



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-0610/β6  
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2003 BILL

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TODAY

f (regenerate)

1 AN ACT ~~to repeal 5.25 (4) (c), 6.15 (3) (a) (title), 6.15 (3) (b) (title), 6.24 (8), 6.33~~  
2 ~~(3), 6.35 (2), 6.35 (5) and (6), 6.40 (1) (b), 6.50 (2m), 6.50 (9), 6.79 (1), 6.79 (5),~~  
3 ~~6.79 (6) (a) and 120.06 (5); to renumber 5.87 and 6.865; to renumber and~~  
4 ~~amend 6.15 (3) (a) 1., 2. and 3., 6.15 (3) (b), 6.40 (1) (a), 6.79 (intro.) (except 6.79~~  
5 ~~(title)) and 6.79 (6) (b); to amend 5.02 (17), 5.05 (11), 5.25 (4) (a), 5.40 (6), 5.55~~  
6 ~~(title), 6.15 (2) (title), 6.15 (2) (a) (intro.), 6.15 (4) (d), 6.20, 6.24 (3), 6.24 (4) (a),~~  
7 ~~6.24 (4) (c), 6.26 (1), 6.26 (2) (a), 6.26 (2) (b) and (c), 6.275 (1) (b) to (d), 6.28 (2)~~  
8 ~~(b), 6.28 (3), 6.29 (2) (a), 6.29 (2) (b), 6.30 (4), 6.32 (4), 6.325, 6.33 (title), 6.33 (1),~~  
9 ~~6.33 (2), 6.33 (4), 6.35 (3), 6.36 (2) (a), 6.36 (3), 6.40 (2) (b), 6.47 (2), 6.47 (3), 6.47~~  
10 ~~(6), 6.48 (1) (d), 6.48 (2) (b), 6.50 (1), 6.50 (2), 6.50 (3) to (6), 6.50 (7), 6.50 (8), 6.50~~  
11 ~~(10), 6.55 (2) (a) 1. (intro.), 6.55 (2) (a) 2., 6.55 (2) (b), 6.55 (2) (c) 1., 6.55 (2) (c)~~  
12 ~~2., 6.55 (2) (d), 6.55 (3), 6.55 (7) (a) (intro.), 6.55 (7) (b), 6.55 (7) (c) (intro.), 6.55~~  
13 ~~(7) (c) 1., 6.55 (7) (c) 2., 6.55 (7) (d), 6.56 (3) and (4), 6.79 (4), 6.82 (1) (a), 6.86 (3)~~  
14 ~~(a) 1., 6.86 (3) (a) 2., 6.86 (3) (b), 6.86 (3) (c), 6.865 (title), 6.87 (3) (d), 6.87 (4),~~

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1 ~~6.88 (3) (a), 6.94, 6.95, 7.08 (1) (e), 7.10 (1) (b), 7.15 (1) (c), 7.15 (4), 7.23 (1) (c),~~  
 2 ~~7.23 (1) (e), 7.37 (7), 7.51 (2) (a), 7.51 (2) (c), 7.51 (2) (e), 7.51 (3) (a), 7.51 (4) (a),~~  
 3 ~~7.51 (5) (a), 8.17 (1) (a), 9.01 (1) (b) 1., 10.02 (3) (a), 11.30 (title), 12.13 (3) (u),~~  
 4 ~~20.510 (1) (h), 25.425, 51.62 (3m), 59.05 (2), 117.20 (2) and 125.05 (2) (h); to~~  
 5 ~~*repeal and recreate* 6.26 (title), 6.27, 6.36 (1), 6.40 (1) (a) (title), 6.57 and 6.79~~  
 6 ~~(2); and to *create* 5.02 (6m), 5.02 (24w), 5.05 (10), 5.05 (12) to (15), 5.055, 5.056,~~  
 7 ~~5.061, 5.25 (4) (b), 5.35 (8) (a) 2m., 4., 4a. and 4b., 5.36, 5.87 (2), 5.91 (15) to (18),~~  
 8 ~~6.06, 6.26 (2) (am), 6.276, 6.33 (5), 6.36 (2) (c), 6.40 (1) (a) 2. and 3., 6.865 (1),~~  
 9 ~~6.865 (3) and (4), 6.869, 6.96, 6.97, 7.08 (6) and (8), 7.10 (7) to (9), 7.10 (10), 7.15~~  
 10 ~~(9) to (14), 15.617, 19.69 (4), 20.510 (1) (t), 20.510 (1) (v), 20.855 (4) (bp), 51.62~~  
 11 ~~(3) (a) 4. and 85.61~~ of the statutes; **relating to:** election administration, voter  
 12 registration and voting requirements and procedures, granting rule-making  
 13 authority, and making appropriations.

***Analysis by the Legislative Reference Bureau***

This bill makes various changes in state law relating to voter registration and voting requirements and procedures and administration of elections. Many of the changes are made for the purpose of implementing numerous federal mandates imposed upon this state under the federal Help America Vote Act of 2002 and enabling receipt of federal aids by this state under that act. Significant provisions include:

**STATEWIDE VOTER REGISTRATION**

Under current law, voter registration is required in every municipality with a population of greater than 5,000. This bill requires voter registration in every municipality. The bill also establishes a centralized, state-wide voter registration list that is designed and maintained by the state Elections Board. The bill directs the board to require all municipalities to use the list in all elections and permits the board to require any municipality to adhere to procedures established by the board for proper maintenance of the list. Under the bill, the list must be electronically accessible by any person, but access to certain identifying information is limited to the board and municipal clerks and boards of election commissioners, and no person other than the board or an authorized election official may make a change in the list. The bill also permits the board to make changes to the list with notice to the

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appropriate municipal clerks or boards of election commissioners. Under the bill, each municipal clerk or board of election commissioners must electronically enter valid registrations or changes of registration and voting record information on the list, except that the bill permits any municipal clerk or board of election commissioners, by mutual consent, to delegate this electronic maintenance function to another municipal clerk or board of election commissioners, to a county clerk or board of election commissioners, or to the state Elections Board. Currently, when a registered elector is no longer eligible to vote, the name of the elector is removed from the registration list. Under the bill, all names are retained on the list indefinitely and the list distinguishes between eligible and ineligible status. When an elector is no longer eligible to vote, the elector is changed to ineligible status. Each municipality must retain the original registrations or changes of registration as provided under current law. Under the bill, the original forms are controlling whenever there is a discrepancy between the list and the original forms. Currently, municipalities must maintain records of voter participation in elections manually or electronically. Under the bill, municipalities must maintain voter participation records electronically as a part of the state-wide registration list.

**REQUIREMENTS FOR REGISTRATION**

Currently, if registration is required, any individual who qualifies as an elector of a municipality but who is not registered to vote may register in person at various locations within the applicable municipality or may mail to the appropriate municipal clerk a completed registration form. With certain exceptions, the deadline for voter registration is 5 p.m. on the second Wednesday preceding the election. Registrations made by mail must be delivered to the office of the municipal clerk or board of election commissioners or postmarked not later than this deadline. However, under current law, voters may also register in person at the office of the municipal clerk or board of election commissioners up to 5 p.m. on the day before the election or, in most cases, may register at the proper polling place on election day. In addition, voters may register at any time after the deadline if the municipal clerk determines that the registration list can be revised to incorporate the registration in time for the election. Currently, an individual who makes a late or election day registration must complete a registration form and a certification of eligibility and must present acceptable proof of residence. If an individual attempting to vote under these late registration or election day registration procedures is not able to present acceptable proof of residence, as an alternative, current law permits another qualified elector who resides in the same municipality to corroborate the information contained in the individual's registration form or certification. The corroborating elector must then provide acceptable proof of residence.

