

2009 DRAFTING REQUEST

Bill

Received: **03/31/2009**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Tamara Grigsby (608) 266-0645**

By/Representing: **Cindy McGinnis**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters: **jkuesel**

Subject: **Correctional System - misc
Criminal Law - miscellaneous
Criminal Law - sentencing
Elections - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Grigsby@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Restoring right to vote unless incarcerated and serving a sentence

Instructions:

See attached--base is -0696; now has changes

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>
/?	chanaman 03/31/2009	wjackson 04/02/2009		_____			State
/1			phenry 04/03/2009	_____	sbasford 04/03/2009		State
/2	jkuesel 04/07/2009	wjackson 04/13/2009		_____			State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3	chanaman 04/23/2009	wjackson 04/29/2009	phenry 04/13/2009	_____	cduerst 04/13/2009		State
/4	chanaman 05/18/2009	wjackson 05/18/2009	jfrantze 04/30/2009	_____	sbasford 04/30/2009		State
/5			rschluet 05/18/2009	_____	cduerst 05/18/2009	lparisi 06/02/2009	

FE Sent For:

*at
intro*

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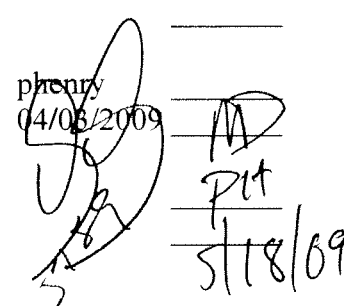
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Restoring right to vote unless incarcerated and serving a sentence

Instructions:

See attached--same as 0696/2

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Handwritten notes and signatures at the bottom of the page, including dates like 4/29 and 4/30.

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/?	chanaman	1 WLJ 4/2	4/ 3 ph	4/ 3 ph			

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<END>



State of Wisconsin
2009 - 2010 LEGISLATURE

From: 09-0696/2
-2999/1

LRB-0696/2
CMH&JTK:wlj:jf

soon
W 3/31
2009 BILL

stays

companion bill
no changes except
d-note
salutations

repeal

1 AN ACT *to repeal* 302.117, 304.078 (1) and 973.09 (4m); *to renumber and*
2 *amend* 6.03 (1) (b) and 304.078 (3); *to amend* 6.33 (1), 6.33 (2) (a), 301.03 (3a)
3 (intro.), 304.078 (2) and 973.176 (2); and *to create* 6.03 (1) (b) 1., 2. and 3. of the
4 statutes; **relating to:** restoring the right to vote to certain persons barred from
5 voting as a result of a felony conviction and changing the information required
6 on voter registration forms.

Analysis by the Legislative Reference Bureau

Under current law, when a person is barred from voting as the result of a felony conviction (a "disqualifying offense"), the person's right to vote may be restored through a pardon. Otherwise, it is restored upon completion of the sentence, including extended supervision or parole, or completion of the term of probation imposed on the person who committed the offense.

Under this bill, a person loses his or her right to vote based on a disqualifying offense only while he or she is incarcerated for that offense. A person released to extended supervision or parole may resume voting. In addition, a person convicted of a disqualifying offense and on probation retains the right to vote while on probation. But if a person who committed a disqualifying offense is returned to prison after the revocation of extended supervision or parole or is sent to prison or a jail or house of correction after the revocation of probation, the person loses the right to vote until he or she is released.

BILL

Currently, an applicant for voter registration must provide either the number of a valid driver's license issued to the applicant by the Department of Transportation (DOT) or the last four digits of the applicant's social security number and must affirm 1) whether he or she has been convicted of a felony for which he or she has not been pardoned and, if so, whether the applicant is incarcerated or on parole, probation, or extended supervision; and 2) whether the applicant is disqualified on any other ground from voting.

This bill provides that an applicant must provide *the last four digits* of a current and valid driver's license issued to the applicant by DOT or, if the applicant does not have a current and valid driver's license, the last four digits of the applicant's social security number *or the number of a current and valid identification card issued to the applicant by DOT*. The bill further provides that if an applicant has no license, social security number, or identification card, the applicant must so indicate. In addition, the bill deletes the requirement that an applicant provide any information relating to a felony conviction but retains the requirement that an applicant affirm that he or she is not disqualified on any ground from voting.

This bill also requires the Department of Corrections (DOC), in consultation with the Government Accountability Board and the Director of State Courts, to conduct a onetime training seminar on the changes in law produced by this bill and to offer the training to judges, attorneys, election officials, employees of DOC, and the public.

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

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

1 **SECTION 1.** 6.03 (1) (b) of the statutes is renumbered 6.03 (1) (b) (intro.) and
2 amended to read:

3 6.03 **(1)** (b) (intro.) Any person ~~convicted of treason, who, as a result of a felony~~
4 ~~or bribery, unless the person's right to vote is restored through a pardon or under s.~~
5 ~~304.078 (3) conviction, is any of the following:~~

6 **SECTION 2.** 6.03 (1) (b) 1., 2. and 3. of the statutes are created to read:

7 6.03 **(1)** (b) 1. Incarcerated, if serving a sentence that was not imposed under
8 s. 973.01.

9 2. Serving a term of confinement, or incarcerated after revocation of extended
10 supervision, if serving a sentence that was imposed under s. 973.01.

BILL

1 3. Incarcerated following the revocation of probation or confined as a condition
2 of probation under s. 973.09 (4) (a).

