

## 2007 ASSEMBLY BILL 549

October 18, 2007 – Introduced by Representatives KRAMER, KERKMAN, LEMAHIEU, GUNDERSON and TAUCHEN, cosponsored by Senators KANAVAS, LEIBHAM, OLSEN, DARLING and A. LASEE. Referred to Committee on Elections and Constitutional Law.

1     **AN ACT** *to renumber* 6.79 (3); *to renumber and amend* 6.87 (4) and 6.97 (3);  
2           *to amend* 5.35 (6) (a) 4a., 6.29 (1), 6.33 (1), 6.79 (2) (a) and (d), 6.79 (3) (title),  
3           6.82 (1) (a), 6.86 (1) (ac), 6.86 (1) (ar), 6.86 (3) (a) 1., 6.869, 6.87 (3) (d), 6.875 (6)  
4           (c) 1., 6.88 (3) (a), 6.97 (title), 6.97 (1) and (2), 6.97 (4), 7.08 (1) (c), 7.08 (8) (title),  
5           7.52 (3) (a) and 10.02 (3) (form) (a); and *to create* 6.345, 6.36 (2) (d), 6.79 (3) (b),  
6           6.79 (7), 6.87 (4) (b), 6.965 and 6.97 (3) (a) and (c) of the statutes; **relating to:**  
7           an optional identification requirement for voting in elections.

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### ***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 the elector is not registered, the elector must provide a specified form of proof of residence in order to register. 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 registration 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 an election 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

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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 permits any elector, at the time of registration, to elect to be required to provide identification in order to vote in an election. The bill also permits a registered elector to elect to be required to provide identification in order to vote by appearing in person at the office of the municipal clerk or board of election commissioners of the municipality where the elector resides. The elector must sign a statement making the election and present identification.

Under the bill, the permissible types of identification are: 1) a valid Wisconsin driver's license issued by the Department of Transportation (DOT); 2) a valid, current identification card issued by a U.S. uniformed service; or 3) a valid Wisconsin identification card issued by DOT. With certain limited exceptions, if an elector decides to be subject to an identification requirement, the bill requires the elector to enclose a copy of his or her identification when voting an absentee ballot by mail. Under the bill, if an elector who votes at a polling place has elected to be subject to the identification requirement and fails to provide identification, the elector may vote provisionally. If an elector who votes by absentee ballot has elected to be subject to the identification requirement and fails to enclose a copy of the identification with his or her ballot, the ballot is treated as a provisional ballot. A provisional ballot is marked by the poll workers, who immediately contact the municipal clerk or board of election commissioners. The elector may then provide the required identification either at the polling place before the closing hour or at the office of the clerk or board. If the elector does not provide the required identification to the clerk or board by 4 p.m. on the day following the election, the person's vote is not counted.

The bill provides that an elector who elects to be subject to an identification requirement may revoke the election by appearing at the office of the municipal clerk or board of election commissioners of the municipality where he or she resides and filing a written revocation request. Under the bill, an election to be subject to an identification requirement or a revocation of an election must be filed at least 31 days before the election at which it initially applies.

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

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

- 1           **SECTION 1.** 5.35 (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
- 3           identification is required under s. 6.345 or for whom proof of residence under s. 6.34
- 4           is required under s. 6.55 (2).

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1           **SECTION 2.** 6.29 (1) of the statutes is amended to read:

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

7           **SECTION 3.** 6.33 (1) of the statutes is amended to read:

8           6.33 (1) The board shall prescribe the format, size, and shape of registration  
9 forms. All forms shall be printed on cards and each item of information shall be of  
10 uniform font size, as prescribed by the board. The municipal clerk shall supply  
11 sufficient ~~form~~ forms to meet voter registration needs. The forms shall be designed  
12 to obtain from each applicant information as to name; date; residence location;  
13 citizenship; date of birth; age; the number of a valid operator's license issued to the  
14 elector under ch. 343 or the last 4 digits of the elector's social security account  
15 number; whether the applicant has resided within the ward or election district for  
16 at least 10 days; whether the applicant elects to be subject to an identification  
17 requirement under s. 6.345 (1); whether the applicant has been convicted of a felony  
18 for which he or she has not been pardoned, and if so, whether the applicant is  
19 incarcerated, or on parole, probation, or extended supervision; whether the applicant  
20 is disqualified on any other ground from voting; and whether the applicant is  
21 currently registered to vote at any other location. The form shall include a space for  
22 the applicant's signature and the signature of any corroborating elector. The form  
23 shall include a space to enter the name of any special registration deputy under s.  
24 6.26 or 6.55 (6) or inspector, municipal clerk, or deputy clerk under s. 6.55 (2) who  
25 obtains the form and a space for the deputy, inspector, clerk, or deputy clerk to sign