This bill requires every elector who registers to vote to provide his or her date of birth and a driver's license number from a valid Wisconsin driver's license, or if the elector does not have a driver's license, the last four digits of the elector's social security number, if the elector has a social security number. The bill also requires the board to assign a registration identification number to every registered elector.

In addition, the bill 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

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commissioners by 5 p.m. or the close of business, whichever is later, on the day before an election.

Currently, any qualified elector may apply to the municipal clerk or board of election commissioners of any municipality to be appointed as a special registration deputy for the purpose of registering electors of the municipality prior to the close of registration (2nd Wednesday before an election). An elector may apply to and be appointed to serve more than one municipality. This bill permits any elector of the state to apply to the Elections Board for appointment as a special registration deputy for the purpose of registering electors of the state prior to the close of registration.

**IDENTIFICATION REQUIRED TO VOTE**

With certain limited exceptions, before being permitted to vote at any polling place, an elector currently must provide his or her name and address. If registration is required in order to vote and the elector is not registered, the elector must provide a specified form of proof of residence in order to register after the close of registration (usually the second Wednesday preceding an election). If an elector at a polling place claims to be registered but his or her name does not appear on the appropriate registration list, the elector must complete a certification of eligibility and present acceptable proof of residence in order to vote. In addition, an elector who appears to vote at a polling place may be required to provide acceptable proof of residence even if registration is not required. If an elector is not able to present any required proof of residence, as an alternative, current law permits another qualified elector who resides in the same municipality to corroborate the elector's information. Currently, an elector who votes an absentee ballot and who is registered, if registration is required, is not required to provide acceptable proof of residence.

This bill provides that if an elector other than a military or overseas elector, as defined by federal law, registers to vote by mail and has never voted in a federal election in this state, the elector must provide a form of identification specified by federal law in order to be permitted to vote in a federal election. The form of identification used must be either 1) a current and valid piece of identification containing a photograph of the elector; or 2) a copy of a utility bill, bank statement, paycheck, or a check or other document issued by a unit of government that shows the current name and address of the elector. If the elector votes by absentee ballot, the elector must provide a copy of any identification used. If an elector who votes at a polling place is required to provide identification and fails to do so or fails to provide sufficient identification, the elector may vote provisionally. If an elector who fails to provide required identification or sufficient identification votes by absentee ballot, the ballot is treated as a provisional ballot. A provisional ballot is marked by the poll workers, who immediately contact the municipal clerk or board of election commissioners. The clerk or board is then directed to determine whether the individual submitting the ballot is a qualified elector where he or she is attempting to vote. If the clerk or board of election commissioners does not notify the municipal board of canvassers that the elector is qualified before the municipal canvass is completed, the elector's vote is not counted.

*If the identification provided by an elector is in one of the acceptable formats and contains name and address of the elector as shown on the poll list, the inspector must accept the identification unless they challenge the ballot of the elector.*

*executive director of the*

*executive director (use 2x)*

*notifies the*

*responsible for canvassing the election*

*Board of canvassers must reopen the canvass and count the individual's ballot*

*to vote in the ward or election district where the individual's ballot is cast by 4 p.m. on the day after the election*

**BILL****COMPLIANCE WITH HELP AMERICA VOTE ACT**

Currently, an elector who believes that the action or inaction of an election official concerning nominations, qualification of candidates, voting qualifications, ward division and numbering, recall, ballot preparation, election administration, or the conduct of elections is contrary to law or that the actions or inactions of an election official with respect to any such matter constitute an abuse of discretion, may file a complaint with the Elections Board and the board may order appropriate relief. The decision of the board may be appealed to the courts. Any elector who believes that an election official is acting in violation of the law may request the appropriate district attorney or, in some cases, the attorney general to petition a court for appropriate relief. However, the recount procedure is the exclusive judicial remedy for addressing any alleged irregularity, defect, or mistake committed during the voting or canvassing process.

This bill creates another procedure for addressing alleged noncompliance with any provision of the federal Help America Vote Act relating to voting system standards, provisional voting, voting information, registration procedure and administration, and voter identification. Under the bill, whenever any person (whether an individual or another entity and whether inside or outside this state) believes that a violation of the act has occurred, is occurring, or is proposed to occur with respect to an election for national office in this state, that person may file a written, sworn complaint with the Elections Board. The board must grant the complainant a formal hearing upon request and must issue a decision on the complaint, together with an order for any appropriate relief, within 89 days. Under the bill, the relief may not include any order affecting the right of any person to hold an elective office or affecting the canvass of an election on or after the date of that election.

**VOTING PROCESS*****Standards for determining validity of votes***

Currently, state law specifies in detail whether particular indications of elector intent shall be counted as votes cast for particular candidates or propositions. The standards for determining the validity of votes are to some degree applicable to votes cast using electronic voting systems. This bill directs the Elections Board to prescribe, by rule, uniform standards for determining the validity of votes cast or attempted to be cast with each electronic voting system that the board approves for use in this state. The rules apply only in situations that are not addressed under current law.

***Federal absentee ballot procedures***

Currently, when a uniformed service or overseas voter (as defined by federal law) requests an absentee ballot in a timely manner, the voter is sent an absentee ballot for the next election. Under this bill, such a voter may request and receive an absentee ballot for the next two general (national) elections at the same time, unless the voter is subject to a registration requirement and the voter is no longer registered to vote in this state at the time that an absentee ballot would otherwise be transmitted.

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The bill also provides that if any municipal clerk or board of election commissioners rejects a request for an absentee ballot from a uniformed service or overseas voter, the clerk or board must promptly inform the voter of the reason for the rejection.

***Voting after hours pursuant to federal court order***

This bill provides that if a federal court orders that a polling place remain open after the official closing hour of 8 p.m., any electors who vote after hours must vote by ballot and have their ballots marked to indicate that they voted after the official closing hour pursuant to a federal court order. The late ballots are then counted unless the court order is overturned. If the order is overturned after the canvass of the election, the bill requires the canvass to be reopened.

***Protection and advocacy activities***

Under current law, the state protection and advocacy agency implements a system to protect and advocate for the rights of persons with developmental disabilities or mental illness.

The bill authorizes the protection and advocacy agency to engage in activities to ensure full participation in the electoral process for eligible electors with developmental disabilities or mental illness and requires the Department of Health and Family Services to distribute federal funding to the agency for these activities.

***Voting by new residents***

Currently, an individual who has resided in this state for less than ten 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 through the mail, 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.

**REVISION OF REGISTRATION LIST**

Under current law, municipalities must use either a "negative purge" or a "positive purge" system to maintain their voter registration lists. Under the negative purge procedure, an elector who does not vote for a four-year period and does not respond to a notice by requesting continuation of his or her registration is purged from the list. Under the positive purge procedure, the municipal clerk or board of election commissioners sends a registration verification notice to each elector who does not vote for a four-year period. Each elector whose notice is returned as undeliverable is purged from the list. This bill deletes the "positive purge" procedure.

~~Under current law, municipal clerks and boards of election commissioners must send a first class letter or postcard to each elector who registers to vote at a polling place. If the letter or postcard is returned and indicates the use of an address that was apparently incorrect on election day, the elector's name is removed from the registration list. The clerk or board must then notify the appropriate district attorney. This bill discontinues that notice requirement. The bill retains a notice requirement if it appears that an elector may have voted more than once in an election.~~

**BILL****ELECTION ADMINISTRATION ENHANCEMENT*****State financial assistance***

Under the federal Help America Vote Act of 2002, this state is eligible to receive federal financial assistance for the purchase of voting equipment, compliance with federal requirements for the conduct of federal elections and other election administration costs, construction of barrier-free polling places, and outreach and training of election officials to enable greater participation of individuals with disabilities in federal elections. To be eligible for most of this federal assistance, this state must make expenditures from state moneys equal to at least 5% of the amount spent by this state for the same purposes for which federal assistance is received.

