

2005 DRAFTING REQUEST

Bill

Received: **06/23/2005**

Received By: **jkuesel**

Wanted: **Soon**

Identical to LRB:

For: **Russell Decker (608) 266-2502**

By/Representing: **Barb Worcester**

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

Drafter: **jkuesel**

May Contact:

Addl. Drafters: **agary**

Subject: **Elections - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Decker@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Identification required for voting; voting by felons; fee for Wis. ID cards

Instructions:

Per LRBs0139/2.

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 06/23/2005	kfollett 06/23/2005		_____ _____			State Crime
/1			pgreensl 06/23/2005	_____ _____	lemery 06/23/2005	lemery 06/30/2005	State Crime
/2	jkuesel 09/09/2005	kfollett 09/09/2005	pgreensl 09/09/2005	_____ _____	lnorthro 09/09/2005	lnorthro 09/09/2005	

FE Sent For:

<END>

At
intro.

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1/1	jkuesel 6/23/05	11 kjf 6/23	6/23 pgy	6/23 pr/ee			

FE Sent For:

<END>

wanted Fri 6/24

**SENATE SUBSTITUTE AMENDMENT,
TO 2005 SENATE BILL 42**

Regen

1 AN ACT *to repeal* 6.56 (5) and 12.13 (3) (v); *to renumber and amend* 6.55 (3)
2 and 6.87 (4); *to amend* 5.35 (6) (a) 2., 5.35 (6) (a) 4a., 6.15 (2) (d) 1r., 6.15 (3),
3 6.22 (2) (b), 6.24 (4) (d), 6.29 (1), 6.29 (2) (a), 6.33 (1), 6.33 (2) (b), 6.33 (5) (a), 6.36
4 (1) (a), 6.36 (2) (a), 6.55 (2) (a) 1., 6.55 (2) (b), 6.55 (2) (c) 1., 6.55 (2) (c) 2., 6.79
5 (2) (a) and (d), 6.79 (4), 6.79 (6), 6.82 (1) (a), 6.86 (1) (a) 5., 6.86 (1) (ar), 6.86 (1)
6 (ar), 6.86 (3) (a) 1., 6.86 (3) (a) 2., 6.869, 6.87 (3) (d), 6.875 (title), 6.875 (2) (a),
7 6.875 (3) and (4), 6.875 (6), 7.08 (8) (title), 10.02 (3) (a), 12.13 (2) (b) 6m., 12.13
8 (4), 343.50 (3), 343.50 (4), 343.50 (5) and 343.50 (6); and *to create* 5.02 (6s), 5.02
9 (24c), 6.15 (2) (bm), 6.15 (2) (d) 1g., 6.29 (2) (am), 6.55 (2) (cs), 6.55 (3) (b), 6.56
10 (3m), 6.79 (2) (dm), 6.87 (4) (a), 6.87 (4) (b) 2. to 4., 6.875 (1) (ap) and (asm), 6.875
11 (2) (d), 6.92 (1m), 301.03 (20) and 343.50 (4g) of the statutes; **relating to:**
12 requiring certain identification in order to vote at a polling place or obtain an
13 absentee ballot, verification of the addresses of electors, absentee voting

1 procedure in certain residential care apartment complexes and adult family
2 homes, registration and voting procedures for certain persons who are
3 convicted of felonies, and the fee for an identification card issued by the
4 Department of Transportation.

Analysis by the Legislative Reference Bureau

Identification required for voting

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.

X With certain limited exceptions, this ~~substitute amendment~~ requires each person attempting to register or vote at the polls on election day to present an identifying document specified by law. An identifying document may take the form of a valid Wisconsin driver's license, a current, valid identification card issued by a tribal governing body or a U.S. uniformed service, or a Wisconsin identification card issued by the Department of Transportation (DOT) (with or without proof of residence); one of several types of documents containing a person's name and current voting address (proof of residence); or the last four digits of a person's social security number, together with an affidavit signed by the person containing the person's current voting residence and swearing that the name and residence are correct. A person whose address is confidential as a result of domestic abuse is exempted from the requirement. Under the ~~substitute amendment~~, any person who applies for an absentee ballot, except a military or overseas elector, as defined by federal law, or a

6/11

person whose address is confidential as a result of domestic abuse, must provide a copy of an identifying document, unless: 1) the person has already provided a copy of his or her identifying document in connection with an absentee ballot cast at a previous election and has not changed his or her name or address since that election; 2) 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; or 3) the person is an occupant of any nursing home, or of a community-based residential facility, adult family home, or residential care apartment complex where a municipality sends special voting deputies, in which case the person may submit a statement signed by the deputies verifying his or her identity. The ~~substitute amendment~~ 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 verify residence. If a person who votes at a polling place fails to provide an identifying document or if a person who votes by absentee ballot and fails to provide a copy of an identifying document, unless exempted from the requirement, the person's ballot is challenged by the election officials and marked for later examination, and it may be reviewed and discounted during a canvass or recount if the appropriate board of canvassers determines that the person who cast the ballot is ineligible to vote.

6-11
The ~~substitute amendment~~ 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 ~~substitute amendment~~ 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.

Absentee voting at residential care apartment complexes and adult family homes

Currently, municipalities must send two special voting deputies (one designated by each major political party if the party wishes) to conduct absentee voting in nursing homes. Municipalities may also send the deputies to conduct absentee voting in community-based residential facilities and retirement homes that qualify for the service in accordance with standards prescribed by law. This ~~substitute amendment~~ permits municipal clerks and boards of election commissioners to send two special voting deputies to conduct absentee voting in adult family homes and residential care apartment complexes that qualify for the service in accordance with similar standards prescribed by law.

Prevention of voting by ineligible felons

Currently, any person who is convicted of a felony is not eligible to vote. However, if the person is pardoned or the person completes his or her sentence, the person's voting rights are restored. A person who is on probation, parole, or extended supervision has not completed his or her sentence. Under current law, there is no

procedure that election officials must use to identify felons who are ineligible to vote and to prevent them from voting.

6:11 This ~~substitute amendment~~ directs the Department of Corrections (DOC) to transmit electronically to the Elections Board, on a continuous basis, a list containing the names of each person who has been convicted of a felony under the laws of this state and whose voting rights have not been restored, together with the date on which DOC expects his or her voting rights to be restored. (The voting rights of a convicted felon are restored if the felon is pardoned or if the felon is released from incarceration and is not on parole, probation or extended supervision.) The ~~substitute amendment~~ directs the board to enter the information received from DOC on the statewide voter registration list and to maintain the information on that list so that the information is kept current. Under the ~~substitute amendment~~, the information is open to public inspection. The ~~substitute amendment~~ also directs the board to enter on the poll list prepared for each election a notation after the name of any elector who is ineligible to vote on that date because the person's name appears on the current list that DOC provides. In addition, the ~~substitute amendment~~ directs the board to provide for each polling place at each election a list of persons whose names do not appear on the registration list but whose names appear on the current list that DOC provides and whose addresses are located within the area served by the polling place. These lists are open to public inspection. The ~~substitute amendment~~ requires poll workers to check the lists and to inform any person whose names appear on the lists that they are ineligible to register to vote or to vote. A person whose name appears on a list and who claims to be eligible to vote may still be allowed to vote, but the person must vote by ballot. The ballot is marked for later examination and it may be reviewed and discounted during a canvass or recount if the appropriate board of canvassers determines that the person who cast the ballot is ineligible to vote.

