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Details:

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2007-08

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Labor, Elections and Urban Affairs (SC-LEUA)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

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

Senate

Record of Committee Proceedings

Committee on Labor, Elections and Urban Affairs

Clearinghouse Rule 07-059


Relating to voter registration.

Submitted by Elections Board.

August 22, 2007 Referred to Committee on Labor, Elections and Urban Affairs.

November 1, 2007 Modifications Received.

November 15, 2007 No action taken.



Adam Plotkin
Committee Clerk





Packet

LCRC
FORM 2

WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **07-059**

AN ORDER to repeal and recreate EIBd 3.02; and to create EIBd 3.01, 3.03, 3.10 to 3.13, and 3.20, relating to voter registration.

Submitted by **ELECTIONS BOARD**

06-06-2007 RECEIVED BY LEGISLATIVE COUNCIL.

06-25-2007 REPORT SENT TO AGENCY.

RS:JK

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]
Comment Attached YES NO
2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]
Comment Attached YES NO
3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]
Comment Attached YES NO
4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]
Comment Attached YES NO
5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]
Comment Attached YES NO
6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]
Comment Attached YES NO
7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]
Comment Attached YES NO



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

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CLEARINGHOUSE RULE 07-059

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated January 2005.]

1. Statutory Authority

Section 6.26 (3), Stats., requires that the “procedures [for appointment of special registration deputies, for revocation of appointments of special registration deputies, and for training of special registration deputies by municipal clerks and boards of election commissioners] shall be coordinated with training programs for special registration deputies conducted by municipal clerks under s. 7.315.” How does the proposed rule satisfy this statutory provision?

2. Form, Style and Placement in Administrative Code

a. In SECTION 3 of the analysis, “Section 6.26 (3), Stats.,” should replace “Subsection (3) of s. 6.26, Stats.,” on lines 2 to 3.

b. In SECTION 7 of the analysis, the agency should summarize rules from adjacent states that are similar to the proposed rule.

c. The treatment clause in the SECTION title does not match the introductory clause. [See s. 1.04, Manual.] The rule states: “**Section 1:** Chapter EIBd 3 is created to read.” Instead, the sections should be divided as follows:

Section 1. EIBd 3.01 is created to read:

Section 2. EIBd 3.02 is repealed and recreated to read:

Section 3. ElBd 3.03, 3.10, 3.11, 3.12, 3.13, and 3.20 are created to read:

d. In ss. ElBd 3.01 and 3.02, the introductions should be unnumbered and the remaining subunits should be numbered subsections.

4. Adequacy of References to Related Statutes, Rules and Forms

a. Section 6.02 (2) (a), Stats., does not exist. In s. ElBd 3.01 (1) (a), the correct citation should replace “s. 6.02 (2) (a), Stats.”

b. Should s. 6.26 (2) (am), Stats., also be referenced for the definition of “special registration deputy” in s. ElBd 3.01 (1) (o)? If so, “s. 6.26 (2) (a) and (am), Stats.” should replace “s. 6.26 (2) (a), Stats.”

c. Sections ElBd 3.01 (q) and 3.10 (3) and (4) refer to forms. The requirements of s. 227.14 (3), Stats., should be met.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The following words, though defined in SECTION 1, are not used in the rule: “by mail,” “provider,” and “self-provider.”

b. In SECTION 1, “this state” should replace “Wisconsin” or “the State of Wisconsin.”

c. In s. ElBd 3.01 (1) (a), (e), and (o), the statutory references do not provide an actual definition of the word. The agency should consider creating more specific definitions for these words.

d. In s. ElBd 3.01 (1) (b), “state elections” should be deleted.

e. In s. ElBd 3.01 (1) (L), should the reference to “subsection” be “paragraph?”

f. In s. ElBd 3.01 (1) (m), does a “reliant” provide election administration services itself or agree with another municipality or county that that municipality or county will provide services for the reliant? The agency should clarify the definition of “reliant.” Finally, it appears that it would be more appropriate in this paragraph to define the term “reliant municipality.”

