

2007 DRAFTING REQUEST

Bill

Received: **03/07/2008**

Received By: **agary**

Wanted: **Soon**

Identical to LRB:

For: **Tim Carpenter (608) 266-8535**

By/Representing: **Stuart Ewy**

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

Drafter: **jkuesel**

May Contact:

Adl. Drafters: **agary**

Subject: **Elections - miscellaneous
Transportation - driver licenses**

Extra Copies: **JTK**

Submit via email: **YES**

Requester's email: **Sen.Carpenter@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Identification required for voting in elections

Instructions:

See Attached

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>
/?	agary 03/07/2008	wjackson 03/07/2008		_____			
/1			nnatzke 03/07/2008	_____	sbasford 03/07/2008	mbarman 03/10/2008	

FE Sent For:

<END>

No

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/?	agary 03/07/2008	lrb_editor	nwh 3/7	<u>nwh/wlj</u> <u>3/7</u>			

1/wj 3/7

FE Sent For:

<END>

Gary, Aaron

From: Ewy, Stuart
Sent: Friday, March 07, 2008 3:20 PM
To: Gary, Aaron
Cc: Champagne, Rick
Subject: RE: Rush Draft Bill

Aaron-

Thank you very much. Please keep it in.

I'm sorry for this on Friday afternoon. Your help in getting this done quickly is very much appreciated.

Regards,

G. Stuart Ewy
Office of Senator Tim Carpenter
State Capitol 306 S
608.266.8535

From: Gary, Aaron
Sent: Friday, March 07, 2008 3:15 PM
To: Ewy, Stuart
Cc: Champagne, Rick
Subject: RE: Rush Draft Bill

Stuart,

I have entered this draft as LRB-4264.

Because of legislation enacted during the last session related to voting, major modifications are necessary to accomplish this redraft. In addition, provisions of this session's budget also complicate the process. I am presently working on the draft.

One question: The federal REAL ID Act, which was adopted by this state in this year's budget bill, prohibits DOT from issuing a state ID card without a photo. However, this provision of state law has not yet become effective and may not become effective for several years, perhaps as late as 2013. AB-63 contained a photo exception for ID cards. Do you want me to include this photo exception or remove it in light of the enactment of the REAL ID legislation? (Unless I hear differently from you, I will keep it in.)

Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: LRB.Legal
Sent: Friday, March 07, 2008 1:57 PM
To: Gary, Aaron
Subject: FW: Rush Draft Bill

Aaron ... Jeff is out today .

Thanks,

Mike

From: Ewy, Stuart
Sent: Friday, March 07, 2008 1:37 PM
To: LRB.Legal; Kuesel, Jeffery
Subject: Rush Draft Bill

Hi Jeff-

Tim has requested that 2005 AB 63, as passed by the legislature with all amendments added, be drafted as a bill for this session.

Please let me know if this can be done, and let me know if you have any questions or comments.

Tim was hoping to have a jacket to introduce on Monday morning.

Regards,

G. Stuart Ewy
Office of Senator Tim Carpenter
State Capitol 306 S
608.266.8535

07-4264/1

2007 - 2008 LEGISLATURE

JTK/cs:nwn

#ARG
WJ

2007 BILL

Editor / CBS:
Base doc
is 07-0972/1

Regen

1 AN ACT ~~to repeal~~ *to repeal* 6.56 (5) and 12.13 (3) (v); *to renumber* 6.79 (3); *to renumber*
2 *and amend* 6.87 (4) and 6.97 (3); *to amend* 5.35 (6) (a) 2., 5.35 (6) (a) 4a., 6.15
3 (2) (d) 1r., 6.15 (3), 6.29 (1), 6.29 (2) (a), 6.33 (1), 6.33 (2) (b), 6.55 (2) (b), 6.55 (2)
4 (c) 1., 6.55 (2) (c) 2., 6.79 (2) (a) and (d), 6.79 (3) (title), 6.79 (4), 6.79 (6), 6.82 (1)
5 (a), 6.86 (1) (ar), 6.86 (3) (a) 1., 6.86 (3) (a) 2., 6.869, 6.87 (3) (d), 6.875 (title),
6 6.875 (2) (a), 6.875 (3) and (4), 6.875 (6) (a) and (c), 6.88 (3) (a), 6.97 (1) and (2),
7 7.08 (8) (title), 7.52 (3) (a), 10.02 (3) (form) (a), 12.13 (2) (b) 6m., 343.50 (3),
8 343.50 (4), 343.50 (5) and 343.50 (6); and *to create* 6.15 (2) (bm), 6.15 (2) (d) 1g.,
9 6.79 (3) (b), 6.79 (7), 6.87 (4) (a), 6.87 (4) (b) 2. to 5., 6.875 (1) (ap) and (asm),
10 6.875 (2) (d), 6.965, 6.97 (3) (a) and (c) and 343.50 (4g) of the statutes; **relating**
11 **to:** requiring certain identification in order to vote at a polling place or obtain
12 an absentee ballot, verification of the addresses of electors, absentee voting
13 procedure in certain residential care apartment complexes and adult family

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1 homes, and the fee for an identification card issued by the Department of
2 Transportation.

Analysis by the Legislative Reference Bureau

With certain limited exceptions, before being permitted to vote at any polling place, an elector currently must provide his or her name and address. If 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 the required identification may cast a provisional ballot. The municipal clerk or board of election commissioners must determine whether electors casting provisional ballots are qualified to vote by 4 p.m. on the day after an election.

With certain limited exceptions, this bill requires each person attempting to register or vote at the polls on election day to present a valid Wisconsin driver's license issued by the Department of Transportation (DOT) to the person, a valid, current identification card issued to the person by a U.S. uniformed service, or a valid Wisconsin identification card issued by DOT to the person. A person whose address is confidential as a result of domestic abuse or in certain cases a person who has been required by a law enforcement officer to surrender his or her license (see below) is exempted from the requirement. Under the bill, any person who applies for an absentee ballot, except a military or overseas elector, as defined by federal law, or a person whose address is confidential as a result of domestic abuse, must provide a copy of the license or identification card, unless: 1) the person has already provided a copy of his or her license or identification card 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 has been required by a law enforcement officer to surrender his or her license (see below); 3) 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 4) the person is an occupant of any nursing home, or of a community-based residential facility, retirement home, 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 bill continues current requirements for certain electors to provide proof of residence in order to register or to vote, but discontinues the use of corroborating electors to verify residence. If a person votes at a polling place fails to provide a license or identification card, the person may vote provisionally. If a person votes by absentee ballot and fails to provide a copy of the

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license or identification card, unless exempted from the requirement, the ballot is treated as a provisional ballot. A provisional ballot is marked by the poll workers, who immediately contact the municipal clerk or board of election commissioners. The person may then provide the required identification either at the polling place before the closing hour or at the office of the clerk or board. If the person 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. If a person receives a citation from a law enforcement officer in any jurisdiction that is dated within 60 days of the date of an election and is required to surrender his or her Wisconsin operator's license at the time the citation is issued, the elector may present an original copy of the citation or notice of intent to revoke or suspend the elector's operator's license in lieu of his or her operator's license or, if the elector is voting an absentee ballot by mail, may enclose a copy of the citation or notice in lieu of a copy of his or her operator's license. In this case, the bill provides that the elector's ballot is received and counted if otherwise valid, but the ballot is marked so it can be identified during the canvassing and recount process if the validity of the ballot is questioned.

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

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 bill 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.

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

- 1 **SECTION 1.** 5.35 (6) (a) 2. of the statutes is amended to read:
- 2 5.35 **(6)** (a) 2. A copy of the election fraud laws provided in s. 12.13 (1) and (3)
- 3 (intro), (d), (f), (g), (k), (L), (o), (q), (r), (u), ~~(v)~~ and (x), together with the applicable
- 4 penalties provided in s. 12.60 (1).

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1 **SECTION 2.** 5.35 (6) (a) 4a. of the statutes is amended to read:

2 5.35 **(6)** (a) 4a. Instructions prescribed by the board for electors for whom a
3 license or identification card is required under s. 6.79 (2) or for whom proof of
4 residence under s. 6.34 is required under s. 6.55 (2).

