

2005 DRAFTING REQUEST

Bill

Received: 11/23/2004

Received By: **jkuesel**

Wanted: **Soon**

Identical to LRB:

For: **Jeff Stone (608) 266-8590**

By/Representing: **Marsha Dake**

This file may be shown to any legislator: **NO**

Drafter: **jkuesel**

May Contact:

Addl. Drafters: **agary**

Subject: **Elections - miscellaneous**

Extra Copies: **Eric Schutt- Sen. Leibaum's of**

Submit via email: **YES**

Requester's email: **Rep.Stone@legis.state.wi.us**

Carbon copy (CC:) to: **eric.schutt@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Identification required for voting in elections

Instructions:

Per Enrolled 2003 AB-111.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 12/03/2004	kfollett 12/03/2004		_____			State
/1			jfrantze 12/03/2004	_____	lemery 12/03/2004		State
/2	jkuesel 01/26/2005	kfollett 01/27/2005	rschluet 01/28/2005	_____	lemery 01/28/2005	sbasford 01/31/2005	
	jkuesel 01/28/2005	kfollett 01/27/2005	pgreensl 01/28/2005	_____			

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kfollett
01/28/2005

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<END>

→ At
Intro.

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/2	jkuesel 01/26/2005	lrb_editor 1/27 1/27 kij		_____			

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NOTE

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1/1	jkuesel 12/3	1/1 k/1 12/3	12/3	12/3			

FE Sent For:

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DN 512
State of Wisconsin
2005 - 2006 LEGISLATURE

-0964/1
LRB-069571
JTK&ARG:kjff&ch

Wanted Fri 12/3

2005 BILL

Regen

1 **AN ACT to repeal 6.56 (5); to renumber 6.79 (3); to renumber and amend 6.87**
2 **(4); to amend 5.35 (6) (a) 4a., 6.15 (2) (d) 1r., 6.15 (3), 6.22 (2) (b), 6.24 (4) (d),**
3 **6.29 (1), 6.79 (2) (a) and (b), 6.79 (2) (d), 6.79 (3) (title), 6.82 (1) (a), 6.86 (1) (ar),**
4 **6.869, 6.87 (3) (d), 6.87 (4) (b) 1., 6.97 (3), 7.08 (8) (title), 10.02 (3) (a), 343.50 (3),**
5 **343.50 (4), 343.50 (5) and 343.50 (6); to repeal and recreate 6.55 (2) (b), 6.55**
6 **(2) (c) 1., 6.55 (2) (c) 2., 6.55 (3), 6.79 (2) (a), 6.79 (4), 6.79 (6), 6.86 (3) (a) 1., 6.86**
7 **(3) (a) 2., 6.88 (3) (a), 6.97 (1) and 6.97 (2); to create 6.15 (2) (bm), 6.15 (2) (d)**
8 **1g., 6.79 (1), 6.79 (3) (b), 6.87 (4) (a), 6.87 (4) (b) 2. and 3., 6.97 (3m) and 343.50**
9 **(4g) of the statutes; and to affect 2003 Wisconsin Act 265, section 112a, 2003**
10 **Wisconsin Act 265, section 150 (1) and 2003 Wisconsin Act 265, section 151 (3);**
11 **relating to: requiring certain identification in order to vote at a polling place**

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1 or obtain an absentee ballot and the fee for an identification card issued by the
2 Department of Transportation.

Analysis by the Legislative Reference Bureau

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. If an elector 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 may be required to provide acceptable proof of residence even if registration is not required. (Beginning with the 2006 spring primary election, registration will be required on a statewide basis.) 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. In addition, an elector other than a military elector or an overseas elector, as defined by federal law, who registers by mail and who has not voted in a federal election in the municipality where the elector is voting (beginning January 1, 2006, in this state) must provide one of the forms of identification specified by federal law, or a copy thereof if voting by absentee ballot, in order to be permitted to vote. Corroboration may not be substituted for this identification requirement, but an elector who cannot provide the required identification may cast a provisional ballot. The municipal clerk or board of election commissioners must determine whether electors casting provisional ballots are qualified to vote by 4 p.m. on the day after an election.

With certain limited exceptions, this bill requires each person attempting to register or vote at the polls on election day to present a valid Wisconsin driver's license issued by the Department of Transportation (DOT) to the person that contains the person's photograph, a valid, current identification card issued to the person by a U.S. uniformed service, or a valid Wisconsin identification card issued by DOT to the person. Under the bill, any person who applies for an absentee ballot, except a military or overseas elector, as defined by federal law, must provide a copy of the identification, unless the person has already provided a copy of his or her identification in connection with an absentee ballot cast at a previous election and has not changed his or her name or address since that election, or unless the person is indefinitely confined, in which case the person may submit a statement signed by the person who witnesses his or her absentee ballot verifying his or her identity. The bill continues current requirements for certain electors to provide proof of residence in order to register or to vote, but discontinues the use of corroborating electors to prove residence. If a person who votes at a polling place fails to provide identification or fails to provide sufficient identification and the person has registered by mail and has never voted in a federal election in this state, the person may vote provisionally. If a person other than a military or overseas elector, as defined by federal law, votes

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by absentee ballot and fails to provide the required identification or sufficient identification, 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 person may then provide the required identification to the clerk or board. If the person does not provide the required identification to the clerk or board of election commissioners by 4. p.m. or the close of business, whichever is later, on the day following the election, the person's vote is not counted. Under the bill, the clerk or board of election commissioners must determine the validity of identification no later than the end of the day after the election. The decision of the clerk or board of election commissioners is final and is not subject to review during the canvassing process or during any recount.

The bill also permits an elector who is eligible to obtain a Wisconsin identification card to obtain the card from DOT free of charge, if the elector specifically requests not to be charged. The bill permits an applicant to receive a Wisconsin identification card without a photograph being taken, as currently required, if the applicant provides an affidavit stating that he or she has sincerely held religious beliefs against being photographed, that he or she is a member of a religious organization or identifies with the tenets of a religious organization and names that organization, and that the religious tenets of that organization prohibit such photographing.

In addition, the bill deletes the authority for an elector to utilize corroboration in order to register to vote or to vote on election day.

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

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

1 **SECTION 1.** 5.35 (6) (a) 4a. of the statutes is amended to read:

2 5.35 (6) (a) 4a. Instructions prescribed by the board for electors for whom a
3 license or identification card is required under s. 6.79 (2) or for whom identification
4 is required under s. 6.36 (2) (c) 2.

5 **SECTION 2.** 6.15 (2) (bm) of the statutes is created to read:

6 6.15 (2) (bm) When making application in person at the office of the municipal
7 clerk, each applicant shall present a valid operator's license issued to the person
8 under ch. 343 that contains a photograph of the license holder, a valid, current

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1 identification card issued to the person by a U.S. uniformed service, or a valid
2 identification card issued to the person under s. 343.50.

3 **SECTION 3.** 6.15 (2) (d) 1g. of the statutes is created to read:

4 6.15 (2) (d) 1g. If the elector makes application in person at the office of the
5 municipal clerk, the clerk shall verify that the name on the license or identification
6 card provided by the elector under par. (bm) is the same as the name on the elector's
7 application and, unless the identification is issued under s. 343.50 (4g), shall verify
8 that the photograph appearing on that document reasonably resembles the elector.