g. In s. ElBd 3.02 (1) (intro.), “all of” should be inserted after “provide” and periods should replace any semicolons at the end of the following paragraphs. [See also ss. ElBd (2) (e) and 3.13 (2).]

h. In s. ElBd 3.02 (1) (d), the semicolon on line 1 should be deleted, and the agency should redraft the paragraph to clarify the requirements. Does the paragraph create a preference of identification methods? In what circumstances can an elector use the last four digits of the elector’s Social Security number (i.e., does the rule require that the elector not have a driver’s license or identification card to use the last four digits of the elector’s Social Security number)? Should “identification card” be added to the last sentence of the paragraph? If so, the word “neither” should be replaced by the word “none.”

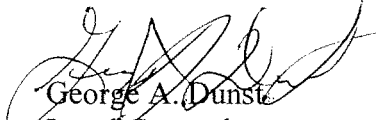
- i. In s. EIBd 3.03 (2), the colon on line 2 should be deleted.
- j. In s. EIBd 3.11 (2), “who is not disqualified from voting” is unnecessary and should be deleted.
- k. In s. EIBd 3.12 (2) (intro.), “all of” should be inserted after “include.”
- l. In s. EIBd 3.12 (2) (b), the second comma on line 3 should be deleted.
- m. In s. EIBd 3.12 (2) (c), “a voter registration application form,” the defined term, should replace “an application to register to vote.”
- n. In s. EIBd 3.12 (2) (e), “application” should be inserted after “registration.”
- o. In s. EIBd 3.13 (2) (e), the comma after “suppresses” should be deleted.
- p. In s. EIBd 3.20 (1), “prescribed by the board” should be deleted; the definition of “voter registration application form” describes the form as “board-prescribed.”
- q. In s. EIBd 3.20 (6), “prohibited” should replace “proscribed” to be consistent with the reference to s. 12.13 (3) (ze), Stats., in s. EIBd 3.12 (2) (g).

NOTICE

This notice is to inform you that the proposed rulemaking of the State Elections Board, appearing in Clearinghouse Rule 07-059, creating ElBd 3.01, repealing and recreating ElBd 3.02, and creating ElBd 3.03, 3.10, 3.11, 3.12, 3.13 and 3.20, relating to voter registration, is submitted to the presiding officer of each house of the legislature. This submission includes the proposed rule, the Legislative Council's staff's report and the Elections Board's report. In addition, the Elections Board is placing in the Wisconsin Administrative Register a notice that the proposed rules have been submitted to the presiding officer of each house.

Dated August 16, 2007

STATE ELECTIONS BOARD



George A. Dunst
Legal Counsel

REPORT
OF
STATE ELECTIONS BOARD

Clearinghouse Rule 07-059
Rules Sections ElBd. 3.01, 3.02, 3.03,
3.10, 3.11, 3.12, 3.13, and 3.20
Wisconsin Administrative Code

The State of Wisconsin Elections Board proposes an order to create ElBd 3.01, repeal and recreate ElBd 3.02, and create ElBd 3.03, 3.10, 3.11, 3.12, 3.13 and 3.20, relating to voter registration.

ANALYSIS PREPARED BY STATE ELECTIONS BOARD:

1. Statute(s) interpreted: subchapter II of ch.6 of the Wisconsin Statutes, ss.6.26 – 6.57, Stats., Voter Registration
2. Statutory authority: ss.5.05(1)(f), 6.26(3), and 227.11(2)(a), Stats.
3. Explanation of agency authority: This new rule interprets and implements subchapter II of ch.6 of the Wisconsin Statutes, ss.6.26 – 6.57, Stats. Section 6.26(3), Stats., provides that the Elections Board “shall, by rule, prescribe procedures for appointment of special registration deputies, for revocation of appointments of special registration deputies, and for training of special registration deputies by municipal clerks and boards of election commissioners.” The rule implements that statute by providing for the appointment of special registration deputies; for the revocation of those appointments; and for the training of special registration deputies in coordination with the program designed by the board; and also sets forth the procedures for voter registration and for the conduct of voter registration drives to implement the legislature’s directive in s.6.26, Stats., that the board shall, by rule, prescribe procedures “to promote increased registration of electors consistent with the needs of municipal clerks and boards of election commissioners to efficiently administer the registration process.”
4. Related statute(s) or rule(s): s.19.35, Stats.
5. Plain language analysis: The rule provides the methods by which voter registration is conducted in Wisconsin, including registration through the appointment of special registration deputies and the conduct of voter registration drives. The rule also provides the contents of the voter registration application.