5 **SECTION 3.** 6.15 (2) (bm) of the statutes is created to read:

6 6.15 **(2)** (bm) Except as authorized in s. 6.79 (7), when making application in
7 person at the office of the municipal clerk, each applicant shall present a valid
8 operator's license issued to the person under ch. 343, a valid, current identification
9 card issued to the person by a U.S. uniformed service, or a valid identification card
10 issued to the person under s. 343.50. If any document presented by the applicant is
11 not proof of residence under s. 6.34, the applicant shall also present proof of residence
12 under s. 6.34.

13 **SECTION 4.** 6.15 (2) (d) 1g. of the statutes is created to read:

14 6.15 **(2)** (d) 1g. If the elector makes application in person at the office of the
15 municipal clerk, the clerk shall verify that the name on the license or identification
16 card provided by the elector under par. (bm) is the same as the name on the elector's
17 application and shall verify that any photograph appearing on that document
18 reasonably resembles the elector.

19 **SECTION 5.** 6.15 (2) (d) 1r. of the statutes is amended to read:

20 6.15 **(2)** (d) 1r. Upon proper completion of the application and cancellation card,
21 the municipal clerk shall ~~require the elector to provide proof of residence under s.~~
22 ~~6.34. If the elector cannot provide proof of residence, the elector may have his or her~~
23 ~~residence corroborated in a statement that is signed by another elector of the~~
24 ~~municipality and that contains the current street address of the corroborating~~
25 ~~elector. If the residence is corroborated by another elector, that elector shall then~~

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1 ~~provide proof of residence under s. 6.34~~ permit the elector to cast his or her ballot for
2 president and vice president. The elector shall then mark the ballot in the clerk's
3 presence in a manner that will not disclose his or her vote. The elector shall then fold
4 the ballot so as to conceal his or her vote. The clerk or elector shall then place the
5 ballot in an envelope furnished by the clerk.

6 **SECTION 6.** 6.15 (3) of the statutes is amended to read:

7 6.15 (3) PROCEDURE AT POLLING PLACE. An eligible elector may appear at the
8 polling place for the ward or election district where he or she resides and make
9 application for a ballot under sub. (2). Except as otherwise provided in this
10 subsection, an elector who casts a ballot under this subsection shall follow the same
11 procedure required for casting a ballot at the municipal clerk's office under sub. (2).
12 The inspectors shall perform the duties of the municipal clerk, except that the
13 inspectors shall return the cancellation card under sub. (2) (b) to the municipal clerk
14 and the clerk shall forward the card as provided in sub. (2) (c) if required. Upon
15 proper completion of the application and cancellation card and ~~submittal of proof of~~
16 ~~residence under s. 6.34 or providing corroboration of residence~~ verification of the
17 elector's license or identification card as provided in sub. (2) (d) 1g., the inspectors
18 shall permit the elector to cast his or her ballot for president and vice president. The
19 elector shall mark the ballot and, unless the ballot is utilized with an electronic
20 voting system, the elector shall fold the ballot, and deposit the ballot into the ballot
21 box or give it to the inspector. The inspector shall deposit it directly into the ballot
22 box. Voting machines or ballots utilized with electronic voting systems may only be
23 used by electors voting under this section if they permit voting for president and vice
24 president only.

25 **SECTION 7.** 6.29 (1) of the statutes is amended to read:

BILL .**SECTION 7**

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

6 **SECTION 8.** 6.29 (2) (a) of the statutes is amended to read:

7 6.29 (2) (a) Any qualified elector of a municipality who has not previously filed
8 a registration form or whose name does not appear on the registration list of the
9 municipality may register after the close of registration but not later than 5 p.m. or
10 the close of business, whichever is later, on the day before an election at the office of
11 the municipal clerk and at the office of the clerk's agent if the clerk delegates
12 responsibility for electronic maintenance of the registration list to an agent under
13 s. 6.33 (5) (b). The elector shall complete, in the manner provided under s. 6.33 (2),
14 a registration form containing all information required under s. 6.33 (1). The
15 registration form shall also contain the following certification: "I,, hereby certify
16 that, to the best of my knowledge, I am a qualified elector, having resided at ... for
17 at least 10 days immediately preceding this election, and I have not voted at this
18 election". The elector shall also provide proof of residence under s. 6.34.
19 ~~Alternatively, if the elector is unable to provide proof of residence under s. 6.34, the~~
20 ~~information contained in the registration form shall be corroborated in a statement~~
21 ~~that is signed by any other elector of the municipality and that contains the current~~
22 ~~street address of the corroborating elector. The corroborating elector shall then~~
23 ~~provide proof of residence under s. 6.34.~~ If the elector is registering after the close
24 of registration for the general election and the elector presents a valid driver's license
25 issued by another state, the municipal clerk or agent shall record on a separate list

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1 the name and address of the elector, the name of the state, and the license number
2 and expiration date of the license.

3 **SECTION 9.** 6.33 (1) of the statutes is amended to read:

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

BILL**SECTION 9**

1 mail, a space where the clerk may record an indication of the type of identifying
2 document submitted by the elector as proof of residence under s. 6.34, whenever
3 required, and a space where the clerk, for any applicant who possesses a valid voting
4 identification card issued to the person under s. 6.47 (3), may record the
5 identification serial number appearing on the voting identification card. Each
6 county clerk shall obtain sufficient registration forms for completion by an elector
7 who desires to register to vote at the office of the county clerk under s. 6.28 (4).

8 **SECTION 10.** 6.33 (2) (b) of the statutes is amended to read:

9 6.33 (2) (b) Except as provided in s. 6.86 (3) (a) 2., the registration form shall
10 be signed by the registering elector ~~and any corroborating elector under s. 6.29 (2)~~
11 ~~(a) or 6.55 (2)~~ before the clerk, issuing officer or registration deputy. The form shall
12 contain a certification by the registering elector that all statements are true and
13 correct.

14 **SECTION 11.** 6.55 (2) (b) of the statutes is amended to read:

15 6.55 (2) (b) Upon executing the registration form under par. (a), except as
16 authorized under s. 6.79 (7), the elector shall be required by a special registration
17 deputy or inspector to present a valid operator's license issued to the elector under
18 ch. 343, a valid, current identification card issued to the elector by a U.S. uniformed
19 service, or a valid identification card issued to the elector under s. 343.50. If any
20 document presented is not proof of residence under s. 6.34, the elector shall also
21 provide proof of residence under s. 6.34. If the elector cannot provide proof of
22 residence, the information contained in the registration form shall be corroborated
23 in a statement that is signed by any elector who resides in the same municipality as
24 the registering elector and that contains the current street address of the
25 corroborating elector. The corroborator shall then provide proof of residence as

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1 ~~provided in s. 6.34.~~ If the elector is registering to vote in the general election and the
2 elector presents a valid driver's license issued by another state, the inspector or
3 deputy shall record on a separate list the name and address of the elector, the name
4 of the state, and the license number and expiration date of the license. The signing
5 by the elector executing the registration form and by any corroborator shall be in the
6 presence of the special registration deputy or inspector who shall then print his or
7 her name on and sign the form, indicating that the deputy or inspector has accepted
8 the form. Upon compliance with this procedure, the elector shall be permitted to cast
9 his or her vote, if the elector complies with all other requirements for voting at the
10 polling place.