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1 his or her name, affirming that the deputy, inspector, clerk, or deputy clerk has  
2 accepted the form. The form shall include a space for entry of the ward and  
3 aldermanic district, if any, where the elector resides and any other information  
4 required to determine the offices and referenda for which the elector is certified to  
5 vote. The form shall also include a space where the clerk may record an indication  
6 of whether the form is received by mail, a space where the clerk may record an  
7 indication of the type of identifying document submitted by the elector as proof of  
8 residence under s. 6.34, whenever required, and a space where the clerk, for any  
9 applicant who possesses a valid voting identification card issued to the person under  
10 s. 6.47 (3), may record the identification serial number appearing on the voting  
11 identification card. Each county clerk shall obtain sufficient registration forms for  
12 completion by an elector who desires to register to vote at the office of the county clerk  
13 under s. 6.28 (4).

14 **SECTION 4.** 6.345 of the statutes is created to read:

15 **6.345 Optional identification requirement. (1)** Any elector may, at the  
16 time of registration, elect to be required to present identification whenever the  
17 elector votes at an election.

18 **(2)** Any elector who is registered to vote may, by appearing in person at the  
19 office of the municipal clerk or board of election commissioners of the municipality  
20 where the elector resides, elect to be required to present identification whenever the  
21 elector votes at an election. The municipal clerk or board of election commissioners  
22 shall require an elector who makes a request under this subsection to present  
23 identification and sign a request on a form prescribed by the government  
24 accountability board.

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1           **(3)** Except as provided in ss. 6.79 (7) and 6.87 (4) (b), if an elector has elected  
2 to be required to present identification under this section, the elector may not vote  
3 in an election unless the elector presents identification.

4           **(4)** An elector who files an election under sub. (1) or (2) may, by appearing  
5 personally at the office of the municipal clerk or board of election commissioners of  
6 the municipality where the elector resides, file a written revocation of the election  
7 on a form prescribed by the government accountability board.

8           **(5)** An election or revocation under this section becomes effective on the 31st  
9 day before the next election occurring in the municipality after the election is filed,  
10 or if filed later than the 31st day before the next election, on the 31st day before the  
11 2nd succeeding election occurring in the municipality after the election is filed.

12           **(6)** In this section, “identification” means any of the following:

13           (a) A valid operator’s license issued to the elector under ch. 343.

14           (b) A valid identification card issued to the elector under s. 343.50.

15           (c) A valid, current identification card issued to the elector by a U.S. uniformed  
16 service.

17           **SECTION 5.** 6.36 (2) (d) of the statutes is created to read:

18           6.36 **(2)** (d) The list shall contain, next to the name of each elector, an indication  
19 of whether the elector has elected to be required to provide identification under s.  
20 6.345.

21           **SECTION 6.** 6.79 (2) (a) and (d) of the statutes are amended to read:

22           6.79 **(2)** (a) Unless information on the poll list is entered electronically, the  
23 municipal clerk shall supply the inspectors with 2 copies of the most current official  
24 registration list or lists prepared under s. 6.36 (2) (a) for use as poll lists at the polling  
25 place. Except as provided in ~~sub.~~ subs. (6) and (7) , each ~~person~~ elector, before

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1 receiving a serial number, shall state his or her full name and address and, if the poll  
2 list indicates that the elector has elected to be subject to an identification  
3 requirement under s. 6.345, present to the officials a valid operator's license issued  
4 to the elector under ch. 343, a valid, current identification card issued to the elector  
5 by a U.S. uniformed service, or a valid identification card issued to the elector under  
6 s. 343.50. The officials shall verify that the name and address provided stated by the  
7 person elector are the same as the person's elector's name and address on the poll list.