6. Summary of, and comparison with, existing or proposed federal regulations: The federal government does not have a voter registration system, but to implement the requirements of the Help America Vote Act and the plan adopted by the State Elections Board to implement the Help America Vote Act, Wisconsin is required to establish a system of statewide voter registration. This rule facilitates and clarifies the implementation of that system.
7. Comparison with rules in adjacent states: The Help America Vote Act requires the development of “a single, uniform, official, centralized, interactive, computerized statewide voter registration list defined, maintained and administered at the state level that contains the name and registration information of every legally registered voter in the state and assigns a unique identifier to each legally registered voter in the state” Illinois, Iowa, Michigan and Minnesota all have statewide voter registration systems to bring them into compliance with the Help America Vote Act and similar rules to implement that system.

Like Wisconsin, each of the four states (Illinois, Iowa, Michigan and Minnesota) has a system of statewide voter registration in which only persons registered to vote are eligible to vote. The objective in each of the five states, including Wisconsin, is to register every eligible elector. Illinois and Iowa register their voters on a county-wide basis, Michigan and Minnesota register their voters on a county or district basis and Wisconsin registers its voters on the basis of municipality. Registration and voter participation in all five states is tracked through a statewide voter data base, except in Illinois where the statewide voter data base is not complete. Minnesota and Iowa, like Wisconsin, have election-day voter registration. Illinois and Michigan do not.

8. List of persons appearing at the public hearing:

No public hearing was held. The rule was submitted pursuant to the 30-day notice procedure of s. 227.16(2)(e), Stats. No person who will be affected by the rule filed a petition for a public hearing within the 30-day period provided by that statute.

9. Explanations of modifications to the proposed rule:

The State Elections Board makes no substantive modifications to this rule.

10. Response to Legislative Council staff report:

The State Elections Board adopts the Legislative Council’s staff’s comments and has incorporated the suggested changes in the rule. Some of the Legislative Council’s comments relate to rules that will be incorporated into Chapter EIBd 3 at a later date or relate to a new rule that has already been promulgated (EIBd s.3.04).

Conclusion and recommended action:

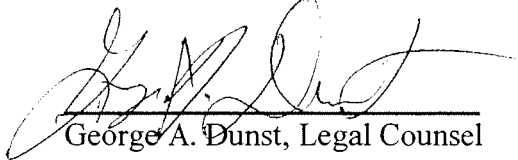
The State Elections Board unanimously concludes that El.Bd 3.01 and ElBd 3.03, 3.10, 3.11, 3.12, 3.13 and 3.20, should be created and ElBd 3.02 should be repealed and recreated. The establishment of these rules is necessary to facilitate and ensure full compliance with the voter registration requirements of the Help America Vote Act and Wisconsin's new registration system enacted to implement that act.

The Board recommends promulgation of this rule.

Respectfully submitted,

August 16, 2007

STATE ELECTIONS BOARD



George A. Dunst, Legal Counsel

WISCONSIN ADMINISTRATIVE CODE

STATE ELECTIONS BOARD

SECTION 1. ElBd 3.01 is created to read:

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 an 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.

SECTION 2. EIBd 3.02 is repealed and recreated to read:

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.

SECTION 3. EIBd 3.03, 3.10, 3.11, 3.12, 3.13, and 3.20 are created to read:

3.03 Treatment of voter registration applications.

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

(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) The applicant shall attend a training session conducted by the appointing authority before being appointed a special registration deputy.

(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) A discussion of Wisconsin voter eligibility requirements.

