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Details:

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2007-08

(session year)

Assembly

(Assembly, Senate or Joint)

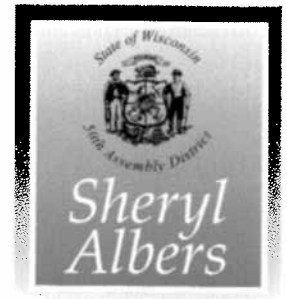
Committee on ... Elections and Constitutional Law (AC-ECL)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**
- Record of Comm. Proceedings ... **RCP**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt**
- Clearinghouse Rules ... **CRule**
- Hearing Records ... bills and resolutions
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**



Public Hearing and Executive Session
September 13, 2007
CR 07-059 relating to voter registration

Clearinghouse Rule Guide

The public hearing is conducted in the same manner as for any bill or resolution. The executive session is quite different.

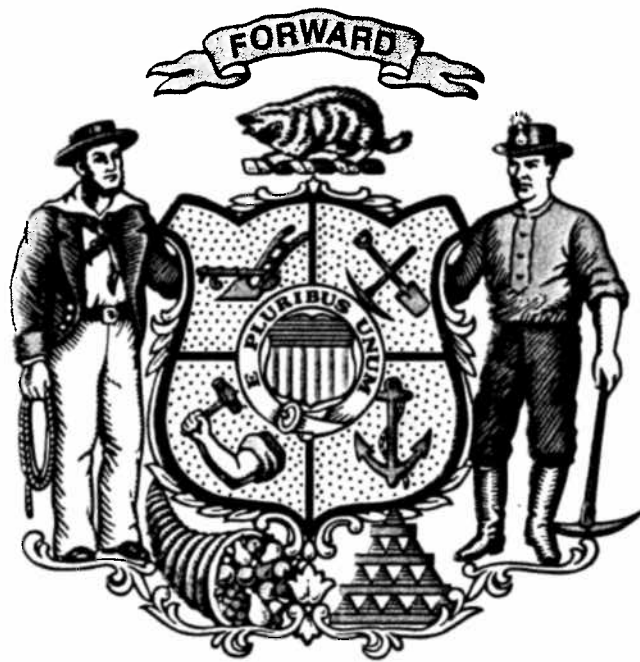
The executive session allows only two options for the committee if they have concerns with a clearinghouse rule. Motions for committee consideration:

1. Object to the proposed rule either in whole or in part
2. Request the agency to make some modifications within the rule

The agency can voluntarily make modifications to the rule during this review period; the committee is not required to direct the modifications but can.

If the agency refuses to make modifications, the committee motion can be a dual motion. The motion would request the changes and if changes are not made by a date certain or by notification of the agency then the committee objects to the rule.

Objection to the rule sends it to JCRAR and the committee on Elections and Constitutional Law takes no further action in the matter.



September 13, 2007

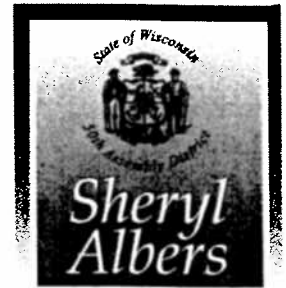
MOTION

Request for Modification

The Assembly Committee on Elections and Constitutional Law, pursuant to s. 227.19 (4) (b) 2., Stats., requests the State Elections Board to consider modifications to Clearinghouse Rule 07-059, relating to voter registration, including the following:

1. Clarify language regarding the indication on the voter registration form that a person is at least 18 years of age at the time of the election so that the rule text and the form language are consistent.
2. Specify criteria for denying an application for special registration deputy appointment on the basis of lack of training or a criminal conviction related to voter fraud.
3. Provide increased flexibility for training options for special registration deputies, regardless of whether they are appointed by a municipality or by the State Elections Board.