8 (d) If the poll list, indicates that proof of residence under s. 6.34 is required and  
9 any document provided by the elector under par. (a) does not constitute proof of  
10 residence under s. 6.34, the officials shall require the elector to provide proof of  
11 residence. If proof of residence is provided, the officials shall verify that the name  
12 and address on the document submitted as proof of residence provided is the same  
13 as the name and address shown on the registration list. If proof of residence is  
14 required and not provided, or if the elector does not present a license or identification  
15 card under par. (a), whenever required, the officials shall offer the opportunity for  
16 the elector to vote under s. 6.97.

17 **SECTION 7.** 6.79 (3) (title) of the statutes is amended to read:

18 6.79 (3) (title) ~~REFUSAL TO GIVE NAME AND ADDRESS~~ PROVIDE NAME, ADDRESS,  
19 LICENSE, OR IDENTIFICATION CARD.

20 **SECTION 8.** 6.79 (3) of the statutes is renumbered 6.79 (3) (a).

21 **SECTION 9.** 6.79 (3) (b) of the statutes is created to read:

22 6.79 (3) (b) If the poll list indicates that the elector has elected to be subject to  
23 an identification requirement under s. 6.345 and identification under sub. (2) is not  
24 provided by the elector, or if the name or any photograph appearing on the document  
25 that is provided cannot be verified by the officials, the elector shall not be permitted

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1 to vote, except as authorized under sub. (7), but if the elector is entitled to cast a  
2 provisional ballot under s. 6.97, the officials shall offer the opportunity for the elector  
3 to vote under s. 6.97.

4 **SECTION 10.** 6.79 (7) of the statutes is created to read:

5 6.79 (7) LICENSE SURRENDER. If an elector is required to provide identification  
6 under s. 6.345 and the elector receives a citation or notice of intent to revoke or  
7 suspend an operator's license from a law enforcement officer in any jurisdiction that  
8 is dated within 60 days of the date of an election and the elector is required to  
9 surrender his or her operator's license issued to the elector under ch. 343 at the time  
10 the citation or notice is issued, the elector may present an original copy of the citation  
11 or notice in lieu of an operator's license under ch. 343. In such case, the elector shall  
12 cast his or her ballot under s. 6.965.

13 **SECTION 11.** 6.82 (1) (a) of the statutes is amended to read:

14 6.82 (1) (a) When any inspectors are informed that an elector is at the entrance  
15 to the polling place who as a result of disability is unable to enter the polling place,  
16 they shall permit the elector to be assisted in marking a ballot by any individual  
17 selected by the elector, except the elector's employer or an agent of that employer or  
18 an officer or agent of a labor organization which represents the elector. The If the  
19 elector is required to provide identification under s. 6.345, except as authorized in  
20 s. 6.79 (7), the individual selected by the elector shall present to the inspectors a valid  
21 operator's license issued to the elector under ch. 343, a valid, current identification  
22 card issued to the elector by a U.S. uniformed service, or a valid identification card  
23 issued to the elector under s. 343.50 and, if the license or identification card does not  
24 constitute proof of residence under s. 6.34, shall also provide proof of residence under  
25 s. 6.34 for the assisted elector, whenever required, and all other information

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

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

14 6.86 (1) (ac) Any elector qualifying under par. (a) may make written application  
15 to the municipal clerk for an official ballot by means of facsimile transmission or  
16 electronic mail. Any application under this paragraph shall contain a copy of the  
17 applicant’s original signature. An elector requesting a ballot under this paragraph  
18 shall return with the voted ballot a copy of the request bearing an original signature  
19 of the elector as provided in s. 6.87 (4) (a).

20 **SECTION 13.** 6.86 (1) (ar) of the statutes is amended to read:

21 6.86 (1) (ar) Except as authorized in s. 6.875 (6), the municipal clerk shall not  
22 issue an absentee ballot unless the clerk receives a written application therefor from  
23 a qualified elector of the municipality. The clerk shall retain each absentee ballot  
24 application until destruction is authorized under s. 7.23 (1). Except as authorized  
25 in s. 6.79 (7), if an elector is required to provide identification under s. 6.345 and the



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1 elector applies for an absentee ballot in person at the clerk's office, the clerk shall not  
2 issue the elector an absentee ballot unless the elector presents a valid operator's  
3 license issued to the elector under ch. 343, a valid, current identification card issued  
4 to the elector by a U.S. uniformed service, or a valid identification card issued to the  
5 elector under s. 343.50. The clerk shall make a copy of the document presented by  
6 the elector and shall enclose the copy in the certificate envelope.