6:11 The ~~substitute amendment~~ also requires every person who registers to vote, to affirm specifically that he or she has not been convicted of a felony for which he or she has not been pardoned and, if so, whether the person is incarcerated or on probation, parole, or extended supervision resulting from that conviction. Currently, the law requires a person who registers at a polling place only to affirm that he or she is not disqualified on any ground from voting, and does not require any similar affirmation from other late registrants.

In addition, the ~~substitute amendment~~ directs the Elections Board to conduct a postelection audit after each election to determine whether any ineligible felons have been allowed to register and vote after the close of registration. If so, the board is directed to enter a notation reflecting this ineligibility on the registration list and to provide the names of these felons to the district attorney.

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

1 SECTION 1. 5.02 (6s) of the statutes is created to read:

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1 5.02 **(6s)** “Identifying document” means:

2 (a) In the case of an individual who votes in person at a polling place:

3 1. A valid operator’s license issued to the individual under ch. 343, a valid,
4 current identification card issued to the individual by a tribal governing body or a
5 U.S. uniformed service, or a valid identification card issued to the individual under
6 s. 343.50.

7 2. If the individual cannot provide any of the documents specified in subd. 1.,
8 acceptable proof of residence under s. 6.55 (7).

9 3. If the individual cannot provide any of the documents specified in subds. 1.
10 and 2., the last 4 digits of the individual’s social security account number, together
11 with an affidavit signed by the individual containing the individual’s name and
12 current voting residence and swearing that the name and residence are correct.

13 (b) In the case of an individual who votes by absentee ballot, a copy of a
14 document specified in par. (a) 1. to 3.

15 **SECTION 2.** 5.02 (24c) of the statutes is created to read:

16 5.02 **(24c)** “Tribal governing body” means a federally recognized tribal
17 governing body in this state.

18 **SECTION 3.** 5.35 (6) (a) 2. of the statutes is amended to read:

19 5.35 **(6)** (a) 2. A copy of the election fraud laws provided in s. 12.13 (1) and (3)
20 (intro), (d), (f), (g), (k), (L), (o), (q), (r), (u), ~~(v)~~ and (x), together with the applicable
21 penalties provided in s. 12.60 (1).

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

23 5.35 **(6)** (a) 4a. Instructions prescribed by the board for electors for whom an
24 identifying document is required under s. 6.79 (2) or for whom identification is
25 required under s. 6.36 (2) (c) 2.

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

2 6.15 (2) (bm) When making application in person at the office of the municipal
3 clerk, each applicant shall present an identifying document. If any document
4 presented by the applicant is not acceptable proof of residence under s. 6.55 (7), the
5 applicant shall also present acceptable proof of residence under s. 6.55 (7).

6 **SECTION 6.** 6.15 (2) (d) 1g. of the statutes is created to read:

7 6.15 (2) (d) 1g. If the elector makes application in person at the office of the
8 municipal clerk, the clerk shall verify that the name on any identifying document
9 provided by the elector under par. (bm) is the same as the name on the elector's
10 application and shall verify that any photograph appearing on that document
11 reasonably resembles the elector.

12 **SECTION 7.** 6.15 (2) (d) 1r. of the statutes is amended to read:

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

24 **SECTION 8.** 6.15 (3) of the statutes is amended to read:

1 6.15 (3) PROCEDURE AT POLLING PLACE. An eligible elector may appear at the
2 polling place for the ward or election district where he or she resides and make
3 application for a ballot under sub. (2). Except as otherwise provided in this
4 subsection, an elector who casts a ballot under this subsection shall follow the same
5 procedure required for casting a ballot at the municipal clerk's office under sub. (2).
6 The inspectors shall perform the duties of the municipal clerk, except that the
7 inspectors shall return the cancellation card under sub. (2) (b) to the municipal clerk
8 and the clerk shall forward the card as provided in sub. (2) (c) if required. Upon
9 proper completion of the application and cancellation card and ~~submittal of~~
10 ~~acceptable proof of residence under s. 6.55 (7) or providing corroboration of residence~~
11 compliance with sub. (2) (d) 1g., the inspectors shall permit the elector to cast his or
12 her ballot for president and vice president. The elector shall mark the ballot and,
13 unless the ballot is utilized with an electronic voting system, the elector shall fold the
14 ballot, and deposit the ballot into the ballot box or give it to the inspector. The
15 inspector shall deposit it directly into the ballot box. Voting machines or ballots
16 utilized with electronic voting systems may only be used by electors voting under this
17 section if they permit voting for president and vice president only.

18 **SECTION 9.** 6.22 (2) (b) of the statutes is amended to read:

19 6.22 (2) (b) Notwithstanding s. 6.87 (4) (b), a military elector shall make and
20 subscribe to the certification under s. 6.87 (2) before a witness who is an adult U.S.
21 citizen.

22 **SECTION 10.** 6.24 (4) (d) of the statutes is amended to read:

23 6.24 (4) (d) An overseas elector who is not registered may request both a
24 registration form and an absentee ballot at the same time, and the municipal clerk
25 shall send the ballot automatically if the registration form is received within the time

1 prescribed in s. 6.28 (1). The board shall prescribe a special certificate form for the
2 envelope in which the absentee ballot for overseas electors is contained, which shall
3 be substantially similar to that provided under s. 6.87 (2). Notwithstanding s. 6.87
4 (4) (b), an overseas elector shall make and subscribe to the special certificate form
5 before a witness who is an adult U.S. citizen.

6 **SECTION 11.** 6.29 (1) of the statutes is amended to read:

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

13 **SECTION 12.** 6.29 (2) (a) of the statutes is amended to read:

14 6.29 (2) (a) Any qualified elector of a municipality who has not previously filed
15 a registration form or whose name does not appear on the registration list of the
16 municipality may register after the close of registration but not later than 5 p.m. or
17 the close of business, whichever is later, on the day before an election at the office of
18 the municipal clerk and at the office of the clerk's agent if the clerk delegates
19 responsibility for electronic maintenance of the registration list to an agent under
20 s. 6.33 (5) (b). The elector shall complete, in the manner provided under s. 6.33 (2),
21 a registration form containing all information required under s. 6.33 (1). The
22 registration form shall also contain the following certification: "I, hereby certify
23 that to the best of my knowledge, I am a qualified elector, having resided at for
24 at least 10 days immediately preceding this election, and I have not voted at this
25 election." The elector shall also provide acceptable proof of residence under s. 6.55

1 ~~(7). Alternatively, if the elector is unable to provide acceptable proof of residence~~
2 ~~under s. 6.55 (7), the information contained in the registration form shall be~~
3 ~~corroborated in a statement that is signed by any other elector of the municipality~~
4 ~~and that contains the current street address of the corroborating elector. The~~
5 ~~corroborating elector shall then provide acceptable proof of residence under s. 6.55~~
6 ~~(7).~~

7 **SECTION 13.** 6.29 (2) (am) of the statutes is created to read:

8 6.29 (2) (am) The board shall provide to each municipal clerk a list prepared
9 for use at each municipal clerk's office showing the name and address of each person
10 whose name appears on the list provided by the department of corrections under s.
11 301.03 (20) as ineligible to vote on the date of the election, whose address is located
12 in the municipality, and whose name does not appear on the registration list for that
13 municipality. Prior to permitting an elector to register to vote under this subsection,
14 the municipal clerk shall review the list. If the name of an elector who wishes to
15 register to vote appears on the list, the municipal clerk shall inform the elector that
16 the elector is ineligible to register to vote. If the elector maintains that he or she is
17 eligible to vote in the election, the municipal clerk shall permit the elector to register
18 to vote but shall mark the elector's registration form as "ineligible to vote per
19 Department of Corrections." If the elector wishes to vote, the municipal clerk shall
20 challenge the elector's ballot in the same manner as provided for inspectors who
21 challenge ballots under s. 6.79 (2) (dm).

