:

20 12.13 (3) (u) ~~Present~~ Provide false identification documentation of identity for
21 the purpose of inducing an election official to permit the person or another person to
22 vote.

23 **SECTION 138.** 15.617 of the statutes is created to read:

24 **15.617 Same; council. (1) ELECTION ADMINISTRATION COUNCIL.** There is
25 created in the elections board an election administration council consisting of

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1 members appointed by the executive director of the elections board, including the
2 clerk or executive director of the board of election commissioners of the 2 counties or
3 municipalities in this state having the largest population, one or more election
4 officials of other counties or municipalities, representatives of organizations that
5 advocate for the interests of individuals with disabilities and organizations that
6 advocate for the interests of the voting public, and other electors of this state.

7 SECTION 139. 19.69 (4) of the statutes is created to read:

8 19.69 (4) NONAPPLICABILITY. This section does not apply to any matching
9 program established between the secretary of transportation and the commissioner
10 of the federal social security administration pursuant to an agreement specified
11 under s. 85.61 (2).

12 ~~SECTION 140. 20.002 (11) (d) 2m. of the statutes is created to read:~~

13 ~~20.002 (11) (d) 2m. The election administration fund.~~

14 SECTION 141. 20.005 (3) (schedule) of the statutes: at the appropriate place,
15 insert the following amounts for the purposes indicated:

16 2003-04 2004-05

17 **20.510 Elections board**

18	(1)	ADMINISTRATION OF ELECTION AND CAMPAIGN LAWS.			
19	(+)	Election administration; state contribution	SEG C	477,000	- 0 -
	(v)	Election administration	SEG A	-0-	-0-

use
x: ch 20: par

20 SECTION 142. 20.510 (1) (h) of the statutes is amended to read:

21 20.510 (1) (h) *Materials and services*. The amounts in the schedule for the cost
22 of publishing documents, locating and copying records, providing contractual
23 services under s. 6.33 (5) (b), and conducting administrative meetings and
24 conferences and for supplies, postage and shipping. All moneys received by the board

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1 from collections for sales of publications, copies of records and supplies, for postage,
2 for shipping and records location fees, for providing contractual services under s. 6.33
3 (5) (b), and for charges assessed to participants in administrative meetings and
4 conferences shall be credited to this appropriation account.

5 SECTION 143. 20.510 (1) (t) of the statutes is created to read:

6 20.510 (1) (t) *Election administration; state contribution.* From the election
7 administration fund, ~~a sum sufficient~~ ^{the amounts in the schedule} to meet federal requirements for state
8 contribution towards elections administration costs financed with federal aid under
9 P.L. 107-252.

As a continuing appropriation from

10 SECTION 144. 20.510 (1) (u) of the statutes is created to read:

11 20.510 (1) (u) *Federal audit exceptions.* From the election administration fund,
12 a sum sufficient to repay the federal government for federal aid received by this state
13 under P.L. 107-252 that the federal government requires to be refunded or that is
14 used for purposes for which federal financial participation is denied.

15 SECTION 145. 20.510 (1) (v) of the statutes is created to read:

16 20.510 (1) (v) *Election administration.* From the election administration fund,
17 the amounts in the schedule to meet federal requirements for the conduct of federal
18 elections under P.L. 107-252.

19 SECTION 146. 20.510 (1) (x) of the statutes is created to read:

20 20.510 (1) (x) *Federal aid.* From the election administration fund, all moneys
21 received from the federal government, as authorized by the governor under s. 16.54,
22 to be used for election administration costs under P.L. 107-252.

23 SECTION 147. 20.855 (4) (bp) of the statutes is created to read:

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

4 ~~SECTION 148. 25.17 (1) (e) of the statutes is created to read:~~ ^{created}

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

6 ~~SECTION 149. 25.425 of the statutes~~ ^{is created to read:} ^{as affected by 2003 Wisconsin Act 35}
7 ~~25.425 Election administration fund.~~ ^{amended}

8 ~~There is established a separate~~ ^{plain comma}
9 ~~nonlapsible trust fund, designated the election administration fund,~~ ^{plain comma}
10 ~~consisting of all~~
11 ~~moneys received from the federal government under P.L. 107-252 and all moneys~~
12 ~~transferred to the fund from other funds.~~ ^{plain period}

11 SECTION 150. 51.62 (3) (a) 4. of the statutes is created to read:

12 51.62 (3) (a) 4. Engage in activities to ensure full participation in the electoral
13 process for eligible electors with mental illness or developmental disabilities,
14 including registering to vote, voting, and obtaining access to polling places.