This bill appropriates a sum certain to the Elections Board that may be used to meet minimum federal requirements for continued eligibility for federal assistance. The amount appropriated may or may not be sufficient to meet federal requirements.

***Federal and state advisory bodies***

In accordance with the Help America Vote Act, the bill creates an Election Administration Council whose members are appointed by the executive director of the board to develop and revise as necessary a proposed state plan for the expenditure of federal moneys under the Help America Vote Act. The bill also directs the board to adopt this plan and revise the plan as necessary. In addition, the bill directs the executive director, in consultation with the Elections Board, to appoint a representative of this state as a member of the federal Election Assistance Commission standards board, and to supervise the selection by county and municipal clerks and boards of election commissioners in this state of a representative of this state to serve as a member of the standards board.

***Voter educational programs and information systems***

This bill permits the Elections Board, with the assistance of county and municipal clerks and boards of election commissioners, to conduct or prescribe requirements for educational programs to inform electors about voting procedures, voting rights, and voting technology. However, the bill requires the board to conduct an educational program for the specific purpose of educating electors who cast paper ballots, ballots that are counted at a central counting location, and absentee ballots of the effect of casting excess votes for an office. The bill also directs the board, with the assistance of county and municipal clerks, to maintain one or more toll-free telephone lines for electors to report possible voting fraud and voting rights violations, to obtain general election information and to access information concerning their registration status, current polling place locations, and other information relevant to voting in elections. The bill requires the municipal clerks and boards of election commissioners to maintain a free access system under which electors who vote without providing required identification and electors who vote pursuant to a federal court order after a polling place is scheduled to close may ascertain the status of their votes.

**BILL*****Requirements to match information***

In accordance with the Help America Vote Act, the bill requires the secretary of transportation (secretary) to enter into two agreements. First, the secretary and the executive director of the Elections Board must enter into an agreement to match personally identifiable information on the official registration list maintained by the Elections Board with personally identifiable information in driver licensing and vehicle registration records maintained by the Department of Transportation (DOT), for the purpose of verifying voter registration information. Second, the secretary must enter into an agreement with the commissioner of the federal Social Security Administration to match the name, date of birth, and social security number of individuals in DOT's driver licensing and vehicle registration records with such information in the records of the Social Security Administration. This agreement must contain safeguards to maintain the confidentiality of any information disclosed and procedures to allow the secretary to use any information disclosed in maintaining the records of DOT.

***Instructions for absentee voters***

The bill directs the Elections Board to prescribe uniform instructions for absentee voters. The instructions must include information concerning the procedure for correcting errors in marking a ballot and obtaining a replacement for a spoiled ballot.

***Electronic voting system standards***

Effective on January 1, 2006, the bill creates new standards for approval by the Elections Board of electronic voting systems for use at elections in this state. Under the bill, all electronic voting systems must enable an elector to privately verify the votes selected by the elector before casting his or her ballot, they must provide the elector with an opportunity to change his or her votes or to obtain a replacement for a spoiled ballot before casting his or her vote, and, unless a ballot is counted at a central counting location, they must include a mechanism for notifying an elector of an overvote for an office and provide an opportunity for the elector to correct his or her ballot or to cast a replacement ballot to eliminate the overvote. The system must also produce a permanent paper record of the vote cast by each elector who uses an electronic voting system at the time the elector casts his or her vote that enables a manual count or recount of the elector's vote.

***Enforcement of federal voting system standards***

Effective on January 1, 2006, the bill directs the Elections Board to audit the performance of each voting system used in this state, including any paper ballot voting system, following each general election. In the audit, the board must determine the error rate of the system in counting ballots that are validly cast by electors. If the error rate exceeds the rate permitted by the federal government, the bill directs the board to take remedial action and to order affected counties and municipalities to take remedial action. The bill requires counties and municipalities to comply with remedial orders.



**BILL*****Polling place accessibility, equipment and materials***

Currently, each polling place in the state is required to be accessible to elderly and handicapped individuals, unless the Elections Board otherwise permits in accordance with guidelines prescribed by rule. This bill requires, effective January 1, 2006, that each polling place in the state be accessible to all individuals with physical or mental disabilities, except individuals who are currently disqualified from voting due to mental disability. The bill also directs the board to ensure that the voting system used at each polling place allows all such individuals to vote without the need for assistance and with the same degree of privacy that is accorded to nondisabled electors voting at the same polling place. Under the bill, any individual with a disability who intends to vote at a polling place on election day may request that a specific type of accommodation be provided to facilitate his or her voting. Municipalities must make reasonable efforts to comply with such requests where feasible, but municipalities must still make all polling places accessible to all individuals with disabilities (except individuals who are currently disqualified from voting due to mental disability) regardless of whether an advance request for accommodation is made. In any jurisdiction that is currently subject to federal requirements to provide voting materials in any language other than English, the board must ensure that the voting system used at each polling place in the jurisdiction is in compliance with those requirements. In addition, the bill deletes the authority of the board to waive compliance with accessibility requirements.

***Notices posted at polling places***

Currently, municipalities are required to post at each polling place relevant voting instructions, a copy of state election fraud laws, two sample ballots, special information concerning voting at partisan primaries, and other information directed to be posted by the Elections Board. This bill requires, in addition, that municipalities post information concerning the date of the election, the hours during which the polling place is open, special instructions for electors who are required to provide identification in order to vote, and general information prescribed by the board concerning voting rights under applicable state and federal laws and federal laws relating to election fraud and misrepresentation in elections.

***Statistical reports***

This bill requires each municipal clerk and board of election commissioners to report to the Elections Board, within 30 days after each general election, the number of absentee ballots transmitted to absent uniformed services and overseas voters, as defined by federal law, for that election and the combined number of those ballots that were cast by those electors in that election. The bill then directs the board, within 90 days after each general election, to compile the information received from municipal clerks and boards of election commissioners and transmit the compiled information to the federal Election Assistance Commission. Currently, there is no similar requirement.

The bill also permits the Elections Board to request that county or municipal clerks or boards of election commissioners provide information to the board relating to election administration, performance of electronic voting systems and voting

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machines, and use of paper ballots in elections, and directs the clerks and boards to provide the board with any such requested information.

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.

***Performance evaluation audit***

The bill directs the Legislative Audit Bureau to perform a performance evaluation audit relating to compliance by the state and local governments with election laws and the appropriateness of procedures used to implement those laws. The audit must address compliance with the terms of the act resulting from enactment of this bill, including polling place accessibility requirements. The audit must also address the treatment of complaints of electors concerning election law violations, including denial of the right to vote and the right to corroborate registration information for electors, any attempts to require identification that is not authorized by law, any incidence of inadequate availability of ballots, allegations of voter fraud and the treatment of those allegations, and the legality and appropriateness of procedures used to identify ineligible electors whose names may appear on the registration list. The bureau must report its findings within an appropriate time period determined by the bureau upon consultation with the Elections Board.