7 **SECTION 14.** 6.86 (3) (a) 1. of the statutes is amended to read:

8 6.86 (3) (a) 1. Any elector who is registered and who is hospitalized, may apply  
9 for and obtain an official ballot by agent. The agent may apply for and obtain a ballot  
10 for the hospitalized absent elector by presenting a form prescribed by the board and  
11 containing the required information supplied by the hospitalized elector and signed  
12 by that elector and ~~any other elector residing in the same municipality as the~~  
13 ~~hospitalized elector, corroborating the information contained therein. The~~  
14 ~~corroborating elector shall state on the form his or her full name and address. Except~~  
15 as authorized in s. 6.87 (4) (b), if the elector is required to provide identification under  
16 s. 6.345, the agent shall present the identification required under sub. (1) (ar). The  
17 clerk shall make a copy of the document presented by the agent and shall enclose the  
18 copy in the certificate envelope.

19 **SECTION 15.** 6.869 of the statutes is amended to read:

20 **6.869 Uniform instructions.** The board shall prescribe uniform instructions  
21 for absentee voters. The instructions shall include information concerning the  
22 procedure for correcting errors in marking a ballot and obtaining a replacement for  
23 a spoiled ballot. The procedure shall, to the extent possible, respect the privacy of  
24 each elector and preserve the confidentiality of each elector's vote. For electors who  
25 are subject to an identification requirement under s. 6.345, the instructions shall

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1 include information regarding the identification that is required under s. 6.86 (1) (ar)  
2 or the copy of the identification that is required under s. 6.87 (4).

3 **SECTION 16.** 6.87 (3) (d) of the statutes is amended to read:

4 6.87 (3) (d) A municipal clerk may, if the clerk is reliably informed by an absent  
5 elector of a facsimile transmission number or electronic mail address where the  
6 elector can receive an absentee ballot, transmit a facsimile or electronic copy of the  
7 absent elector's ballot to that elector in lieu of mailing under this subsection if, in the  
8 judgment of the clerk, the time required to send the ballot through the mail may not  
9 be sufficient to enable return of the ballot by the time provided under sub. (6). An  
10 elector may receive an absentee ballot under this subsection only if the elector has  
11 filed a valid application for the ballot under s. 6.86 (1). If the clerk transmits an  
12 absentee ballot under this paragraph, the clerk shall also transmit a facsimile or  
13 electronic copy of the text of the material that appears on the certificate envelope  
14 prescribed in sub. (2), together with instructions prescribed by the board. The  
15 instructions shall require the absent elector to make and subscribe to the  
16 certification as required under sub. (4) (a) and to enclose the absentee ballot in a  
17 separate envelope contained within a larger envelope, that shall include the  
18 completed certificate. The elector shall then affix sufficient postage unless the  
19 absentee ballot qualifies for mailing free of postage under federal free postage laws  
20 and shall mail the absentee ballot to the municipal clerk. Except as authorized in  
21 s. 6.97 (2), an absentee ballot received under this paragraph shall not be counted  
22 unless it is cast in the manner prescribed in this paragraph and in accordance with  
23 the instructions provided by the board.

24 **SECTION 17.** 6.87 (4) of the statutes is renumbered 6.87 (4) (a) and amended to  
25 read:

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1           6.87 (4) (a) Except as otherwise provided in s. 6.875, the elector voting absentee  
2 shall make and subscribe to the certification before one witness who is an adult U.S.  
3 citizen. The absent elector, in the presence of the witness, shall mark the ballot in  
4 a manner that will not disclose how the elector's vote is cast. The elector shall then,  
5 still in the presence of the witness, fold the ballots so each is separate and so that the  
6 elector conceals the markings thereon and deposit them in the proper envelope. If  
7 a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot so that  
8 the elector conceals the markings thereon and deposit the ballot in the proper  
9 envelope. ~~If proof of residence is required,~~ Except as authorized in par. (b) and  
10 notwithstanding s. 343.43 (1) (f), if the elector is required to provide identification  
11 under s. 6.345, the elector shall enclose a copy of the identification in the envelope.  
12 If proof of residence under s. 6.34 is required and the document enclosed by the  
13 elector under this paragraph does not constitute proof of residence under s. 6.34, the  
14 elector shall also enclose proof of residence under s. 6.34 in the envelope. Proof of  
15 residence is required if the elector is not a military elector or an overseas elector, as  
16 defined in s. 6.34 (1), and the elector registered by mail and has not voted in an  
17 election in this state. If the elector requested a ballot by means of facsimile  
18 transmission or electronic mail under s. 6.86 (1) (ac), the elector shall enclose in the  
19 envelope a copy of the request which bears an original signature of the elector. The  
20 elector may receive assistance under sub. (5). The return envelope shall then be  
21 sealed. The witness may not be a candidate. The envelope shall be mailed by the  
22 elector, or delivered in person, to the municipal clerk issuing the ballot or ballots.  
23 If the envelope is mailed from a location outside the United States, the elector shall  
24 affix sufficient postage unless the ballot qualifies for delivery free of postage under  
25 federal law. Failure to return an unused ballot in a primary does not invalidate the