15 SECTION 151. 51.62 (3m) of the statutes is amended to read:

16 51.62 (3m) FUNDING. From the appropriation under s. 20.435 (7) (md), the
17 department may not distribute more than \$75,000 in each fiscal year and, from the
18 appropriation under s. 20.435 (7) (na), the department shall distribute funds made
19 available under P.L. 107-252 to the protection and advocacy agency for performance
20 of community mental health protection and advocacy services.

21 SECTION 152. 59.05 (2) of the statutes is amended to read:

22 59.05 (2) If a petition conforming to the requirements of s. 8.40 is filed with the
23 board by at least two-fifths of the legal voters of any county, to be determined by the
24 registration or poll lists of list for the last previous general election held in the county
25 at the time of filing, the names of which voters shall appear on some one of the

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

11 **SECTION 153.** 85.61 of the statutes is created to read:

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

20 (2) The secretary of transportation shall enter into an agreement with the
21 commissioner of the federal social security administration for the purpose of
22 verifying whether the name, date of birth, and social security number of an
23 individual in the operating record file database under ch. 343 or vehicle registration
24 records under ch. 341 match the information contained in the records of the social
25 security administration. The agreement shall include safeguards to ensure the

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1 maintenance of the confidentiality of any personally identifiable information
2 disclosed and procedures to permit the secretary of transportation to use any
3 applicable personally identifiable information disclosed for purposes related to
4 maintenance of departmental records.

5 **SECTION 154.** 117.20 (2) of the statutes is amended to read:

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

17 **SECTION 155.** 120.06 (5) of the statutes is repealed.

18 **SECTION 156.** 125.05 (2) (h) of the statutes is amended to read:

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

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1 person whose name does not appear on a registration list ~~or poll list~~ may not sign a
2 protest petition, consent or counter petition.

3 **SECTION 157. Nonstatutory provisions.**

4 (1) The legislative audit bureau is directed to perform a program evaluation
5 audit relating to compliance by the state and local governments with election laws
6 and the appropriateness of procedures used to implement those laws. In its audit,
7 the bureau shall address compliance by the state and local governments with the
8 requirements of this act, specifically including the polling place accessibility
9 requirements under section 5.25 (4) (a) of the statutes, as affected by this act. The
10 bureau shall also address the treatment of any complaints of electors concerning
11 alleged violations of the law, specifically including complaints relating to denial of
12 the right to vote and denial of the right to corroborate registration information on
13 behalf of electors; any attempts to require electors to provide identification that is
14 not authorized by law; any incidence of an inadequate availability of ballots for all
15 electors who wish to vote; any allegations of elector fraud and the treatment of those
16 allegations; and the appropriateness and legality of procedures used to identify
17 ineligible electors whose names may appear on the registration list. The bureau
18 shall file a report of its findings as described under section 13.94 (1) (b) of the statutes
19 within an appropriate time period following the effective date of this subsection that
20 is determined by the bureau upon consultation with the elections board.

21 **SECTION 158. Initial applicability.**

22 (1) The treatment of sections 5.02 (17), 5.05 (15), 6.20, 6.24 (3), (4) (a) and (c),
23 6.26 (1) and (2) (am), (b), and (c), and (8), 6.27, 6.275 (1) (b) to (d), 6.28 (2) (b) and (3),
24 6.29 (2) (a) and (b), 6.32 (4), 6.33 (3), (4), and (5), 6.36 (1), (2) (a) and (c), and (3), 6.40
25 (1) (b) and (2) (b), 6.47 (6), 6.48 (1) (d) and (2) (b), 6.50 (1), (2), (2m), (3) to (6), (7), (9),