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

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

- 1           **SECTION 1.** 5.02 (6m) of the statutes is created to read:
- 2           5.02 (6m) "Identification" means:
- 3           (a) In the case of an elector who votes in person, either of the following:
- 4           1. A current and valid piece of identification containing a photograph of the
- 5           elector.
- 6           2. A copy of a utility bill, bank statement, paycheck, or a check or other
- 7           document issued by a unit of government that shows the current name and address
- 8           of the elector.
- 9           (b) In the case of an elector who votes by absentee ballot, either of the following:

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1           1. A copy of a current and valid piece of identification containing a photograph  
2 of the elector.

3           2. A copy of a utility bill, bank statement, paycheck, or a check or other  
4 document issued by a unit of government that shows the current name and address  
5 of the elector.

6           **SECTION 2.** 5.02 (17) of the statutes is amended to read:

7           5.02 (17) "Registration list" means the list of electors who are properly  
8 registered to vote ~~in municipalities in which registration is required.~~

9           **SECTION 3.** 5.02 (24w) of the statutes is created to read:

10          5.02 (24w) "Voting system" means:

11          (a) The total combination of mechanical, electromechanical, or electronic  
12 equipment, including the software, hardware, and documentation required to  
13 program, control, and support the equipment, that is used to define ballots, to cast  
14 and count votes, to report or display election results, and to maintain and produce  
15 any audit trail information.

16          (b) The practices and associated documentation for any of the following  
17 purposes:

- 18           1. To identify equipment components and versions of such components.
- 19           2. To test the equipment during its development and maintenance.
- 20           3. To maintain records of equipment errors and defects.
- 21           4. To determine specific equipment changes to be made after the initial  
22 qualification of the equipment.
- 23           5. To make available any materials to an elector.

24          **SECTION 4.** 5.05 (10) of the statutes is created to read:

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1           5.05 (10) STATE ELECTION ADMINISTRATION PLAN. With the assistance of the  
2 election administration council, the board shall adopt and modify as necessary a  
3 state plan that meets the requirements of P.L. 107-252 to enable participation by  
4 this state in federal financial assistance programs authorized under that law. The  
5 board shall adopt the plan and any modifications only after publishing a class I notice  
6 under ch. 985 or posting on the Internet a statement describing the proposed plan  
7 or modification and receiving public comment thereon.

8           SECTION 5. 5.05 (11) of the statutes, as created by 2003 Wisconsin Act 35, is  
9 amended to read:

10           5.05 (11) AIDS TO COUNTIES AND MUNICIPALITIES. From the ~~appropriation~~  
11 appropriations under s. 20.510 (1) (t), (v), and (x), the board may provide financial  
12 assistance to eligible counties and municipalities for election administration costs in  
13 accordance with the plan adopted under sub. (10). As a condition precedent to receipt  
14 of assistance under this subsection, the board shall enter into an agreement with the  
15 county or municipality receiving the assistance specifying the intended use of the  
16 assistance and shall ensure compliance with the terms of the agreement. Each  
17 agreement shall provide that if the federal government objects to the use of any  
18 assistance moneys provided to the county or municipality under the agreement, the  
19 county or municipality shall repay the amount of the assistance provided to the  
20 board.

21           SECTION 6. 5.05 (12) to (15) of the statutes are created to read:

22           5.05 (12) VOTER EDUCATION. The board may conduct or prescribe requirements  
23 for educational programs to inform electors about voting procedures, voting rights,  
24 and voting technology. The board shall conduct an educational program for the  
25 purpose of educating electors who cast paper ballots, ballots that are counted at a

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1 central counting location, and absentee ballots of the effect of casting excess votes for  
2 a single office.

3 (13) **TOLL-FREE ELECTION INFORMATION EXCHANGE.** (a) The board shall maintain  
4 one or more toll-free telephone lines for electors to report possible voting fraud and  
5 voting rights violations, to obtain general election information, and to access  
6 information concerning their registration status, current polling place locations, and  
7 other information relevant to voting in elections.

8 (b) The board may maintain a free access system under which an elector who  
9 votes under s. 6.96 or 6.97 may ascertain current information concerning whether  
10 the elector's vote has been counted, and, if the vote will not be counted, the reason  
11 that it will not be counted.

12 (14) **INFORMATION FROM COUNTY AND MUNICIPAL CLERKS.** The board may request  
13 information from county and municipal clerks relating to election administration,  
14 performance of electronic voting systems and voting machines, and use of paper  
15 ballots in elections.

16 (15) **REGISTRATION LIST.** The board is responsible for the design and  
17 maintenance of the official registration list under s. 6.36. The board shall require all  
18 municipalities to use the list in every election and may require any municipality to  
19 adhere to procedures established by the board for proper maintenance of the list.

20 **SECTION 7.** 5.055 of the statutes is created to read:

21 **5.055 Election assistance commission standards board.** The executive  
22 director of the board shall, in consultation with the board, appoint an individual to  
23 represent this state as a member of the federal election assistance commission  
24 standards board. The executive director shall also conduct and supervise a process  
25 for the selection of an election official by county and municipal clerks and boards of

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1 election commissioners to represent local election officials of this state as a member  
2 of the federal election assistance commission standards board. The executive  
3 director shall ensure that the members of the federal election assistance commission  
4 standards board representing this state shall at no time be members of the same  
5 political party. Upon appointment or election of any new member of the federal  
6 election assistance commission standards board representing this state, the  
7 executive director shall transmit a notice of that member's appointment or election  
8 to the officer or agency designated by federal law.

9 **SECTION 8.** 5.056 of the statutes is created to read:

10 **5.056 Matching program with secretary of transportation.** The  
11 executive director of the board shall enter into the agreement with the secretary of  
12 transportation specified under s. 85.61 (1) to match personally identifiable  
13 information on the official registration list maintained by the board under s. 6.36 (1)  
14 with personally identifiable information maintained by the department of  
15 transportation.

16 **SECTION 9.** 5.061 of the statutes is created to read:

17 **5.061 Compliance with federal Help America Vote Act.** (1) Whenever  
18 any person believes that a violation of Title III of P.L. 107-252 has occurred, is  
19 occurring, or is proposed to occur with respect to an election for national office in this  
20 state, that person may file a written, verified complaint with the board.

21 (2) If the board receives more than one complaint under sub. (1) relating to the  
22 same subject matter, the board may consolidate the complaints for purposes of this  
23 section.

24 (3) A complainant under sub. (1) or any of the complainants in a consolidated  
25 complaint under sub. (2) may request a hearing and the matter shall then be treated

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1 as a contested case under ch. 227, except that the board shall make a final  
2 determination with respect to the merits of the complaint and issue a decision within  
3 89 days of the time that the complaint or the earliest of any complaints was filed,  
4 unless the complainant, or each of any complainants whose complaints are  
5 consolidated, consents to a specified longer period.

6 (4) If the board finds the complaint to be without merit, it shall issue a decision  
7 dismissing the complaint. If the board finds that the violation alleged in the  
8 complaint has occurred, is occurring, or is proposed to occur, the board shall order  
9 appropriate relief, except that the board shall not issue any order under this  
10 subsection affecting the right of any person to hold an elective office or affecting the  
11 canvass of an election on or after the date of that election.

12 SECTION 10. 5.25 (4) (a) of the statutes is amended to read:

13 5.25 (4) (a) Each polling place shall be accessible to ~~elderly and handicapped~~  
14 all individuals with disabilities. The board shall ensure that the voting system used  
15 at each polling place will permit all individuals with disabilities to vote without the  
16 need for assistance and with the same degree of privacy that is accorded to  
17 nondisabled electors voting at the same polling place. This paragraph does not apply  
18 to any individual who is disqualified from voting under s. 6.03 (1) (a).