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1 ballot on which the elector's votes are cast. Return of more than one marked ballot  
2 in a primary or return of a ballot prepared under s. 5.655 or a ballot used with an  
3 electronic voting system in a primary which is marked for candidates of more than  
4 one party invalidates all votes cast by the elector for candidates in the primary.

5 **SECTION 18.** 6.87 (4) (b) of the statutes is created to read:

6 6.87 (4) (b) If the absentee elector is required to provide identification under  
7 s. 6.345 and the elector has received a citation or notice of intent to revoke or suspend  
8 an operator's license from a law enforcement officer in any jurisdiction that is dated  
9 within 60 days of the date of the election and the elector is required to surrender his  
10 or her operator's license issued to the elector under ch. 343 at the time the citation  
11 or notice is issued, the elector may enclose a copy of the citation or notice in lieu of  
12 an operator's license under ch. 343 if the elector is voting by mail, or may present an  
13 original copy of the citation or notice in lieu of an operator's license under ch. 343 if  
14 the elector is voting at the office of the municipal clerk.

15 **SECTION 19.** 6.875 (6) (c) 1. of the statutes is amended to read:

16 6.875 (6) (c) 1. Upon their visit to the home or facility under par. (a), the  
17 deputies shall personally offer each elector who has filed a proper application for an  
18 absentee ballot the opportunity to cast his or her absentee ballot. If an elector is  
19 present who has not filed a proper application for an absentee ballot, the 2 deputies  
20 may accept an application from the elector and shall issue a ballot to the elector if  
21 the elector is qualified, the elector presents identification, whenever required under  
22 s. 6.345, and the application is proper. The deputies shall each witness the  
23 certification and may, upon request of the elector, assist the elector in marking the  
24 elector's ballot. All voting shall be conducted in the presence of the deputies. Upon  
25 request of the elector, a relative of the elector who is present in the room may assist

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1 the elector in marking the elector's ballot. No individual other than a deputy may  
2 witness the certification and no individual other than a deputy or relative of an  
3 elector may render voting assistance to the elector.

4 **SECTION 20.** 6.88 (3) (a) of the statutes is amended to read:

5 6.88 (3) (a) Except in municipalities where absentee ballots are canvassed  
6 under s. 7.52, at any time between the opening and closing of the polls on election day,  
7 the inspectors shall, in the same room where votes are being cast, in such a manner  
8 that members of the public can hear and see the procedures, open the carrier  
9 envelope only, and announce the name of the absent elector or the identification  
10 serial number of the absent elector if the elector has a confidential listing under s.  
11 6.47 (2). When the inspectors find that the certification has been properly executed,  
12 the applicant is a qualified elector of the ward or election district, and the applicant  
13 has not voted in the election, they shall enter an indication on the poll list next to the  
14 applicant's name indicating an absentee ballot is cast by the elector. They shall then  
15 open the envelope containing the ballot in a manner so as not to deface or destroy the  
16 certification thereon. The inspectors shall take out the ballot without unfolding it  
17 or permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95,  
18 the inspectors shall verify that the ballot has been endorsed by the issuing clerk. If  
19 the poll list indicates that proof of residence under s. 6.34 is required and no proof  
20 of residence is enclosed or the name or address on the document that is provided is  
21 not the same as the name and address shown on the poll list, or if the elector is  
22 required to provide identification under s. 6.345 and no copy of the identification is  
23 enclosed or the name on the document that is provided cannot be verified by the  
24 inspectors, the inspectors shall proceed as provided under s. 6.97 (2). The inspectors  
25 shall then deposit the ballot into the proper ballot box and enter the absent elector's

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1 name or voting number after his or her name on the poll list in the same manner as  
2 if the elector had been present and voted in person.