11 **SECTION 12.** 6.55 (2) (c) 1. of the statutes is amended to read:

12 6.55 (2) (c) 1. As an alternative to registration at the polling place under pars.
13 (a) and (b), the board of election commissioners, or the governing body of any
14 municipality may by resolution require a person who qualifies as an elector and who
15 is not registered and desires to register on the day of an election to do so at another
16 readily accessible location in the same building as the polling place serving the
17 elector's residence or at an alternate polling place assigned under s. 5.25 (5) (b),
18 instead of at the polling place serving the elector's residence. In such case, the
19 municipal clerk shall prominently post a notice of the registration location at the
20 polling place. The elector who desires to register shall execute a registration form
21 as prescribed under par. (a) and, except as authorized in s. 6.79 (7), present a valid
22 operator's license issued to the person under ch. 343, a valid, current identification
23 card issued to the person by a U.S. uniformed service, or a valid identification card
24 issued to the person under s. 343.50. If any document presented by the person is not
25 acceptable proof of residence under s. 6.34, the person shall also provide proof of

BILL**SECTION 12**

1 residence as provided under s. 6.34. ~~If the elector cannot provide proof of residence,~~
2 ~~the information contained in the registration form shall be corroborated in the~~
3 ~~manner provided in par. (b).~~ If the elector a person is registering to vote in the general
4 election and the elector person presents a valid driver's license issued by another
5 state, the municipal clerk, deputy clerk, or special registration deputy shall record
6 on a separate list the name and address of the elector person, the name of the state,
7 and the license number and expiration date of the license. The signing by the elector
8 person executing the registration form ~~and by any corroborator, except as provided~~
9 ~~under par. (a).~~ shall be in the presence of the municipal clerk, deputy clerk or special
10 registration deputy. The municipal clerk, the deputy clerk, or the special registration
11 deputy shall then print his or her name and sign the form, indicating that the clerk,
12 deputy clerk, or deputy has accepted the form. Upon proper completion of
13 registration, the municipal clerk, deputy clerk or special registration deputy shall
14 serially number the registration and give one copy to the elector person for
15 presentation at the polling place serving the elector's person's residence or an
16 alternate polling place assigned under s. 5.25 (5) (b).

17 **SECTION 13.** 6.55 (2) (c) 2. of the statutes is amended to read:

18 6.55 (2) (c) 2. Upon compliance with the procedures under subd. 1., the
19 municipal clerk or deputy clerk shall issue a certificate addressed to the inspectors
20 of the proper polling place directing that the elector be permitted to cast his or her
21 vote if the elector complies with all requirements for voting at the polling place. The
22 clerk shall enter the name and address of the elector on the face of the certificate.
23 ~~If the elector's registration is corroborated, the clerk shall also enter the name and~~
24 ~~address of the corroborator on the face of the certificate.~~ The certificate shall be

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1 numbered serially and prepared in duplicate. The municipal clerk shall preserve one
2 copy in his or her office.

3 **SECTION 14.** 6.56 (5) of the statutes, as affected by 2007 Wisconsin Act 1, is
4 repealed.

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

6 6.79 (2) (a) Unless information on the poll list is entered electronically, the
7 municipal clerk shall supply the inspectors with 2 copies of the most current official
8 registration list or lists prepared under s. 6.36 (2) (a) for use as poll lists at the polling
9 place. Except as provided in ~~sub.~~ subs. (6) and (7), each ~~person~~ elector, before
10 receiving a serial number, shall state his or her full name and address and present
11 to the officials a valid operator's license issued to the elector under ch. 343, a valid,
12 current identification card issued to the elector by a U.S. uniformed service, or a valid
13 identification card issued to the elector under s. 343.50. The officials shall verify that
14 the name and address ~~provided~~ stated by the ~~person~~ elector are the same as the
15 ~~person's~~ elector's name and address on the poll list.

16 (d) If the poll list, indicates that proof of residence under s. 6.34 is required and
17 the document provided by the elector under par. (a) does not constitute proof of
18 residence under s. 6.34, the officials shall require the elector to provide proof of
19 residence. If proof of residence is provided, the officials shall verify that the name
20 and address on the document submitted as proof of residence provided is the same
21 as the name and address shown on the registration list. If proof of residence is
22 required and not provided, or if the elector does not present a license or identification
23 card under par. (a), whenever required, the officials shall offer the opportunity for
24 the elector to vote under s. 6.97.

25 **SECTION 16.** 6.79 (3) (title) of the statutes is amended to read:

BILL**SECTION 16**

1 6.79 (3) (title) ~~REFUSAL TO GIVE NAME AND ADDRESS~~ PROVIDE NAME, ADDRESS,
2 LICENSE, OR IDENTIFICATION CARD.

3 **SECTION 17.** 6.79 (3) of the statutes is renumbered 6.79 (3) (a).

4 **SECTION 18.** 6.79 (3) (b) of the statutes is created to read:

5 6.79 (3) (b) If a license or identification card under sub. (2) is not provided by
6 the elector or if the name or any photograph appearing on the document that is
7 provided cannot be verified by the officials, the elector shall not be permitted to vote,
8 except as authorized under sub. (6) or (7), but if the elector is entitled to cast a
9 provisional ballot under s. 6.97, the officials shall offer the opportunity for the elector
10 to vote under s. 6.97.

11 **SECTION 19.** 6.79 (4) of the statutes is amended to read:

12 6.79 (4) SUPPLEMENTAL INFORMATION. When any elector provides proof of
13 residence under s. 6.15, 6.29 or 6.55 (2), the election officials shall enter the type of
14 identifying document provided on the poll list, or separate list maintained under sub.
15 (2) (c). If the document submitted as proof of identity or residence includes a number
16 which applies only to the individual holding that document, the election officials
17 shall also enter that number on the list. ~~When any elector corroborates the~~
18 ~~registration identity or residence of any person offering to vote under s. 6.55 (2) (b)~~
19 ~~or (c), or the registration identity or residence of any person registering on election~~
20 ~~day under s. 6.86 (3) (a) 2., the election officials shall also enter the name and address~~
21 ~~of the corroborator next to the name of the elector whose information is being~~
22 ~~corroborated on the poll list, or the separate list maintained under sub. (2) (c).~~ When
23 any person offering to vote has been challenged and taken the oath, following the
24 person's name on the poll list, the officials shall enter the word "Sworn".

25 **SECTION 20.** 6.79 (6) of the statutes is amended to read:

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1 6.79 (6) CONFIDENTIAL NAMES AND ADDRESSES. An elector who has a confidential
2 listing under s. 6.47 (2) may present his or her identification card issued under s. 6.47
3 (3), or give his or her name and identification serial number issued under s. 6.47 (3),
4 in lieu of stating his or her name and address and presenting a license or
5 identification card under sub. (2). If the elector's name and identification serial
6 number appear on the confidential portion of the list, the inspectors shall issue a
7 voting serial number to the elector, record that number on the poll list and permit
8 the elector to vote.

9 **SECTION 21.** 6.79 (7) of the statutes is created to read:

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

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

18 6.82 (1) (a) When any inspectors are informed that an elector is at the entrance
19 to the polling place who as a result of disability is unable to enter the polling place,
20 they shall permit the elector to be assisted in marking a ballot by any individual
21 selected by the elector, except the elector's employer or an agent of that employer or
22 an officer or agent of a labor organization which represents the elector. The Except
23 as authorized in s. 6.79 (6) and (7), the individual selected by the elector shall present
24 to the inspectors a valid operator's license issued to the elector under ch. 343, a valid,
25 current identification card issued to the elector by a U.S. uniformed service, or a valid

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1 identification card issued to the elector under s. 343.50 and, if the license or
2 identification card does not constitute proof of residence under s. 6.34, shall also
3 provide proof of residence under s. 6.34 for the assisted elector, whenever required,
4 and all other information necessary for the elector to obtain a ballot under s. 6.79 (2).
5 The inspectors shall issue a ballot to the individual selected by the elector and shall
6 accompany the individual to the polling place entrance where the assistance is to be
7 given. If the ballot is a paper ballot, the assisting individual shall fold the ballot after
8 the ballot is marked by the assisting individual. The assisting individual shall then
9 immediately take the ballot into the polling place and give the ballot to an inspector.
10 The inspector shall distinctly announce that he or she has “a ballot offered by
11 (stating person’s name), an elector who, as a result of disability, is unable to enter the
12 polling place without assistance”. The inspector shall then ask, “Does anyone object
13 to the reception of this ballot?” If no objection is made, the inspectors shall record
14 the elector’s name under s. 6.79 and deposit the ballot in the ballot box, and shall
15 make a notation on the poll list: “Ballot received at poll entrance”.