19 SECTION 11. 5.25 (4) (b) of the statutes is created to read:

20 5.25 (4) (b) In any jurisdiction that is subject to the requirement under 42 USC  
21 1973aa-1a to provide voting materials in any language other than English, the board  
22 shall ensure that the voting system used at each polling place in that jurisdiction is  
23 in compliance with 42 USC 1973aa-1a.

24 SECTION 12. 5.25 (4) (c) of the statutes is repealed.

25 SECTION 13. 5.35 (6) (a) 2m., 4., 4a. and 4b. of the statutes are created to read:

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1           5.35 (6) (a) 2m. General information prescribed by the board on federal laws  
2 relating to election fraud and misrepresentation in federal elections.

3           4. The date of the election and the hours during which the polling place is open.

4           4a. Instructions prescribed by the board for electors for whom identification is  
5 required under s. 6.36 (2) (c) 2.

6           4b. General information prescribed by the board concerning voting rights  
7 under applicable state and federal laws, including the method of redress for any  
8 alleged violations of those rights.

9           **SECTION 14.** 5.36 of the statutes is created to read:

10           **5.36 Notice of voting by individuals with disabilities.** Any individual  
11 with a disability may notify a municipal clerk that he or she intends to vote at a  
12 polling place on election day and may request that a specific type of accommodation  
13 be provided that will facilitate his or her voting.

14           **SECTION 15.** 5.40 (6) of the statutes is amended to read:

15           5.40 (6) A municipality which utilizes voting machines or an electronic voting  
16 system at a polling place may permit use of the machines or system by electors voting  
17 under s. 6.15 only as authorized under s. 6.15 (3) (b).

18           **SECTION 16.** 5.55 (title) of the statutes is amended to read:

19           5.55 (title) **Ballot identification Information.**

20           **SECTION 17.** 5.87 of the statutes is renumbered 5.87 (1).

21           **SECTION 18.** 5.87 (2) of the statutes is created to read:

22           5.87 (2) The board shall, by rule, prescribe uniform standards for determining  
23 the validity of votes cast or attempted to be cast with each electronic voting system  
24 approved for use in this state under s. 5.91. The rules shall apply only to situations



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1 that may arise in which the validity of a vote or attempted vote cast by an elector  
2 utilizing a particular system cannot be determined under s. 7.50.

3 **SECTION 19.** 5.91 (15) to (18) of the statutes are created to read:

4 **5.91 (15)** It permits an elector to privately verify the votes selected by the  
5 elector before casting his or her ballot.

6 **(16)** It provides an elector with the opportunity to change his or her votes and  
7 to correct any error or to obtain a replacement for a spoiled ballot prior to casting his  
8 or her ballot.

9 **(17)** Unless the ballot is counted at a central counting location, it includes a  
10 mechanism for notifying an elector who attempts to cast an excess number of votes  
11 for a single office that his or her votes for that office will not be counted, and provides  
12 the elector with an opportunity to correct his or her ballot or to receive and cast a  
13 replacement ballot.

14 **(18)** It produces a permanent paper record of the vote cast by each elector at  
15 the time that it is cast that enables a manual count or recount of the elector's vote.

16 **SECTION 20.** 6.06 of the statutes is created to read:

17 **6.06 Information for uniformed service members.** The board is the  
18 agency designated by this state under 42 USC 1973ff-1 to provide information  
19 regarding voter registration and absentee balloting procedures to absent members  
20 of the uniformed services and overseas voters with respect to elections for national  
21 office.

22 **SECTION 21.** 6.15 (2) (title) of the statutes is amended to read:

23 **6.15 (2) (title)** APPLICATION FOR BALLOT PROCEDURE AT CLERK'S OFFICE.

24 **SECTION 22.** 6.15 (2) (a) (intro.) of the statutes is amended to read:

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1           6.15 (2) (a) (intro.) The elector's request for the application form may be made  
2 in person to the proper municipal clerk either in person or in writing any time during  
3 the 10-day period in which the elector's residence requirement is incomplete, but not  
4 later than the applicable deadline for making application for an absentee ballot of  
5 the municipality where the person resides. Application may be made not sooner than  
6 9 days nor later than 5 p.m. on the day before the election, or may be made at the  
7 proper polling place in the ward or election district in which the elector resides. The  
8 If an elector makes application before election day, the application form shall be  
9 returned to the municipal clerk after the affidavit has been signed in the presence  
10 of the clerk or any officer authorized by law to administer oaths. The affidavit shall  
11 be in substantially the following form:

12           SECTION 23. 6.15 (3) (a) (title) of the statutes is repealed.

13           SECTION 24. 6.15 (3) (a) 1., 2. and 3. of the statutes are renumbered 6.15 (2) (d)  
14 1r., 2. and 3., and 6.15 (2) (d) 1r., as renumbered, is amended to read:

15           6.15 (2) (d) 1r. Upon proper completion of the application and cancellation card,  
16 the municipal clerk shall ~~inform the elector that he or she may vote for the~~  
17 ~~presidential electors not sooner than 9 days nor later than 5 p.m. on the day before~~  
18 ~~the election at the office of the municipal clerk, or at a specified polling place on~~  
19 ~~election day. When voting at the municipal clerk's office, the applicant shall provide~~  
20 identification and require the elector to provide acceptable proof of residence under  
21 s. 6.55 (7). If the elector cannot provide acceptable proof of residence, the elector may  
22 have his or her residence corroborated in a statement that is signed by another  
23 elector of the municipality and that contains the current street address of the  
24 corroborating elector. If the residence is corroborated by another elector, that elector  
25 shall then provide proof of residence under s. 6.55 (7). The elector shall then mark

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1 the ballot in the clerk's presence in a manner that will not disclose his or her vote.  
2 ~~Unless the ballot is utilized with an electronic voting system, the applicant~~ The  
3 elector shall then fold the ballot so as to conceal his or her vote. The applicant clerk  
4 or elector shall then deposit the ballot and seal it in place the ballot in an envelope  
5 furnished by the clerk.

6 SECTION 25. 6.15 (3) (b) (title) of the statutes is repealed.

7 SECTION 26. 6.15 (3) (b) of the statutes is renumbered 6.15 (3) and amended to  
8 read:

9 6.15 (3) ~~VOTING PROCEDURE~~ PROCEDURE AT POLLING PLACE. An eligible elector  
10 may appear at the polling place for the ward or election district where he or she  
11 resides and make application for a ballot under sub. (2). ~~In such case, the inspector~~  
12 ~~or special registration deputy~~ Except as otherwise provided in this subsection, an  
13 elector who casts a ballot under this subsection shall follow the same procedure  
14 required for casting a ballot at the municipal clerk's office under sub. (2). The  
15 inspectors shall perform the duties of the municipal clerk. The elector shall provide  
16 identification. If the elector is qualified, he or she shall be permitted to vote, except  
17 that the inspectors shall return the cancellation card under sub. (2) (b) to the  
18 municipal clerk and the clerk shall forward the card as provided in sub. (2) (c) if  
19 required. Upon proper completion of the application and cancellation card and  
20 submittal of acceptable proof of residence under s. 6.55 (7) or providing corroboration  
21 of residence, the inspectors shall permit the elector to cast his or her ballot for  
22 president and vice president. The elector shall mark the ballot and, unless the ballot  
23 is utilized with an electronic voting system, the elector shall fold the ballot, and shall  
24 deposit the ballot into the ballot box or give it to the inspector. The inspector shall  
25 deposit it directly into the ballot box. Voting machines or ballots utilized with

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1 electronic voting systems may only be used by electors voting under this section if  
2 they permit voting for president and vice president only.