22 **SECTION 14.** 6.33 (1) of the statutes, as affected by 2003 Wisconsin Act 265,
23 section 49b, is amended to read:

24 6.33 (1) The municipal clerk shall supply sufficient registration forms as
25 prescribed by the board printed on loose-leaf sheets or cards to obtain from each

1 applicant information as to name; date; residence location; citizenship; date of birth;
2 age; the number of a valid operator's license issued to the elector under ch. 343 or the
3 last 4 digits of the elector's social security account number; whether the applicant
4 has resided within the ward or election district for at least 10 days; whether the
5 applicant has ~~lost his or her right to vote~~ been convicted of a felony for which he or
6 she has not been pardoned, and if so, whether the applicant is incarcerated, or on
7 parole, probation, or extended supervision; whether the application is disqualified
8 on any other ground from voting; and whether the applicant is currently registered
9 to vote at any other location. The forms shall also provide a space for the applicant's
10 signature and the ward and aldermanic district, if any, where the elector resides and
11 any other information required to determine the offices and referenda for which the
12 elector is certified to vote. The forms shall also include a space where the clerk may
13 record an indication of whether the form is received by mail and a space where the
14 clerk, for any applicant who possesses a valid voting identification card issued to the
15 person under s. 6.47 (3), may record the identification serial number appearing on
16 the voting identification card. Each register of deeds shall obtain sufficient
17 registration forms at the expense of the unit of government by which he or she is
18 employed for completion by any elector who desires to register to vote at the office
19 of the register of deeds under s. 6.28 (3).

20 **SECTION 15.** 6.33 (2) (b) of the statutes is amended to read:

21 6.33 (2) (b) Except as provided in s. 6.86 (3) (a) 2., the registration form shall
22 be signed by the registering elector ~~and any corroborating elector under s. 6.29 (2)~~
23 ~~(a) or 6.55 (2)~~ before the clerk, issuing officer or registration deputy. The form shall
24 contain a certification by the registering elector that all statements are true and
25 correct.

1 **SECTION 16.** 6.33 (5) (a) of the statutes is amended to read:

2 6.33 **(5)** (a) Except as provided in par. (b), whenever a municipal clerk receives
3 a valid registration or valid change of a name or address under an existing
4 registration and whenever a municipal clerk changes a registration from eligible to
5 ineligible status, the municipal clerk shall promptly enter electronically on the list
6 maintained by the board under s. 6.36 (1) the information required under that
7 subsection, except that the municipal clerk may update any entries that change on
8 the date of an election in the municipality within 30 days after that date, and the
9 municipal clerk shall provide to the board information that is confidential under s.
10 6.47 (2) in such manner as the board prescribes. If an elector registers after the close
11 of registration for an election, the municipal clerk shall enter a notation to that effect
12 indicating the date of registration.

13 **SECTION 17.** 6.36 (1) (a) of the statutes is amended to read:

14 6.36 **(1)** (a) The board shall compile and maintain electronically an official
15 registration list. The list shall contain the name and address of each registered
16 elector in the state, the date of birth of the elector, the ward and aldermanic district
17 of the elector, if any, and, for each elector, a unique registration identification number
18 assigned by the board, the number of a valid operator's license issued to the elector
19 under ch. 343, if any, or the last 4 digits of the elector's social security account
20 number, if any, any identification serial number issued to the elector under s. 6.47
21 (3), the date of any election in which the elector votes, an indication of whether the
22 elector is an overseas elector, as defined in s. 6.24 (1), any information relating to the
23 elector that appears on the list transmitted to the board by the department of
24 corrections under s. 301.03 (20), an indication of any accommodation required under
25 s. 5.25 (4) (a) to permit voting by the elector, an indication of the method by which

1 the elector's registration form was received, and such other information as may be
2 determined by the board to facilitate administration of elector registration
3 requirements.

4 **SECTION 18.** 6.36 (2) (a) of the statutes, as affected by 2003 Wisconsin Act 265,
5 section 58b, is amended to read:

6 6.36 (2) (a) Except as provided in pars. (b) and (c), each registration list
7 prepared for use as a poll list at a polling place shall contain the full name and
8 address of each registered elector; a blank column for the entry of the serial number
9 of the electors when they vote; if the list is prepared for use at an election for national
10 office, an indication next to the name of each elector for whom identification is
11 required under par. (c) 2.; if the elector's name appears on the current list
12 transmitted to the board by the department of corrections under s. 301.03 (20), a
13 notation to that effect; and a form of certificate bearing the certification of the
14 executive director of the board stating that the list is a true and complete registration
15 list of the municipality or the ward or wards for which the list is prepared.

16 **SECTION 19.** 6.55 (2) (a) 1. of the statutes is amended to read:

17 6.55 (2) (a) 1. Except where the procedure under par. (c) or (cm) is employed,
18 any person who qualifies as an elector in the ward or election district where he or she
19 desires to vote, but has not previously filed a registration form, or was registered at
20 another location, may request permission to vote at the polling place for that ward
21 or election district, or at an alternate polling place assigned under s. 5.25 (5) (b).
22 When a proper request is made, the inspector shall require the person to execute a
23 registration form prescribed by the board. The registration form shall be completed
24 in the manner provided under s. 6.33 (2) and shall contain all information required
25 under s. 6.33 (1), together with the following certification:

1 “I,, hereby certify that to the best of my knowledge, I am a qualified elector,
2 having resided at for at least 10 days immediately preceding this election, ~~and~~
3 ~~that I am not disqualified on any ground from voting,~~ and I have not voted, at this
4 election.”

5 **SECTION 20.** 6.55 (2) (b) of the statutes is amended to read:

6 6.55 (2) (b) Upon executing the registration form under par. (a), the elector
7 shall be required by a special registration deputy or inspector to present an
8 identifying document. If any document presented is not acceptable proof of residence
9 under sub. (7), the elector shall also provide acceptable proof of residence under sub.
10 ~~(7). If the elector cannot provide acceptable proof of residence, the information~~
11 ~~contained in the registration form shall be corroborated in a statement that is signed~~
12 ~~by any elector who resides in the same municipality as the registering elector and~~
13 ~~that contains the current street address of the corroborating elector. The~~
14 ~~corroborator shall then provide acceptable proof of residence as provided in sub. (7).~~
15 The signing by the elector executing the registration form ~~and by any corroborator~~
16 shall be in the presence of the special registration deputy or inspector. Upon
17 compliance with this procedure, the elector shall be permitted to cast his or her vote,
18 if the elector complies with all other requirements for voting at the polling place,
19 except that if the elector cannot provide an identifying document, the special
20 registration deputy or inspector shall accept the elector's registration, but shall
21 advise the elector that if the elector wishes to vote, his or her ballot will be challenged
22 under s. 6.92 (1m).

