

2007 ASSEMBLY BILL 390

June 7, 2007 – Introduced by Representatives PARISI, A. WILLIAMS, YOUNG, GRIGSBY, TURNER, BLACK, BERCEAU, POCAN, ZEPNICK, KESSLER, FIELDS, SCHNEIDER, TOLES and POPE-ROBERTS, cosponsored by Senators RISSER and WIRCH. Referred to Committee on Elections and Constitutional Law.

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* 6.33 (1), 301.03 (3a) (intro.), 304.078 (2), 304.078
3 (3) and 973.176 (2); and *to create* 6.03 (1) (b) 1., 6.03 (1) (b) 2. and 6.03 (1) (b)
4 3. of the statutes; **relating to:** restoring the right to vote to a person barred from
5 voting as a result of a 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. A person released to extended supervision or parole can resume voting. In addition, a person convicted of such an offense and on probation retains the right to vote while 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 a jail or house of

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

16 6.33 (1) The board shall prescribe the format, size, and shape of registration
17 forms. All forms shall be printed on cards and each item of information shall be of
18 uniform font size, as prescribed by the board. The municipal clerk shall supply
19 sufficient form to meet voter registration needs. The forms shall be designed to
20 obtain from each applicant information as to name; date; residence location;
21 citizenship; date of birth; age; the number of a valid operator's license issued to the

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1 elector under ch. 343 or the last 4 digits of the elector's social security account
2 number; whether the applicant has resided within the ward or election district for
3 at least 10 days; whether the applicant has been convicted of a felony for which he
4 or she has not been pardoned, and if so, whether the applicant is incarcerated, ~~or on~~
5 parole, probation, or extended supervision on a full-time basis as a result of that
6 conviction; whether the applicant is disqualified on any other ground from voting;
7 and whether the applicant is currently registered to vote at any other location. The
8 form shall include a space for the applicant's signature and the signature of any
9 corroborating elector. The form shall include a space to enter the name of any special
10 registration deputy under s. 6.26 or 6.55 (6) or inspector, municipal clerk, or deputy
11 clerk under s. 6.55 (2) who obtains the form and a space for the deputy, inspector,
12 clerk, or deputy clerk to sign his or her name, affirming that the deputy, inspector,
13 clerk, or deputy clerk has accepted the form. The form shall include a space for entry
14 of the ward and aldermanic district, if any, where the elector resides and any other
15 information required to determine the offices and referenda for which the elector is
16 certified to vote. The form shall also include a space where the clerk may record an
17 indication of whether the form is received by mail, a space where the clerk may record
18 an indication of the type of identifying document submitted by the elector as proof
19 of residence under s. 6.34, whenever required, and a space where the clerk, for any
20 applicant who possesses a valid voting identification card issued to the person under
21 s. 6.47 (3), may record the identification serial number appearing on the voting
22 identification card. Each county clerk shall obtain sufficient registration forms for
23 completion by an elector who desires to register to vote at the office of the county clerk
24 under s. 6.28 (4).

25 **SECTION 6.** 301.03 (3a) (intro.) of the statutes is amended to read:

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1 301.03 (3a) (intro.) Subject to all of the following, design a form to provide
2 notice under ~~ss. 302.117, 973.09 (4m), and s. 973.176 (2)~~ of ineligibility to vote under
3 s. 6.03 (1) (b):

4 **SECTION 7.** 302.117 of the statutes is repealed.

5 **SECTION 8.** 304.078 (1) of the statutes is repealed.

6 **SECTION 9.** 304.078 (2) of the statutes is amended to read:

7 304.078 (2) ~~Except as provided in sub. (3), every~~ A person who is convicted of
8 a crime obtains a restoration of his or her civil rights, other than the right to vote,
9 by serving out his or her term of imprisonment or otherwise satisfying his or her
10 sentence. The certificate of the department or other responsible supervising agency
11 that a convicted person has served his or her sentence or otherwise satisfied the
12 judgment against him or her is evidence of that fact and that the person is restored
13 to his or her civil rights. The department or other agency shall list in the person's
14 certificate rights which have been restored and which have not been restored.
15 Persons who served out their terms of imprisonment or otherwise satisfied their
16 sentences prior to August 14, 1947, are likewise restored to their civil rights from and
17 after September 25, 1959.

18 **SECTION 10.** 304.078 (3) of the statutes is amended to read:

19 304.078 (3) If a person is has been disqualified from voting under s. 6.03 (1) (b),
20 his or her right to vote is restored when he or she completes the term of imprisonment
21 or probation for the crime that led to the disqualification. ~~The 3., the~~ department or,
22 if the person is sentenced to a county jail or house of correction, the jailer, as defined
23 in s. 302.372 (1) (b), shall inform the person in writing at the time and shall provide
24 a certificate as proof, when he or she is released from the prison, jail, or house of
25 correction, that his or her right to vote is restored under this subsection.

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1 **SECTION 11.** 973.09 (4m) of the statutes is repealed.

2 **SECTION 12.** 973.176 (2) of the statutes is amended to read:

3 973.176 **(2)** VOTING. Whenever a court imposes a sentence or places a defendant
4 ~~on probation~~ for a conviction that disqualifies the defendant from voting under s. 6.03
5 (1) (b), the court shall inform the defendant in writing that he or she may not vote
6 in any election until ~~his or her civil rights are restored~~ released from the prison, jail,
7 or house of correction where the sentence will be served. The court shall use the form
8 designed by the department of corrections under s. 301.03 (3a) to inform the
9 defendant, and the defendant and a witness shall sign the form.

10 **SECTION 13. Nonstatutory provisions.**

11 (1) The department of corrections shall, as soon as reasonably possible but no
12 later than 6 months after the effective date of this subsection, mail to each person
13 on parole, extended supervision, or probation, who was released to parole or
14 extended supervision, or placed on probation, before the effective date of this
15 subsection, notice that the person's right to vote is restored.

16 **SECTION 14. Initial applicability.**

17 (1) The renumbering and amendment of section 6.03 (1) (b) of the statutes and
18 the creation of section 6.03 (1) (b) 1., 2., and 3. of the statutes first apply to persons
19 who are on or released to parole or extended supervision on the effective date of this
20 subsection and to persons who are on or placed on probation on the effective date of
21 this subsection.

22

(END)