9 **SECTION 4.** 6.15 (2) (d) 1r. of the statutes is amended to read:

10 6.15 (2) (d) 1r. Upon proper completion of the application and cancellation card,
11 the municipal clerk shall ~~require the elector to provide acceptable proof of residence~~
12 ~~under s. 6.55 (7). If the elector cannot provide acceptable proof of residence, the~~
13 ~~elector may have his or her residence corroborated in a statement that is signed by~~
14 ~~another elector of the municipality and that contains the current street address of~~
15 ~~the corroborating elector. If the residence is corroborated by another elector, that~~
16 ~~elector shall then provide proof of residence under s. 6.55 (7) permit the elector to cast~~
17 his or her ballot for president and vice president. The elector shall then mark the
18 ballot in the clerk's presence in a manner that will not disclose his or her vote. The
19 elector shall then fold the ballot so as to conceal his or her vote. The clerk or elector
20 shall then place the ballot in an envelope furnished by the clerk.

21 **SECTION 5.** 6.15 (3) of the statutes is amended to read:

22 6.15 (3) PROCEDURE AT POLLING PLACE. An eligible elector may appear at the
23 polling place for the ward or election district where he or she resides and make
24 application for a ballot under sub. (2). Except as otherwise provided in this
25 subsection, an elector who casts a ballot under this subsection shall follow the same

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1 procedure required for casting a ballot at the municipal clerk's office under sub. (2).
2 The inspectors shall perform the duties of the municipal clerk, except that the
3 inspectors shall return the cancellation card under sub. (2) (b) to the municipal clerk
4 and the clerk shall forward the card as provided in sub. (2) (c) if required. Upon
5 proper completion of the application and cancellation card and ~~submittal of~~
6 ~~acceptable proof of residence under s. 6.55 (7) or providing corroboration of residence~~
7 compliance with sub. (2) (d) 1g., the inspectors shall permit the elector to cast his or
8 her ballot for president and vice president. The elector shall mark the ballot and,
9 unless the ballot is utilized with an electronic voting system, the elector shall fold the
10 ballot, and deposit the ballot into the ballot box or give it to the inspector. The
11 inspector shall deposit it directly into the ballot box. Voting machines or ballots
12 utilized with electronic voting systems may only be used by electors voting under this
13 section if they permit voting for president and vice president only.

14 **SECTION 6.** 6.22 (2) (b) of the statutes is amended to read:

15 6.22 (2) (b) Notwithstanding s. 6.87 (4) (b), a military elector shall make and
16 subscribe to the certification under s. 6.87 (2) before a witness who is an adult U.S.
17 citizen.

18 **SECTION 7.** 6.24 (4) (d) of the statutes is amended to read:

19 6.24 (4) (d) An overseas elector who is not registered may request both a
20 registration form and an absentee ballot at the same time, and the municipal clerk
21 shall send the ballot automatically if the registration form is received within the time
22 prescribed in s. 6.28 (1). The board shall prescribe a special certificate form for the
23 envelope in which the absentee ballot for overseas electors is contained, which shall
24 be substantially similar to that provided under s. 6.87 (2). Notwithstanding s. 6.87

BILL**SECTION 7**

1 (4) (b), an overseas elector shall make and subscribe to the special certificate form
2 before a witness who is an adult U.S. citizen.

3 **SECTION 8.** 6.29 (1) of the statutes is amended to read:

4 6.29 (1) No names may be added to a registration list for any election after the
5 close of registration, except as authorized under this section or s. 6.28 (1), 6.55 (2),
6 or 6.86 (3) (a) 2. Any person whose name is not on the registration list but who is
7 otherwise a qualified elector is entitled to vote at the election upon compliance with
8 this section, if the person complies with all other requirements for voting at the
9 polling place.

10 **SECTION 9.** 6.55 (2) (b) of the statutes is repealed and recreated to read:

11 6.55 (2) (b) 1. Upon executing the registration form under par. (a), the elector
12 shall be required by a special registration deputy or inspector to present a valid
13 operator's license issued to the elector under ch. 343 that contains the photograph
14 of the license holder, a valid, current identification card issued to the elector by a U.S.
15 uniformed service, or a valid identification card issued to the elector under s. 343.50.
16 If any document presented is not acceptable proof of residence under sub. (7), the
17 elector shall also present acceptable proof of residence under sub. (7). The signing
18 by the elector executing the registration form under par. (a) shall be in the presence
19 of the special registration deputy or inspector. Upon compliance with this procedure
20 and all other requirements for voting at the polling place, such person shall then be
21 given the right to vote. This subdivision applies only with respect to elections held
22 prior to the 2006 spring primary election.

23 2. Upon executing the registration form under par. (a), the elector shall be
24 required by a special registration deputy or inspector to present a valid operator's
25 license issued to the elector under ch. 343 that contains the photograph of the license

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1 holder, a valid, current identification card issued to the elector by a U.S. uniformed
2 service, or a valid identification card issued to the elector under s. 343.50. If any
3 document presented is not acceptable proof of residence under sub. (7), the elector
4 shall also provide acceptable proof of residence under sub. (7). The signing by the
5 elector executing the registration form shall be in the presence of the special
6 registration deputy or inspector. Upon compliance with this procedure, the elector
7 shall be permitted to cast his or her vote, if the elector complies with all other
8 requirements for voting at the polling place.

9 **SECTION 10.** 6.55 (2) (c) 1. of the statutes is repealed and recreated to read:

10 6.55 (2) (c) 1. a. As an alternative to registration at the polling place under pars.
11 (a) and (b), the board of election commissioners, or the governing body of any
12 municipality in which registration is required may by resolution require a person
13 who qualifies as an elector and who is not registered and desires to register on the
14 day of an election to do so at another readily accessible location in the same building
15 as the polling place serving the elector's residence or at an alternate polling place
16 assigned under s. 5.25 (5) (b), instead of at the polling place serving the elector's
17 residence. In such case, the municipal clerk shall prominently post a notice of the
18 registration location at the polling place. The municipal clerk, deputy clerk, or
19 special registration deputy at the registration location shall require the elector to
20 execute a registration form as prescribed under par. (a) and to present a valid
21 operator's license issued to the elector under ch. 343 that contains the photograph
22 of the license holder, a valid, current identification card issued to the elector by a U.S.
23 uniformed service, or a valid identification card issued to the elector under s. 343.50.
24 If any document presented by the elector is not acceptable proof of residence under
25 sub. (7), the elector shall also provide acceptable proof of residence under sub. (7).

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1 The signing by the elector executing the registration form as prescribed under par.
2 (a) shall be in the presence of the municipal clerk, deputy clerk, or special
3 registration deputy. Upon proper completion of registration, the municipal clerk,
4 deputy clerk, or special registration deputy shall serially number the registration
5 and give one copy to the elector for presentation at the polling place serving the
6 elector's residence or an alternate polling place assigned under s. 5.25 (5) (b). This
7 subd. 1. a. applies only with respect to elections held prior to the 2006 spring primary
8 election.