3 **SECTION 3.** 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 forms to meet voter registration needs. The forms shall be designed to
8 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 also include a space for each applicant to~~
17 ~~provide the last 4 digits of the number of a current and valid operator's license issued~~
18 ~~to the applicant under ch. 343 or, if the applicant does not have a current and valid~~
19 ~~operator's license, the last 4 digits of the applicant's social security account number~~
20 ~~or the number of a current and valid identification card issued to the applicant under~~
21 ~~s. 343.50, and if the applicant does not have any of these numbers, a space for the~~
22 ~~applicant to so indicate.~~ The form shall include a space for the applicant's signature
23 and the signature of any corroborating elector. The form shall include a space to
24 enter the name of any special registration deputy under s. 6.26 or 6.55 (6) or
25 inspector, municipal clerk, or deputy clerk under s. 6.55 (2) who obtains the form and

BILL

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

14 **SECTION 4.** 6.33 (2) (a) of the statutes is amended to read:

15 6.33 (2) (a) All information may be recorded by any person, except that the ward
16 and aldermanic district, if any, other geographic information under sub. (1), the
17 indication of whether the registration is received by mail, the type of identifying
18 document submitted by the elector as proof of residence under s. 6.34, whenever
19 required, and any information relating to an applicant's voting identification card
20 shall be recorded by the clerk. An applicant is not required to provide a copy of any
21 certificate or notice issued to the applicant under s. 304.078. Each applicant shall
22 sign his or her own name unless the applicant is unable to sign his or her name due
23 to physical disability. In such case, the applicant may authorize another elector to
24 sign the form on his or her behalf. If the applicant so authorizes, the elector signing
25 the form shall attest to a statement that the application is made upon request and

BILL

1 by authorization of a named elector who is unable to sign the form due to physical
2 disability.

3 **SECTION 5.** 301.03 (3a) (intro.) of the statutes is amended to read:

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

7 **SECTION 6.** 302.117 of the statutes is repealed.

8 **SECTION 7.** 304.078 (1) of the statutes is repealed.

9 **SECTION 8.** 304.078 (2) of the statutes is amended to read:

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

21 **SECTION 9.** 304.078 (3) of the statutes is renumbered 304.078 (3) (a) and
22 amended to read:

23 304.078 **(3)** (a) If ~~a person~~ an individual is disqualified from voting under s. 6.03
24 (1) (b), his or her right to vote is restored when he or she ~~completes the term of~~
25 ~~imprisonment or probation for the crime that led to the disqualification.~~ The is no

BILL**SECTION 9**

1 longer incarcerated, serving a term of confinement, or confined, whichever is
2 applicable.

3 (b) When an individual is placed on probation or parole, when a person is placed
4 on extended supervision after completing the term of confinement portion of a
5 sentence that disqualified him or her from voting under s. 6.03 (1) (b), or when a
6 person is discharged from an incarceration sentence or a confinement period that
7 disqualified him or her from voting under s. 6.03 (1) (b), the department or, if the
8 person is sentenced to a county jail or house of correction, the jailer shall inform the
9 person in writing at the time his or her provide the individual with written notice of
10 the right to vote is restored under this subsection and, if the individual resided in this
11 state at the time of conviction, a voter registration form.

12 **SECTION 10.** 973.09 (4m) of the statutes is repealed.

13 **SECTION 11.** 973.176 (2) of the statutes is amended to read:

14 973.176 (2) VOTING. Whenever a court imposes a sentence ~~or places a defendant~~
15 ~~on probation for a conviction~~ or a condition that disqualifies the defendant from
16 voting under s. 6.03 (1) (b), the court shall inform the defendant in writing that he
17 or she may not vote in any election until ~~his or her civil rights are restored~~ he or she
18 is no longer incarcerated, serving a term of confinement, or confined as a condition
19 of probation, whichever is applicable. The court shall use the form designed by the
20 department of corrections under s. 301.03 (3a) to inform the defendant, and the
21 defendant and a witness shall sign the form.

22 **SECTION 12. Nonstatutory provisions.**

23 (1) TRAINING. The department of corrections, in consultation with the
24 government accountability board and the director of state courts, shall provide a
25 onetime training on the changes to voting rights that this act creates and shall offer

BILL

1 the training to judges, attorneys, election officials, employees of the department of
2 corrections, and the public.

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

8 **SECTION 13. Initial applicability.**

9 (1) The renumbering and amendment of section 6.03 (1) (b) of the statutes and
10 the creation of section 6.03 (1) (b) 1., 2., and 3. of the statutes first apply to persons
11 who are on or released to parole or extended supervision on the effective date of this
12 subsection and to persons who are on or placed on probation on the effective date of
13 this subsection.

14 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

~~LRB-0608/2dn~~

JTK:wlj:jf

March 16, 2009

Date

Stays

Senator Taylor = Representative Guzik

Under the federal Help America Vote Act of 2002 (HAVA) [42 USC 15483 (a) (5)], an applicant for voter registration for an election for federal office may not be accepted or processed by a state unless the applicant includes a) in the case of an applicant who has been issued a current and valid driver's license by the state, the applicant's full license number; or b) in the case of any other applicant, the last 4 digits of the applicant's social security number, if any. Because, under this draft, a full driver's license number is not required and an applicant is permitted to substitute a Wisconsin identification card number for a social security number, the draft would not comply with HAVA. If you want to discuss this issue further, please let me know.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

Hanaman, Cathlene

From: Mcginnis, Cindy
Sent: Wednesday, March 04, 2009 10:14 AM
To: Hanaman, Cathlene; Kuesel, Jeffery
Subject: FW: Felony Voting
Attachments: WI Restoration Bill 2009-Final Edits.pdf

Cathlene & Jeff-

Rep. Grigsby would like to introduce a felon voting rights bill this session, and we've been working with the ACLU on the draft below that not only grants these rights, but cleans up other sections of the statutes that relate to this as well.

Attached is their language and I apologize for this format, I know LRB doesn't like it when others attempt to be drafters and this is not the format we requested from them, so I do apologize for that.

Below are some of their explanations of the major things that were accomplished in the draft they created.

I hope this doesn't cause you more headaches in drafting this bill.

Additionally, Eric Peterson in Sen. Taylor's office would like the Senate version of this bill drafted. I know they already have one version of a felon voting rights bill drafted and Eric said he has sent over some modifications based on ACLU input, but he wasn't sure if it was this extensive list or not.

If their current Senate version is the version below, then we just need that drafted for Rep. Grigsby.

Thanks, hope this isn't too confusing, please call if you need clarification on this.