3 **SECTION 27.** 6.15 (4) (d) of the statutes is amended to read:

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

9 **SECTION 28.** 6.20 of the statutes is amended to read:

10 **6.20 Absent electors.** Any qualified elector of this state who registers where  
11 required may vote by absentee ballot under ss. 6.84 to 6.89.

12 **SECTION 29.** 6.24 (3) of the statutes is amended to read:

13 **6.24 (3) REGISTRATION.** ~~If registration is required in the municipality where the~~  
14 ~~The overseas elector resided or where the elector's parent resided, the elector shall~~  
15 register in the municipality where he or she was last domiciled or where the overseas  
16 elector's parent was last domiciled on a form prescribed by the board designed to  
17 ascertain the elector's qualifications under this section. The form shall be  
18 substantially similar to the original form under s. 6.33 (1), insofar as applicable.  
19 Registration shall be accomplished in accordance with s. 6.30 (4).

20 **SECTION 30.** 6.24 (4) (a) of the statutes is amended to read:

21 6.24 (4) (a) An overseas elector who is properly registered ~~where registration~~  
22 ~~is required~~ may request an absentee ballot in writing under ss. 6.86 to 6.89.

23 **SECTION 31.** 6.24 (4) (c) of the statutes is amended to read:

24 6.24 (4) (c) Upon receipt of a timely application from an individual who  
25 qualifies as an overseas elector and who has registered to vote in a municipality

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1 under sub. (3) ~~whenever registration is required in that municipality~~, the municipal  
2 clerk of the municipality shall send an absentee ballot to the individual for all  
3 subsequent elections for national office to be held during the year in which the ballot  
4 is requested, unless the individual otherwise requests or until the individual no  
5 longer qualifies as an overseas elector.

6 **SECTION 32.** 6.24 (8) of the statutes is repealed.

7 **SECTION 33.** 6.26 (title) of the statutes is repealed and recreated to read:

8 **6.26 (title) Special registration deputies.**

9 **SECTION 34.** 6.26 (1) of the statutes is amended to read:

10 **6.26 (1)** ~~Where registration is applicable under s. 6.27, the~~ The municipal clerk  
11 or the board of election commissioners of each municipality shall administer elector  
12 registration within the municipality in accordance with the procedures prescribed  
13 under sub. (3). ~~The clerk or board of election commissioners shall prepare and~~  
14 ~~maintain the registration list under this chapter.~~

15 **SECTION 35.** 6.26 (2) (a) of the statutes is amended to read:

16 **6.26 (2) (a)** A qualified elector of the state may apply to any municipal clerk or  
17 board of election commissioners to be appointed as a special registration deputy for  
18 the purpose of registering electors of the municipality prior to the close of  
19 registration. An applicant may be appointed by more than one municipal clerk or  
20 board of election commissioners to serve more than one municipality.

21 **SECTION 36.** 6.26 (2) (am) of the statutes is created to read:

22 **6.26 (2) (am)** A qualified elector of this state may apply to the board to be  
23 appointed as a special registration deputy for the purpose of registering electors of  
24 any municipality prior to the close of registration.

25 **SECTION 37.** 6.26 (2) (b) and (c) of the statutes are amended to read:

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1           6.26 (2) (b) ~~The municipal clerk or, board of election commissioners, or elections~~  
2 board may appoint ~~an~~ any applicant who qualifies under this subsection, unless the  
3 applicant's appointment has been revoked by a municipality or by the board for  
4 cause. ~~A~~ The municipal clerk or, board of election commissioners, or elections board  
5 may revoke an appointment made by the clerk, board of election commissioners, or  
6 elections board for cause at any time.

7           (c) No individual may serve as a special registration deputy in a municipality  
8 unless the individual is appointed by the municipal clerk or board of election  
9 commissioners of the municipality or the individual is appointed by the elections  
10 board to serve all municipalities.

11           **SECTION 38.** 6.27 of the statutes is repealed and recreated to read:

12           **6.27 Elector registration required.** Each elector shall register under this  
13 chapter before voting in any election, except as authorized under ss. 6.15, 6.18, and  
14 6.22.

15           **SECTION 39.** 6.275 (1) (b) to (d) of the statutes are amended to read:

16           6.275 (1) (b) ~~Where registration applies, the~~ The total number of electors of the  
17 municipality residing in that county who were preregistered on the deadline  
18 specified in s. 6.28 (1), including valid mail registrations which are postmarked by  
19 that day.

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

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

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1           **SECTION 40. 6.276 of the statutes is created to read:**

2           **6.276 Federal absentee voting statistics. (1) In this section, "military**  
3 **elector" and "overseas elector" have the meanings given in s. 6.36 (2) (c).**

4           **(2) Within 30 days after each general election, each municipal clerk shall**  
5 **transmit to the board a report of the number of absentee ballots transmitted by the**  
6 **clerk to absent military electors and overseas electors for that election and the**  
7 **combined number of those ballots that were cast by those electors in that election.**

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

11           **SECTION 41. 6.28 (2) (b) of the statutes is amended to read:**

12           **6.28 (2) (b) The municipal clerk of each municipality ~~in which elector~~**  
13 **~~registration is required~~ shall notify the school board of each school district in which**  
14 **the municipality is located that high schools shall be used for registration pursuant**  
15 **to par. (a). The school board and the municipal clerk shall agree upon the**  
16 **appointment of at least one qualified elector at each high school as a special school**  
17 **registration deputy. The municipal clerk shall appoint such person as a school**  
18 **registration deputy and explain the person's duties and responsibilities. Students**  
19 **and staff may register at the high school on any day that classes are regularly held.**  
20 **The school registration deputies shall promptly forward properly completed**  
21 **registration forms to the municipal clerk of the municipality in which the registering**  
22 **student or staff member resides. The municipal clerk, upon receiving such**  
23 **registration forms, shall add all those registering electors who have met the**  
24 **registration requirements to the registration list. The municipal clerk may reject**  
25 **any registration form and shall promptly notify the person whose registration is**

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1 rejected of the rejection and the reason therefor. A person whose registration is  
2 rejected may reapply for registration if he or she is qualified. The form of each high  
3 school student who is qualified and will be eligible to vote at the next election shall  
4 be filed in such a way that when a student attains the age of 18 years the student is  
5 registered to vote automatically. Each school board shall assure that the principal  
6 of every high school communicates elector registration information to students.

7 **SECTION 42.** 6.28 (3) of the statutes is amended to read:

8 6.28 (3) ~~AT OFFICE OF REGISTER OF DEEDS. Any person who resides in a~~  
9 ~~municipality requiring registration of electors~~ shall be given an opportunity to  
10 register to vote at the office of the register of deeds for the county in which the  
11 person's residence is located. An applicant may fill out the required registration form  
12 under s. 6.33. Upon receipt of a completed form, the register of deeds shall forward  
13 the form within 5 days to the appropriate municipal clerk, or to the board of election  
14 commissioners in cities over 500,000 population. The register of deeds shall forward  
15 the form immediately whenever registration closes within 5 days of receipt.