3 **SECTION 21.** 6.965 of the statutes is created to read:

4 **6.965 Voting procedure for electors presenting citation or notice in**  
5 **lieu of license.** Whenever any elector is allowed to vote at a polling place under s.  
6 6.79 (7) by presenting a citation or notice of intent to revoke or suspend an operator's  
7 license in lieu of an operator's license issued to the elector under ch. 343, the  
8 inspectors shall, before giving the elector a ballot, write on the back of the ballot the  
9 serial number of the elector corresponding to the number kept at the election on the  
10 poll list or other list maintained under s. 6.79 and the notation "s. 6.965." If voting  
11 machines are used in the municipality where the elector is voting, the elector's vote  
12 may be received only upon an absentee ballot furnished by the municipal clerk which  
13 shall have the notation "s. 6.965" written on the back of the ballot by the inspectors  
14 before the ballot is given to the elector. If the municipal clerk receives an absentee  
15 ballot from an elector who presents a citation or notice, or copy thereof, under s. 6.87  
16 (4) (b), the clerk shall enter a notation on the certificate envelope "Ballot under s.  
17 6.965, stats." Upon receiving the envelope, the inspectors shall open and write on  
18 the back of the ballot the serial number of the elector corresponding to the number  
19 kept at the election on the poll list or other list maintained under s. 6.79 and the  
20 notation "s. 6.965." The inspectors shall indicate on the poll list or other list  
21 maintained under s. 6.79 the fact that the elector is voting by using a citation or  
22 notice in lieu of a license. The inspectors shall then deposit the ballot. The ballot  
23 shall then be counted under s. 5.85, or under s. 7.51 or 7.52.

24 **SECTION 22.** 6.97 (title) of the statutes is amended to read:

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1           **6.97 (title) Voting procedure for individuals not providing required**  
2           **proof of residence or identification.**

3           **SECTION 23.** 6.97 (1) and (2) of the statutes are amended to read:

4           **6.97 (1)** Whenever any individual who is required to provide proof of residence  
5 under s. 6.34 in order to be permitted to vote appears to vote at a polling place and  
6 cannot provide the required proof of residence, the inspectors shall offer the  
7 opportunity for the individual to vote under this section. Whenever any individual  
8 who is required to provide identification under s. 6.345 appears to vote at a polling  
9 place and does not present identification, the inspectors or the municipal clerk shall  
10 similarly offer the opportunity for the individual to vote under this section. If the  
11 individual wishes to vote, the inspectors shall provide the elector with an envelope  
12 marked “Ballot under s. 6.97, stats.” on which the serial number of the elector is  
13 entered and shall require the individual to execute on the envelope a written  
14 affirmation stating that the individual is a qualified elector of the ward or election  
15 district where he or she offers to vote and is eligible to vote in the election. The  
16 inspectors shall, before giving the elector a ballot, write on the back of the ballot the  
17 serial number of the individual corresponding to the number kept at the election on  
18 the poll list or other list maintained under s. 6.79 and the notation “s. 6.97”. If voting  
19 machines are used in the municipality where the individual is voting, the  
20 individual’s vote may be received only upon an absentee ballot furnished by the  
21 municipal clerk which shall have the corresponding number from the poll list or  
22 other list maintained under s. 6.79 and the notation “s. 6.97” written on the back of  
23 the ballot by the inspectors before the ballot is given to the elector. When receiving  
24 the individual’s ballot, the inspectors shall provide the individual with written  
25 voting information prescribed by the board under s. 7.08 (8). The inspectors shall

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1 indicate on the list the fact that the individual is required to provide proof of  
2 residence or identification under s. 6.345 but did not do so. The inspectors shall  
3 notify the individual that he or she may provide proof of residence or identification  
4 to the municipal clerk or executive director of the municipal board of election  
5 commissioners. The inspectors shall also promptly notify the municipal clerk or  
6 executive director of the name, address, and serial number of the individual. The  
7 inspectors shall then place the ballot inside the envelope and place the envelope in  
8 a separate carrier envelope.