23 **SECTION 21.** 6.55 (2) (c) 1. of the statutes is amended to read:

24 6.55 (2) (c) 1. As an alternative to registration at the polling place under pars.
25 (a) and (b), the board of election commissioners, or the governing body of any

1 municipality may by resolution require a person who qualifies as an elector and who
2 is not registered and desires to register on the day of an election to do so at another
3 readily accessible location in the same building as the polling place serving the
4 elector's residence or at an alternate polling place assigned under s. 5.25 (5) (b),
5 instead of at the polling place serving the elector's residence. In such case, the
6 municipal clerk shall prominently post a notice of the registration location at the
7 polling place. The municipal clerk, deputy clerk or special registration deputy at the
8 registration location shall require such person to execute a registration form as
9 prescribed under par. (a) and to present an identifying document. If any document
10 presented by the person is not acceptable proof of residence under sub. (7), the person
11 shall also provide acceptable proof of residence as provided under sub. (7). If the
12 ~~elector cannot provide acceptable proof of residence, the information contained in the~~
13 ~~registration form shall be corroborated in the manner provided in par. (b).~~ The
14 signing by the ~~elector~~ person executing the registration form ~~and by any~~
15 ~~corroborator, except as provided under par. (a)~~ shall be in the presence of the
16 municipal clerk, deputy clerk, or special registration deputy. ~~Upon~~ Except as
17 provided in this subdivision, upon proper completion of registration, the municipal
18 clerk, deputy clerk, or special registration deputy shall serially number the
19 registration and give one copy to the ~~elector~~ person for presentation at the polling
20 place serving the ~~elector's~~ person's residence or an alternate polling place assigned
21 under s. 5.25 (5) (b). If the elector cannot provide an identifying document, the
22 municipal clerk, deputy clerk, or special registration deputy shall accept the elector's
23 registration, but shall advise the elector that if the elector wishes to vote, his or her
24 ballot will be challenged under s. 6.92 (1m).

25 SECTION 22. 6.55 (2) (c) 2. of the statutes is amended to read:

1 6.55 (2) (c) 2. Upon ~~compliance with~~ completion of the procedures under subd.
2 1., the municipal clerk or deputy clerk shall issue a certificate addressed to the
3 inspectors of the proper polling place directing that the elector be permitted to cast
4 his or her vote if the elector complies with all requirements for voting at the polling
5 place. The clerk shall enter the name and address of the elector on the face of the
6 certificate. ~~If the elector's registration is corroborated, the clerk shall also enter the~~
7 ~~name and address of the corroborator on the face of the certificate.~~ The certificate
8 shall be numbered serially and prepared in duplicate. The municipal clerk shall
9 preserve one copy in his or her office.

10 **SECTION 23.** 6.55 (2) (cs) of the statutes is created to read:

11 6.55 (2) (cs) The board shall provide to each municipal clerk a list prepared for
12 use at each polling place showing the name and address of each person whose name
13 appears on the list provided by the department of corrections under s. 301.03 (20) as
14 ineligible to vote on the date of the election, whose address is located in the area
15 served by that polling place, and whose name does not appear on the poll list for that
16 polling place. Prior to permitting an elector to register to vote under this subsection
17 or s. 6.86 (3) (a) 2., the special registration deputies shall review the list. If the name
18 of an elector who wishes to register to vote appears on the list, the special registration
19 deputies shall inform the elector or the elector's agent that the elector is ineligible
20 to register to vote. If the elector or the elector's agent maintains that the elector is
21 eligible to vote in the election, the special registration deputies shall permit the
22 elector to register but shall mark the elector's registration form as "ineligible to vote
23 per Department of Corrections." If the elector wishes to vote, the inspectors shall
24 require the elector to vote by ballot and shall challenge the ballot as provided in s.
25 6.79 (2) (dm).

1 **SECTION 24.** 6.55 (3) of the statutes is renumbered 6.55 (3) (a) and amended to
2 read:

3 6.55 **(3)** (a) Any qualified elector in the ward or election district where the
4 elector desires to vote whose name does not appear on the registration list but who
5 claims to be registered to vote in the election may request permission to vote at the
6 polling place for that ward or election district. When the request is made, the
7 inspector shall require the person to give his or her name and address. If the elector
8 is not at the polling place which serves the ward or election district where the elector
9 resides, the inspector shall provide the elector with directions to the correct polling
10 place. If the elector is at the correct polling place, the elector shall then execute the
11 following written statement: "I, ..., hereby certify that to the best of my knowledge,
12 I am a qualified elector, having resided at for at least 10 days immediately
13 preceding this election, and ~~that I am not disqualified on any ground from voting, and~~
14 I have not voted at this election and am properly registered to vote in this election."

15 The person shall be required to provide acceptable proof of residence as provided
16 under sub. (7) and shall then be given the right to vote. If the elector cannot provide
17 acceptable proof of residence, the statement shall be certified by the elector and shall
18 be corroborated in a statement that is signed by any other elector who resides in the
19 municipality and that contains the current street address of the corroborating
20 elector. The corroborator shall then provide acceptable proof of residence as provided
21 in sub. (7). Whenever the question of identity or residence cannot be satisfactorily
22 resolved and the elector cannot be permitted to vote, an inspector shall telephone the
23 office of the municipal clerk to reconcile the records at the polling place with those
24 at the office.

25 **SECTION 25.** 6.55 (3) (b) of the statutes is created to read:

1 6.55 (3) (b) Prior to permitting an elector to vote under this subsection, the
2 inspectors shall review the list provided by the board under sub. (2) (cs). If the name
3 of the elector appears on the list, the inspectors shall inform the elector that he or
4 she is ineligible to vote at the election. If the elector maintains that he or she is
5 eligible to vote in the election, the inspectors shall permit the elector to vote, but shall
6 require the elector to vote by ballot, and shall challenge the ballot as provided in s.
7 6.79 (2) (dm).

8 **SECTION 26.** 6.56 (3m) of the statutes is created to read:

9 6.56 (3m) As soon as possible after all information relating to registrations
10 after the close of registration for an election is entered on the registration list
11 following the election under s. 6.33 (5) (a), the board shall compare the list of new
12 registrants with the list containing the names transmitted to the board by the
13 department of corrections under s. 301.03 (20) as of election day but whose names
14 do not appear on the poll lists for the election because the names were added after
15 the board certified the poll lists for use at the election. If the board finds that the
16 name of any person whose name appears on the list transmitted under s. 301.03 (20)
17 has been added to the registration list, the board shall enter on the list the
18 information transmitted to the board under s. 301.03 (20) and shall notify the district
19 attorney that the person appears to have voted illegally at the election.

20 **SECTION 27.** 6.56 (5) of the statutes is repealed.