You may also contact Renee Crawford at the numbers listed below for any additional information.

Cindy McGinnis
Office of State Representative Tamara Grigsby
324 East State Capitol
PO Box 8952
Madison, WI 53708
1-888-534-0018 - toll free
(608) 266-0645
(608) 282-3618 - fax

From: Renee Crawford [mailto:rcrawford@aclu-wi.org]
Sent: Friday, February 06, 2009 3:40 PM
To: Rep.Grigsby
Subject: RE: Felony Voting

Thank you again for taking the lead on this legislation. We've sent your copy around to our national experts in the ACLU as well as the Brennan Center and also taken a look at it internally with our attorneys.

As a result (as always will happen ;), we have some changes to the proposed legislation. I've taken everyone's suggestions and put them into one document attached. The LRB will have to relook at it and make a few renumbering changes, but this is our ideal bill as written! Most of the changes have to do with clearing up extended or confusing language. We have made a few substantial changes that I want to point out to you.

1. Removed the requirement to state you are not currently incarcerated for a felony on the voter registration

forms. This is really irrelevant and confusing to most voters and really only will serve to discourage eligible voters from registering. It's unnecessary.

2. Reworded the statutes on identification needed to vote (SECTION 5. 6.33 (1)) to be more compliant with HAVA and more clear in purpose. This is from years of experience in attempting to explain this section and doesn't really change anything, just makes existing intent more clear.
3. We're not sure why we would create SECTION 5. 6.33 (1) through SECTION 5. 6.33 (4). Talk about making things more confusing! These actually disfranchise people who it could be argued today still do and should have the right to vote. The right to vote should be maintained until a sentence is issued and only removed while incarcerated. Let me know if you have any questions about this.
4. We've completely rewritten Section 10. The language was really confusing to begin with and so we decided to just write it again to say what it means.
5. We've renumbered and added a Section 13 to require education and training in the affected departments and to the public
6. Some other things to note. In several places the language rightfully required certificates, letters, etc notifying people of their rights. We wanted to make sure that since this is automatic restoration, those certificates were never required to be produced to register to vote, so this has been added in several different places. Also, treason and bribery are felonies in all circumstances in Wisconsin and so that language is unnecessary.

Let me know if you need any other assistance or have any questions!

Renee

Renee Crawford
Associate Director
ACLU of Wisconsin/ACLU of Wisconsin Foundation
207 E Buffalo St, Suite 325
Milwaukee, WI 53202
414-272-4032 x15
414-331-8907 (cell)

2009 – 2010 LEGISLATURE

2009 BILL

AN ACT *to repeal* 302.117, 304.078 (1) and 973.09 (4m); *to renumber and amend* 6.03 (1) (b); *to amend* 6.33 (1), 301.03 (3a) (intro.), 304.078 (2), 304.078 (3) and 973.176 (2); and *to create* 6.03 (1) (b) 1., 6.03 (1) (b) 2. and 6.03 (1) (b) 3. of the statutes; **relating to:** restoring the right to vote to a person barred from voting as a result of a felony conviction.

Note to LRB: renumbering is required in more places than listed here!

Analysis by the Legislative Reference Bureau

Under current law, when a person is barred from voting as the result of a felony conviction (a “disqualifying offense”), the person’s right to vote may be restored through a pardon. Otherwise, it is restored upon completion of the sentence, including extended supervision or parole, or completion of the term of probation imposed on the person who committed the offense.

Under this bill, a person loses his or her right to vote based on a disqualifying offense only while he or she is incarcerated for that offense. A person released to extended supervision or parole may resume voting. In addition, a person convicted of such an offense and on probation retains the right to vote while on probation. But if a person who committed a disqualifying offense is returned to prison after the revocation of extended supervision or parole or is sent to prison or a jail or house of correction after the revocation of probation, the person loses the right to vote until he or she is released.

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

SECTION 1. 6.03 (1) (b) of the statutes is renumbered 6.03 (1) (b) (intro.) and amended to read:

6.03 (1) (b) (intro.) Any person convicted of ~~treason, a felony, or bribery, unless the person’s right to vote is restored through a pardon or under s. 304.078 (3).~~ who has not been

pardoned for the offense and is currently incarcerated on a full-time basis as a result of that conviction. ,if any of the following applies:

~~SECTION 2. 6.03 (1) (b) 1. of the statutes is created to read:~~

~~6.03 (1) (b) 1. The person is awaiting sentencing for the offense.~~

~~SECTION 3. 6.03 (1) (b) 2. of the statutes is created to read:~~

~~6.03 (1) (b) 2. The person has been sentenced to a term of imprisonment and the sentence has not yet commenced. This subdivision does not apply if the person's sentence has been stayed under s. 973.09 (1) (a).~~

~~SECTION 4. 6.03 (1) (b) 3. of the statutes is created to read:~~

~~6.03 (1) (b) 3. The person is incarcerated for the offense but is not on probation, parole, or extended supervision.~~

~~SECTION 5. 6.33 (1) of the statutes is amended to read:~~

~~6.33 (1) The board shall prescribe the format, size, and shape of registration forms. All forms shall be printed on cards and each item of information shall be of uniform font size, as prescribed by the board. The municipal clerk shall supply sufficient forms to meet voter registration needs. The forms shall be designed to obtain from each applicant information as to name; date; residence location; citizenship; date of birth; age; and the number of a valid operator's license; if any, or state identification card; if any, issued to the elector under ch. 343 or the last 4 digits of the elector's social security account number; whether the applicant has resided within the ward or election district for at least 10 days; whether the applicant has been convicted of a felony for which he or she has not been pardoned, and if so, whether the applicant is incarcerated, or on parole, probation, or extended supervision on a full-time basis as a result of that conviction; whether the applicant is disqualified on any other ground from voting; and whether the applicant is currently registered to vote at any other location. The forms shall be designed to obtain from each applicant information as to name; date; residence location; citizenship; date of birth; age; whether the applicant has resided within the ward or election district for at least 10 days; whether the applicant is disqualified on any other ground from voting; and whether the applicant is currently registered to vote at any other location. The forms shall also be designed to obtain from each applicant the last four digits of a current, valid drivers license, if any, issued to the applicant under Ch. 343, and, if the applicant has no current, valid, driver's license, the number of a state identification card issued to the applicant under Ch~~