September 18, 2007

Mr. Kevin Kennedy, Executive Director
State Elections Board
17 West Main Street, Suite 310
Madison, WI 53703

Dear Mr. Kennedy:

The Assembly Committee on Elections and Constitutional Law adopted the following motion with respect to Clearinghouse Rule 07-059:

MOVED, that the Assembly Committee on Elections and Constitutional Law, pursuant to s. 227.19 (4) (b) 2., Stats., requests the State Elections Board to consider modifications to Clearinghouse Rule 07-059, relating to voter registration, including the following:

1. Clarify language regarding the indication on the voter registration form that a person is at least 18 years of age at the time of the election so that the rule text and the form language are consistent.
2. Specify criteria for denying an application for special registration deputy appointment on the basis of lack of training or a criminal conviction related to voter fraud.
3. Provide increased flexibility for training options for special registration deputies, regardless of whether they are appointed by a municipality or by the State Elections Board.

The motion was adopted on a vote of Ayes, 5; Noes, 0.

Thank you for your consideration of this request.

Sincerely,

Representative Sheryl Albers, Chairperson
Assembly Committee on Elections and Constitutional Law

Copy to: Members, Assembly Committee on Elections and Constitutional Law

Senator Spencer Coggs, Chairperson, Senate Committee on Labor, Elections and Urban
Affairs



State of Wisconsin \ Elections Board

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17 West Main Street, Suite 310
Madison, WI 53701-2973
Voice (608) 266-8005
Fax (608) 267-0500
E-mail: seb@seb.state.wi.us
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KEVIN J. KENNEDY
Executive Director

October 23, 2007

The Honorable Sheryl Albers, Chair
Assembly Committee on Elections and Constitutional Law
State Capitol, Room 115 West
P.O. Box 8952
Madison, WI 53708

The Honorable Spencer Coggs, Chair
Senate Committee on Labor, Elections and Urban Affairs
Room 123 South, State Capitol
P.O. Box 7882
Madison, WI 53707-7882

Subject: Changes to Voter Registration Rules, Clearinghouse Rule 07-059

Dear Representative Albers and Senator Coggs:

The State Elections Board staff has reviewed the issues raised by the Assembly Committee on Elections and Constitutional Law with respect to Clearinghouse Rule 07-059. We have made a number of changes to address the concerns expressed by the Committee.

The Committee asked the agency to consider the following modifications:

1. Clarify language regarding the indication on the voter registration form that a person is at least 18 years of age at the time of the election so the rule text and the form language are consistent.
2. Specify criteria for denying an application for special registration deputy appointment on the basis of lack of training or a criminal conviction related to voter fraud.
3. Provide increased flexibility for training options for special registration deputies, regardless of whether they are appointed by a municipality or the State Elections Board.

The agency has revised the rule and the Voter Registration Form (EB-131) to address the Committee's concerns by:

1. Changing the language in Section 3.03 (1) of the rules and the language on the form in Boxes 8 and 9 to consistently indicate the applicant is or will be at least 18 years of age at the time of the election. The instructions for Box 8 were also changed to provide consistent information.

2. Adding language in Section 3.13 of the rules to specify the basis for revoking the appointment of a special registration deputy includes failure to attend training (b) and a criminal conviction related to voter fraud (f).
3. Adding language in Section 3.12 of the rules specifying the Board provide training at times and locations to facilitate the participation of special registration deputy applicants and permitting the Board to authorize a municipal clerk to provide training for an applicant to register voters statewide. The agency also added language to ensure special deputies have information on providing assistance to individuals with difficulty understanding English and individuals with disabilities.

Pursuant to Section 227.19(4)(b) 3., Wis. Stats., the agency has made a number of germane modifications in consultation with Legislative Council staff to provide clarity to the rules. These changes are reflected in the highlighted version of the rule.

I have enclosed the revised voter registration form, a copy of the rule with the changes highlighted and a clean copy of the rule with the changes incorporated. Please let me know if we have addressed the Committee's concerns so we can proceed with publication of the rule. I will wait until next Monday, October 29, 2007 before I re-submit the rule with the changes to the committee.

Thank you for raising these issues so the agency is able to improve the rule for local election officials and the public.