16 **SECTION 23.** 6.86 (1) (ar) of the statutes is amended to read:

17 6.86 (1) (ar) Except as authorized in s. 6.875 (6), the municipal clerk shall not
18 issue an absentee ballot unless the clerk receives a written application therefor from
19 a qualified elector of the municipality. The clerk shall retain each absentee ballot
20 application until destruction is authorized under s. 7.23 (1). Except as authorized
21 in s. 6.79 (6) and (7), if an elector applies for an absentee ballot in person at the clerk’s
22 office, the clerk shall not issue the elector an absentee ballot unless the elector
23 presents a valid operator’s license issued to the elector under ch. 343, a valid, current
24 identification card issued to the elector by a U.S. uniformed service, or a valid
25 identification card issued to the elector under s. 343.50. The clerk shall make a copy

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1 of the document presented by the elector and shall enclose the copy in the certificate
2 envelope.

3 **SECTION 24.** 6.86 (3) (a) 1. of the statutes is amended to read:

4 6.86 (3) (a) 1. Any elector who is registered and who is hospitalized, may apply
5 for and obtain an official ballot by agent. The agent may apply for and obtain a ballot
6 for the hospitalized absent elector by presenting a form prescribed by the board and
7 containing the required information supplied by the hospitalized elector and signed
8 by that elector ~~and any other elector residing in the same municipality as the~~
9 ~~hospitalized elector, corroborating the information contained therein. The~~
10 ~~corroborating elector shall state on the form his or her full name and address. Except~~
11 as authorized for an elector who has a confidential listing under s. 6.47 (2) or as
12 authorized in s. 6.87 (4) (b) 4., the agent shall present the license or identification
13 card required under sub. (1) (ar). The clerk shall make a copy of the document
14 presented by the agent and shall enclose the copy in the certificate envelope.

15 **SECTION 25.** 6.86 (3) (a) 2. of the statutes is amended to read:

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

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1 information required under this subdivision. ~~Except as otherwise provided in this~~
2 ~~subdivision, the~~ The agent shall ~~in every case~~ provide proof of the elector's residence
3 under s. 6.34. If the elector is registering to vote in the general election and the agent
4 presents a valid driver's license issued to the elector by another state, the municipal
5 clerk shall record on a separate list the name and address of the elector, the name
6 of the state, and the license number and expiration date of the license. ~~If the agent~~
7 ~~cannot present proof of residence, the registration form shall be signed and~~
8 ~~substantiated by another elector residing in the elector's municipality of residence,~~
9 ~~corroborating the information in the form. The form shall contain the full name and~~
10 ~~address of the corroborating elector. The agent shall then present proof of the~~
11 ~~corroborating elector's residence under s. 6.34.~~

12 **SECTION 26.** 6.869 of the statutes is amended to read:

13 **6.869 Uniform instructions.** The board shall prescribe uniform instructions
14 for absentee voters. The instructions shall include information concerning whether
15 identification is required under s. 6.87 (4) or a copy of a license or identification card
16 is required under s. 6.86 (1) (ar) and information concerning whether a copy of
17 identification is required to be submitted and, if so, the form of identification that is
18 required.

19 **SECTION 27.** 6.87 (3) (d) of the statutes is amended to read:

20 6.87 (3) (d) A municipal clerk may, if the clerk is reliably informed by an absent
21 elector of a facsimile transmission number or electronic mail address where the
22 elector can receive an absentee ballot, transmit a facsimile or electronic copy of the
23 absent elector's ballot to that elector in lieu of mailing under this subsection if, in the
24 judgment of the clerk, the time required to send the ballot through the mail may not
25 be sufficient to enable return of the ballot by the time provided under sub. (6). An

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1 elector may receive an absentee ballot under this subsection only if the elector has
2 filed a valid application for the ballot under s. 6.86 (1). If the clerk transmits an
3 absentee ballot under this paragraph, the clerk shall also transmit a facsimile or
4 electronic copy of the text of the material that appears on the certificate envelope
5 prescribed in sub. (2), together with instructions prescribed by the board. The
6 instructions shall require the absent elector to make and subscribe to the
7 certification as required under sub. (4) (b) and to enclose the absentee ballot in a
8 separate envelope contained within a larger envelope, that shall include the
9 completed certificate. The elector shall then affix sufficient postage unless the
10 absentee ballot qualifies for mailing free of postage under federal free postage laws
11 and shall mail the absentee ballot to the municipal clerk. Except as authorized in
12 s. 6.97 (2), an absentee ballot received under this paragraph shall not be counted
13 unless it is cast in the manner prescribed in this paragraph and in accordance with
14 the instructions provided by the board.

15 **SECTION 28.** 6.87 (4) of the statutes is renumbered 6.87 (4) (b) 1. and amended
16 to read:

17 6.87 (4) (b) 1. Except as otherwise provided in s. 6.875, the elector voting
18 absentee shall make and subscribe to the certification before one witness who is an
19 adult U.S. citizen. The absent elector, in the presence of the witness, shall mark the
20 ballot in a manner that will not disclose how the elector's vote is cast. The elector
21 shall then, still in the presence of the witness, fold the ballots so each is separate and
22 so that the elector conceals the markings thereon and deposit them in the proper
23 envelope. If a consolidated ballot under s. 5.655 is used, the elector shall fold the
24 ballot so that the elector conceals the markings thereon and deposit the ballot in the
25 proper envelope. ~~If proof of residence is required,~~ Except as authorized in subds. 2.

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1 to 5. and s. 6.875 (6) and notwithstanding s. 343.43 (1) (f), the elector shall enclose
2 a copy of the license or identification card required under s. 6.86 (1) (ar) in the
3 envelope, unless the elector is a military elector or an overseas elector or the elector
4 has a confidential listing under s. 6.47 (2). If proof of residence under s. 6.34 is
5 required and the document enclosed by the elector under this subdivision does not
6 constitute proof of residence under s. 6.34, the elector shall also enclose proof of
7 residence under s. 6.34 in the envelope. Proof of residence is required if the elector
8 is not a military elector or an overseas elector, ~~as defined in s. 6.34 (1)~~, and the elector
9 registered by mail and has not voted in an election in this state. If the elector
10 requested a ballot by means of facsimile transmission or electronic mail under s. 6.86
11 (1) (ac), the elector shall enclose in the envelope a copy of the request which bears an
12 original signature of the elector. The elector may receive assistance under sub. (5).
13 The return envelope shall then be sealed. The witness may not be a candidate. The
14 envelope shall be mailed by the elector, or delivered in person, to the municipal clerk
15 issuing the ballot or ballots. If the envelope is mailed from a location outside the
16 United States, the elector shall affix sufficient postage unless the ballot qualifies for
17 delivery free of postage under federal law. Failure to return an unused ballot in a
18 primary does not invalidate the ballot on which the elector's votes are cast. Return
19 of more than one marked ballot in a primary or return of a ballot prepared under s.
20 5.655 or a ballot used with an electronic voting system in a primary which is marked
21 for candidates of more than one party invalidates all votes cast by the elector for
22 candidates in the primary.

23 **SECTION 29.** 6.87 (4) (a) of the statutes is created to read:

24 6.87 (4) (a) In this subsection:

25 1. "Military elector" has the meaning given in s. 6.34 (1) (a).

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1 2. “Overseas elector” has the meaning given in s. 6.34 (1) (b).

2 **SECTION 30.** 6.87 (4) (b) 2. to 5. of the statutes are created to read:

3 6.87 (4) (b) 2. Unless subd. 3. applies, if the absentee elector has applied for and
4 qualified to receive absentee ballots automatically under s. 6.86 (2) (a), the elector
5 may, in lieu of providing a copy of a license or identification card required under s.
6 6.86 (1) (ar), submit with his or her absentee ballot a statement signed by the same
7 individual who witnesses voting of the ballot which contains the name and address
8 of the elector and verifies that the name and address are correct.

9 3. If the absentee elector has received an absentee ballot from the municipal
10 clerk by mail for a previous election, has provided a copy of a license or identification
11 card required under s. 6.86 (1) (ar) with that ballot, and has not changed his or her
12 name or address since providing that identification, the elector is not required to
13 provide a copy of the identification required under s. 6.86 (1) (ar).

14 4. If the absentee elector has received a citation or notice of intent to revoke or
15 suspend an operator’s license from a law enforcement officer in any jurisdiction that
16 is dated within 60 days of the date of the election and is required to surrender his or
17 her operator’s license issued to the elector under ch. 343 at the time the citation or
18 notice is issued, the elector may enclose a copy of the citation or notice in lieu of an
19 operator’s license under ch. 343 if the elector is voting by mail, or may present an
20 original copy of the citation or notice in lieu of an operator’s license under ch. 343 if
21 the elector is voting at the office of the municipal clerk.