343 or the last four digits of the applicant's social security number, and, for applicants who have none of these documents, a space for the applicant to so indicate. The form shall include a space for the applicant's signature and the signature of any corroborating elector. The form shall include a space to enter the name of any special registration deputy under s. 6.26 or 6.55 (6) or inspector, municipal clerk, or deputy clerk under s. 6.55 (2) who obtains the form and a space for the deputy, inspector, clerk, or deputy clerk to sign his or her name, affirming that the deputy, inspector, clerk, or deputy clerk has accepted the form. The form shall include a space for entry of the ward and aldermanic district, if any, where the elector resides and any other information required to determine the offices and referenda for which the elector is certified to vote. The form shall also include a space where the clerk may record an indication of whether the form is received by mail, a space where the clerk may record an indication of the type of identifying document submitted by the elector as proof of residence under s. 6.34, whenever required, and a space where the clerk, for any applicant who possesses a valid voting identification card issued to the person under s. 6.47 (3), may record the identification serial number appearing on the voting identification card. Each county clerk shall obtain sufficient registration forms for completion by an elector who desires to register to vote at the office of the county clerk under s. 6.28 (4).

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

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

SECTION 7. 302.117 of the statutes is repealed.

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

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

304.078 (2) ~~Except as provided in sub. (3), every~~ A person who is convicted of a crime obtains a restoration of his or her civil rights, other than the right to vote, by serving out his or her term of imprisonment or otherwise satisfying his or her sentence. The certificate of the department or other responsible supervising agency that a convicted person has served his or her sentence or otherwise satisfied the judgment against him or her is evidence of that fact and that the person is restored to his or her civil rights. The department or other agency shall list in the person's certificate rights which have been restored and which have not been restored. An individual shall not be required to produce this notice in order to register or vote. Persons who

served out their terms of imprisonment or otherwise satisfied their sentences prior to August 14, 1947, are likewise restored to their civil rights from and after September 25, 1959.

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

~~304.078 (3) If a person is has been disqualified from voting under s. 6.03 (1) (b), his or her right to vote is automatically restored when he or she is released from the prison, jail or house of correction where the disqualifying sentence was served. completes the term of imprisonment or probation for the crime that led to the disqualification. The ~~3.~~, ~~t~~The department or, if the person is sentenced to a county jail or house of correction, the jailer, as defined in s. 302.372 (1) (b), shall inform the person in writing at the that time and shall provide a certificate as proof, when he or she is released from the prison, jail, or house of correction, that his or her right to vote is restored and shall provide the person with a voter registration form under this subsection.~~

SECTION 10. 304.078 (3) of the statutes is amended to read:
If a person is disqualified from voting under s. 6.03(1)(b), his or her right to vote is automatically restored when he or she completes the term of full time imprisonment for the crime that led to the disqualification.

304.078(4) is created to read:

Upon initial intake for extended supervision, probation, or parole, and upon discharge from incarceration for a felony that had disqualified an individual from voting under s. 6.03(1)(b), the department shall provide each individual with (a) written notice of the right to vote; and (b) a voter registration form. If a person is sentenced to a county jail or house of corrections, the jailer shall provide this information at the time of discharge from incarceration for a felony that had disqualified an individual from voting under s. 6.03(1)(b). If an individual is incarcerated or sentenced to a county jail or house of corrections for a crime or other violation that is not a felony disqualifying the individual from voting under s. 6.03(1)(b), the department or jailer shall provide the individual upon initial intake with the documents specified in (a) and (b). An individual shall not be required to produce the notice issued under (a) in order to register or vote.

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

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

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

(Renumbering required!)

Section 13. Education and Training provisions

The Wisconsin Government Accountability Board, Wisconsin Department of Corrections and Wisconsin Court System shall develop and implement a program to educate attorneys, judges, election officials, corrections officials, and members of the public about the requirements of this Act.

SECTION 14. Nonstatutory provisions.

(1) The department of corrections shall, as soon as reasonably possible but no later than 6 months after the effective date of this subsection, mail to each person on parole, extended supervision, or probation, who was released to parole or extended supervision, or placed on probation, before the effective date of this subsection, notice that the person's right to vote is restored. An individual shall not be required to produce this notice in order to register or vote.

SECTION 15. Initial applicability.

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

(END)

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

LRB-2499/1dn
JTK:wlj:ph

April 3, 2009

Representative Grigsby:

Under the federal Help America Vote Act of 2002 (HAVA) [42 USC 15483 (a) (5)], an applicant for voter registration for an election for federal office may not be accepted or processed by a state unless the applicant includes a) in the case of an applicant who has been issued a current and valid driver's license by the state, the applicant's full license number; or b) in the case of any other applicant, the last 4 digits of the applicant's social security number, if any. Because, under this draft, a full driver's license number is not required and an applicant is permitted to substitute a Wisconsin identification card number for a social security number, the draft would not comply with HAVA. If you want to discuss this issue further, please let me know.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

- 2499/1

Kuesel, Jeffery

From: Mcginnis, Cindy
Sent: Monday, April 06, 2009 5:12 PM
To: Kuesel, Jeffery
Subject: FW: Felon List Info, State Id
Attachments: 20090406-Final edits to Restore the Vote legislation.doc

Jeff-

This is to answer one of the questions on your drafters note as it relates to HAVA compliance.

Also attached is a document that outlines some additional changes to the draft.

Please contact me if you have any questions.