State Elections Board



Kevin J. Kennedy
Executive Director

3.01 Voter registration. In this chapter:

- (1) "Applicant" is an individual who submits a voter registration application form or a special registration deputy application form.
- (2) "Appointing authority" means the board, a municipal clerk or board of election commissioners.
- (3) "Board" means the state elections board.
- (4) "By mail" means the completing and signing of a voter registration application form other than in the presence of a special registration deputy, county clerk, deputy clerk or municipal clerk.
- (5) "Close of registration" is the third Wednesday preceding the election.
- (6) "Election cycle" means the period beginning on January 1 of an odd-numbered year and continuing through December 31 of ~~the following even-numbered year.~~
- (7) "In person" means the completing and signing of a voter registration application form in the presence of a special registration deputy, county clerk, deputy clerk or municipal clerk.
- (8) "Municipal clerk" has the meaning given in s. 5.02(10), Stats., and includes the Milwaukee city board of election commissioners.
- (9) "Provider" means a municipality or county that provides election administration services in conjunction with the Statewide Voter Registration System for a relier municipality.
- (10) "Qualified elector" has the meaning given in s. 6.02, Stats.
- (11) "Registration" means registration to vote under subchapter II of ch.6, Stats.
- (12) "Registration period" means the time period occurring between the date of a special registration deputy's appointment and the close of registration for the election immediately following the appointment. For purposes of this subsection, the term "election" includes any primary that precedes the election.
- (13) "Relier" means a municipality that enters into an agreement with another municipality or county to provide election administration services in conjunction with the Statewide Voter Registration System.

(14) "Self-provider" means a municipality that provides its own election administration services in conjunction with the Statewide Voter Registration System.

(15) "Special registration deputy" means a qualified elector appointed pursuant s. 6.26 (2) (a) and (am), 6.55 (6) Stats., to register voters.

(16) "Statewide Voter Registration System" is the election administration software application provided by the board to enable local election officials to register voters, track absentee voting and administer elections.

(17) "Voter registration application form" means the board-prescribed form (EB-131) on which voter registration information is recorded before entry in the Statewide Voter Registration System.

3.02 Content of the voter registration form. An elector shall provide all of the following information on the voter registration application form:

- (1) The elector's full name, including first and last name.
- (2) The elector's complete address, including street, number and municipality.
- (3) The elector's date of birth.
- (4) The elector's driver's license number or, if the elector has not been issued a valid and current driver's license but has a department of transportation issued identification card, the transportation identification card number, or the last four digits of the elector's social security number. If the elector has not been issued a valid and current driver's license and does not have a social security number, the elector shall indicate that the elector has neither of those documents.
- (5) An indication of the elector's age.
- (6) An indication of the elector's citizenship.
- (7) An indication that the elector is not disqualified from voting because the elector has not completed the terms of a sentence resulting from a felony conviction.
- (8) If the elector was registered at a different location, the complete address including street, number and municipality of the previous address.
- (9) If the elector was registered under a different name; the elector's former name, including first and last name.
- (10) The signature of the elector certifying that the elector is qualified to vote in this state.

3.03 Treatment of voter registration applications.

(1) If an applicant for voter registration fails to check either or both of the boxes indicating ~~the elector is a U.S. citizen and indicating the elector is or will be at least 18 years old at the time of the next election~~, the municipal clerk may process the voter registration application if the elector has signed the certification on the application form indicating ~~the voter meets or will meet~~ the applicable requirements to vote in this state.

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(2) If information is missing from a voter registration application form, the municipal clerk shall contact the applicant by any means feasible, including in person, by email, facsimile transmission or telephone, to obtain the missing information.

3.10 Special registration deputies.

(1) A qualified elector of the this state may apply to any municipal clerk or board of election commissioners to be appointed a special registration deputy, under s. 6.26, Stats., for the purpose of registering electors of that municipality before the close of registration.

(2) A qualified elector of this state may apply to the board to be appointed a special registration deputy for the purpose of registering electors of any municipality before the close of registration.

(3) Application to be appointed a special registration deputy shall be made by completion of the application form (EB-158) prescribed by the board and submission of the form to the appointing authority.

(4) Appointment shall be consummated by issuance of the special registration deputy's oath of office, on a form (EB-156) prescribed by the board.

(5) The term of an appointment under this chapter continues through the registration periods remaining in the election cycle at the time of application, and expires at the end of the election cycle.

3.11 Special registration deputy application form.

(1) An application to be appointed a special registration deputy shall require the applicant to provide the applicant's name, address, and contact information.

(2) The application shall contain a certification that the applicant is a qualified elector of the state.

(3) The applicant shall agree to follow the procedures established by the board and the municipal clerk.