9 (2) Whenever any individual who votes by absentee ballot is required to  
10 provide proof of residence in order to be permitted to vote and does not provide the  
11 required proof of residence under s. 6.34, the inspectors shall treat the ballot as a  
12 provisional ballot under this section. Whenever any individual who is required to  
13 provide identification under s. 6.345, other than an individual who is exempted  
14 under s. 6.87 (4), votes by absentee ballot and does not enclose a copy of the  
15 identification specified in s. 6.86 (1) (ar), the inspectors shall similarly treat the  
16 ballot as a provisional ballot under this section. Upon removing the ballot from the  
17 envelope, the inspectors shall write on the back of the absentee ballot the serial  
18 number of the individual corresponding to the number kept at the election on the poll  
19 list or other list maintained under s. 6.79 and the notation “s. 6.97”. The inspectors  
20 shall indicate on the list the fact that the individual is required to provide proof of  
21 residence or a copy of the identification specified in s. 6.86 (1) (ar) but did not do so.  
22 The inspectors shall promptly notify the municipal clerk or executive director of the  
23 municipal board of election commissioners of the name, address, and serial number  
24 of the individual. The inspectors shall then place the ballot inside an envelope on



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1 which the name and serial number of the elector is entered and shall place the  
2 envelope in a separate carrier envelope.

3 **SECTION 24.** 6.97 (3) of the statutes is renumbered 6.97 (3) (b) and amended to  
4 read:

5 6.97 (3) (b) Whenever the municipal clerk or executive director of the municipal  
6 board of election commissioners is informed by the inspectors that a ballot has been  
7 cast under this section, the clerk or executive director shall promptly provide written  
8 notice to the board of canvassers of each municipality, special purpose district, and  
9 county that is responsible for canvassing the election of the number of ballots cast  
10 under this section in each ward or election district. The municipal clerk or executive  
11 director then shall determine whether each individual voting under this section is  
12 qualified to vote in the ward or election district where the individual's ballot is cast.  
13 If the elector is required to provide a license or identification card or copy thereof  
14 under s. 6.79 (2) or 6.87 (4) and fails to do so, the elector bears the burden of correcting  
15 the omission by providing the license or identification card or copy thereof at the  
16 polling place before the closing hour or at the office of the municipal clerk or board  
17 of election commissioners no later than 4 p.m. on the day after the election. The  
18 municipal clerk or executive director shall make a record of the procedure used to  
19 determine the validity of each ballot cast under this section. If, prior to 4 p.m. on the  
20 day after the election, the municipal clerk or executive director determines that the  
21 individual is qualified to vote in the ward or election district where the individual's  
22 ballot is cast, the municipal clerk or executive director shall notify the board of  
23 canvassers for each municipality, special purpose district and county that is  
24 responsible for canvassing the election of that fact.

25 **SECTION 25.** 6.97 (3) (a) and (c) of the statutes are created to read:

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1           6.97 (3) (a) Whenever an elector who votes by provisional ballot under sub. (1)  
2 or (2) because the elector does not provide a license or identification card or copy  
3 thereof under s. 6.79 (2) or 6.87 (4) later appears at the polling place where the ballot  
4 is cast before the closing hour and provides the license or identification card, the  
5 inspectors shall remove the elector's ballot from the separate carrier envelope, shall  
6 note on the poll list that the elector's provisional ballot is withdrawn, and shall  
7 deposit the elector's ballot in the ballot box. If the inspectors have notified the  
8 municipal clerk or executive director of the board of election commissioners that the  
9 elector's ballot was cast under this section, the inspectors shall notify the clerk or  
10 executive director that the elector's provisional ballot is withdrawn.

11           (c) A ballot cast under this section by an elector for whom a valid license or  
12 identification card or copy thereof is required under s. 6.79 (2) or 6.87 (4) shall not  
13 be counted unless the municipal clerk or executive director of the board of election  
14 commissioners provides timely notification that the elector has provided a valid  
15 license or identification card or copy thereof under this section.