9 b. As an alternative to registration at the polling place under pars. (a) and (b),
10 the board of election commissioners, or the governing body of any municipality may
11 by resolution require a person who qualifies as an elector and who is not registered
12 and desires to register on the day of an election to do so at another readily accessible
13 location in the same building as the polling place serving the elector's residence or
14 at an alternate polling place assigned under s. 5.25 (5) (b), instead of at the polling
15 place serving the elector's residence. In such case, the municipal clerk shall
16 prominently post a notice of the registration location at the polling place. The
17 municipal clerk, deputy clerk or special registration deputy at the registration
18 location shall require such person to execute a registration form as prescribed under
19 par. (a) and to present a valid operator's license issued to the elector under ch. 343
20 that contains the photograph of the license holder, a valid, current identification card
21 issued to the elector by a U.S. uniformed service, or a valid identification card issued
22 to the elector under s. 343.50. If any document presented by the elector is not
23 acceptable proof of residence under sub. (7), the person shall also provide acceptable
24 proof of residence as provided under sub. (7). The signing by the elector executing
25 the registration form as prescribed under par. (a) shall be in the presence of the

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1 municipal clerk, deputy clerk, or special registration deputy. Upon proper
2 completion of registration, the municipal clerk, deputy clerk, or special registration
3 deputy shall serially number the registration and give one copy to the elector for
4 presentation at the polling place serving the elector's residence or an alternate
5 polling place assigned under s. 5.25 (5) (b).

6 **SECTION 11.** 6.55 (2) (c) 2. of the statutes is repealed and recreated to read:

7 6.55 (2) (c) 2. a. Upon compliance with the procedures under subd. 1., the
8 municipal clerk or deputy clerk shall issue a certificate addressed to the inspectors
9 of the proper polling place directing that the elector be permitted to cast his or her
10 vote if the elector complies with all requirements for voting at the polling place. The
11 certificate shall be numbered serially and prepared in duplicate. The municipal clerk
12 shall preserve one copy in his or her office. This subd. 2. a. applies only with respect
13 to elections held prior to the 2006 spring primary election.

14 b. Upon compliance with the procedures under subd. 1., the municipal clerk or
15 deputy clerk shall issue a certificate addressed to the inspectors of the proper polling
16 place directing that the elector be permitted to cast his or her vote if the elector
17 complies with all requirements for voting at the polling place. The clerk shall enter
18 the name and address of the elector on the face of the certificate. The certificate shall
19 be numbered serially and prepared in duplicate. The municipal clerk shall preserve
20 one copy in his or her office.

21 **SECTION 12.** 6.55 (3) of the statutes is repealed and recreated to read:

22 6.55 (3) (a) Any qualified elector in the ward or election district where the
23 elector desires to vote whose name does not appear on the registration list where
24 registration is required but who claims to be registered to vote in the election may
25 request permission to vote at the polling place for that ward or election district.

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1 When the request is made, the inspector shall require the elector to give his or her
2 name and address. If the elector is not at the polling place which serves the ward or
3 election district where the elector resides, the inspector shall provide the elector with
4 directions to the correct polling place. If the elector is at the correct polling place, the
5 elector shall then execute the following written statement: "I, ..., hereby certify that
6 to the best of my knowledge I am a qualified elector, having resided at for at least
7 10 days immediately preceding this election, and that I am not disqualified on any
8 ground from voting, and I have not voted at this election and am properly registered
9 to vote in this election." The elector shall be required to present a valid operator's
10 license issued to the elector under ch. 343 that contains a photograph of the license
11 holder, a valid, current identification card issued to the elector by a U.S. uniformed
12 service, or a valid identification card issued to the elector under s. 343.50. If any
13 document presented by the elector is not acceptable proof of residence as provided
14 under sub. (7), the elector shall also present acceptable proof of residence as provided
15 under sub. (7) and shall then be given the right to vote. Whenever the question of
16 identity or residence cannot be satisfactorily resolved and the elector cannot be
17 permitted to vote, an inspector shall telephone the office of the municipal clerk to
18 reconcile the records at the polling place with those at the office. This paragraph
19 applies only with respect to elections held prior to the 2006 spring primary election.

20 (b) Any qualified elector in the ward or election district where the elector
21 desires to vote whose name does not appear on the registration list but who claims
22 to be registered to vote in the election may request permission to vote at the polling
23 place for that ward or election district. When the request is made, the inspector shall
24 require the elector to give his or her name and address. If the elector is not at the
25 polling place which serves the ward or election district where the elector resides, the

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1 inspector shall provide the elector with directions to the correct polling place. If the
2 elector is at the correct polling place, the elector shall then execute the following
3 written statement: "I, ..., hereby certify that to the best of my knowledge, I am a
4 qualified elector, having resided at for at least 10 days immediately preceding this
5 election, and that I am not disqualified on any ground from voting, and I have not
6 voted at this election and am properly registered to vote in this election." The elector
7 shall be required to present a valid operator's license issued to the elector under ch.
8 343 that contains a photograph of the license holder, a valid, current identification
9 card issued to the elector by a U.S. uniformed service, or a valid identification card
10 issued to the elector under s. 343.50. If any document presented by the elector is not
11 acceptable proof of residence, the elector shall also present acceptable proof of
12 residence as provided under sub. (7) and shall then be given the right to vote.
13 Whenever the question of identity or residence cannot be satisfactorily resolved and
14 the elector cannot be permitted to vote, an inspector shall telephone the office of the
15 municipal clerk to reconcile the records at the polling place with those at the office.

16 **SECTION 13.** 6.56 (5) of the statutes is repealed.

17 **SECTION 14.** 6.79 (1) of the statutes is created to read:

18 **6.79 (1) MUNICIPALITIES WITHOUT REGISTRATION.** Except as provided in sub. (6),
19 where there is no registration, before being permitted to vote, each elector shall state
20 his or her full name and address and present to the officials a valid operator's license
21 issued to the elector under ch. 343 that contains a photograph of the license holder,
22 a valid, current identification card issued to the elector by a U.S. uniformed service,
23 or a valid identification card issued to the elector under s. 343.50. The officials shall
24 enter each name and address on a poll list in the same order as the votes are cast.
25 If the residence of the elector does not have a number, the election officials shall, in

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1 the appropriate space, enter "none". Alternatively, the municipal clerk may
2 maintain a poll list consisting of the full name and address of electors compiled from
3 previous elections. Whenever an elector appears to vote, the officials shall verify the
4 correctness of the elector's name and address, and shall enter a serial number next
5 to the name of the elector in the order that the votes are cast, beginning with the
6 number one. If the name and address of an elector do not appear on the prepared poll
7 list, the officials shall enter the name, address and serial number of the elector at the
8 bottom of the list. Except as provided in sub. (6), before being permitted to vote, each
9 elector shall present to the officials a valid operator's license issued to the elector
10 under ch. 343 that contains a photograph of the license holder, a valid, current
11 identification card issued to the elector by a U.S. uniformed service, or a valid
12 identification card issued to the elector under s. 343.50. If any document presented
13 by the elector is not acceptable proof of residence under s. 6.55 (7), the officials may
14 also require the elector to provide acceptable proof of residence under s. 6.55 (7)
15 before permitting the elector to vote. The officials shall maintain a separate list of
16 those persons voting under ss. 6.15 and 6.24. This subsection applies only with
17 respect to elections held prior to the 2006 spring primary election.