22 5. Unless subd. 3. or 4. applies, if the absentee elector resides in a residential
23 care apartment complex that is certified or registered under s. 50.034 (1) or an adult
24 family home that is certified under s. 50.032 and the municipal clerk or board of
25 election commissioners of the municipality where the complex or home is located

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1 does not send special voting deputies to visit the complex or home at the election
2 under s. 6.875, the elector may, in lieu of providing a copy of a license or identification
3 card required under s. 6.86 (1) (ar), submit with his or her absentee ballot a
4 statement signed by the same individual who witnesses voting of the ballot that
5 contains the certification of the manager of the complex or home that the elector
6 resides in the complex or home and the complex or home is certified or registered as
7 required by law, that contains the name and address of the elector, and that verifies
8 that the name and address are correct.

9 **SECTION 31.** 6.875 (title) of the statutes is amended to read:

10 **6.875 (title) ~~Absentee voting in nursing and retirement~~ certain homes**
11 **~~and certain community-based residential, facilities, and complexes.~~**

12 **SECTION 32.** 6.875 (1) (ap) and (asm) of the statutes are created to read:

13 **6.875 (1) (ap)** “Qualified adult family home” means a facility that is certified
14 to operate as an adult family home under s. 50.032 that qualifies under sub. (2) (d)
15 to utilize the procedures under this section.

16 (asm) “Qualified residential care apartment complex” means a facility that is
17 certified or registered to operate as a residential care apartment complex under s.
18 50.034 (1) that qualifies under sub. (2) (d) to utilize the procedures under this section.

19 **SECTION 33.** 6.875 (2) (a) of the statutes is amended to read:

20 **6.875 (2) (a)** The procedures prescribed in this section are the exclusive means
21 of absentee voting for electors who are occupants of nursing homes, qualified
22 community-based residential facilities ~~or~~, qualified retirement homes, qualified
23 residential care apartment complexes, and qualified adult family homes.

24 **SECTION 34.** 6.875 (2) (d) of the statutes is created to read:

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

12 **SECTION 35.** 6.875 (3) and (4) of the statutes are amended to read:

13 6.875 (3) An occupant of a nursing home or qualified retirement home ~~or,~~
14 qualified community-based residential facility, qualified residential care apartment
15 complex, or qualified adult family home who qualifies as an absent elector and
16 desires to receive an absentee ballot shall make application under s. 6.86 (1), (2), or
17 (2m) with the municipal clerk or board of election commissioners of the municipality
18 in which the elector is a resident. The clerk or board of election commissioners of a
19 municipality receiving an application from an elector who is an occupant of a nursing
20 home or qualified retirement home ~~or,~~ qualified community-based residential
21 facility, qualified residential care apartment complex, or qualified adult family home
22 located in a different municipality shall, as soon as possible, notify and transmit an
23 absentee ballot for the elector to the clerk or board of election commissioners of the
24 municipality in which the home ~~or qualified community-based residential, facility~~
25 or complex is located. The clerk or board of election commissioners of a municipality

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

9 (4) (a) For the purpose of absentee voting in nursing homes ~~and~~, qualified
10 retirement homes ~~and~~, qualified community-based residential facilities, qualified
11 residential care apartment complexes, and qualified adult family homes, the
12 municipal clerk or board of election commissioners of each municipality in which one
13 or more nursing homes ~~or~~, qualified retirement homes ~~or~~, qualified
14 community-based residential facilities, qualified residential care apartment
15 complexes, or qualified adult family homes are located shall appoint at least 2 special
16 voting deputies for the municipality. Upon application under s. 6.86 (1), (2), or (2m)
17 by one or more qualified electors who are occupants of a ~~nursing home or qualified~~
18 ~~retirement home or qualified community-based residential, facility, or complex~~, the
19 municipal clerk or board of election commissioners of the municipality in which the
20 ~~home or~~, facility, or complex is located shall dispatch 2 special voting deputies to visit
21 the ~~home or qualified community-based residential, facility, or complex~~ for the
22 purpose of supervising absentee voting procedure by occupants of the ~~home or~~
23 ~~qualified community-based residential, facility, or complex~~. The clerk shall
24 maintain a list, available to the public upon request, of each ~~nursing home or~~
25 ~~qualified retirement home or qualified community-based residential, facility, or~~

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1 complex where an elector has requested an absentee ballot. The list shall include the
2 date and time the deputies intend to visit each home or facility. The 2 deputies
3 designated to visit each nursing home ~~or~~, qualified retirement home ~~or~~, qualified
4 community-based residential facility, qualified residential care apartment complex,
5 and qualified adult family home shall be affiliated with different political parties
6 whenever deputies representing different parties are available.

7 (b) Nominations for the special voting deputy positions described in par. (a)
8 may be submitted by the 2 recognized political parties whose candidates for governor
9 or president received the greatest numbers of votes in the municipality at the most
10 recent general election. The deputies shall be specially appointed to carry out the
11 duties under par. (a) for the period specified in s. 7.30 (6) (a). The clerk or board of
12 election commissioners may revoke an appointment at any time. No individual who
13 is employed or retained, or within the 2 years preceding appointment has been
14 employed or retained, at a nursing home ~~or~~, qualified retirement home ~~or~~, qualified
15 community-based residential facility, qualified residential care apartment complex,
16 or qualified adult family home in the municipality, or any member of the individual's
17 immediate family, as defined in s. 19.42 (7), may be appointed to serve as a deputy.

18 **SECTION 36.** 6.875 (6) (a) and (c) of the statutes are amended to read:

19 6.875 (6) (a) Special voting deputies in each municipality shall, not later than
20 5 p.m. on the Friday preceding an election, arrange one or more convenient times
21 with the administrator of each nursing home, qualified retirement home ~~and~~,
22 qualified community-based residential facility, qualified residential care apartment
23 complex, and qualified adult family home in the municipality from which one or more
24 occupants have filed an application under s. 6.86 to conduct absentee voting for the
25 election. The time may be no earlier than the 4th Monday preceding the election and

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1 no later than 5 p.m. on the Monday preceding the election. The municipal clerk shall
2 post a notice at the home ~~or~~, facility, or complex indicating the date and time that
3 absentee voting will take place at that home ~~or~~, facility, or complex. The notice shall
4 be posted as soon as practicable after arranging the visit but in no case less than 24
5 hours before the visit. At the designated time, 2 deputies appointed under sub. (4)
6 shall visit the home ~~or~~, facility, or complex.

7 (c) 1. Upon their visit to the home ~~or~~, facility, or complex under par. (a), the
8 deputies shall personally offer each elector who has filed a proper application for an
9 absentee ballot the opportunity to cast his or her absentee ballot. In lieu of providing
10 a copy of a license or identification card under s. 6.87 (4) (b) 1. with his or her absentee
11 ballot, the elector may submit with his or her ballot a statement signed by both
12 deputies that contains the name and address of the elector and verifies that the name
13 and address are correct. The deputies shall enclose the statement in the certificate
14 envelope. If an elector presents a license or identification card under s. 6.87 (4) (b)
15 1., the deputies shall make a copy of the document presented by the elector and shall
16 enclose the copy in the certificate envelope. If an elector is present who has not filed
17 a proper application for an absentee ballot, the 2 deputies may accept an application
18 from the elector and shall issue a ballot to the elector if the elector is qualified, the
19 elector presents a license or identification card, whenever required, or submits a
20 statement containing his or her name and address under this subsection, and the
21 application is proper. The deputies shall each witness the certification and may,
22 upon request of the elector, assist the elector in marking the elector's ballot. All
23 voting shall be conducted in the presence of the deputies. Upon request of the elector,
24 a relative of the elector who is present in the room may assist the elector in marking
25 the elector's ballot. No individual other than a deputy may witness the certification

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1 and no individual other than a deputy or relative of an elector may render voting
2 assistance to the elector.