21 **SECTION 28.** 6.79 (2) (a) and (d) of the statutes, as affected by 2003 Wisconsin
22 Act 265, section 96, are amended to read:

23 6.79 (2) VOTING PROCEDURE. (a) Unless information on the poll list is entered
24 electronically, the municipal clerk shall supply the inspectors with 2 copies of the
25 most current official registration list or lists prepared under s. 6.36 (2) (a) for use as

1 poll lists at the polling place. Except as provided in ~~sub.~~ subs. (6) and (7), each ~~person~~
2 elector, before receiving a serial number, shall state his or her full name and address
3 and present to the officials an identifying document. If the elector cannot provide an
4 identifying document, the inspectors shall permit the elector to vote but shall
5 challenge the elector's ballot under s. 6.92 (1m). The officials shall also verify that
6 the name and address ~~provided~~ stated by the ~~person~~ elector are the same as the
7 ~~person's~~ elector's name and address on the poll list.

8 (d) If the poll list indicates that identification is required and the document
9 provided by the elector under par. (a) does not constitute identification, the officials
10 shall require the elector to provide identification. If identification is provided, the
11 officials shall verify that the name and address on the identification provided is the
12 same as the name and address shown on the registration list. If identification is
13 required and not provided, the officials shall offer the opportunity for the elector to
14 vote under s. 6.97.

15 **SECTION 29.** 6.79 (2) (dm) of the statutes is created to read:

16 6.79 (2) (dm) If the poll list indicates that the elector is ineligible to vote because
17 the elector's name appears on the current list provided by the department of
18 corrections under s. 301.03 (20), the inspectors shall inform the elector of this fact.
19 If the elector maintains that he or she is eligible to vote in the election, the inspectors
20 shall provide the elector with a ballot and, after the elector casts his or her vote, shall
21 challenge the ballot as provided in s. 6.92 and treat the ballot in the manner provided
22 in s. 6.95.

23 **SECTION 30.** 6.79 (4) of the statutes is amended to read:

24 6.79 (4) SUPPLEMENTAL INFORMATION. ~~When any elector provides acceptable~~
25 ~~proof of residence under s. 6.15, 6.29 or 6.55 (2) or (3), the election officials shall enter~~

1 ~~the type of identifying document provided on the poll list, or separate list maintained~~
2 ~~under sub. (2) (c). If the document submitted as proof of identity or residence~~
3 ~~includes a number which applies only to the individual holding that document, the~~
4 ~~election officials shall also enter that number on the list. When any elector~~
5 ~~corroborates the registration identity or residence of any person offering to vote~~
6 ~~under s. 6.55 (2) (b) or (c) or (3), or the registration identity or residence of any person~~
7 ~~registering on election day under s. 6.86 (3) (a) 2., the election officials shall also enter~~
8 ~~the name and address of the corroborator next to the name of the elector whose~~
9 ~~information is being corroborated on the poll list, or the separate list maintained~~
10 ~~under sub. (2) (c). When any person offering to vote has been challenged and taken~~
11 ~~the oath, following the person's name on the poll list, the officials shall enter the word~~
12 ~~"Sworn".~~

13 **SECTION 31.** 6.79 (6) of the statutes is amended to read:

14 **6.79 (6) CONFIDENTIAL NAMES AND ADDRESSES.** An elector who has a confidential
15 listing under s. 6.47 (2) may present his or her identification card issued under s. 6.47
16 (3), or give his or her name and identification serial number issued under s. 6.47 (3),
17 in lieu of stating his or her name and address and presenting an identifying
18 document under sub. (2). If the elector's name and identification serial number
19 appear on the confidential portion of the list, the inspectors shall issue a voting serial
20 number to the elector, record that number on the poll list and permit the elector to
21 vote.

22 **SECTION 32.** 6.82 (1) (a) of the statutes is amended to read:

23 **6.82 (1) (a)** When any inspectors are informed that an elector is at the entrance
24 to the polling place who as a result of disability is unable to enter the polling place,
25 they shall permit the elector to be assisted in marking a ballot by any individual

1 selected by the elector, except the elector's employer or an agent of that employer or
2 an officer or agent of a labor organization which represents the elector. The Except
3 as authorized in s. 6.79 (6) and this paragraph, the individual selected by the elector
4 shall present to the inspectors an identifying document and, if the identifying
5 document does not constitute identification, shall also provide identification for the
6 assisted elector, whenever required, and all other information necessary for the
7 elector to obtain a ballot under s. 6.79 (2). If the individual cannot provide an
8 identifying document on behalf of the elector, the inspectors shall permit the elector
9 to vote, but shall challenge the elector's ballot under s. 6.92 (1m). The inspectors
10 shall issue a ballot to the individual selected by the elector and shall accompany the
11 individual to the polling place entrance where the assistance is to be given. If the
12 ballot is a paper ballot, the assisting individual shall fold the ballot after the ballot
13 is marked by the assisting individual. The assisting individual shall then
14 immediately take the ballot into the polling place and give the ballot to an inspector.
15 The inspector shall distinctly announce that he or she has "a ballot offered by
16 (stating person's name), an elector who, as a result of disability, is unable to enter the
17 polling place without assistance". The inspector shall then ask, "Does anyone object
18 to the reception of this ballot?" If no objection is made, the inspectors shall record
19 the elector's name under s. 6.79 and deposit the ballot in the ballot box, and shall
20 make a notation on the poll list: "Ballot received at poll entrance".

21 **SECTION 33.** 6.86 (1) (a) 5. of the statutes is amended to read:

22 6.86 (1) (a) 5. By delivering an application to a special voting deputy under s.
23 6.873 (4) or 6.875 (6).

24 **SECTION 34.** 6.86 (1) (ar) of the statutes is amended to read:

1 6.86 (1) (ar) Except as authorized in ~~s. ss. 6.873 (3) (b) and 6.875 (6)~~, the
2 municipal clerk shall not issue an absentee ballot unless the clerk receives a written
3 application therefor from a qualified elector of the municipality. The clerk shall
4 retain each absentee ballot application until destruction is authorized under s. 7.23
5 (1).

6 **SECTION 35.** 6.86 (1) (ar) of the statutes is amended to read:

7 6.86 (1) (ar) Except as authorized in s. 6.875 (6), the municipal clerk shall not
8 issue an absentee ballot unless the clerk receives a written application therefor from
9 a qualified elector of the municipality. The clerk shall retain each absentee ballot
10 application until destruction is authorized under s. 7.23 (1). Except as authorized
11 in s. 6.79 (6) and this paragraph, if an elector applies for an absentee ballot in person
12 at the clerk's office, the clerk shall not issue the elector an absentee ballot unless the
13 elector presents an identifying document. If the elector cannot provide an identifying
14 document on behalf of the elector, the clerk shall permit the elector to cast his or her
15 ballot, but shall advise the elector that his or her ballot will be challenged under s.
16 6.92 (1m). The clerk shall make a copy of any document presented by the elector and
17 shall enclose the copy in the certificate envelope.