Cindy McGinnis
 Office of State Representative Tamara Grigsby
 324 East State Capitol
 PO Box 8952
 Madison, WI 53708
 1-888-534-0018 - toll free
 (608) 266-0645
 (608) 282-3618 - fax

From: Renee Crawford [mailto:rcrawford@aclu-wi.org]
Sent: Monday, April 06, 2009 4:54 PM
To: Mcginnis, Cindy
Subject: Fw: Felon List Info, State Id

Since we are only changing the section on doc notification to the gAb to language that matches the rest of the bill, that portion of the fiscal estimate below should be at no cost.

Please forward Kevin's responses below as they do address the state I'd issue.

Thanks! R

Renee Crawford
 ACLU of Wisconsin
 414-272-4032 x15
 414-331-8907-Blackberry
 rcrawford@aclu-wi.org

Sent from my Verizon Wireless BlackBerry

From: "Kennedy, Kevin - GAB"
Date: Mon, 6 Apr 2009 14:05:21 -0500
To: 'rcrawford@aclu-wi.org' <rcrawford@aclu-wi.org>
Subject: Felon List Info, State Id
 Rene,

Thank you for contacting me about concerns raised by the legislative drafter with respect to

04/07/2009

Wisconsin compliance with HAVA. Please provide me with the information from the legislative drafter about lack of HAVA compliance with respect to the use of a State ID # from the DOT rather than a DL #. Please note our administrative code and an advisory opinion from the US DOJ. Most states that I know of permit the use of the State issued ID # as a substitute for DL#.

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

(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.

GAB 3.04 Requiring provision of certain information by election day voter registration applicants.

(3) If a current and valid Wisconsin driver's license has not been issued to the applicant, the applicant shall list on the registration application either the last four digits of the applicant's social security number, or the Wisconsin department of transportation identification card number if one has been issued to the applicant. If neither a driver's license nor a social security number has been issued to the applicant, and the applicant has not been issued a Wisconsin department of transportation identification card number, the applicant shall check the appropriate box on the application before the application may be accepted or processed and the registrant is allowed to vote.

From the US DOJ website on use of State DL #s:

http://www.usdoj.gov/crt/voting/hava/MN_ltr.php

Here is a summary of the cost analysis on deleting the requirement for DOC to provide a list of felons and the G.A.B. to distribute the list.

Decreased Cost to the State:

- 1) A savings of \$14,000.00 per election by eliminating the need for printing and distribution of the lists of felon on probation, parole or extended supervision.
- 2) A savings of \$920. 00 per election by eliminating the need for Government Accountability Board staff to perform the post-election audit required under Wis. Stat. § 6.56 (3m).

Increased Cost to the State:

By eliminating the statutory requirement found in Wis. Stat. § 301.03 (20m) that mandates that Department of Corrections provide the Government Accountability Board a list containing the name of each living person incarcerated for a felony, the Government Accountability Board faces a potential cost of \$23,625.53 per year to obtain a list from the Department of Corrections used to mark incarcerated felons as ineligible voters.

Under federal and state law, the Government Accountability Board still has a legal obligation to identify ineligible felons in the Statewide Voter Registration System (SVRS). Without a statutory requirement that DOC provide a list to the Board, G.A.B. will have to pay for a list from DOC in order to compile and maintain an accurate electronic official voter registration list.

Decreased Cost to Local Government:

Under the proposed legislation, because fewer persons would be considered ineligible felons, the number of investigations of illegal voting by ineligible voters would decrease. It is difficult to determine whether there would be a significant reduction in the time spent by municipal clerks and

county District Attorneys investigating illegal voting by ineligible felons. The current number of investigations is low, and a reduction in the number of ineligible felons does not directly translate into a significant reduction in investigation time.


Note these decreased costs for local election officials do not factor the time saved by not having poll workers and municipal clerk staff compare election day registrations, absentee voters and late voter registrations against the felon lists.

I hope this information is helpful.

Kevin J. Kennedy
Director and General Counsel
Wisconsin Government Accountability Board
608-266-8005
kevin.kennedy@wi.gov

So I checked with a big group of people and these are the recommendations we have to respond to this version of the statute.

Add this to the bill:

→ 301.03(20m) 
(20m) Transmit to the government accountability board, on a continuous basis, a list containing the name of each living person who has been convicted of a felony under the laws of this state ~~and~~ of each person convicted of a felony under the laws of this state and currently incarcerated on a full time basis whose civil rights have not been restored, together with his or her residential address and the date on which the department expects his or her civil rights to be restored.

✓ Put this back into the bill:
the number of a valid operator's license issued to the elector under ch. 343 or the last 4 digits of the elector's social security account number;

✓ Remove this paragraph (we decided this change is irrelevant to the bill and so we are removing it):

The form shall also include a space for each applicant to provide the last 4 digits of the number of a current and valid operator's license issued to the applicant under ch. 343 or, if the applicant does not have a current and valid operator's license, the last 4 digits of the applicant's social security account number or the number of a current and valid identification card issued to the applicant under s. 343.50, and if the applicant does not have any of these numbers, a space for the applicant to so indicate.

N/A On the WI State ID issue. We are NOT out of compliance as to the way the law is currently written, interpreted or practiced. The USDOJ ruled that an official state ID could substitute for a driver's license in the license's absence and still be in compliance with the statutes under HAVA. Kevin will send me that ruling later this afternoon. (It does have to be the whole number though, so he was correct on that.)

Change this clause to read (by including it in normal training schedules, the cost should be minimal if none):

✓
check (1) TRAINING. The department of corrections, the government accountability board, the Wisconsin State Courts and local election officials, shall include in their normal training schedule, but prior to the next election in which the statute takes effect, an update on the changes to voting rights that this act creates and shall offer the training to judges, attorneys, election officials, employees of the department of corrections, and the public, as appropriate.