18 **SECTION 15.** 6.79 (2) (a) and (b) of the statutes are amended to read:

19 6.79 (2) (a) Except as provided in sub. (6), where there is registration, each
20 ~~person~~ elector, before receiving a voting number, shall state his or her full name and
21 address and present to the officials a valid operator's license issued to the elector
22 under ch. 343 that contains a photograph of the license holder, a valid, current
23 identification card issued to the elector by a U.S. uniformed service, or a valid
24 identification card issued to the elector under s. 343.50. Upon the prepared
25 registration list, after the name of each elector, the officials shall enter the serial

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1 number of the vote as it is polled, beginning with number one. Each elector shall
2 receive a slip bearing the same serial number. A separate list shall be maintained
3 for electors who are voting under s. 6.15, 6.29 or 6.55 (2) or (3) and electors who are
4 reassigned from another polling place under s. 5.25 (5) (b). Each such elector shall
5 have his or her full name, address and serial number likewise entered and shall be
6 given a slip bearing such number.

7 (b) If the poll list is to be used at an election for national office, the municipal
8 clerk shall enter on the poll list an indication next to the name of each elector for
9 whom identification is required. If the poll list indicates that identification is
10 required and the document provided by the elector under sub. (1) does not constitute
11 identification, the officials shall require the elector to provide identification. If
12 identification is provided, the officials shall verify that the name and address on the
13 identification provided is the same as the name and address shown on the
14 registration list. If identification is required and not provided or if the elector has
15 registered by mail and has not previously voted in an election for national office in
16 the municipality where the elector is voting and does not present a license or
17 identification card under sub. (1), whenever required, the officials shall offer the
18 opportunity for the elector to vote under s. 6.97.

19 **SECTION 16.** 6.79 (2) (a) of the statutes, as affected by 2003 Wisconsin Act 265,
20 section 96, and 2005 Wisconsin Act (this act), is repealed and recreated to read:

21 6.79 (2) (a) Unless information on the poll list is entered electronically, the
22 municipal clerk shall supply the inspectors with 2 copies of the most current official
23 registration list or lists prepared under s. 6.36 (2) (a) for use as poll lists at the polling
24 place. Except as provided in sub. (6), each elector, before receiving a serial number,
25 shall state his or her full name and address and present to the officials a valid

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1 operator's license issued to the elector under ch. 343 that contains a photograph of
2 the license holder, a valid, current identification card issued to the elector by a U.S.
3 uniformed service, or a valid identification card issued to the elector under s. 343.50.
4 The officials shall verify that the name and address provided by the elector are the
5 same as the elector's name and address on the poll list.

6 **SECTION 17.** 6.79 (2) (d) of the statutes, as affected by 2003 Wisconsin Act 265,
7 is amended to read:

8 6.79 (2) (d) If the poll list indicates that identification is required and the
9 document provided by the elector under par. (a) does not constitute identification, the
10 officials shall require the elector to provide identification. If identification is
11 provided, the officials shall verify that the name and address on the identification
12 provided is the same as the name and address shown on the registration list. If
13 identification is required and not provided, or if the elector has registered by mail and
14 has not previously voted in an election for national office in this state and does not
15 present a license or identification card under sub. (1), whenever required, the
16 officials shall offer the opportunity for the elector to vote under s. 6.97.

17 **SECTION 18.** 6.79 (3) (title) of the statutes is amended to read:

18 6.79 (3) (title) REFUSAL TO GIVE NAME AND ADDRESS AND FAILURE TO PRESENT
19 IDENTIFICATION.

20 **SECTION 19.** 6.79 (3) of the statutes is renumbered 6.79 (3) (a).

21 **SECTION 20.** 6.79 (3) (b) of the statutes is created to read:

22 6.79 (3) (b) If a license or identification card under sub. (2) is not provided by
23 the elector or if the name or photograph appearing on the document that is provided
24 cannot be verified by the officials, the elector shall not be permitted to vote, except

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1 that if the elector is entitled to cast a provisional ballot under s. 6.97, the officials
2 shall offer the opportunity for the elector to vote under s. 6.97.

3 **SECTION 21.** 6.79 (4) of the statutes is repealed and recreated to read:

4 **6.79 (4) SUPPLEMENTAL INFORMATION.** (a) When any person offering to vote has
5 been challenged and taken the oath, following the person's name on the registration
6 or poll list, the officials shall enter the word "Sworn". This paragraph applies only
7 with respect to elections held prior to the 2006 spring primary election.

8 (b) When any person offering to vote has been challenged and taken the oath,
9 following the person's name on the poll list, the officials shall enter the word "Sworn".

10 **SECTION 22.** 6.79 (6) of the statutes is repealed and recreated to read:

11 **6.79 (6) CONFIDENTIALITY OF NAMES AND ADDRESSES.** (a) 1. In municipalities
12 where there is no registration, an elector who has a confidential listing under s. 6.47
13 (2) may present an identification card issued under s. 6.47 (3) in lieu of providing his
14 or her name and address and presenting identification or a license or identification
15 card under sub. (1). If the elector resides in the area served by the polling place, the
16 inspectors shall then enter the elector's name and identification serial number on the
17 poll list in a section following the other names, shall issue a voting serial number to
18 the elector and shall record that number on the poll list and permit the elector to vote.
19 This subdivision applies only with respect to elections held prior to the 2006 spring
20 primary election.

21 2. In municipalities where registration is required, an elector who has a
22 confidential listing under s. 6.47 (2) may present his or her identification card issued
23 under s. 6.47 (3) or may give his or her name and identification serial number issued
24 under s. 6.47 (3), in lieu of stating his or her name and address and presenting
25 identification or a license or identification card under sub. (2). If the elector's name

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1 and identification serial number appear on the confidential portion of the list, the
2 inspectors shall issue a voting serial number to the elector, record that number on
3 the registration list and permit the elector to vote. This subdivision applies only with
4 respect to elections held prior to the 2006 spring primary election.

5 (b) An elector who has a confidential listing under s. 6.47 (2) may present his
6 or her identification card issued under s. 6.47 (3), or give his or her name and
7 identification serial number issued under s. 6.47 (3), in lieu of stating his or her name
8 and address and presenting a license or identification card under sub. (2). If the
9 elector's name and identification serial number appear on the confidential portion
10 of the list, the inspectors shall issue a voting serial number to the elector, record that
11 number on the poll list and permit the elector to vote.

12 **SECTION 23.** 6.82 (1) (a) of the statutes is amended to read:

13 6.82 (1) (a) When any inspectors are informed that an elector is at the entrance
14 to the polling place who as a result of disability is unable to enter the polling place,
15 they shall permit the elector to be assisted in marking a ballot by any individual
16 selected by the elector, except the elector's employer or an agent of that employer or
17 an officer or agent of a labor organization which represents the elector. The Except
18 as provided in s. 6.79 (6), the individual selected by the elector shall present to the
19 inspectors a valid operator's license issued to the elector under ch. 343 that contains
20 a photograph of the license holder, a valid, current identification card issued to the
21 elector by a uniformed service, or a valid identification card issued to the elector
22 under s. 343.50 and, if the license or identification card does not constitute
23 identification, shall also provide identification for the assisted elector, whenever
24 required, and all other information necessary for the elector to obtain a ballot under
25 s. 6.79 (2). The inspectors shall issue a ballot to the individual selected by the elector

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

12 **SECTION 24.** 6.86 (1) (ar) of the statutes is amended to read:

13 6.86 (1) (ar) Except as authorized in s. 6.875 (6), the municipal clerk shall not
14 issue an absentee ballot unless the clerk receives a written application therefor from
15 a qualified elector of the municipality. The clerk shall retain each absentee ballot
16 application until destruction is authorized under s. 7.23 (1). If an elector applies for
17 an absentee ballot in person at the clerk's office, the clerk shall not issue the elector
18 an absentee ballot unless the elector presents a valid operator's license issued to the
19 elector under ch. 343 that contains a photograph of the license holder, a valid, current
20 identification card issued to the elector by a U.S. uniformed service, or a valid
21 identification card issued to the elector under s. 343.50.