18 **SECTION 36.** 6.86 (3) (a) 1. of the statutes is amended to read:

19 6.86 (3) (a) 1. Any elector who is registered and who is hospitalized, may apply
20 for and obtain an official ballot by agent. The agent may apply for and obtain a ballot
21 for the hospitalized absent elector by presenting a form prescribed by the board and
22 containing the required information supplied by the hospitalized elector and signed
23 by that elector ~~and any other elector residing in the same municipality as the~~
24 ~~hospitalized elector, corroborating the information contained therein. The~~
25 ~~corroborating elector shall state on the form his or her full name and address. Except~~

1 as authorized for an elector who has a confidential listing under s. 6.47 (2) and this
2 subdivision, the agent shall present an identifying document. If the agent cannot
3 provide an identifying document on behalf of the elector, the clerk shall permit the
4 agent to cast ballot on behalf of the elector, but shall advise the agent that the
5 elector's ballot will be challenged under s. 6.92 (1m). The clerk shall make a copy of
6 any document presented by the agent and shall enclose the copy in the certificate
7 envelope.

8 **SECTION 37.** 6.86 (3) (a) 2. of the statutes is amended to read:

9 6.86 (3) (a) 2. If a hospitalized elector is not registered, the elector may register
10 by agent under this subdivision at the same time that the elector applies for an
11 official ballot by agent under subd. 1. To register the elector under this subdivision,
12 the agent shall present a completed registration form that contains the required
13 information supplied by the elector and the elector's signature, unless the elector is
14 unable to sign due to physical disability. In this case, the elector may authorize
15 another elector to sign on his or her behalf. Any elector signing a form on another
16 elector's behalf shall attest to a statement that the application is made on request
17 and by authorization of the named elector, who is unable to sign the form due to
18 physical disability. The agent shall present this statement along with all other
19 information required under this subdivision. ~~Except as otherwise provided in this~~
20 ~~subdivision, the~~ The agent shall ~~in every case~~ provide acceptable proof of the elector's
21 residence under s. 6.55 (7). ~~If the agent cannot present this proof, the registration~~
22 ~~form shall be signed and substantiated by another elector residing in the elector's~~
23 ~~municipality of residence, corroborating the information in the form. The form shall~~
24 ~~contain the full name and address of the corroborating elector. The agent shall then~~
25 ~~present acceptable proof of the corroborating elector's residence under s. 6.55 (7).~~

1 **SECTION 38.** 6.869 of the statutes, as created by 2003 Wisconsin Act 265, is
2 amended to read:

3 **6.869 Uniform instructions.** The board shall prescribe uniform instructions
4 for absentee voters. The instructions shall include information concerning whether
5 identification is required under s. 6.87 (4) or an identifying document is required
6 under s. 6.86 (1) (ar) and information concerning whether a copy of identification is
7 required to be submitted and, if so, the form of identification that is required.

8 **SECTION 39.** 6.87 (3) (d) of the statutes is amended to read:

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

1 prescribed in this paragraph and in accordance with the instructions provided by the
2 board.

3 **SECTION 40.** 6.87 (4) of the statutes, as affected by 2003 Wisconsin Act 265,
4 section 112a, is renumbered 6.87 (4) (b) 1. and amended to read:

5 6.87 (4) (b) 1. Except as otherwise provided in s. 6.875, the elector voting
6 absentee shall make and subscribe to the certification before one witness. The
7 absent elector, in the presence of the witness, shall mark the ballot in a manner that
8 will not disclose how the elector's vote is cast. The elector shall then, still in the
9 presence of the witness, fold the ballots so each is separate and so that the elector
10 conceals the markings thereon and deposit them in the proper envelope. If a
11 consolidated ballot under s. 5.655 is used, the elector shall fold the ballot so that the
12 elector conceals the markings thereon and deposit the ballot in the proper envelope.

13 Except as authorized in subds. 2. to 4. and s. 6.875 (6) and this subdivision and
14 notwithstanding s. 343.43 (1) (f), the elector shall enclose a copy of the identifying
15 document under s. 6.86 (1) (ar) in the envelope, unless the elector is a military elector
16 or an overseas elector or the elector has a confidential listing under s. 6.47 (2). If the
17 elector has registered by mail and has not, or is not certain whether the elector has,
18 previously voted in an election for national office in this state identification is
19 required and the document enclosed by the elector under this subdivision does not
20 constitute identification, the elector shall also enclose identification in the envelope.

21 Identification is required if the elector is not a military elector or an overseas elector,
22 ~~as defined in s. 6.36 (2) (c),~~ and the elector registered by mail and has not voted in
23 an election for national office in this state. The elector may receive assistance under
24 sub. (5). The return envelope shall then be sealed. The witness may not be a
25 candidate. The envelope shall be mailed by the elector, postage prepaid, or delivered

1 in person, to the municipal clerk issuing the ballot or ballots. Failure to return an
2 unused ballot in a primary does not invalidate the ballot on which the elector's votes
3 are cast. Return of more than one marked ballot in a primary or return of a ballot
4 prepared under s. 5.655 or a ballot used with an electronic voting system in a primary
5 which is marked for candidates of more than one party invalidates all votes cast by
6 the elector for candidates in the primary.

7 **SECTION 41.** 6.87 (4) (a) of the statutes is created to read:

8 6.87 (4) (a) In this subsection:

9 1. "Military elector" means a member of a U.S. uniformed service on active duty
10 who, by reason of that duty, is absent from the residence where the member is
11 otherwise qualified to vote; a member of the merchant marine, as defined in s. 6.22
12 (1) (a), who, by reason of service in the merchant marine, is absent from the residence
13 where the member is otherwise qualified to vote; or the spouse or dependent of any
14 such member who, by reason of the duty or service of the member, is absent from the
15 residence where the spouse or dependent is otherwise qualified to vote.

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

20 **SECTION 42.** 6.87 (4) (b) 2. to 4. of the statutes are created to read:

21 6.87 (4) (b) 2. Unless subd. 3. applies, if the absentee elector has applied for and
22 qualified to receive absentee ballots automatically under s. 6.86 (2) (a), the elector
23 may, in lieu of providing the identifying document required under s. 6.86 (1) (ar),
24 submit with his or her absentee ballot a statement signed by the same individual who

1 witnesses voting of the ballot which contains the name and address of the elector and
2 verifies that the name and address are correct.

3 3. If the absentee elector has received an absentee ballot from the municipal
4 clerk by mail for a previous election, has provided an identifying document required
5 under s. 6.86 (1) (ar) with that ballot, and has not changed his or her name or address
6 since providing that identification, the elector is not required to provide the
7 identifying document required under s. 6.86 (1) (ar).

8 4. Unless subd. 3. applies, if the absentee elector resides in a residential care
9 apartment complex that is certified or registered under s. 50.034 (1) or an adult
10 family home that is certified under s. 50.032 and the municipal clerk or board of
11 election commissioners of the municipality where the complex or home is located
12 does not send special voting deputies to visit the complex or home at the election
13 under s. 6.875, the elector may, in lieu of providing the identifying document required
14 under s. 6.86 (1) (ar), submit with his or her absentee ballot a statement signed by
15 the same individual who witnesses voting of the ballot that contains the certification
16 of the manager that the elector resides in the complex or home and the complex or
17 home is certified or registered as required by law, that contains the name and address
18 of the elector, and that verifies that the name and address are correct.