(4) Before being appointed a special registration deputy, the applicant shall attend a training session conducted by the appointing authority.

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(5) The applicant shall be issued, by the appointing authority, a unique number that the applicant shall list on all voter registration forms collected by the applicant.

3.12 Special registration deputy training.

(1) The content and curriculum of the training session required of each special registration deputy shall be prescribed by the board.

(2) The training shall include all of the following elements:

(a) Review of Wisconsin voter eligibility requirements.

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(b) Directions on the completion of the voter registration application form, including a direction that the special registration deputy shall affix to the form his or her printed name, signature and identification number.

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(c) Directions that the information on the form shall be legible.

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(d) Review of the applicable statutory deadlines for submitting a voter registration application form.

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(e) Directions on the treatment of confidential voter information and on the handling of proof of residence documents received from an applicant.

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(f) Review of the deadlines and procedures for delivering the completed voter registration application form to the appointing authority.

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(g) Information on the consequences of failing to follow the prescribed procedures for registering voters.

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(h) Information on providing assistance to individuals with difficulty understanding the English language and individuals with disabilities.

(i) Information on the provisions of s. 12.13 (3) (ze), Stats., prohibiting compensation of special registration deputies according to the number of registration forms collected.

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(j) Information on the criminal sanctions applicable to the misuse of appointment as a special registration deputy.

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(k) Any other information prescribed by the board.

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(3) The board shall provide training at times and locations designed to facilitate the participation of applicants.

(4) The board may authorize a municipal clerk to provide training for an applicant applying for appointment by the board.

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3.13 Revocation of special registration deputy appointment.

(1) Under s.6.26 (2) (b), Stats., an appointing authority may, for cause, decline to appoint an applicant as a special registration deputy, or may revoke the appointment of an existing special registration deputy.

(2) The basis for denying or revoking an appointment includes:

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(a) The applicant or special registration deputy lacks the qualifications of an election official as set forth in s.7.30 (2), Stats.

(b) The applicant or special registration deputy fails to attend training sessions scheduled by the appointing authority.

(c) The applicant or special registration deputy has previously had an appointment revoked for cause.

(d) The applicant or special registration deputy fails to adhere to procedures established by the appointing authority, including submission of completed voter registration application forms in the time and manner prescribed by the appointing authority.

(e) The applicant or special registration deputy falsifies, fails to submit, or wrongfully suppresses a voter registration application form or otherwise commits official misconduct.

(f) The applicant has been convicted of a crime delineated in s. 12.13, Stats.

3.20 Voter registration drives.

(1) Individuals or organizations conducting voter registration drives shall use the voter registration application form (EB-131).

(2) Individuals or organizations conducting voter registration drives may not retain the following voter registration information: the date of birth, driver's license number, department of transportation identification number, or last four digits of the social security number of an individual completing a voter registration application form.

(3) Individuals or organizations conducting voter registration drives may utilize special registration deputies to assist in the collection of voter registration application forms.

(4) Individuals or organizations conducting voter registration drives that do not utilize special registration deputies to assist in the collection of voter registration application forms shall collect a copy of the required forms of proof of residence for first-time voters and submit the copy to the appointing authority with the completed voter registration application form.

(5) Individuals or organizations conducting voter registration drives may not retain a copy of any form of proof of residence collected from an individual.

(6) Individuals or organizations conducting voter registration drives may not pay any individual collecting voter registration application forms compensation based on the number of registration forms collected as prohibited in s. 12.13 (3)(ze), Stats.

Preliminary Draft

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(c) Directions that the information on the form shall be legible.

(d) Review of the applicable statutory deadlines for submitting a voter registration application form.

(e) Directions on the treatment of confidential voter information and on the handling of proof of residence documents received from an applicant.

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(j) Information on the criminal sanctions applicable to the misuse of appointment as a special registration deputy.

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(a) The applicant or special registration deputy lacks the qualifications of an election official as set forth in s.7.30 (2), Stats.

(b) The applicant or special registration deputy fails to attend training sessions scheduled by the appointing authority.

(c) The applicant or special registration deputy has previously had an appointment revoked for cause.

(d) The applicant or special registration deputy fails to adhere to procedures established by the appointing authority, including submission of completed voter registration application forms in the time and manner prescribed by the appointing authority.

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