22 **SECTION 25.** 6.86 (3) (a) 1. of the statutes is repealed and recreated to read:

23 6.86 (3) (a) 1. a. Any elector who is registered, or otherwise qualified where
24 registration is not required, and who is hospitalized, may apply for and obtain an
25 official ballot by agent. The agent may apply for and obtain a ballot for the

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1 hospitalized absent elector by presenting a form prescribed by the board and
2 containing the required information supplied by the hospitalized elector and signed
3 by that elector. Except as authorized in s. 6.87 (4) (b) 2., the agent shall present the
4 identification required under sub. (1) (ar). This subd. 1. a. applies only with respect
5 to elections held prior to the date of the 2006 spring primary election.

6 b. Any elector who is registered and who is hospitalized, may apply for and
7 obtain an official ballot by agent. The agent may apply for and obtain a ballot for the
8 hospitalized absent elector by presenting a form prescribed by the board and
9 containing the required information supplied by the hospitalized elector and signed
10 by that elector. Except as authorized in s. 6.87 (4) (b) 2., the agent shall present the
11 license or identification card required under sub. (1) (ar).

12 **SECTION 26.** 6.86 (3) (a) 2. of the statutes is repealed and recreated to read:

13 6.86 (3) (a) 2. a. If a hospitalized elector is not registered where registration is
14 required, the elector may register by agent under this subdivision at the same time
15 that the elector applies for an official ballot by agent under subd. 1. To register the
16 elector under this subdivision, the agent shall present a completed registration form
17 that contains the required information supplied by the elector and the elector's
18 signature, unless the elector is unable to sign due to physical disability. In this case,
19 the elector may authorize another elector to sign on his or her behalf. Any elector
20 signing a form on another elector's behalf shall attest to a statement that the
21 application is made on request and by authorization of the named elector, who is
22 unable to sign the form due to physical disability. The agent shall present this
23 statement along with all other information required under this subdivision. The
24 agent shall present acceptable proof of the elector's residence under s. 6.55 (7). This

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1 subd. 2. a. applies only with respect to elections held prior to the 2006 spring primary
2 election.

3 b. If a hospitalized elector is not registered, the elector may register by agent
4 under this subdivision at the same time that the elector applies for an official ballot
5 by agent under subd. 1. To register the elector under this subdivision, the agent shall
6 present a completed registration form that contains the required information
7 supplied by the elector and the elector's signature, unless the elector is unable to sign
8 due to physical disability. In this case, the elector may authorize another elector to
9 sign on his or her behalf. Any elector signing a form on another elector's behalf shall
10 attest to a statement that the application is made on request and by authorization
11 of the named elector, who is unable to sign the form due to physical disability. The
12 agent shall present this statement along with all other information required under
13 this subdivision. The agent shall provide acceptable proof of the elector's residence
14 under s. 6.55 (7).

15 **SECTION 27.** 6.869 of the statutes, as created by 2003 Wisconsin Act 265, is
16 amended to read:

17 **6.869 Uniform instructions.** The board shall prescribe uniform instructions
18 for absentee voters. The instructions shall include information concerning whether
19 identification is required under s. 6.87 (4) or a copy of a license or identification card
20 is required under s. 6.86 (1) (ar) and information concerning whether a copy of
21 identification is required to be submitted and, if so, the form of identification that is
22 required.

23 **SECTION 28.** 6.87 (3) (d) of the statutes is amended to read:

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

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

18 **SECTION 29.** 6.87 (4) of the statutes is renumbered 6.87 (4) (b) 1. and amended
19 to read:

20 6.87 (4) (b) 1. Except as otherwise provided in s. 6.875, the elector voting
21 absentee shall make and subscribe to the certification before one witness. The
22 absent elector, in the presence of the witness, shall mark the ballot in a manner that
23 will not disclose how the elector's vote is cast. The elector shall then, still in the
24 presence of the witness, fold the ballots so each is separate and so that the elector
25 conceals the markings thereon and deposit them in the proper envelope. If a

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1 consolidated ballot under s. 5.655 is used, the elector shall fold the ballot so that the
2 elector conceals the markings thereon and deposit the ballot in the proper envelope.
3 Except as authorized in subs. 2. and 3., and notwithstanding s. 343.43 (1) (f), the
4 elector shall enclose a copy of the license or identification card required under s. 6.86
5 (1) (ar) in the envelope, unless the elector is a military elector or an overseas elector,
6 as defined in sub. (4) (a). ~~If the elector has registered by mail and has not, or is not~~
7 ~~certain whether the elector has, previously voted in an election for national office in~~
8 ~~this state~~ identification is required, the elector shall enclose identification in the
9 envelope. Identification is required if the elector is not a military elector or an
10 overseas elector, as defined in s. 6.36 (2) (c), and the elector registered by mail and
11 has not voted in an election for national office in the municipality where the elector
12 is voting. The elector may receive assistance under sub. (5). The return envelope
13 shall then be sealed. The witness may not be a candidate. The envelope shall be
14 mailed by the elector, postage prepaid, or delivered in person, to the municipal clerk
15 issuing the ballot or ballots. Failure to return an unused ballot in a primary does not
16 invalidate the ballot on which the elector's votes are cast. Return of more than one
17 marked ballot in a primary or return of a ballot prepared under s. 5.655 or a ballot
18 used with an electronic voting system in a primary which is marked for candidates
19 of more than one party invalidates all votes cast by the elector for candidates in the
20 primary.

21 **SECTION 30.** 6.87 (4) (a) of the statutes is created to read:

22 6.87 (4) (a) In this paragraph:

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

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1 by reason of service in the merchant marine, is absent from the residence where the
2 member is otherwise qualified to vote; or the spouse or dependent of any such
3 member who, by reason of the duty or service of the member, is absent from the
4 residence where the spouse or dependent is otherwise qualified to vote.

5 2. "Overseas elector" means an elector who resides outside the United States
6 and who is qualified under federal law to vote in elections for national office in this
7 state because the elector was last domiciled in this state immediately prior to the
8 elector's departure from the United States.