The Government Accountability Board is still working on a fiscal estimate that according to Kevin Kennedy will be very positive on his end to our cause. He will send that to me as well as soon as it's complete, but the fiscal estimate mentioned by the drafter was incomplete according to Kevin Kennedy and so should not be released or mentioned until all the information has been received.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-2499/ 3
CMH&JTK:wlj:ph

↑
stays

2009 BILL

1 AN ACT ^(regiment) ~~to repeal~~ 302.117, 304.078 (1) and 973.09 (4m); **to renumber and**
2 **amend** 6.03 (1) (b) and 304.078 (3); **to amend** 6.33 (1), 6.33 (2) (a), 301.03 (3a)
3 (intro.), 304.078 (2) and 973.176 (2); and **to create** 6.03 (1) (b) 1., 2. and 3 of the
4 statutes; **relating to:** restoring the right to vote to certain persons barred from
5 voting as a result of a felony conviction and changing the information required
6 on voter registration forms.

Analysis by the Legislative Reference Bureau

Under current law, when a person is barred from voting as the result of a felony conviction (a "disqualifying offense"), the person's right to vote may be restored through a pardon. Otherwise, it is restored upon completion of the sentence, including extended supervision or parole, or completion of the term of probation imposed on the person who committed the offense.

Under this bill, a person loses his or her right to vote based on a disqualifying offense only while he or she is incarcerated for that offense. A person released to extended supervision or parole may resume voting. In addition, a person convicted of a disqualifying offense and on probation retains the right to vote while on probation. But if a person who committed a disqualifying offense is returned to prison after the revocation of extended supervision or parole or is sent to prison or a jail or house of correction after the revocation of probation, the person loses the right to vote until he or she is released.

BILL

Currently, an applicant for voter registration must ~~provide either the number of a valid driver's license issued to the applicant by the Department of Transportation (DOT) or the last four digits of the applicant's social security number and must~~ affirm 1) whether he or she has been convicted of a felony for which he or she has not been pardoned and, if so, whether the applicant is incarcerated or on parole, probation, or extended supervision; and 2) whether the applicant is disqualified on any other ground from voting.

This bill ~~provides that an applicant must provide the last four digits of a current and valid driver's license issued to the applicant by DOT or, if the applicant does not have a current and valid driver's license, the last four digits of the applicant's social security number or the number of a current and valid identification card issued to the applicant by DOT. The bill further provides that if an applicant has no license, social security number, or identification card, the applicant must so indicate. In addition, the bill~~ deletes the requirement that an applicant provide any information relating to a felony conviction but retains the requirement that an applicant affirm that he or she is not disqualified on any ground from voting.

This bill also requires the Department of Corrections (DOC), ~~in consultation with the Government Accountability Board and the Director of State Courts to conduct a onetime training seminar on~~ the changes in law produced by this bill and to offer the training to judges, attorneys, election officials, employees of DOC, and the public.

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

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

1 **SECTION 1.** 6.03 (1) (b) of the statutes is renumbered 6.03 (1) (b) (intro.) and
2 amended to read:

3 6.03 (1) (b) (intro.) Any person ~~convicted of treason, who, as a result of a felony~~
4 ~~or bribery, unless the person's right to vote is restored through a pardon or under s.~~
5 ~~304.078 (3) conviction, is any of the following:~~

6 **SECTION 2.** 6.03 (1) (b) 1., 2. and 3. of the statutes are created to read:

7 6.03 (1) (b) 1. Incarcerated, if serving a sentence that was not imposed under
8 s. 973.01.

9 2. Serving a term of confinement, or incarcerated after revocation of extended
10 supervision, if serving a sentence that was imposed under s. 973.01.

include in their ongoing training programs of a session of

BILL

1 3. Incarcerated following the revocation of probation or confined as a condition
2 of probation under s. 973.09 (4) (a).

3 **SECTION 3.** 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 forms to meet voter registration needs. The forms shall be designed to
8 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 also include a space for each applicant to
17 provide the last 4 digits of the number of a current and valid operator's license issued
18 to the applicant under ch. 343 or, if the applicant does not have a current and valid
19 operator's license, the last 4 digits of the applicant's social security account number
20 or the number of a current and valid identification card issued to the applicant under
21 s. 343.50, and if the applicant does not have any of these numbers, a space for the
22 applicant to so indicate. The form shall include a space for the applicant's signature
23 and the signature of any corroborating elector. The form shall include a space to
24 enter the name of any special registration deputy under s. 6.26 or 6.55 (6) or
25 inspector, municipal clerk, or deputy clerk under s. 6.55 (2) who obtains the form and

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BILL**SECTION 3**

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

14 **SECTION 4.** 6.33 (2) (a) of the statutes is amended to read:

15 6.33 (2) (a) All information may be recorded by any person, except that the ward
16 and aldermanic district, if any, other geographic information under sub. (1), the
17 indication of whether the registration is received by mail, the type of identifying
18 document submitted by the elector as proof of residence under s. 6.34, whenever
19 required, and any information relating to an applicant's voting identification card
20 shall be recorded by the clerk. An applicant is not required to provide a copy of any
21 certificate or notice issued to the applicant under s. 304.078. Each applicant shall
22 sign his or her own name unless the applicant is unable to sign his or her name due
23 to physical disability. In such case, the applicant may authorize another elector to
24 sign the form on his or her behalf. If the applicant so authorizes, the elector signing
25 the form shall attest to a statement that the application is made upon request and

BILL

1 by authorization of a named elector who is unable to sign the form due to physical
2 disability.

3 **SECTION 5.** 301.03 (3a) (intro.) of the statutes is amended to read:

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

7 **SECTION 6.** 302.117 of the statutes is repealed.

8 **SECTION 7.** 304.078 (1) of the statutes is repealed.

9 **SECTION 8.** 304.078 (2) of the statutes is amended to read:

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

21 **SECTION 9.** 304.078 (3) of the statutes is renumbered 304.078 (3) (a) and
22 amended to read:

23 304.078 (3) (a) If ~~a person~~ an individual is disqualified from voting under s. 6.03
24 (1) (b), his or her right to vote is restored when he or she ~~completes the term of~~
25 ~~imprisonment or probation for the crime that led to the disqualification.~~ The is no

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BILL

SECTION 9

1 longer incarcerated, serving a term of confinement, or confined, whichever is
2 applicable.

