

2005 ASSEMBLY BILL 865

December 8, 2005 – Introduced by Representatives PARISI, GRIGSBY, ALBERS, BLACK, BOYLE, FIELDS, POCAN, POPE-ROBERTS, BERCEAU and KESSLER, cosponsored by Senators TAYLOR and MILLER. Referred to Committee on Campaigns and Elections.

1 **AN ACT to repeal** 302.117, 304.078 (1) and 973.09 (4m); **to renumber and**
2 **amend** 6.03 (1) (b); **to amend** 304.078 (2), 304.078 (3) and 973.176 (2); and **to**
3 **create** 6.03 (1) (b) 1., 6.03 (1) (b) 2. and 6.03 (1) (b) 3. of the statutes; **relating**
4 **to:** restoring the right to vote to a person barred from voting as a result of a
5 felony conviction.

Analysis by the Legislative Reference Bureau

Under current law, when a person is barred from voting as the result of a felony conviction (a “disqualifying offense”), the person’s right to vote can be restored through a pardon. Otherwise, it is restored upon completion of the sentence — including extended supervision or parole — or the term of probation imposed on the person who committed the offense.

Under this bill, a person loses his or her right to vote based on a disqualifying offense only while he or she is incarcerated for that offense. If the person is released to extended supervision or parole, he or she can resume voting. In addition, a person convicted of such an offense retains the right to vote if he or she is placed on probation. But if a person who committed a disqualifying offense is returned to prison after the revocation of extended supervision or parole or is sent to prison or

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a jail or house of correction after the revocation of probation, the person loses the right to vote until he or she is released.

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

1 **SECTION 1.** 6.03 (1) (b) of the statutes is renumbered 6.03 (1) (b) (intro.) and
2 amended to read:

3 6.03 (1) (b) (intro.) Any person convicted of treason, felony, or bribery, unless
4 the person's right to vote is restored through a pardon or under s. 304.078 (3). who
5 has not been pardoned for the offense, if any of the following applies:

6 **SECTION 2.** 6.03 (1) (b) 1. of the statutes is created to read:

7 6.03 (1) (b) 1. The person is awaiting sentencing for the offense.

8 **SECTION 3.** 6.03 (1) (b) 2. of the statutes is created to read:

9 6.03 (1) (b) 2. The person has been sentenced to a term of imprisonment and
10 the sentence has not yet commenced. This subdivision does not apply if the person's
11 sentence has been stayed under s. 973.09 (1) (a).

12 **SECTION 4.** 6.03 (1) (b) 3. of the statutes is created to read:

13 6.03 (1) (b) 3. The person is incarcerated for the offense but is not on probation,
14 parole, or extended supervision.

15 **SECTION 5.** 302.117 of the statutes is repealed.

16 **SECTION 6.** 304.078 (1) of the statutes is repealed.

17 **SECTION 7.** 304.078 (2) of the statutes is amended to read:

18 304.078 (2) ~~Except as provided in sub. (3), every~~ A person who is convicted of
19 a crime obtains a restoration of his or her civil rights, other than the right to vote,
20 by serving out his or her term of imprisonment or otherwise satisfying his or her
21 sentence. The certificate of the department or other responsible supervising agency

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1 that a convicted person has served his or her sentence or otherwise satisfied the
2 judgment against him or her is evidence of that fact and that the person is restored
3 to his or her civil rights. The department or other agency shall list in the person's
4 certificate rights which have been restored and which have not been restored.
5 Persons who served out their terms of imprisonment or otherwise satisfied their
6 sentences prior to August 14, 1947, are likewise restored to their civil rights from and
7 after September 25, 1959.

8 **SECTION 8.** 304.078 (3) of the statutes is amended to read:

9 304.078 (3) If a person is has been disqualified from voting under s. 6.03 (1) (b),
10 ~~his or her right to vote is restored when he or she completes the term of imprisonment~~
11 ~~or probation for the crime that led to the disqualification. The 3., the~~ department or,
12 if the person is sentenced to a county jail or house of correction, the jailer, as defined
13 in s. 302.372 (1) (b), shall inform the person in writing ~~at the time, when he or she~~
14 is released from the prison, jail, or house of correction, that his or her right to vote
15 ~~is restored under this subsection.~~

16 **SECTION 9.** 973.09 (4m) of the statutes is repealed.

17 **SECTION 10.** 973.176 (2) of the statutes is amended to read:

18 973.176 (2) VOTING. Whenever a court imposes a sentence ~~or places a defendant~~
19 ~~on probation~~ for a conviction that disqualifies the defendant from voting under s. 6.03
20 (1) (b), the court shall inform the defendant that he or she may not vote in any election
21 until ~~his or her civil rights are restored~~ released from the prison, jail, or house of
22 correction where the sentence will be served.

23 (END)