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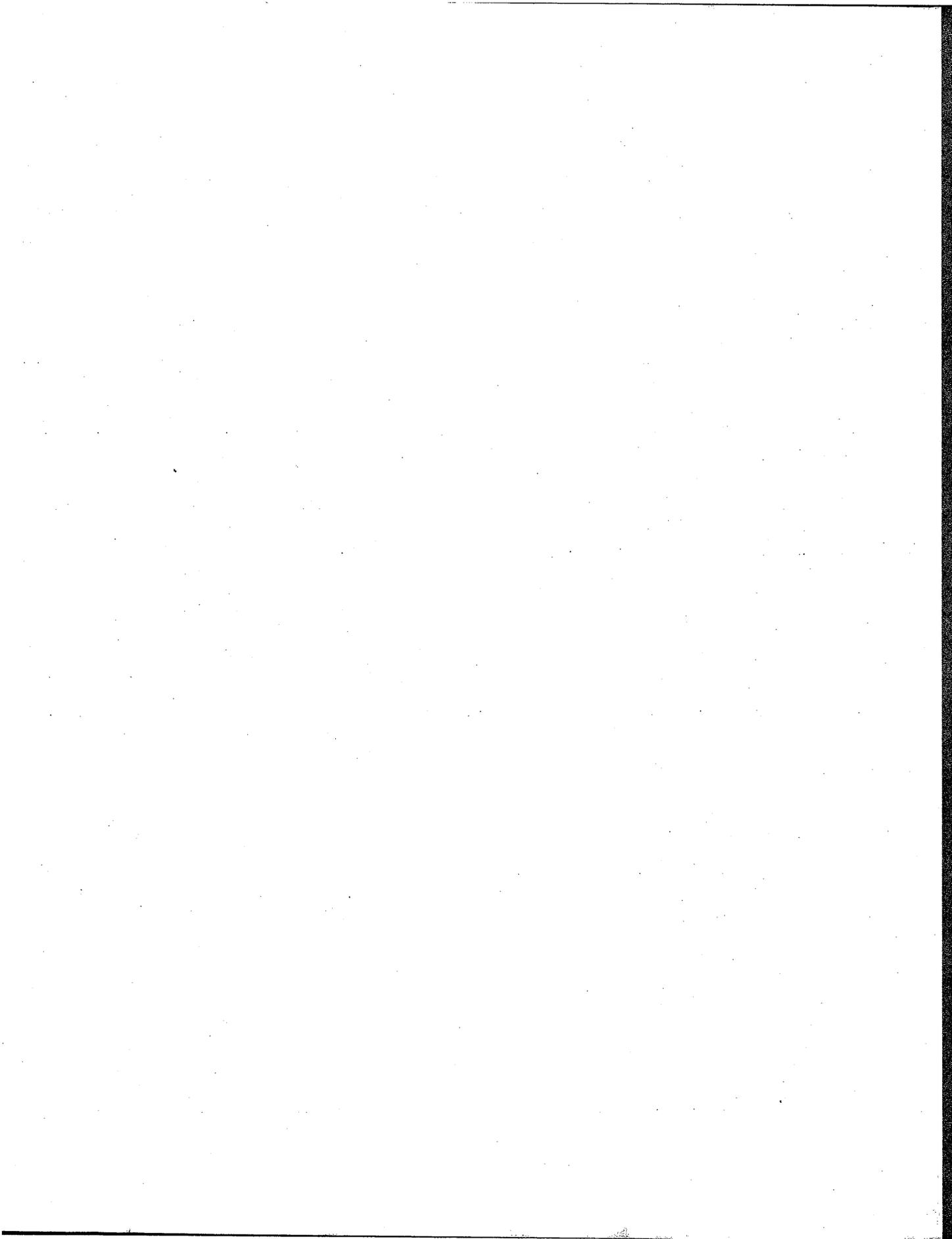
1 and (10), 6.55 (2) (a) 1. (intro.) and 2., (b), and (c) 1. and 2., (3), and (7) (c) 2., 6.56 (3)
2 and (4), 6.57, 6.79 (intro.), (1), (2), (4), (5), and (6) (a) and (b), 6.82 (1) (a), 6.86 (3) (a)
3 1. and 2., 6.88 (3) (a), 6.94, 6.95, 7.08 (1) (c), 7.10 (1) (b), 7.15 (1) (c) and (4), 7.23 (1)
4 (c), 7.37 (7), 7.51 (2) (a), (c), and (e), (4) (a), and (5) (a), 9.01 (1) (b) 1., 20.510 (1) (h),
5 59.05 (2), 117.20 (2), 120.06 (5), and 125.05 (2) (h) of the statutes, the renumbering
6 and amendment of section 6.40 (1) (a) of the statutes, and the creation of section 6.40
7 (1) (a) 2. and 3. of the statutes first apply with respect to the 2006 spring primary
8 election.

9 **SECTION 159. Effective dates.** This act takes effect on the day after
10 publication, except as follows:

11 (1) The treatment of sections 5.02 (24w), 5.05 (12), 5.25 (4) (a) and (c), 5.91 (15)
12 to (18), 6.869, 7.08 (6), 7.10 (7) and 7.15 (9) of the statutes, the renumbering of section
13 5.87 of the statutes, and the creation of section 5.87 (2) of the statutes take effect on
14 January 1, 2006.

15 (2) The treatment of sections 5.05 (13), 5.35 (6) (a) 2m. 4., 4a., and 4b., 6.96, 7.08
16 (8), 7.10 (8) and 7.15 (10) of the statutes takes effect on January 1, 2004, or on the
17 day after publication, whichever is later.