3 (b) When an individual is placed on probation or parole, when a person is placed
4 on extended supervision after completing the term of confinement portion of a
5 sentence that disqualified him or her from voting under s. 6.03 (1) (b), or when a
6 person is discharged from an incarceration sentence or a confinement period that
7 disqualified him or her from voting under s. 6.03 (1) (b), the department or, if the
8 person is sentenced to a county jail or house of correction, the jailer shall inform the
9 person in writing at the time his or her provide the individual with written notice of
10 the right to vote is restored under this subsection and, if the individual resided in this
11 state at the time of conviction, a voter registration form.

12 **SECTION 10.** 973.09 (4m) of the statutes is repealed.

13 **SECTION 11.** 973.176 (2) of the statutes is amended to read:

14 973.176 (2) VOTING. Whenever a court imposes a sentence or places a defendant
15 ~~on probation for a conviction or a condition~~ that disqualifies the defendant from
16 voting under s. 6.03 (1) (b), the court shall inform the defendant in writing that he
17 or she may not vote in any election until ~~his or her civil rights are restored~~ he or she
18 is no longer incarcerated, serving a term of confinement, or confined as a condition
19 of probation, whichever is applicable. The court shall use the form designed by the
20 department of corrections under s. 301.03 (3a) to inform the defendant, and the
21 defendant and a witness shall sign the form.

22 **SECTION 12. Nonstatutory provisions.**

23 (1) TRAINING. The department of corrections, ~~in consultation with the~~
24 ~~government accountability board~~ ^{the} and the director of state courts, shall ~~provide~~
25 ~~training on~~ ^{include in their ongoing training programs a discussion of} the changes to voting rights that this act creates and shall offer

BILL

1 the training to judges, attorneys, election officials, employees of the department of
 2 corrections, and the public, *as appropriate. If this subsection takes effect*
 3 *at least 60 days before the first election that follows that effective date*
 4 (2) NOTICE. The department of corrections shall, as soon as reasonably possible *the*
 5 but no later than 6 months after the effective date of this subsection, mail to each *department*
 6 person on parole, extended supervision, or probation, who was released to parole or *one*
 7 extended supervision, or placed on probation, before the effective date of this *the direct*
 8 subsection, notice that the person's right to vote is restored. *shall*
endeavor
to provide
the training
before election
day/c

SECTION 13. Initial applicability.

9 (1) The renumbering and amendment of section 6.03 (1) (b) of the statutes and
 10 the creation of section 6.03 (1) (b) 1., 2., and 3. of the statutes first apply to persons
 11 who are on or released to parole or extended supervision on the effective date of this
 12 subsection and to persons who are on or placed on probation on the effective date of
 13 this subsection.

(END)

1WS 5-7

Section #. 301.03 (20m) of the statutes is amended to read:

301.03 (20m) Transmit to the government accountability board, on a continuous basis, a list containing the name of each living person who ~~has been convicted of a felony under the laws of this state and whose civil rights have not been restored,~~ together with his or her residential address and the date on which the department expects ~~his or her civil rights to be restored.~~

due
due to conviction

History: 1989 a. 31, 107, 121, 188, 336; 1991 a. 39; 1993 a. 16, 377, 479; 1995 a. 27 ss. 6355, 6356m, 6356p, 9126 (19); 1995 a. 77, 141; 1997 a. 27, 35, 237, 275, 283, 284; 1999 a. 9, 32; 2001 a. 16, 109; 2003 a. 321; 2005 a. 344, 431, 434, 451; 2007 a. 1; 2007 a. 20 ss. 3100g, 9121 (6) (a); 2007 a. 96, 97.

is ineligible to vote under 30A
6003A(1)(b)

him or her to be
eligible to vote

Hanaman, Cathlene

From: Murray, Mike
Sent: Tuesday, April 21, 2009 9:30 AM
To: Hanaman, Cathlene
Cc: McGinnis, Cindy
Subject: RE:

Cathlene,

I'm really sorry for the phone tag. Why don't I just let you know what the proposed changes are over email and you can just let me know if you have concerns. I've copied Cindy McGinnis from Rep. Grigsby's office to this email since it's Rep. Grigsby's bill.

Thanks,

Mike

Sec. 9, line 11 and 17

ACLU counsel suggested that the term "sentence" be used instead of "judgment." They thought this would be a more accurate term.

Sec. 9, lines 10 and 16

They also suggested keeping the original phrase "term of imprisonment" instead of the term sentence because the term "sentence" is broader than term of imprisonment. They were concerned that the broader terminology further restrict the civil rights of offenders.

Sec. 10, line 24

After the word incarcerated, insert "on a full time basis." They wanted to ensure that offenders on work release were included in the bill.

From: Hanaman, Cathlene
Sent: Thursday, April 16, 2009 7:27 PM
To: Murray, Mike
Subject: RE:

I keep forgetting to call until after hours. I am not wedded to any language, but those are my sections.

From: Murray, Mike
Sent: Wednesday, April 15, 2009 11:09 AM
To: Hanaman, Cathlene
Subject: RE:

Hi Cathlene,

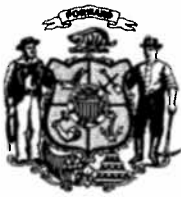
It's sections 9 and 10. Thanks!

From: Hanaman, Cathlene
Sent: Wednesday, April 15, 2009 10:56 AM
To: Murray, Mike
Subject:

Mike:

Could you tell me the sections in question--that way I will know whether which drafter, Jeff or me, would be the appropriate person to ask. I don't want to waste your time getting you on the phone only to learn that I cannot answer the question.