16 **SECTION 43.** 6.29 (2) (a) of the statutes is amended to read:

17 6.29 (2) (a) Any qualified elector of a municipality ~~where registration is~~  
18 ~~required~~ who has not previously filed a registration form or whose name does not  
19 appear on the registration list of the municipality ~~shall be entitled to vote at the~~  
20 ~~election if he or she delivers to the municipal clerk~~ may register after the close of  
21 registration but not later than 5 p.m. or the close of business, whichever is later, on  
22 the day before an election at the office of the municipal clerk and at the office of the  
23 clerk's agent if the clerk delegates responsibility for electronic maintenance of the  
24 registration list to an agent under s. 6.33 (5) (b). The elector shall complete, in the  
25 manner provided under s. 6.33 (2), a registration form executed by the elector. ~~The~~



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1 ~~form shall contain a certification by the elector that all statements are true and~~  
2 ~~correct. Alternatively, if the elector cannot obtain a registration form, the elector~~  
3 ~~may deliver a statement, signed by the elector, containing all of the information~~  
4 ~~required on the registration form containing all information required under s. 6.33~~

5 (1). The elector shall ~~present~~ also provide acceptable proof of residence as ~~provided~~  
6 ~~in~~ under s. 6.55 (7). ~~If no proof is presented~~ Alternatively, if the elector is unable to  
7 provide acceptable proof of residence under s. 6.55 (7), the information contained in  
8 the registration form or the listing of required information shall be substantiated  
9 corroborated in a statement that is signed by one any other elector of the  
10 municipality, corroborating all the material statements therein and that contains  
11 the current street address of the corroborating elector. The corroborating elector  
12 shall then provide acceptable proof of residence under s. 6.55 (7). The signing of the  
13 form by the registering elector and statement by the corroborating elector shall be  
14 done in the presence of the municipal clerk or deputy clerk not later than 5 p.m. of  
15 the day before an election.

16 SECTION 44. 6.29 (2) (b) of the statutes is amended to read:

17 6.29 (2) (b) ~~Upon~~ Unless the municipal clerk determines that the registration  
18 list will be revised to incorporate the registration in time for the election, upon the  
19 filing of the registration form required by this section, the municipal clerk or clerk's  
20 agent under s. 6.33 (5) (b) shall issue a certificate containing the name and address  
21 of the elector addressed to the inspectors of the proper ward or election district  
22 directing that the elector be permitted to cast his or her vote, ~~unless the clerk~~  
23 determines that the registration list will be revised to incorporate the registration  
24 in time for the election if the elector complies with all requirements for voting at the

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1 polling place. The certificate shall be numbered serially, prepared in duplicate and  
2 one copy preserved in the office of the municipal clerk.

3 **SECTION 45.** 6.30 (4) of the statutes is amended to read:

4 6.30 (4) BY MAIL. Any eligible elector may register by mail on a form prescribed  
5 by the board and provided by each municipality. The form shall be designed to obtain  
6 the information required in ss. 6.33 (1) and to provide for changes authorized under  
7 s. 6.40 (1) (a) and (b). The form shall contain a certification by the elector that all  
8 statements are true and correct. The form shall be prepostpaid for return when  
9 mailed at any point within the United States. The form shall be available in the  
10 municipal clerk's office and may be distributed by any elector of the municipality.  
11 The clerk shall mail a registration form to any elector upon written or oral request.

12 **SECTION 46.** 6.32 (4) of the statutes is amended to read:

13 6.32 (4) If the form is sufficient to accomplish registration and the clerk has no  
14 reliable information to indicate that the proposed elector is not qualified, the clerk  
15 shall enter the elector's name on the registration list and transmit a 1st class letter  
16 or postcard to the registrant, specifying the elector's ward or aldermanic district, or  
17 both, if any, and polling place. If ~~such~~ the letter or postcard is returned, or if the clerk  
18 is informed of a different address than the one specified by the elector, the clerk shall  
19 ~~strike the name~~ change the status of the elector ~~from on the list from eligible to~~  
20 ineligible. The letter or postcard shall specify ~~"ADDRESS CORRECTION REQUESTED"~~ or  
21 ~~"DO NOT FORWARD"~~, and if a postcard, ~~"RETURN POSTAGE GUARANTEED"~~ be marked in  
22 accordance with postal regulations to ensure that it will be returned to the clerk if  
23 the elector does not reside at the address given on the letter or postcard.

24 **SECTION 47.** 6.325 of the statutes is amended to read:

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1           **6.325 Disqualification of electors.** No person may be disqualified as an  
2 elector unless the municipal clerk, board of election commissioners or a challenging  
3 elector under s. 6.48 demonstrates beyond a reasonable doubt that the person does  
4 not qualify as an elector or is not properly registered. If it appears that the  
5 challenged elector or proposed elector is registered in another location at a residence  
6 in this state other than the one where the elector now resides, the municipal clerk  
7 or board of election commissioners ~~may~~ shall, before permitting the elector to vote,  
8 require the challenged elector to ~~sign an authorization to cancel~~ transfer his or her  
9 registration under s. 6.40 (1) ~~(b)~~ (a) and shall notify the ~~proper official~~ municipal  
10 clerk or board of election commissioners at that location the former residence. The  
11 municipal clerk or board of election commissioners may require naturalized  
12 applicants to show their naturalization certificates.

13           **SECTION 48.** 6.33 (title) of the statutes is amended to read:

14           **6.33 (title) Registration forms; manner of completing.**

15           **SECTION 49.** 6.33 (1) of the statutes is amended to read:

16           **6.33 (1)** The municipal clerk shall supply sufficient registration forms as  
17 prescribed by the board printed on loose-leaf sheets or cards to obtain from each  
18 applicant information as to name; date; residence location; citizenship; date of  
19 birth; age; the number of a valid operator's license issued to the elector under ch. 343  
20 or the last 4 digits of the elector's social security account number; whether the  
21 applicant has resided within the ward or election district for at least 10 days;  
22 whether the applicant has lost his or her right to vote; and whether the applicant  
23 is currently registered to vote at any other location, ~~and.~~ The forms shall also provide  
24 a space for the applicant's signature and the ward and aldermanic district, if any,  
25 where the elector resides and any other information required to determine the offices

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1 and referenda for which the elector is certified to vote. The forms shall also include  
2 a space for the identification serial number of any elector who is issued such a  
3 number under s. 6.47 (3) where the clerk may record an indication of whether the  
4 form is received by mail and a space where the clerk, for any applicant who possesses  
5 a valid voting identification card issued to the person under s. 6.47 (3), may record  
6 the identification serial number appearing on the voting identification card. Each  
7 register of deeds shall obtain sufficient registration forms at the expense of the unit  
8 of government by which he or she is employed for completion by any elector who  
9 desires to register to vote at the office of the register of deeds under s. 6.28 (3).

10 SECTION 50. 6.33 (2) of the statutes is amended to read:

11 6.33 (2) (a) The All information may be recorded by any person, but the except  
12 that the ward and aldermanic district, if any, other geographic information under  
13 sub. (1) the indication of whether the registration is received by mail, and any  
14 information relating to an applicant's voting identification card shall be recorded by  
15 the clerk. Each applicant shall sign his or her own name unless the applicant is  
16 unable to sign his or her name due to physical disability. In such case, the applicant  
17 may authorize another elector to sign the form on his or her behalf. If the applicant  
18 so authorizes, the elector signing the form shall attest to a statement that the  
19 application is made upon request and by authorization of a named elector who is  
20 unable to sign the form due to physical disability. ~~Ward and aldermanic district~~  
21 ~~information shall be filled in by the clerk.~~

22 (b) ~~Except as provided under ss. 6.30 (4) and in s. 6.86 (3) (a) 2.,~~ the registration  
23 form shall be signed by the registering elector and any corroborating elector under  
24 s. 6.29 (2) (a) or 6.55 (2) before the clerk, issuing officer or registration deputy. The

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1 form shall contain a certification by the registering elector that all statements are  
2 true and correct.

3 SECTION 51. 6.33 (3) of the statutes is repealed.

4 SECTION 52. 6.33 (4) of the statutes is amended to read:

5 6.33 (4) When an individual's registration is ~~canceled~~ changed from eligible to  
6 ineligible status, the municipal clerk or board of election commissioners shall enter  
7 the date and reason for ~~cancellation~~ change on the individual's registration form list.