9 **SECTION 31.** 6.87 (4) (b) 1. of the statutes, as affected by 2005 Wisconsin Act
10 (this act), is amended to read:

11 6.87 (4) (b) 1. Except as otherwise provided in s. 6.875, the elector voting
12 absentee shall make and subscribe to the certification before one witness. The
13 absent elector, in the presence of the witness, shall mark the ballot in a manner that
14 will not disclose how the elector's vote is cast. The elector shall then, still in the
15 presence of the witness, fold the ballots so each is separate and so that the elector
16 conceals the markings thereon and deposit them in the proper envelope. If a
17 consolidated ballot under s. 5.655 is used, the elector shall fold the ballot so that the
18 elector conceals the markings thereon and deposit the ballot in the proper envelope.
19 Except as authorized in subds. 2. and 3., and notwithstanding s. 343.43 (1) (f), the
20 elector shall enclose a copy of the license or identification card required under s. 6.86
21 (1) (ar) in the envelope, unless the elector is a military elector or an overseas elector,
22 as defined in sub. (4) (a). If identification is required, the elector shall enclose
23 identification in the envelope. Identification is required if the elector is not a military
24 elector or an overseas elector, as defined in s. 6.36 (2) (c), and the elector registered
25 by mail and has not voted in an election for national office in the municipality where

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1 ~~the elector is voting~~ this state. The elector may receive assistance under sub. (5).
2 The return envelope shall then be sealed. The witness may not be a candidate. The
3 envelope shall be mailed by the elector, postage prepaid, or delivered in person, to the
4 municipal clerk issuing the ballot or ballots. Failure to return an unused ballot in
5 a primary does not invalidate the ballot on which the elector's votes are cast. Return
6 of more than one marked ballot in a primary or return of a ballot prepared under s.
7 5.655 or a ballot used with an electronic voting system in a primary which is marked
8 for candidates of more than one party invalidates all votes cast by the elector for
9 candidates in the primary.

10 **SECTION 32.** 6.87 (4) (b) 2. and 3. of the statutes are created to read:

11 6.87 (4) (b) 2. Unless subd. 3. applies, if the absentee elector has applied for and
12 qualified to receive absentee ballots automatically under s. 6.86 (2) (a), the elector
13 may, in lieu of providing a copy of a license or identification card required under s.
14 6.86 (1) (ar), submit with his or her absentee ballot a statement signed by the same
15 individual who witnesses voting of the ballot which contains the name and address
16 of the elector and verifies that the name and address are correct.

17 3. If the absentee elector has received an absentee ballot from the municipal
18 clerk for a previous election, has provided a copy of a license or identification card
19 required under s. 6.86 (1) (ar) with that ballot, and has not changed his or her name
20 or address since providing that identification, the elector is not required to provide
21 a copy of the identification required under s. 6.86 (1) (ar).

22 **SECTION 33.** 6.88 (3) (a) of the statutes is repealed and recreated to read:

23 6.88 (3) (a) 1. Any time between the opening and closing of the polls on election
24 day, the inspectors shall open the carrier envelope only, and announce the name of
25 the absent elector or the identification serial number of the absent elector if the

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1 elector has a confidential listing under s. 6.47 (2). When the inspectors find that the
2 certification has been properly executed, the applicant is a qualified elector of the
3 ward or election district, and the applicant has not voted in the election, they shall
4 enter an indication on the poll list next to the applicant's name indicating an
5 absentee ballot is cast by the elector. They shall then open the envelope containing
6 the ballot in a manner so as not to deface or destroy the certification thereon. The
7 inspectors shall take out the ballot without unfolding it or permitting it to be
8 unfolded or examined. Unless the ballot is cast under s. 6.95, the inspectors shall
9 verify that the ballot has been endorsed by the issuing clerk. If the poll list indicates
10 that identification is required and no identification is enclosed or the name or
11 address on the document that is provided is not the same as the name and address
12 shown on the poll list, or if the elector is not a military elector or an overseas elector,
13 as defined in s. 6.36 (2) (c), and the elector registered by mail and has not previously
14 voted in any election for national office in the municipality where the elector is voting
15 and the elector is required to provide a copy of a license or identification card under
16 s. 6.86 (1) (ar) and no copy of the license or identification card is enclosed or the name
17 on the document cannot be verified by the inspectors, the inspectors shall proceed as
18 provided under s. 6.97 (2). If in any other case the elector is required to provide a copy
19 of a license or identification card under s. 6.86 (1) (ar) and no copy of the elector's
20 license or identification card is enclosed or the name or address on the document that
21 is provided cannot be verified by the inspectors, the elector's ballot may not be
22 counted. The inspectors shall then deposit the ballot into the proper ballot box and
23 enter the absent elector's name or voting number after his or her name on the poll
24 list in the same manner as if the elector had been present and voted in person. This

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1 subdivision applies only with respect to elections held prior to the 2006 spring
2 primary election.

3 2. Any time between the opening and closing of the polls on election day, the
4 inspectors shall open the carrier envelope only, and announce the name of the absent
5 elector or the identification serial number of the absent elector if the elector has a
6 confidential listing under s. 6.47 (2). When the inspectors find that the certification
7 has been properly executed, the applicant is a qualified elector of the ward or election
8 district, and the applicant has not voted in the election, they shall enter an indication
9 on the poll list next to the applicant's name indicating an absentee ballot is cast by
10 the elector. They shall then open the envelope containing the ballot in a manner so
11 as not to deface or destroy the certification thereon. The inspectors shall take out the
12 ballot without unfolding it or permitting it to be unfolded or examined. Unless the
13 ballot is cast under s. 6.95, the inspectors shall verify that the ballot has been
14 endorsed by the issuing clerk. If the poll list indicates that identification is required
15 and no identification is enclosed or the name or address on the document that is
16 provided is not the same as the name and address shown on the poll list, or if the
17 elector is not a military elector or an overseas elector, as defined in s. 6.36 (2) (c), and
18 the elector registered by mail and has not previously voted in an election for national
19 office in this state and the elector is required to provide a copy of a license or
20 identification card under s. 6.86 (1) (ar) and no copy of the license or identification
21 card is enclosed or the name on the document cannot be verified by the inspectors,
22 the inspectors shall proceed as provided under s. 6.97 (2). If in any other case the
23 elector is required to provide a copy of a license or identification card under s. 6.86
24 (1) (ar) and no copy of the elector's license or identification card is enclosed or the
25 name on the document that is provided cannot be verified by the inspectors, the

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1 elector's ballot may not be counted. The inspectors shall then deposit the ballot into
2 the proper ballot box and enter the absent elector's name or voting number after his
3 or her name on the poll list in the same manner as if the elector had been present and
4 voted in person.

5 **SECTION 34.** 6.97 (1) of the statutes is repealed and recreated to read:

6 6.97 (1) (a) Whenever any individual who is required to provide identification
7 in order to be permitted to vote appears to vote at a polling place and cannot provide
8 the required identification, the inspectors shall offer the opportunity for the
9 individual to vote under this section. Whenever any individual, other than a military
10 elector or an overseas elector, as defined in s. 6.36 (2) (c), who has registered by mail
11 and who has not previously voted in an election for national office in the municipality
12 where the elector is voting does not present a license or identification card under s.
13 6.79 (2), the inspectors or the municipal clerk shall similarly offer the opportunity
14 for the individual to vote under this section. If the individual wishes to vote, the
15 inspectors shall provide the elector with an envelope marked "Ballot under s. 6.97,
16 stats." on which the serial number of the elector is entered and shall require the
17 individual to execute on the envelope a written affirmation stating that the
18 individual is a qualified elector of the ward or election district where he or she offers
19 to vote and is eligible to vote in the election. The inspectors shall, before giving the
20 elector a ballot, write on the back of the ballot the serial number of the individual
21 corresponding to the number kept at the election on the poll list or other list
22 maintained under s. 6.79 and the notation "s. 6.97". If voting machines are used in
23 the municipality where the individual is voting, the individual's vote may be received
24 only upon an absentee ballot furnished by the municipal clerk which shall have the
25 corresponding number from the poll list or other list maintained under s. 6.79 and

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1 the notation "s. 6.97" written on the back of the ballot by the inspectors before the
2 ballot is given to the elector. When receiving the individual's ballot, the inspectors
3 shall provide the individual with written voting information prescribed by the board
4 under s. 7.08 (8). The inspectors shall indicate on the list the fact that the individual
5 is required to provide identification or a license or identification card under s. 6.79
6 (2) but did not do so. The inspectors shall notify the individual that he or she may
7 provide the identification, license, or identification card to the municipal clerk or
8 executive director of the municipal board of election commissioners. The inspectors
9 shall also promptly notify the municipal clerk or executive director of the name,
10 address, and serial number of the individual. The inspectors shall then place the
11 ballot inside the envelope and place the envelope in a separate carrier envelope. This
12 paragraph applies only with respect to elections held prior to the 2006 spring
13 primary election.