(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, and a direction that the information on the form shall be legible.

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

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

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

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

(g) 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.

(h) Information on the criminal sanctions applicable to the misuse of appointment of special registration deputies.

- (i) Any other information prescribed by the board.

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) Cause to deny or to revoke an appointment means that one or more of the following circumstances applies to the applicant or special registration deputy:
 - (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.

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.

INITIAL REGULATORY FLEXIBILITY ANALYSIS:

The creation of this rule does not affect business.

FISCAL ESTIMATE:

The creation of this rule has no fiscal effect.

CONTACT PERSON:

George A. Dunst
Legal Counsel, State Elections Board

CONTACT PERSON:

George A. Dunst
Legal Counsel, State Elections Board
17 W. Main Street, P.O. Box 2973
Madison, Wisconsin 53701-2973; Phone 266-0136

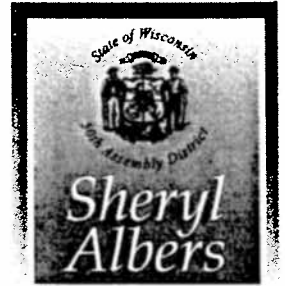
The creation of this rule will take effect on the first day of the month following its publication in the Wisconsin Administrative Register pursuant to s.227.22(2), Stats.

Dated August 16, 2007,


KEVIN J. KENNEDY
Executive Director



SEP 18 2007



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,

A handwritten signature in black ink, appearing to read "Sheryl Albers", written over a horizontal line.

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

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.



State of Wisconsin \ Elections Board

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KEVIN J. KENNEDY
Executive Director

SEP 28 2007

September 25, 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

Dear Representative Albers:

On behalf of the State Elections Board, I will work to address the modifications requested by the Committee to Clearinghouse Rule 07-059. Our office will provide the modifications for consideration by the Committee by the end of next week.

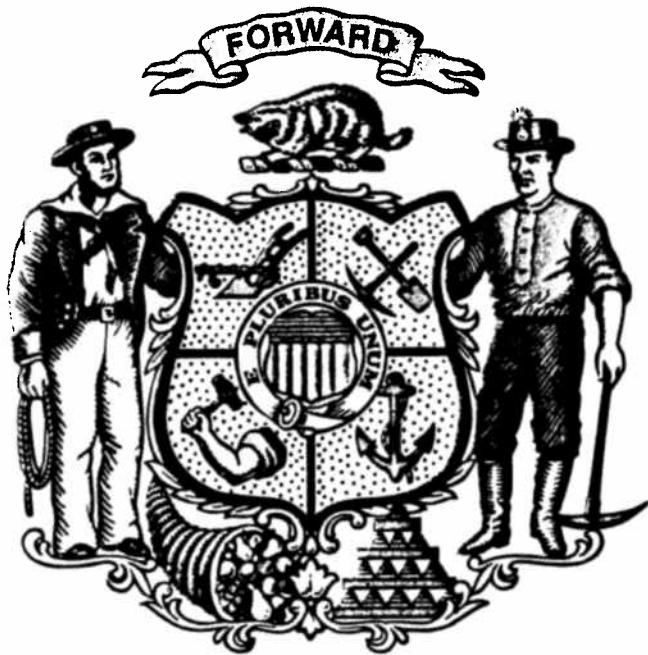
If you have any questions, please contact me directly at 608-266-8087.

State Elections Board

A handwritten signature in cursive script that reads "Kevin J. Kennedy".

Kevin J. Kennedy
Executive Director

C: 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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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

Packet

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.

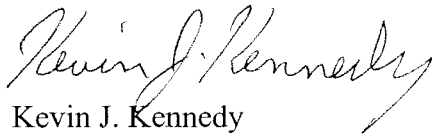
2. Adding language in Section 3.13 of the rules to specify the basis for revoking the appointment of a special registration deputy includes failure to attend training (b) and a criminal conviction related to voter fraud (f).
3. Adding language in Section 3.12 of the rules specifying the Board provide 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

Preliminary Draft

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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.

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(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.

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

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

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

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(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.