8 SECTION 53. 6.33 (5) of the statutes is created to read:

9 6.33 (5) (a) Except as provided in par. (b), whenever a municipal clerk receives  
10 a valid registration or valid change of a name or address under an existing  
11 registration and whenever a municipal clerk changes a registration from eligible to  
12 ineligible status, the municipal clerk shall promptly enter electronically on the list  
13 maintained by the board under s. 6.36 (1) the information required under that  
14 subsection, except that the municipal clerk may update any entries that change on  
15 the date of an election in the municipality within 30 days after that date, and the  
16 municipal clerk shall provide to the board information that is confidential under s.  
17 6.47 (2) in such manner as the board prescribes.

18 (b) The municipal clerk of any municipality may, by mutual consent, designate  
19 any other municipal clerk, any county clerk, or the board as the clerk's agent to carry  
20 out the functions of the municipal clerk under this section for that municipality. The  
21 municipal clerk shall notify the county clerk of each county in which the municipality  
22 is located and the board of any such designation in writing. The municipal clerk may,  
23 by similar notice to the clerk's agent at least 14 days prior to the effective date of any  
24 change, discontinue the designation. If the municipal clerk designates another  
25 municipal clerk, a county clerk, or the board as his or her agent, the municipal clerk

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1 shall immediately forward all registration changes filed with the clerk and voting  
2 record information obtained by the clerk to the clerk's agent for electronic entry on  
3 the registration list.

4 SECTION 54. 6.35 (2) of the statutes is repealed.

5 SECTION 55. 6.35 (3) of the statutes is amended to read:

6 6.35 (3) ~~In municipalities employing data processing for keeping of registration~~  
7 ~~records, original~~ Original registration records shall be maintained in the office of the  
8 municipal clerk or board of election commissioners at all times.

9 SECTION 56. 6.35 (5) and (6) of the statutes are repealed.

10 SECTION 57. 6.36 (1) of the statutes is repealed and recreated to read:

11 6.36 (1) (a) The board shall compile and maintain electronically an official  
12 registration list. The list shall contain the name and address of each registered  
13 elector in the state, the date of birth of the elector, the ward and aldermanic district  
14 of the elector, if any, and, for each elector, a unique registration identification number  
15 assigned by the board, the number of a valid operator's license issued to the elector  
16 under ch. 343, if any, or the last 4 digits of the elector's social security account  
17 number, if any, any identification serial number issued to the elector under s. 6.47  
18 (3), the date of any election in which the elector votes, an indication of whether the  
19 elector is an overseas elector, as defined in s. 6.24 (1), an indication of any  
20 accommodation required under s. 5.25 (4) (a) to permit voting by the elector, an  
21 indication of the method by which the elector's registration form was received, and  
22 such other information as may be determined by the board to facilitate  
23 administration of elector registration requirements.

24 (b) 1. The list shall be open to public inspection under s. 19.35 (1) and shall be  
25 electronically accessible by any person, except that:

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1           a. No person other than an employee of the board, a municipal clerk, a deputy  
2 clerk, an executive director of a city board of election commissioners, or a deputy  
3 designated by the executive director may view the date of birth, registration  
4 identification number, operator's license number, or social security account number  
5 of an elector, the address of an elector to whom an identification serial number is  
6 issued under s. 6.47 (3), or any indication of an accommodation required under s. 5.25  
7 (4) (a) to permit voting by an elector.

8           b. No person other than an employee of the board, a municipal clerk, or an  
9 election official who is authorized by a municipal clerk may make a change in the list.

10           2. The list shall be electronically accessible by name and shall also be accessible  
11 in alphabetical order of the electors' names for the entire state and for each county,  
12 municipality, ward, and combination of wards authorized under s. 5.15 (6) (b).

13           (c) The list shall be designed in such a way that the municipal clerk or board  
14 of election commissioners of any municipality and any election official who is  
15 authorized by the clerk or executive director of the board of election commissioners  
16 may, by electronic transmission, add entries to or change entries on the list for any  
17 elector who resides in, or who the list identifies as residing in, that municipality and  
18 no other municipality.

19           (d) Upon receipt of official notification by the appropriate election  
20 administrative authority of another state, territory, or possession that an elector  
21 whose name appears on the list has registered to vote in that state, territory, or  
22 possession, the board or the municipal clerk of the municipality where the elector  
23 formerly resided shall change the elector's registration from eligible to ineligible  
24 status.

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1 (e) If the board adds the name of any elector to the list, the board shall promptly  
2 notify the municipal clerk of the municipality where the elector resides. If the board  
3 changes the registration of any elector from eligible to ineligible status, the board  
4 shall promptly notify the municipal clerk of the municipality where the elector  
5 resides or, if the elector has changed his or her residence from one municipality to  
6 another municipality in this state, shall promptly notify the municipal clerk of the  
7 municipality where the elector resided prior to the change. Notification shall be  
8 made in writing or by electronic transmission. If the board changes the registration  
9 of any elector from eligible to ineligible status, the board shall make an entry on the  
10 list giving the date of and the reason for the change.

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

14 SECTION 58. 6.36 (2) (a) of the statutes is amended to read:

15 6.36 (2) (a) Except as provided in ~~par. pars. (b) and (c), the, each~~ registration  
16 lists list prepared for use as a poll list at a polling place shall contain the full name  
17 and address of each registered elector; a blank column for the entry of the serial  
18 number of the electors when they vote; if the list is prepared for use at an election  
19 for national office, an indication next to the name of each elector for whom  
20 identification is required under par. (c) 2.; and a form of a certificate bearing the  
21 certification of the executive director of the board stating that each the list is a true  
22 and complete ~~combined check and~~ registration list of the respective municipality or  
23 the ward or wards for which the list is prepared.

24 SECTION 59. 6.36 (2) (c) of the statutes is created to read:

25 6.36 (2) (c) 1. In this paragraph:



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1           a. “Military elector” means a member of a uniformed service on active duty who,  
2 by reason of that duty, is absent from the residence where the member is otherwise  
3 qualified to vote; a member of the merchant marine, as defined in s. 6.22 (1) (a), who  
4 by reason of service in the merchant marine, is absent from the residence where the  
5 member is otherwise qualified to vote; or the spouse or dependent of any such  
6 member who, by reason of the duty or service of the member, is absent from the  
7 residence where the spouse or dependent is otherwise qualified to vote.

8           b. “Overseas elector” means an elector who resides outside the United States  
9 and who is qualified under federal law to vote in elections for national office in this  
10 state because the elector was last domiciled in this state immediately prior to the  
11 elector’s departure from the United States.

12           2. If the registration list is prepared for use at an election for national office,  
13 the list shall contain, next to the name of each elector, an indication of whether  
14 identification is required for the elector to be permitted to vote. Identification is  
15 required if the elector is not a military elector or an overseas elector and the elector  
16 registers by mail and has not previously voted in an election for national office in this  
17 state.

18           **SECTION 60.** 6.36 (3) of the statutes is amended to read:

19           6.36 (3) ~~Municipalities shall prepare at least 2 copies of the registration list for~~  
20 ~~each ward and bind them in book form. The original registration forms constitute the~~  
21 ~~official registration list and shall be controlling whenever discrepancies occur in~~  
22 entering information from the forms under s. 6.33 (5).

23           **SECTION 61.** 6.40 (1) (a) (title) of the statutes is repealed and recreated to read:

24           6.40 (1) (a) (title) *Change of residence.*