16           **SECTION 26.** 6.97 (4) of the statutes is amended to read:

17           6.97 (4) Whenever a board of canvassers receives timely notification from the  
18 municipal clerk or executive director of the board of election commissioners under  
19 sub. (3) (b) that an individual who has voted under this section is qualified to vote  
20 in the ward or election district where the individual's ballot is cast, the board of  
21 canvassers shall promptly reconvene and, if the ballot cast by the individual is  
22 otherwise valid, shall count the ballot and adjust the statements, certifications and  
23 determinations accordingly. If the municipal clerk or executive director transmits  
24 returns of the election to the county clerk or board of election commissioners, the  
25 municipal clerk or executive director shall transmit to the county clerk or board of

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1 election commissioners a copy of the amended returns together with all additional  
2 ballots counted by each board of canvassers.

3 **SECTION 27.** 7.08 (1) (c) of the statutes is amended to read:

4 7.08 (1) (c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (4), 6.33 (1),  
5 6.345, 6.40 (1) (a), 6.47 (1) (am) 2. and (3), 6.55 (2), and 6.86 (2) to (3). All such forms  
6 shall contain a statement of the penalty applicable to false or fraudulent registration  
7 or voting through use of the form. Forms are not required to be furnished by the  
8 board.

9 **SECTION 28.** 7.08 (8) (title) of the statutes is amended to read:

10 7.08 (8) (title) ELECTORS VOTING WITHOUT PROOF OF RESIDENCE OR IDENTIFICATION  
11 OR PURSUANT TO COURT ORDER.

12 **SECTION 29.** 7.52 (3) (a) of the statutes is amended to read:

13 7.52 (3) (a) The board of absentee ballot canvassers shall first open the carrier  
14 envelope only, and, in such a manner that a member of the public, if he or she desired,  
15 could hear, announce the name of the absent elector or the identification serial  
16 number of the absent elector if the elector has a confidential listing under s. 6.47 (2).  
17 When the board of absentee ballot canvassers finds that the certification has been  
18 properly executed and the applicant is a qualified elector of the ward or election  
19 district, the board of absentee ballot canvassers shall enter an indication on the poll  
20 list next to the applicant's name indicating an absentee ballot is cast by the elector.  
21 The board of absentee ballot canvassers shall then open the envelope containing the  
22 ballot in a manner so as not to deface or destroy the certification thereon. The board  
23 of absentee ballot canvassers shall take out the ballot without unfolding it or  
24 permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95, the  
25 board of absentee ballot canvassers shall verify that the ballot has been endorsed by

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1 the issuing clerk. If the poll list indicates that proof of residence is required and no  
2 proof of residence is enclosed or the name or address on the document that is provided  
3 is not the same as the name and address shown on the poll list, or if the elector is  
4 required to provide a copy of identification under s. 6.87 (4) and no copy of the  
5 identification is enclosed or the name on the document cannot be verified by the  
6 canvassers, the board of absentee ballot canvassers shall proceed as provided under  
7 s. 6.97 (2). The board of absentee ballot canvassers shall mark the poll list number  
8 of each elector who casts an absentee ballot on the back of the elector's ballot. The  
9 board of absentee ballot canvassers shall then deposit the ballot into the proper  
10 ballot box and enter the absent elector's name or poll list number after his or her  
11 name on the poll list.

12 **SECTION 30.** 10.02 (3) (form) (a) of the statutes is amended to read:

13 10.02 (3) (form) (a) Upon entering the polling place and before being permitted  
14 to vote, an elector shall state his or her name and address. If an elector is not  
15 registered to vote, an elector may register to vote at the polling place serving his or  
16 her residence if the elector provides proof of residence or the elector's registration is  
17 verified by another elector of the same municipality where the elector resides. If an  
18 elector has elected to be subject to an identification requirement under s. 6.345 (1),  
19 and any proof of residence provided by the elector does not constitute identification,  
20 the elector shall also present a valid Wisconsin operator's license, a valid, current  
21 identification card issued to the elector by a U.S. uniformed service, or a valid  
22 Wisconsin identification card unless the elector is exempted from this requirement.  
23 Where ballots are distributed to electors, the initials of 2 inspectors must appear on  
24 the ballot. Upon being permitted to vote, the elector shall retire alone to a voting  
25 booth or machine and cast his or her ballot, except that an elector who is a parent or

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

4 **SECTION 31. Initial applicability.**

5 (1) This act first applies with respect to voting at the 2009 spring primary  
6 election.

7 **SECTION 32. Effective date.**

8 (1) This act takes effect on January 1, 2009.

9 (END)