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Preliminary Draft

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This form is available in an accessible format, upon request.

	Wisconsin Voter Registration Application						<input type="radio"/> Submitted by Mail <small>(Office Use Only)</small>	
Confidential Elector ID# <small>(HINCL- sequential #) (Office Use Only)</small>		SVRS ID # <small>(Office Use Only)</small>						
Instructions	<p>Instructions for completing sections 1-12 are on the back of this form. Return this form to your municipal clerk, unless directed otherwise.</p> <ul style="list-style-type: none"> Please use uppercase (CAPITAL) letters only. Fill in circles as appropriate. NOTE: If this is a change of address, then upon completion of this application your voting rights will be cancelled at your previous residence. If you have not voted in WI and are submitting this application by mail, you must also provide a copy of an acceptable proof of residence 							
1	<input type="radio"/> New WI Voter <input type="radio"/> Name Change <input type="radio"/> WI Address Change	Municipality	<input type="radio"/> Town <input type="radio"/> Village <input type="radio"/> City					
		County						
2	Wisconsin Driver License/ID Number					<input type="radio"/> I have neither a WI Driver License/ ID nor a Social Security Number.		
		Social Security Number - Last Four Digits (only if no license/ID number)		X X X - X X -				
3	Print your name exactly as it appears on the document, the number of which you provided in Box 2. (Driver License/ID Card or Social Security Card).							
		Last Name			First Name			
		Middle Name		Suffix (e.g. Jr, II, etc.)	Phone #			
		Date of Birth (MM/YYYY)		Email Address				
4	Current	Residence Address: Street Number & Name						
		Apt. Number	City					
		State	ZIP + 4					
5	Current	Mailing Address: Street Number & Name						
		Apt. Number	City					
		State	ZIP + 4					
6	Previous	Last Name			First Name			
		Middle Name		Suffix (e.g. Jr, II, etc.)				
7	Previous	Address: Street Number & Name						
		Apt. Number	City		State & Zip + 4			
8	Please answer the following questions by filling in "Yes" or "No": 1. Are you a citizen of the United States of America? <input type="radio"/> Yes <input type="radio"/> No 2. Will you be 18 years of age on or before election day? <input type="radio"/> Yes <input type="radio"/> No If you filled in 'No' in response to EITHER of these questions, do <u>not</u> complete this form.							
9	I certify that I am a qualified elector, a U.S. citizen, at least 18 years old or will be at least 18 years old at the time of the next election, having resided at the above residential address for at least 10 days immediately preceding this election, not currently serving a sentence including probation or parole for a felony conviction, and not otherwise disqualified from voting. I certify that all statements on this form are true and correct. If I have provided false information I may be subject to fine or imprisonment under State and Federal laws. If completed on election day: I further certify that I have not voted at this election. (Please fill in circle)							
10	Accommodation needed at poll location (e.g. wheelchair access): <input type="radio"/> I am interested in being a poll worker.		If you do not have a street number or address, use the map to show where you live. •Mark crossroads •'X' where you live •Use dots for landmarks					
				Example: 				
11	Signature of Elector X		Today's Date (MM/YYYY)					
				Official Use Only: Election Day Voter #				
12	Corroborator/Assistant Signature:		Corroborator / Assistant Address:			Office Use: Proof of residence type		
						Office Use: Proof of Residence #		
Official's Signature:				SRDs printed name and SRD#:				
Ward	Sch. Dist.	Alder	Cty. Supr.	Ct. of App.	Assembly	St. Senate	Congress	



Wisconsin Voter Registration Application Instructions

Each section on the front side of this document corresponds to the sections below (1-12)