3 2. Upon the request of a relative of an occupant of a nursing home ~~or~~, qualified
4 retirement home ~~or~~, qualified community-based residential facility, qualified
5 residential care apartment complex, or qualified adult family home, the
6 administrator of the home ~~or~~, facility, or complex may notify the relative of the time
7 or times at which special voting deputies will conduct absentee voting at the home
8 ~~or~~, facility, or complex and permit the relative to be present in the room where the
9 voting is conducted. The municipal clerk shall post a notice at the home ~~or~~, facility,
10 or complex indicating the date and time that absentee voting will take place at that
11 home ~~or~~, facility, or complex. The notice shall be posted as soon as practicable after
12 arranging the visit but in no case less than 24 hours before the visit.

13 **SECTION 37.** 6.88 (3) (a) of the statutes is amended to read:

14 6.88 (3) (a) Any time between the opening and closing of the polls on election
15 day, the inspectors shall open the carrier envelope only, and announce the name of
16 the absent elector or the identification serial number of the absent elector if the
17 elector has a confidential listing under s. 6.47 (2). When the inspectors find that the
18 certification has been properly executed, the applicant is a qualified elector of the
19 ward or election district, and the applicant has not voted in the election, they shall
20 enter an indication on the poll list next to the applicant's name indicating an
21 absentee ballot is cast by the elector. They shall then open the envelope containing
22 the ballot in a manner so as not to deface or destroy the certification thereon. The
23 inspectors shall take out the ballot without unfolding it or permitting it to be
24 unfolded or examined. Unless the ballot is cast under s. 6.95, the inspectors shall
25 verify that the ballot has been endorsed by the issuing clerk. If the poll list indicates

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1 that identification is required and no identification is enclosed or the name or
2 address on the document that is provided is not the same as the name and address
3 shown on the poll list, or if the elector is not a military elector or an overseas elector
4 as defined in s. 6.34 (1), and the elector is required to provide a copy of a license or
5 identification card under s. 6.86 (1) (ar) and no copy of the license or identification
6 card is enclosed or the name on the document cannot be verified by the inspectors,
7 the inspectors shall proceed as provided under s. 6.97 (2). The inspectors shall then
8 deposit the ballot into the proper ballot box and enter the absent elector's name or
9 voting number after his or her name on the poll list in the same manner as if the
10 elector had been present and voted in person.

11 **SECTION 38.** 6.965 of the statutes is created to read:

12 **6.965 Voting procedure for electors presenting citation or notice in**
13 **lieu of license.** Whenever any elector is allowed to vote at a polling place under s.
14 6.79 (7) by presenting a citation or notice of intent to revoke or suspend an operator's
15 license in lieu of an operator's license issued to the elector under ch. 343, the
16 inspectors shall, before giving the elector a ballot, write on the back of the ballot the
17 serial number of the elector corresponding to the number kept at the election on the
18 poll list or other list maintained under s. 6.79 and the notation "s. 6.965." If voting
19 machines are used in the municipality where the elector is voting, the elector's vote
20 may be received only upon an absentee ballot furnished by the municipal clerk which
21 shall have the notation "s. 6.965" written on the back of the ballot by the inspectors
22 before the ballot is given to the elector. If the municipal clerk receives an absentee
23 ballot from an elector who presents a citation or notice, or copy thereof, under s. 6.87
24 (4) (b) 4., the clerk shall enter a notation on the certificate envelope "Ballot under s.
25 6.965, stats." Upon receiving the envelope, the inspectors shall open and write on

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1 the back of the ballot the serial number of the elector corresponding to the number
2 kept at the election on the poll list or other list maintained under s. 6.79 and the
3 notation “s. 6.965.” The inspectors shall indicate on the poll list or other list
4 maintained under s. 6.79 the fact that the elector is voting by using a citation or
5 notice in lieu of a license. The inspectors shall then deposit the ballot. The ballot
6 shall then be counted under s. 5.85, or under s. 7.51 or 7.52.

7 **SECTION 39.** 6.97 (1) and (2) of the statutes are amended to read:

8 6.97 (1) Whenever any individual who is required to provide proof of residence
9 under s. 6.34 in order to be permitted to vote appears to vote at a polling place and
10 cannot provide the required proof of residence, the inspectors shall offer the
11 opportunity for the individual to vote under this section. Whenever any individual,
12 other than a military elector or an overseas elector, as defined in s. 6.34 (1), or an
13 elector who has a confidential listing under s. 6.47 (2), appears to vote at a polling
14 place and does not present a license or identification card under s. 6.79 (2), whenever
15 required, the inspectors or the municipal clerk shall similarly offer the opportunity
16 for the individual to vote under this section. If the individual wishes to vote, the
17 inspectors shall provide the elector with an envelope marked “Ballot under s. 6.97,
18 stats.” on which the serial number of the elector is entered and shall require the
19 individual to execute on the envelope a written affirmation stating that the
20 individual is a qualified elector of the ward or election district where he or she offers
21 to vote and is eligible to vote in the election. The inspectors shall, before giving the
22 elector a ballot, write on the back of the ballot the serial number of the individual
23 corresponding to the number kept at the election on the poll list or other list
24 maintained under s. 6.79 and the notation “s. 6.97”. If voting machines are used in
25 the municipality where the individual is voting, the individual’s vote may be received

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1 only upon an absentee ballot furnished by the municipal clerk which shall have the
2 corresponding number from the poll list or other list maintained under s. 6.79 and
3 the notation “s. 6.97” written on the back of the ballot by the inspectors before the
4 ballot is given to the elector. When receiving the individual’s ballot, the inspectors
5 shall provide the individual with written voting information prescribed by the board
6 under s. 7.08 (8). The inspectors shall indicate on the list the fact that the individual
7 is required to provide proof of residence or a license or identification card under s.
8 6.79 (2) but did not do so. The inspectors shall notify the individual that he or she
9 may provide proof of residence or a license or identification card to the municipal
10 clerk or executive director of the municipal board of election commissioners. The
11 inspectors shall also promptly notify the municipal clerk or executive director of the
12 name, address, and serial number of the individual. The inspectors shall then place
13 the ballot inside the envelope and place the envelope in a separate carrier envelope.

14 (2) Whenever any individual who votes by absentee ballot is required to
15 provide proof of residence in order to be permitted to vote and does not provide the
16 required proof of residence under s. 6.34, the inspectors shall treat the ballot as a
17 provisional ballot under this section. Whenever any individual, other than a military
18 elector or an overseas elector, as defined in s. 6.34 (1), an individual who has a
19 confidential listing under s. 6.47 (2), or an individual who is exempted under s. 6.87
20 (4) or s. 6.875 (6), votes by absentee ballot and does not enclose a copy of the license
21 or identification card required under s. 6.86 (1) (ar), the inspectors shall similarly
22 treat the ballot as a provisional ballot under this section. Upon removing the ballot
23 from the envelope, the inspectors shall write on the back of the absentee ballot the
24 serial number of the individual corresponding to the number kept at the election on
25 the poll list or other list maintained under s. 6.79 and the notation “s. 6.97”. The

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

8 **SECTION 40.** 6.97 (3) of the statutes is renumbered 6.97 (3) (b) and amended to
9 read:

10 6.97 (3) (b) Whenever the municipal clerk or executive director of the municipal
11 board of election commissioners is informed by the inspectors that a ballot has been
12 cast under this section, the clerk or executive director shall promptly provide written
13 notice to the board of canvassers of each municipality, special purpose district, and
14 county that is responsible for canvassing the election of the number of ballots cast
15 under this section in each ward or election district. The municipal clerk or executive
16 director then shall determine whether each individual voting under this section is
17 qualified to vote in the ward or election district where the individual's ballot is cast.
18 If the elector is required to provide a license or identification card or copy thereof
19 under s. 6.79 (2) or 6.86 (1) (ar) and fails to do so, the elector bears the burden of
20 correcting the omission by providing the license or identification card or copy thereof
21 at the polling place before the closing hour or at the office of the municipal clerk or
22 board of election commissioners no later than 4 p.m. on the day after the election.
23 The municipal clerk or executive director shall make a record of the procedure used
24 to determine the validity of each ballot cast under this section. If, prior to 4 p.m. on
25 the day after the election, the municipal clerk or executive director determines that

BILL**SECTION 40**

1 the individual is qualified to vote in the ward or election district where the
2 individual's ballot is cast, the municipal clerk or executive director shall notify the
3 board of canvassers for each municipality, special purpose district and county that
4 is responsible for canvassing the election of that fact.