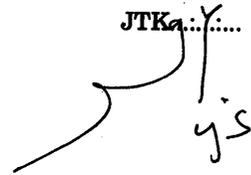
18 (END)



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

LRB-0610/5dn

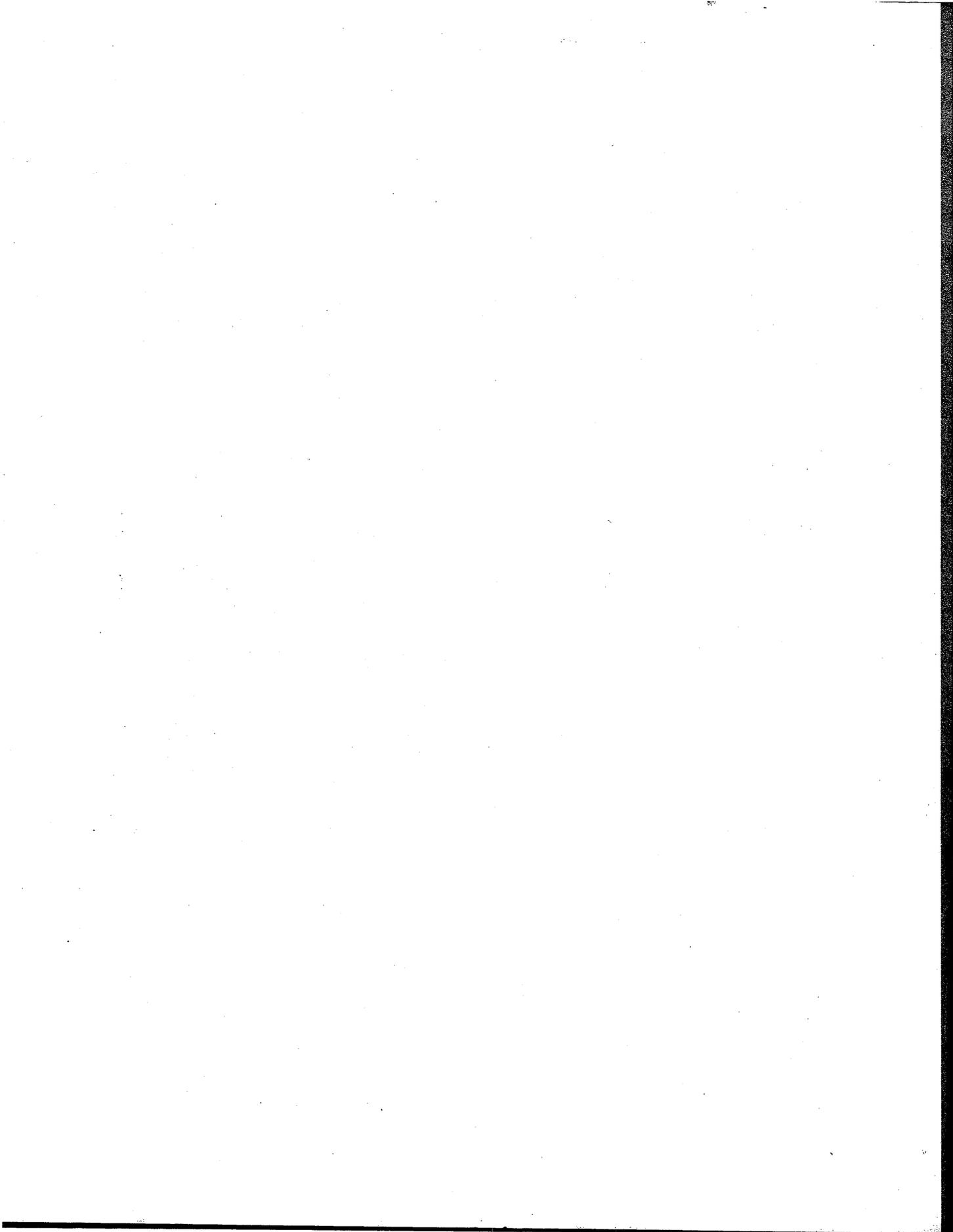
JTKa:Y:....

Handwritten signature and initials, possibly 'JTK' and 'Y:....' with a flourish and 'yis' written below.

Kevin Kennedy:

This draft removes the appropriation to satisfy federal audit exceptions pursuant to an objection by the Legislative Fiscal Bureau. Because audits of grant recipients are specifically required to be conducted by the U.S. comptroller general under P.L. 107-252, section 902 (3), it is not unlikely that there will be exceptions. Any exceptions will need to be satisfied in order to comply with federal law. Under this draft, there is no longer an appropriation that may be used to satisfy an objection. Also, if the objection results from improper use of a grant by a county or municipality, although the county or municipality is required to repay the state under s. 5.05 (11), stats., as affected by this draft, the repayment would be deposited as GPR-earned and is not available to repay the federal government.

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



DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0610/5dn
JTK:cjs:rs

August 22, 2003

Kevin Kennedy:

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