19 **SECTION 43.** 6.875 (title) of the statutes is amended to read:

20 **6.875 (title) Absentee voting in nursing and retirement certain homes**
21 **and certain community-based residential, facilities, and complexes.**

22 **SECTION 44.** 6.875 (1) (ap) and (asm) of the statutes are created to read:

23 **6.875 (1) (ap)** "Qualified adult family home" means a facility that is certified
24 to operate as an adult family home under s. 50.032 that qualifies under sub. (2) (d)
25 to utilize the procedures under this section.

1 (asm) “Qualified residential care apartment complex” means a facility that is
2 certified or registered to operate as a residential care apartment complex under s.
3 50.034 (1) that qualifies under sub. (2) (d) to utilize the procedures under this section.

4 **SECTION 45.** 6.875 (2) (a) of the statutes is amended to read:

5 6.875 (2) (a) The procedures prescribed in this section are the exclusive means
6 of absentee voting for electors who are occupants of nursing homes, qualified
7 community-based residential facilities ~~or~~, qualified retirement homes, qualified
8 residential care apartment complexes, and qualified adult family homes.

9 **SECTION 46.** 6.875 (2) (d) of the statutes is created to read:

10 6.875 (2) (d) The municipal clerk or board of election commissioners of any
11 municipality where a residential care apartment complex certified or registered
12 under s. 50.034 (1) or an adult family home certified under s. 50.032 is located may
13 adopt the procedures under this section for absentee voting in any residential care
14 apartment complex or adult family home located in the municipality if the municipal
15 clerk or board of election commissioners finds that there are a significant number of
16 the occupants of the complex or home who lack adequate transportation to the
17 appropriate polling place, a significant number of the occupants of the complex or
18 home may need assistance in voting, there are a significant number of the occupants
19 of the complex or home aged 60 or over, or there are a significant number of
20 indefinitely confined electors who are occupants of the complex or home.

21 **SECTION 47.** 6.875 (3) and (4) of the statutes are amended to read:

22 6.875 (3) An occupant of a nursing home or a ~~a~~ qualified retirement home ~~or~~,
23 qualified community-based residential facility, qualified residential care apartment
24 complex, or qualified adult family home who qualifies as an absent elector and
25 desires to receive an absentee ballot shall make application under s. 6.86 (1) or (2)

1 with the municipal clerk or board of election commissioners of the municipality in
2 which the elector is a resident. The clerk or board of election commissioners of a
3 municipality receiving an application from an elector who is an occupant of a nursing
4 home or qualified retirement home ~~or, qualified community-based residential~~
5 facility, qualified residential care apartment complex, or qualified adult family home
6 located in a different municipality shall, as soon as possible, notify and transmit an
7 absentee ballot for the elector to the clerk or board of election commissioners of the
8 municipality in which the home ~~or qualified community-based residential, facility,~~
9 or complex is located. The clerk or board of election commissioners of a municipality
10 receiving an application from an elector who is an occupant of a nursing home ~~or,~~
11 qualified retirement home or, qualified community-based residential facility,
12 qualified residential care apartment complex, or qualified adult family home located
13 in the municipality but who is a resident of a different municipality shall, as soon as
14 possible, notify and request transmission of an absentee ballot from the clerk or
15 board of election commissioners of the municipality in which the elector is a resident.
16 The clerk or board of election commissioners shall make a record of all absentee
17 ballots to be transmitted, delivered and voted under this section.

18 (4) For the purpose of absentee voting in nursing homes ~~and, qualified~~
19 retirement homes and, qualified community-based residential facilities, qualified
20 residential care apartment complexes, and qualified adult family homes the
21 municipal clerk or board of election commissioners of each municipality in which one
22 or more nursing homes ~~or, qualified retirement homes or, qualified~~
23 community-based residential facilities, qualified residential care apartment
24 complexes, and qualified adult family homes are located shall appoint at least 2
25 special voting deputies for the municipality. Upon application under s. 6.86 (1) or (2)

1 by one or more qualified electors who are occupants of such a ~~nursing home or~~
2 ~~qualified retirement home or qualified community-based residential~~ facility, or
3 complex the clerk or board of election commissioners shall dispatch 2 special voting
4 deputies to visit the home ~~or qualified community-based residential~~ facility or
5 complex for the purpose of supervising absentee voting procedure by occupants of the
6 home ~~or qualified community-based residential~~ facility or complex. The 2 deputies
7 designated to visit each nursing home ~~or~~ qualified retirement home ~~and~~ qualified
8 community-based residential facility, qualified residential care apartment complex,
9 and qualified adult family home shall be affiliated with different political parties
10 whenever deputies representing different parties are available. Nominations for
11 deputy positions may be submitted by the 2 recognized political parties whose
12 candidates for governor or president received the greatest numbers of votes in the
13 municipality at the most recent general election. The deputies shall be specially
14 appointed to carry out duties under this section for the period specified in s. 7.30 (6)
15 (a). The clerk or board of election commissioners may revoke an appointment at any
16 time. No individual who is employed or retained, or within the 2 years preceding
17 appointment has been employed or retained at a nursing home ~~or~~ qualified
18 retirement home ~~or~~ qualified community-based residential facility, qualified
19 residential care apartment complex, and qualified adult family home in the
20 municipality, or any member of the immediate family of such an individual as defined
21 in s. 19.42 (7), may be appointed to serve as a deputy.

22 **SECTION 48.** 6.875 (6) of the statutes is amended to read:

23 6.875 (6) Special voting deputies in each municipality shall, not later than 5
24 p.m. on the Friday preceding an election, arrange one or more convenient times with
25 the administrator of each nursing home, qualified retirement home, ~~and~~ qualified

1 community-based residential facility, qualified residential care apartment complex,
2 and qualified adult family home in the municipality from which one or more
3 occupants have filed an application under s. 6.86 to conduct absentee voting for the
4 election. The time may be no earlier than the 4th Monday preceding the election and
5 no later than 5 p.m. on the Monday preceding the election. Upon request of a relative
6 of an occupant of a nursing home ~~or qualified retirement home or, qualified~~
7 retirement home, qualified community-based residential facility, qualified
8 residential care apartment complex, or qualified adult family home, the
9 administrator may notify the relative of the time or times at which special voting
10 deputies will conduct absentee voting at the home ~~or, facility, or complex,~~ and permit
11 the relative to be present in the room where the voting is conducted. At the
12 designated time, 2 deputies appointed under sub. (4) shall visit the home ~~or, facility,~~
13 or complex. The municipal clerk or executive director of the board of election
14 commissioners shall issue a supply of absentee ballots to the deputies sufficient to
15 provide for the number of valid applications received by the clerk, and a reasonable
16 additional number of ballots. The municipal clerk or executive director shall keep
17 a careful record of all ballots issued to the deputies and shall require the deputies to
18 return every ballot issued to them. The deputies shall personally offer each elector
19 who has filed a proper application the opportunity to cast his or her absentee ballot.
20 In lieu of providing an identifying document under s. 6.87 (4) (b) 1. with his or her
21 absentee ballot, the elector may submit with his or her ballot a statement signed by
22 both deputies that contains the name and address of the elector and verifies that the
23 name and address are correct. The deputies shall enclose the statement in the
24 certificate envelope. If an elector presents an identifying document under s. 6.87 (4)
25 (b) 1., the deputies shall make a copy of the document presented by the elector and