14 (b) Whenever any individual who is required to provide identification in order
15 to be permitted to vote appears to vote at a polling place and cannot provide the
16 required identification, the inspectors shall offer the opportunity for the individual
17 to vote under this section. Whenever any individual, other than a military elector
18 or an overseas elector, as defined in s. 6.36 (2) (c), who has registered by mail and who
19 has not previously voted in an election for national office in this state does not
20 present a license or identification card under s. 6.79 (2), the inspectors or the
21 municipal clerk shall similarly offer the opportunity for the individual to vote under
22 this section. If the individual wishes to vote, the inspectors shall provide the elector
23 with an envelope marked "Ballot under s. 6.97, stats." on which the serial number
24 of the elector is entered and shall require the individual to execute on the envelope
25 a written affirmation stating that the individual is a qualified elector of the ward or

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1 election district where he or she offers to vote and is eligible to vote in the election.
2 The inspectors shall, before giving the elector a ballot, write on the back of the ballot
3 the serial number of the individual corresponding to the number kept at the election
4 on the poll list or other list maintained under s. 6.79 and the notation "s. 6.97". If
5 voting machines are used in the municipality where the individual is voting, the
6 individual's vote may be received only upon an absentee ballot furnished by the
7 municipal clerk which shall have the corresponding number from the poll list or
8 other list maintained under s. 6.79 and the notation "s. 6.97" written on the back of
9 the ballot by the inspectors before the ballot is given to the elector. When receiving
10 the individual's ballot, the inspectors shall provide the individual with written
11 voting information prescribed by the board under s. 7.08 (8). The inspectors shall
12 indicate on the list the fact that the individual is required to provide identification
13 or a license or identification card under s. 6.79 (2) but did not do so. The inspectors
14 shall notify the individual that he or she may provide the identification, license, or
15 identification card to the municipal clerk or executive director of the municipal board
16 of election commissioners. The inspectors shall also promptly notify the municipal
17 clerk or executive director of the name, address, and serial number of the individual.
18 The inspectors shall then place the ballot inside the envelope and place the envelope
19 in a separate carrier envelope.

20 **SECTION 35.** 6.97 (2) of the statutes is repealed and recreated to read:

21 6.97 (2) (a) Whenever any individual who votes by absentee ballot is required
22 to provide identification in order to be permitted to vote and does not provide the
23 required identification, the inspectors shall treat the ballot as a provisional ballot
24 under this section. Whenever any individual, other than a military elector or an
25 overseas elector, as defined in s. 6.36 (2) (c), who has registered by mail and who has

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1 not previously voted in an election for national office in the municipality where the
2 elector is voting does not enclose a copy of the license or identification card required
3 under s. 6.86 (1) (ar), the inspectors shall similarly treat the ballot as a provisional
4 ballot under this section. Upon removing the ballot from the envelope, the inspectors
5 shall write on the back of the ballot the serial number of the individual corresponding
6 to the number kept at the election on the poll list or other list maintained under s.
7 6.79 and the notation "s. 6.97". The inspectors shall indicate on the list the fact that
8 the individual is required to provide identification or a license or identification card
9 under s. 6.86 (1) (ar) but did not do so. The inspectors shall promptly notify the
10 municipal clerk or executive director of the municipal board of election
11 commissioners of the name, address, and serial number of the individual. The
12 inspectors shall then place the ballot inside an envelope on which the name and
13 serial number of the elector is entered and shall place the envelope in a separate
14 carrier envelope. This paragraph applies only with respect to elections held prior to
15 the 2006 spring primary election.

16 (b) Whenever any individual who votes by absentee ballot is required to provide
17 identification in order to be permitted to vote and does not provide the required
18 identification, the inspectors shall treat the ballot as a provisional ballot under this
19 section. Whenever any individual, other than a military elector or an overseas
20 elector, as defined in s. 6.36 (2) (c), who has registered by mail and who has not
21 previously voted in an election for national office in this state does not enclose a copy
22 of the license or identification card required under s. 6.86 (1) (ar), the inspectors shall
23 similarly treat the ballot as a provisional ballot under this section. Upon removing
24 the ballot from the envelope, the inspectors shall write on the back of the ballot the
25 serial number of the individual corresponding to the number kept at the election on

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1 the poll list or other list maintained under s. 6.79 and the notation "s. 6.97". The
2 inspectors shall indicate on the list the fact that the individual is required to provide
3 identification or a license or identification card under s. 6.86 (1) (ar) but did not do
4 so. The inspectors shall promptly notify the municipal clerk or executive director of
5 the municipal board of election commissioners of the name, address, and serial
6 number of the individual. The inspectors shall then place the ballot inside an
7 envelope on which the name and serial number of the elector is entered and shall
8 place the envelope in a separate carrier envelope.

9 **SECTION 36.** 6.97 (3) of the statutes is amended to read:

10 6.97 (3) Whenever the municipal clerk or executive director of the municipal
11 board of election commissioners is informed by the inspectors that a ballot has been
12 cast under this section, the clerk or executive director shall promptly provide written
13 notice to the board of canvassers of each municipality, special purpose district, and
14 county that is responsible for canvassing the election of the number of ballots cast
15 under this section in each ward or election district. The municipal clerk or executive
16 director then shall determine whether each individual voting under this section is
17 qualified to vote in the ward or election district where the individual's ballot is cast.
18 If the elector is required to provide a license or identification card or copy thereof
19 under s. 6.79 (2) or 6.86 (1) (ar) and fails to do so, the elector bears the burden of
20 correcting the omission. The municipal clerk or executive director shall make a
21 record of the procedure used to determine the validity of each ballot. If, prior to 4 p.m.
22 on the day after the election, the municipal clerk or executive director determines
23 that the individual is qualified to vote in the ward or election district where the
24 individual's ballot is cast, the municipal clerk or executive director shall notify the

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1 board of canvassers for each municipality, special purpose district and county that
2 is responsible for canvassing the election of that fact.

3 **SECTION 37.** 6.97 (3m) of the statutes is created to read:

4 **6.97 (3m)** The decision of the municipal clerk or executive director of the board
5 of election commissioners with respect to the validity of a valid license or
6 identification card required under s. 6.79 (2) or 6.86 (1) (ar) is final and is not subject
7 to review by the board of canvassers, by the chairperson of the elections board or his
8 or her designee, or under s. 9.01. A ballot cast under this section by an elector for
9 whom a valid license or identification card is required under s. 6.79 (2) or 6.86 (1) (ar)
10 shall not be counted unless the municipal clerk or executive director of the board of
11 election commissioners provides timely notification that the elector has provided a
12 valid license or identification card under this section.