5 **SECTION 41.** 6.97 (3) (a) and (c) of the statutes are created to read:

6 6.97 (3) (a) Whenever an elector who votes by provisional ballot under sub. (1)
7 or (2) because the elector does not provide a license or identification card or copy
8 thereof under s. 6.79 (2) or 6.86 (1) (ar) later appears at the polling place where the
9 ballot is cast before the closing hour and provides the license or identification card
10 or copy thereof, the inspectors shall remove the elector's ballot from the separate
11 carrier envelope, shall note on the poll list that the elector's provisional ballot is
12 withdrawn, and shall deposit the elector's ballot in the ballot box. If the inspectors
13 have notified the municipal clerk or executive director of the board of election
14 commissioners that the elector's ballot was cast under this section, the inspectors
15 shall notify the clerk or executive director that the elector's provisional ballot is
16 withdrawn.

17 (c) A ballot cast under this section by an elector for whom a valid license or
18 identification card or copy thereof is required under s. 6.79 (2) or 6.86 (1) (ar) shall
19 not be counted unless the municipal clerk or executive director of the board of
20 election commissioners provides timely notification that the elector has provided a
21 valid license or identification card or copy thereof under this section.

22 **SECTION 42.** 7.08 (8) (title) of the statutes is amended to read:

23 7.08 (8) (title) ELECTORS VOTING WITHOUT PROOF OF RESIDENCE OR IDENTIFICATION
24 OR PURSUANT TO COURT ORDER.

25 **SECTION 43.** 7.52 (3) (a) of the statutes is amended to read:

BILL

SECTION 70

1 7.52 (3) (a) The board of absentee ballot canvassers shall first open the carrier
2 envelope only, and, in such a manner that a member of the public, if he or she desired,
3 could hear, announce the name of the absent elector or the identification serial
4 number of the absent elector if the elector has a confidential listing under s. 6.47 (2).
5 When the board of absentee ballot canvassers finds that the certification has been
6 properly executed and the applicant is a qualified elector of the ward or election
7 district, the board of absentee ballot canvassers shall enter an indication on the poll
8 list next to the applicant's name indicating an absentee ballot is cast by the elector.
9 The board of absentee ballot canvassers shall then open the envelope containing the
10 ballot in a manner so as not to deface or destroy the certification thereon. The board
11 of absentee ballot canvassers shall take out the ballot without unfolding it or
12 permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95, the
13 board of absentee ballot canvassers shall verify that the ballot has been endorsed by
14 the issuing clerk. If the poll list indicates that proof of residence is required and no
15 proof of residence is enclosed or the name or address on the document that is provided
16 is not the same as the name and address shown on the poll list, or if the elector is not
17 a military elector or an overseas elector, as defined in s. 6.34 (1), and the elector is
18 required to provide a copy of a license or identification card under s. 6.86 (1) (ar) and
19 no copy of the license or identification card is enclosed or the name on the document
20 cannot be verified by the canvassers, the board of absentee ballot canvassers shall
21 proceed as provided under s. 6.97 (2). The board of absentee ballot canvassers shall
22 mark the poll list number of each elector who casts an absentee ballot on the back
23 of the elector's ballot. The board of absentee ballot canvassers shall then deposit the
24 ballot into the proper ballot box and enter the absent elector's name or poll list
25 number after his or her name on the poll list.

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1 **SECTION 44.** 10.02 (3) (form) (a) of the statutes is amended to read:

2 10.02 **(3)** (form) (a) Upon entering the polling place and before being permitted
3 to vote, an elector shall state his or her name and address. If an elector is not
4 registered to vote, an elector may register to vote at the polling place serving his or
5 her residence if the elector provides proof of residence or the elector's registration is
6 verified by another elector of the same municipality where the elector resides
7 presents a valid Wisconsin operator's license, a valid, current identification card
8 issued to the elector by a U.S. uniformed service, or a valid Wisconsin identification
9 card unless the elector is exempted from this requirement, and, if the document
10 presented does not constitute proof of residence, if the elector provides proof of
11 residence. Where ballots are distributed to electors, the initials of 2 inspectors must
12 appear on the ballot. Upon being permitted to vote, the elector shall retire alone to
13 a voting booth or machine and cast his or her ballot, except that an elector who is a
14 parent or guardian may be accompanied by the elector's minor child or minor ward.
15 An election official may inform the elector of the proper manner for casting a vote,
16 but the official may not in any manner advise or indicate a particular voting choice.

17 **SECTION 45.** 12.13 (2) (b) 6m. of the statutes is amended to read:

18 12.13 **(2)** (b) 6m. Obtain an absentee ballot for voting in a nursing home or
19 qualified retirement home ~~or~~, qualified community-based residential facility,
20 qualified residential care apartment complex, or qualified adult family home under
21 s. 6.875 (6) and fail to return the ballot to the issuing officer.

22 **SECTION 46.** 12.13 (3) (v) of the statutes is repealed.

23 **SECTION 47.** 343.50 (3) of the statutes, as affected by 2005 Wisconsin Act 126,
24 is amended to read:

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1 343.50 (3) DESIGN AND CONTENTS OF CARD. The card shall be the same size as
 2 an operator's license but shall be of a design which is readily distinguishable from
 3 the design of an operator's license and bear upon it the words "IDENTIFICATION
 4 CARD ONLY". The information on the card shall be the same as specified under s.
 5 343.17 (3). The card may serve as a document of gift under s. 157.06 (2) (b) and (c)
 6 and the holder may affix a sticker thereto as provided in s. 343.175 (3). The card may
 7 also serve as a document of refusal to make an anatomical gift under s. 157.06 (2) (i).
 8 The Except as provided in sub. (4g), the card shall contain the holder's photograph
 9 and, if applicable, shall be of the design specified under s. 343.17 (3) (a) 12.

10 **SECTION 48.** 343.50 (4) of the statutes, as affected by 2005 Wisconsin Act 126^{And 2007 Wisconsin Act 20}
 11 is amended to read:

12 343.50 (4) APPLICATION. The application for an identification card shall include
 13 any information required under ss. 85.103 (2) and 343.14 (2) (a), (b), (bm), (br), (em),
 14 ~~and (er)~~ and such further information as the department may reasonably require to
 15 enable it to determine whether the applicant is entitled by law to an identification
 16 card. The Except as provided in sub. (4g), the department shall, as part of the
 17 application process, take a photograph of the applicant to comply with sub. (3). No
 18 Except as provided in sub. (4g), no application may be processed without the
 19 photograph being taken. Misrepresentations in violation of s. 343.14 (5) are
 20 punishable as provided in s. 343.14 (9).

21 **SECTION 49.** 343.50 (4g) of the statutes is created to read:

22 343.50 (4g) PHOTOGRAPH REQUIREMENT; EXCEPTION. An application may be
 23 processed and an original or renewal identification card issued under this section
 24 without a photograph being taken to comply with subs. (3) and (4) to an applicant
 25 who requests the identification card without charge under sub. (5) or (6) and who

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1 provides to the department an affidavit stating that the applicant has a sincerely
2 held religious belief against being photographed; identifying the religion to which he
3 or she belongs or the tenets of which he or she adheres to; and stating that the tenets
4 of the religion prohibit him or her from being photographed.

5 **SECTION 50.** 343.50 (5) of the statutes, as affected by ~~2005 Wisconsin Act 126,~~ ^{and 2007 Wisconsin Act 20}
6 is amended to read:

7 **343.50 (5) VALID PERIOD; FEES.** The fee for an original card and for the
8 reinstatement of an identification card after cancellation under sub. (10) shall be ~~\$9~~ ^{\$18}
9 or, upon request of the applicant, without charge. The card shall be valid for the
10 succeeding period of ~~4~~ ⁸ years from the applicant's next birthday after the date of
11 issuance, except that a card that is issued to a person who is not a United States
12 citizen and who provides documentary proof of legal status as provided under s.
13 343.14 (2) (er) shall expire on the date that the person's legal presence in the United
14 States is no longer authorized. If the documentary proof as provided under s. 343.14
15 (2) (er) does not state the date that the person's legal presence in the United States
16 is no longer authorized, then the card shall be valid for the succeeding period of ~~4~~ ⁸
17 years from the applicant's next birthday after the date of issuance.