<p>These documents constitute proof of residence if they:</p> <p>Contain the voter's current and complete first and last name and residential address, and are valid on the day used to register to vote.</p>	<ul style="list-style-type: none"> • A current and valid WI Driver License / ID Card • Any other official identification card or license issued by a Wisconsin governmental body or unit • An employee ID card with a photograph, but not a business card • A real property tax bill or receipt for the current year or the year preceding the date of the election • A residential lease (<u>Does not count as proof of residence if elector submits form by mail</u>) • A picture ID or fee card from a university, college or technical college • A utility bill for the period commencing not earlier than 90 days before the day registration is made • A bank statement • A paycheck
1	<ul style="list-style-type: none"> • Fill in the circle (New Voter, Name Change, Address Change) describing why you are completing this form. • If your municipal information has not been preprinted, indicate your municipality and county of residence. Use formal names (For example: City of Plymouth, Village of Chenequa, or Town of Aztalan). If in doubt, contact your municipal clerk.
2	<ul style="list-style-type: none"> • Provide your WI Department of Transportation (DOT) Driver License Number. • If you do not have a current and valid WI Driver License, but do have a WI DOT-issued Identification (ID) Card, provide that number. • If you do not have a WI DOT Driver License or ID Card, provide the last 4 digits of your Social Security Number. • If you have none of these, indicate that fact by filling in the appropriate circle. • <u>If you have a WI Driver License, but do not provide the number, your registration application cannot be processed.</u> • <u>If you are registering to vote on Election Day and you have a WI Driver License, but do not provide the number, your vote will not be counted unless you provide the number by the close of the polls or by 4 pm the following day to your municipal clerk.</u>
3	<ul style="list-style-type: none"> • Provide your current and complete name as it appears on the document, the number of which you provided in Box 2, including your last name, first name, middle name or initial and suffix (Jr, Sr, etc), if any. • Provide your month, day and year of birth. Remember to use your birth year, not the current year. • Providing your phone number and/or email address is optional, but will help your municipal clerk to contact you in case of problems with your registration.
4	<ul style="list-style-type: none"> • Provide your home address (legal voting residence), which must be located in Wisconsin. • Record the full house number (including fractions, if any). • Provide your full street name, including the type (St, Ave, etc) and any pre- and/or post-directional (N, S, etc.). • Provide the city name and zip that appears on mail delivered to your home address. A 5-digit zip is acceptable. • <u>You may not enter a PO Box as a residential address.</u> A rural route box without a number should not be used.
5	<ul style="list-style-type: none"> • If your mailing address is different from your home address, provide it here. A PO Box is acceptable as a mailing address. Overseas electors should provide their complete overseas address.
6	<ul style="list-style-type: none"> • If your name has changed, provide your previous first, last and middle names, along with a suffix, if any. • Provide this information regardless of the time elapsed since your last name change.
7	<ul style="list-style-type: none"> • If your residential address has changed, provide your previous address here. • Provide this information whether you moved within Wisconsin or from another state regardless of time elapsed.
8	<ul style="list-style-type: none"> • Answer both questions by filling in the appropriate circle. If you answer "No" to either question, you are not eligible to vote in Wisconsin. • Please note, for Question 2, you must either be at least 18 years old, or will be at least 18 years old at the time of the next election to be eligible to vote.
9	<ul style="list-style-type: none"> • Please read carefully. By filling in this circle you are certifying that you meet the eligibility requirements to vote. If you do not meet these requirements, you are not eligible to vote in Wisconsin, and do not fill in this circle.
10	<ul style="list-style-type: none"> • If you need assistance when voting, describe the assistance required (e.g. wheelchair access). • If you are interested in being a poll worker for your municipality, fill in the circle. • If you do not have a street address, use the map to show where you live.
11	<ul style="list-style-type: none"> • By signing and dating this form, you certify that all the information you have provided on this form is true and correct, and that you meet the eligibility requirements for voting, listed in the statement in Box 9 of this form.
12	<ul style="list-style-type: none"> • Corroborator: If you are registering on Election Day or after the official close of registration (5 pm on the 20th day before an election), you must provide proof of residence. If you are unable to do so, another qualified elector of the municipality may do so on your behalf. That corroborator must record his or her signature and address on the form in the space provided. • Assistant: If you are unable to sign this form due to a physical disability, you may have an assistant do so on your behalf. That assistant must provide his or her signature and address in the space provided. By signing, the assistant certifies that he or she signed the form at your request.