13 **SECTION 38.** 7.08 (8) (title) of the statutes is amended to read:

14 **7.08 (8) (title)** ELECTORS VOTING WITHOUT IDENTIFICATION PROOF OF IDENTITY OR
15 PURSUANT TO COURT ORDER.

16 **SECTION 39.** 10.02 (3) (a) of the statutes is amended to read:

17 **10.02 (3) (a)** Upon entering the polling place and before being permitted to vote,
18 an elector shall state his or her name and address and, shall provide identification
19 if required by federal law, and shall present a valid Wisconsin operator's license that
20 contains the elector's photograph, a current identification card issued to the elector
21 by a U.S. uniformed service, or a Wisconsin identification card unless the elector is
22 exempted from this requirement. Where ballots are distributed to electors, the
23 initials of 2 inspectors must appear on the ballot. Upon being permitted to vote, the
24 elector shall retire alone to a voting booth or machine and cast his or her ballot, except
25 that an elector who is a parent or guardian may be accompanied by the elector's

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1 minor child or minor ward. An election official may inform the elector of the proper
2 manner for casting a vote, but the official may not in any manner advise or indicate
3 a particular voting choice.

4 **SECTION 40.** 343.50 (3) of the statutes is amended to read:

5 343.50 (3) DESIGN AND CONTENTS OF CARD. The card shall be the same size as
6 an operator's license but shall be of a design which is readily distinguishable from
7 the design of an operator's license and bear upon it the words "IDENTIFICATION
8 CARD ONLY". The information on the card shall be the same as specified under s.
9 343.17 (3). The card may serve as a document of gift under s. 157.06 (2) (b) and (c)
10 and the holder may affix a sticker thereto as provided in s. 343.175 (3). The card may
11 also serve as a document of refusal to make an anatomical gift under s. 157.06 (2) (i).
12 The Except as provided in sub. (4g), the card shall contain the holder's photograph
13 and, if applicable, shall be of the design specified under s. 343.17 (3) (a) 12.

14 **SECTION 41.** 343.50 (4) of the statutes is amended to read:

15 343.50 (4) APPLICATION. The application for an identification card shall include
16 any information required under ss. 85.103 (2) and 343.14 (2) (a), (b), (bm), (br), and
17 (em), and such further information as the department may reasonably require to
18 enable it to determine whether the applicant is entitled by law to an identification
19 card. The Except as provided in sub.(4g), the department shall, as part of the
20 application process, take a photograph of the applicant to comply with sub. (3). No
21 Except as provided in sub.(4g), no application may be processed without the
22 photograph being taken. Misrepresentations in violation of s. 343.14 (5) are
23 punishable as provided in s. 343.14 (9).

24 **SECTION 42.** 343.50 (4g) of the statutes is created to read:

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1 343.50 (4g) PHOTOGRAPH REQUIREMENT; EXCEPTION. An application may be
2 processed and an original or renewal identification card issued under this section
3 without a photograph being taken to comply with subs. (3) and (4) to an applicant
4 who requests the identification card without charge under sub. (5) or (6) and who
5 provides to the department an affidavit stating that the applicant has a sincerely
6 held religious belief against being photographed; identifying the religion to which he
7 or she belongs or the tenets of which he or she adheres to; and stating that the tenets
8 of the religion prohibit him or her from being photographed.

9 **SECTION 43.** 343.50 (5) of the statutes is amended to read:

10 343.50 (5) VALID PERIOD; FEES. The fee for an original card and for the
11 reinstatement of an identification card after cancellation under sub. (10) shall be \$9
12 or, upon request of the applicant, without charge. The card shall be valid for the
13 succeeding period of 4 years from the applicant's next birthday after the date of
14 issuance.

15 **SECTION 44.** 343.50 (6) of the statutes is amended to read:

16 343.50 (6) RENEWAL. At least 30 days prior to the expiration of the card, the
17 department shall mail a renewal application to the last-known address of each
18 identification card holder. The department shall include with the application
19 information, as developed by all organ procurement organizations in cooperation
20 with the department, that promotes anatomical donations and which relates to the
21 anatomical donation opportunity available under s. 343.175. The fee for a renewal
22 identification card shall be \$9, which or, upon request of the identification card
23 holder, without charge. The renewal identification card shall be valid for 4 years.

24 **SECTION 45.** 2003 Wisconsin Act 265, section 112a, is repealed.

25 **SECTION 46.** 2003 Wisconsin Act 265, section 150 (1) is amended to read:

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1 [2003 Wisconsin Act 265] Section 150 (1) The treatment of sections 5.02 (17),
2 5.05 (15), 6.20, 6.24 (3), (4) (a) and (c), and (8), 6.26 (1) and (2) (am), (b), and (c), 6.27,
3 6.275 (1) (b) to (d), 6.28 (2) (b) and (3), 6.29 (2) (a) and (b), 6.32 (4), 6.33 (1) and (2)
4 (a) (by SECTION 49b), (3), (4), and (5), 6.36 (1), (2) (a) (by SECTION 58b), and (3), 6.40
5 (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),
6 and (10), 6.55 (2) (a) 1. (intro.) and 2., (b), and (c) 1. and 2., (3), and (7) (c) 2., 6.56 (3)
7 and (4), 6.57, 6.79 (intro.), (1), (4), (5), and (6) (a) and (b), 6.86 (3) (a) 1. and 2., ~~6.87~~
8 ~~(4) (by SECTION 112a)~~, 6.94, 6.95, 7.08 (1) (c), 7.10 (1) (b), 7.15 (1) (c) and (4), 7.23 (1)
9 (c), 7.37 (7), 7.51 (2) (a), (c), and (e), (4) (a), and (5) (a), 9.01 (1) (b) 1., 59.05 (2), 117.20
10 (2), 120.06 (5), and 125.05 (2) (h) of the statutes, the renumbering and amendment
11 of section 6.40 (1) (a) of the statutes, the amendment of section 6.36 (2) (c) 2. of the
12 statutes, the repeal and recreation of section 6.79 (2) of the statutes, and the creation
13 of section 6.40 (1) (a) 2. and 3. of the statutes first apply with respect to the 2006
14 spring primary election.

15 **SECTION 47.** 2003 Wisconsin Act 265, section 151 (3) is amended to read:

16 [2003 Wisconsin Act 265] Section 151 (3) The treatment of sections 6.33 (1) and
17 (2) (a) (by SECTION 49b), and 6.36 (2) (a) (by SECTION 58b), ~~and 6.87 (4) (by SECTION~~
18 ~~112a)~~ of the statutes, the amendment of section 6.36 (2) (c) 2. of the statutes, and the
19 repeal and recreation of section 6.79 (2) of the statutes take effect on January 1, 2006.

20 **SECTION 48. Initial applicability.**

21 (1) The treatment of sections 6.55 (2) (b) 2. and (c) 1. b. and 2. b. and (3) (b), 6.79
22 (2) (a) (by SECTION 16) and (d), (4) (b), and (6) (b), 6.86 (3) (a) 1. b. and 2. b., 6.87 (4)
23 (b) 1. (by SECTION 31), 6.88 (3) (a) 2., and 6.97 (1) (b) and (2) (b) of the statutes first
24 applies with respect to the 2006 spring primary election.