18 **SECTION ~~51~~ 51.** 343.50 (6) of the statutes, as affected by 2005 Wisconsin Act 126,
19 is amended to read:

20 **343.50 (6) RENEWAL.** At least 30 days prior to the expiration of the card, the
21 department shall mail a renewal application to the last-known address of each
22 identification card holder. The department shall include with the application
23 information, as developed by all organ procurement organizations in cooperation
24 with the department, that promotes anatomical donations and which relates to the
25 anatomical donation opportunity available under s. 343.175. The fee for a renewal

Handwritten note: "What 34-1" with an arrow pointing to line 17.

Handwritten notes: "STET" in a circle, "and 2007 Wisconsin Act 20", and "2005 Wisconsin Act 126" with a slash through it.

BILL

SECTION 51

1 identification card shall be \$9, which or, upon request of the identification card
 2 holder, without charge. The renewal identification card shall be valid for 4 years,
 3 except that a card that is issued to a person who is not a United States citizen and
 4 who provides documentary proof of legal status as provided under s. 343.14 (2) (er)
 5 shall expire on the date that the person's legal presence in the United States is no
 6 longer authorized. If the documentary proof as provided under s. 343.14 (2) (er) does
 7 not state the date that the person's legal presence in the United States is no longer
 8 authorized, then the card shall be valid for 4 years.

insert
35-10

9 **SECTION ~~52~~ Initial applicability.**

10 (1) ~~IDENTIFICATION REQUIRED FOR VOTING.~~ This act first applies with respect to
 11 voting at the 2008 spring primary election.

12 **SECTION 53. Effective date.**

13 (1) This act takes effect on January 1, 2008.

14 (END)

insert
35-13

BILL

1 not state the date that the person's legal presence in the United States is no longer
2 authorized, then the card shall be valid for 4 years.

3 *Editors/CPS:* **tory provisions.**

4 the first regularly scheduled primary and election at
5 w This is
6 g 07-2059/1
7 the purpose of informing prospective voters of the voter identification requirements
8 of this act.

9 **SECTION 54. Initial applicability.**

10 (1) IDENTIFICATION REQUIRED FOR VOTING. This act first applies with respect to
11 voting at the first spring or September primary election that follows the effective
12 date of this act by at least 60 days.

*insert
35-10*

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4264/1ins
ARG:.....

INSERT 34-17:

SECTION ~~34~~ 343.50 (5) of the statutes, as affected by ~~2005 Wisconsin Act 126 and~~
* 2007 Wisconsin Act 20 ~~and~~ (this act), is repealed and recreated to read:

343.50 (5) VALID PERIOD; FEES. (a) The fee for an original card, for renewal of a card, and for the reinstatement of an identification card after cancellation under sub. (10) shall be \$18 or, upon request of the applicant, without charge.

(b) Except as provided in par. (c) and s. 343.165 (4) (c), an original or reinstated card shall be valid for the succeeding period of 8 years from the applicant's next birthday after the date of issuance, and a renewed card shall be valid for the succeeding period of 8 years from the card's last expiration date.

(c) Except as provided in s. 343.165 (4) (c) and as otherwise provided in this paragraph, an identification card that is issued to a person who is not a United States citizen and who provides documentary proof of legal status as provided under s. 343.14 (2) (es) shall expire on the date that the person's legal presence in the United States is no longer authorized or on the expiration date determined under par. (b), whichever date is earlier. If the documentary proof as provided under s. 343.14 (2) (es) does not state the date that the person's legal presence in the United States is no longer authorized, then the card shall be valid for the period specified in par. (b) except that, if the card was issued or renewed based upon the person's presenting of any documentary proof specified in s. 343.14 (2) (es) 4. to 7., the card shall, subject to s. 343.165 (4) (c), expire one year after the date of issuance or renewal.

NOTE: NOTE: Sub. (5) is shown as amended eff. the later of May 11, 2008, or on the date stated in the notice provided by the secretary of transportation and published in the Wisconsin Administrative Register under section 85.515 (2) (b) of the statutes by 2007 Wis. Act 20 s. 3381. Prior to that date sub. (5) reads: NOTE:

(5) **VALID PERIOD; FEES.** The fee for an original card and for the reinstatement of an identification card after cancellation under sub. (10) shall be \$18. The card shall be valid for the succeeding period of 8 years from the applicant's next birthday after the date of issuance, except that a card that is issued to a person who is not a United States citizen and who provides documentary proof of legal status as provided under s. 343.14 (2) (er) shall expire on the date that the person's legal presence in the United States is no longer authorized. If the documentary proof as provided under s. 343.14 (2) (er) does not state the date that the person's legal presence in the United States is no longer authorized, then the card shall be valid for the succeeding period of 8 years from the applicant's next birthday after the date of issuance.

History: 1977 c. 360, 447; 1979 c. 226, 306; 1981 c. 20 s. 1848r; 1985 a. 29, 98; 1987 a. 27, 304; 1989 a. 105, 294, 298; 1991 a. 86, 269; 1995 a. 446; 1997 a. 27, 119, 191; 1999 a. 9, 32, 80, 85, 88, 186; 2001 a. 93; 2003 a. 33; 2005 a. 126; 2007 a. 20 ss. 3374 to 3390, 9121 (6) (a).

⁵²
~~SECTION 4~~ 343.50 (5m) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

343.50 (5m) **FEDERAL SECURITY VERIFICATION MANDATE FEE.** In addition to any other fee under this section, for the issuance of an original identification card or duplicate identification card or for the renewal or reinstatement of an identification card after cancellation under sub. (10), a federal security verification mandate fee of \$10 shall be paid to the department unless the applicant requests that the identification card be issued without charge.

History: 1977 c. 360, 447; 1979 c. 226, 306; 1981 c. 20 s. 1848r; 1985 a. 29, 98; 1987 a. 27, 304; 1989 a. 105, 294, 298; 1991 a. 86, 269; 1995 a. 446; 1997 a. 27, 119, 191; 1999 a. 9, 32, 80, 85, 88, 186; 2001 a. 93; 2003 a. 33; 2005 a. 126; 2007 a. 20 ss. 3374 to 3390, 9121 (6) (a).

INSERT 35-13:

~~SECTION 3~~ **Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The treatment of section 343.50 (5m) of the statutes, and the repeal and recreation of section 343.50 (5) of the statutes, ^{and} ~~takes~~ ^{take} effect on the day after publication or on the date on which the creation of section 343.165 of the statutes by 2007 Wisconsin Act 20 takes effect, whichever is later.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4264/1dn

ARG:|:...

WJ

Date

ATTN: Stuart Ewy

As I mentioned in my e-mail, the 2005 Legislature made extensive changes in registration and voting laws. Provisions of the 2007 biennial budget bill also impacted certain provisions included in this draft. Although the text of this draft may appear significantly different from 2005 Assembly Bill 63, the substance is the same.

There were numerous drafter's notes raising various issues related to 2005 Assembly Bill 63 and the amendments to that bill that were adopted by the legislature. Due to the extremely short time-frame available for preparing this draft, I have not attempted to reiterate in this drafter's note any of those issues raised last session. Please advise if you would like me to provide such a drafter's note in connection with the attached bill.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4264/1dn
ARG:wlj:nwn

March 7, 2008

ATTN: Stuart Ewy

As I mentioned in my e-mail, the 2005 legislature made extensive changes in registration and voting laws. Provisions of the 2007 biennial budget bill also impacted certain provisions included in this draft. Although the text of this draft may appear significantly different from 2005 Assembly Bill 63, the substance is the same.

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Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

Basford, Sarah

From: Ewy, Stuart
Sent: Friday, March 07, 2008 6:16 PM
To: LRB.Legal
Subject: RUSH Draft Review: LRB 07-4264/1 Topic: Identification required for voting in elections

Please Jacket LRB 07-4264/1 for the SENATE.

RUSH, Please

Regards,
G. Stuart Ewy
Office of Sen. Tim Carpenter
608.266.8535