1 shall enclose a copy of the document in the certificate envelope. If an elector is
2 present who has not filed a proper application, the 2 deputies may accept an
3 application from the elector and shall issue a ballot to the elector if the elector is
4 qualified, the elector presents an identifying document, whenever required, or
5 submits a statement containing his or her name and address under this subsection,
6 and the application is proper. The deputies shall advise the elector that if the elector
7 is required to submit an identifying document and fails to do so, the elector's ballot
8 will be challenged under s. 6.92 (1m). The deputies shall each witness the
9 certification and may, upon request of the elector, assist the elector in marking the
10 elector's ballot. Upon request of the elector, a relative of the elector who is present
11 in the room may assist the elector in marking the elector's ballot. All voting shall be
12 conducted in the presence of the deputies. No individual other than a deputy may
13 witness the certification and no individual other than a deputy or relative of an
14 elector may render voting assistance to the elector. Upon completion of the voting,
15 the deputies shall promptly deliver, either personally or by 1st class mail, any
16 absentee ballot applications and the sealed certificate envelope containing each
17 ballot to the clerk or board of election commissioners of the municipality in which the
18 elector casting the ballot resides, within such time as will permit delivery to the
19 polling place serving the elector's residence on election day. Personal delivery may
20 be made by the deputies no later than noon on election day. If a qualified elector is
21 not able to cast his or her ballot on 2 separate visits by the deputies to the home or,
22 facility, or complex, they shall so inform the municipal clerk or executive director of
23 the board of election commissioners, who may then send the ballot to the elector no
24 later than 5 p.m. on the Friday preceding the election.

25 **SECTION 49.** 6.92 (1m) of the statutes is created to read:

1 6.92 (1m) The inspectors at each polling place shall challenge under sub. (1)
2 the ballot of any elector who fails to provide an identifying document whenever
3 required under ch. 5 or this chapter and shall treat the ballot in the manner provided
4 in s. 6.95.

5 **SECTION 50.** 7.08 (8) (title) of the statutes is amended to read:

6 7.08 (8) (title) ELECTORS VOTING WITHOUT IDENTIFICATION PROOF OF IDENTITY OR
7 PURSUANT TO COURT ORDER.

8 **SECTION 51.** 10.02 (3) (a) of the statutes is amended to read:

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

19 **SECTION 52.** 12.13 (2) (b) 6m. of the statutes is amended to read:

20 12.13 (2) (b) 6m. Obtain an absentee ballot for voting in a nursing home or
21 qualified retirement home ~~or~~ qualified community-based residential facility,
22 qualified residential care apartment complex, or adult family home under s. 6.875
23 (6) and fail to return the ballot to the issuing officer.

24 **SECTION 53.** 12.13 (3) (v) of the statutes is repealed.

25 **SECTION 54.** 12.13 (4) of the statutes is amended to read:

1 12.13 (4) NURSING AND RETIREMENT HOME AND COMMUNITY-BASED RESIDENTIAL
2 FACILITY VOTING. No employee of a nursing home or qualified retirement home or
3 qualified community-based residential facility, qualified residential care apartment
4 complex, or adult family home as defined in s. 6.875 (1) ~~(as)~~, may disclose the
5 designated time arranged for absentee voting by occupants of the home ~~or~~
6 ~~community-based residential, facility, or complex~~ under s. 6.875 (6) to any person
7 other than an occupant of the home ~~or qualified community-based residential~~
8 ~~facility, or complex~~ or a relative of an occupant, as defined in s. 6.875 (1), who requests
9 to be so informed.

10 **SECTION 55.** 301.03 (20) of the statutes is created to read:

11 301.03 (20) Transmit to the elections board, on a continuous basis, a list
12 containing the name of each living person who has been convicted of a felony under
13 the laws of this state and whose civil rights have not been restored, together with his
14 or her residential address and the date on which the department expects his or her
15 civil rights to be restored.

16 **SECTION 56.** 343.50 (3) of the statutes is amended to read:

17 343.50 (3) DESIGN AND CONTENTS OF CARD. The card shall be the same size as
18 an operator's license but shall be of a design which is readily distinguishable from
19 the design of an operator's license and bear upon it the words "IDENTIFICATION
20 CARD ONLY". The information on the card shall be the same as specified under s.
21 343.17 (3). The card may serve as a document of gift under s. 157.06 (2) (b) and (c)
22 and the holder may affix a sticker thereto as provided in s. 343.175 (3). The card may
23 also serve as a document of refusal to make an anatomical gift under s. 157.06 (2) (i).
24 The Except as provided in sub. (4g), the card shall contain the holder's photograph
25 and, if applicable, shall be of the design specified under s. 343.17 (3) (a) 12.

1 **SECTION 57.** 343.50 (4) of the statutes is amended to read:

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

11 **SECTION 58.** 343.50 (4g) of the statutes is created to read:

12 343.50 **(4g)** PHOTOGRAPH REQUIREMENT; EXCEPTION. An application may be
13 processed and an original or renewal identification card issued under this section
14 without a photograph being taken to comply with subs. (3) and (4) to an applicant
15 who requests the identification card without charge under sub. (5) or (6) and who
16 provides to the department an affidavit stating that the applicant has a sincerely
17 held religious belief against being photographed; identifying the religion to which he
18 or she belongs or the tenets of which he or she adheres to; and stating that the tenets
19 of the religion prohibit him or her from being photographed.

20 **SECTION 59.** 343.50 (5) of the statutes is amended to read:

21 343.50 **(5)** VALID PERIOD; FEES. The fee for an original card and for the
22 reinstatement of an identification card after cancellation under sub. (10) shall be \$9
23 or, upon request of the applicant, without charge. The card shall be valid for the
24 succeeding period of 4 years from the applicant's next birthday after the date of
25 issuance.

1 **SECTION 60.** 343.50 (6) of the statutes is amended to read:

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

10 **SECTION 61. Initial applicability.**

(1) The treatment of sections 6.55 (2) (b) and (c) 1. and 2., 6.79 (2) (a) and (d), (4), and (6), and 6.86 (3) (a) 1. and 2. of the statutes, the renumbering and amendment of sections 6.55 (3) and 6.87 (4) of the statutes, and the creation of section 6.87 (4) (b) 2. to 4. of the statutes first apply with respect to the 2006 spring primary election.

15 **SECTION 62. Effective date.**

16 (1) This act takes effect on January 1, 2006, or the day after publication,
17 whichever is later.

18 (END)

Emery, Lynn

From: Worcester, Barbara
Sent: Thursday, June 30, 2005 4:37 PM
To: LRB.Legal
Subject: LRB3250

Please jacket LRB 3250 and send over as soon as possible. Thank you.

Barb Worcester
Senator Decker's Office

Emery, Lynn

From: Emery, Lynn
Sent: Thursday, September 01, 2005 4:25 PM
To: Worcester, Barbara
Subject: LRB 05-3250/1 (attached)

Attachments: 05-3250/1



05-32501.pdf (122
KB)

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