-Cathlene



d note

stays

2009 BILL

Soon please in 4/23

repeal act

1 **AN ACT to repeal** 302.117, 304.078 (1) and 973.09 (4m); **to renumber and**
2 **amend** 6.03 (1) (b) and 304.078 (3); **to amend** 6.33 (1), 6.33 (2) (a), 301.03 (3a)
3 (intro.), 301.03 (20m), 304.078 (2) and 973.176 (2); and **to create** 6.03 (1) (b) 1.,
4 2. and 3. of the statutes; **relating to:** restoring the right to vote to certain
5 persons barred from voting as a result of a felony conviction and changing the
6 information required on voter registration forms.

participating in a work release program or

Analysis by the Legislative Reference Bureau

Under current law, when a person is barred from voting as the result of a felony conviction (a "disqualifying offense"), the person's right to vote may be restored through a pardon. Otherwise, it is restored upon completion of the sentence, including extended supervision or parole, or completion of the term of probation imposed on the person who committed the offense.

Under this bill, a person loses his or her right to vote based on a disqualifying offense only while he or she is incarcerated for that offense. A person released to extended supervision or parole may resume voting. In addition, a person convicted of a disqualifying offense and on probation retains the right to vote while on probation. But if a person who committed a disqualifying offense is returned to prison after the revocation of extended supervision or parole or is sent to prison or a jail or house of correction after the revocation of probation, the person loses the right to vote until he or she is released.

unless he or she is confined as a condition of probation

BILL

Currently, an applicant for voter registration must affirm 1) whether he or she has been convicted of a felony for which he or she has not been pardoned and, if so, whether the applicant is incarcerated or on parole, probation, or extended supervision; and 2) whether the applicant is disqualified on any other ground from voting.

This bill deletes the requirement that an applicant provide any information relating to a felony conviction but retains the requirement that an applicant affirm that he or she is not disqualified on any ground from voting.

This bill also requires the Department of Corrections (DOC), the Government Accountability Board, and the Director of State Courts to include in their ongoing training programs a discussion of the changes in law produced by this bill and to offer the training to judges, attorneys, election officials, employees of DOC, and the public.

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

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

1 **SECTION 1.** 6.03 (1) (b) of the statutes is renumbered 6.03 (1) (b) (intro.) and
2 amended to read:

3 6.03 (1) (b) (intro.) Any person ~~convicted of treason, who, as a result of a felony~~
4 ~~or bribery, unless the person's right to vote is restored through a pardon or under s.~~
5 ~~304.078 (3) conviction, is any of the following:~~

6 **SECTION 2.** 6.03 (1) (b) 1., 2. ~~and 3.~~ ^{and 4.} of the statutes are created to read:

7 6.03 (1) (b) 1. Incarcerated ~~and~~ ^{while} serving a sentence that was not imposed under Use 3x
8 s. 973.01 ~~unless the person is participating in a work release program~~
~~under s. 303.01(5)~~

9 2. Serving a term of confinement, or incarcerated after revocation of extended
10 supervision, ~~and~~ ^{while} serving a sentence that was imposed under s. 973.01 Keep

11 3. Incarcerated following the revocation of probation ~~and~~ ^{or} confined as a condition
12 of probation under s. 973.09 (4) (a) 40

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

*unless the court grants the privilege of leaving the ~~place~~ facility
of confinement under s. 973.09 (4)(a)*

BILL

1 6.33 (1) The board shall prescribe the format, size, and shape of registration
2 forms. All forms shall be printed on cards and each item of information shall be of
3 uniform font size, as prescribed by the board. The municipal clerk shall supply
4 sufficient forms to meet voter registration needs. The forms shall be designed to
5 obtain from each applicant information as to name; date; residence location;
6 citizenship; date of birth; age; the number of a valid operator's license issued to the
7 elector under ch. 343 or the last 4 digits of the elector's social security account
8 number; whether the applicant has resided within the ward or election district for
9 at least 10 days; ~~whether the applicant has been convicted of a felony for which he~~
10 ~~or she has not been pardoned, and if so, whether the applicant is incarcerated, or on~~
11 ~~parole, probation, or extended supervision;~~ whether the applicant is disqualified on
12 any ~~other~~ ground from voting; and whether the applicant is currently registered to
13 vote at any other location. The form shall include a space for the applicant's
14 signature and the signature of any corroborating elector. The form shall include a
15 space to enter the name of any special registration deputy under s. 6.26 or 6.55 (6)
16 or inspector, municipal clerk, or deputy clerk under s. 6.55 (2) who obtains the form
17 and a space for the deputy, inspector, clerk, or deputy clerk to sign his or her name,
18 affirming that the deputy, inspector, clerk, or deputy clerk has accepted the form.
19 The form shall include a space for entry of the ward and aldermanic district, if any,
20 where the elector resides and any other information required to determine the offices
21 and referenda for which the elector is certified to vote. The form shall also include
22 a space where the clerk may record an indication of whether the form is received by
23 mail, a space where the clerk may record an indication of the type of identifying
24 document submitted by the elector as proof of residence under s. 6.34, whenever
25 required, and a space where the clerk, for any applicant who possesses a valid voting

BILL

1 identification card issued to the person under s. 6.47 (3), may record the
2 identification serial number appearing on the voting identification card. Each
3 county clerk shall obtain sufficient registration forms for completion by an elector
4 who desires to register to vote at the office of the county clerk under s. 6.28 (4).

5 **SECTION 4.** 6.33 (2) (a) of the statutes is amended to read:

6 6.33 (2) (a) All information may be recorded by any person, except that the ward
7 and aldermanic district, if any, other geographic information under sub. (1), the
8 indication of whether the registration is received by mail, the type of identifying
9 document submitted by the elector as proof of residence under s. 6.34, whenever
10 required, and any information relating to an applicant's voting identification card
11 shall be recorded by the clerk. An applicant is not required to provide a copy of any
12 certificate or notice issued to the applicant under s. 304.078. Each applicant shall
13 sign his or her own name unless the applicant is unable to sign his or her name due
14 to physical disability. In such case, the applicant may authorize another elector to
15 sign the form on his or her behalf. If the applicant so authorizes, the elector signing
16 the form shall attest to a statement that the application is made upon request and
17 by authorization of a named elector who is unable to sign the form due to physical
18 disability.

19 **SECTION 5.** 301.03 (3a) (intro.) of the statutes is amended to read:

20 301.03 (3a) (intro.) Subject to all of the following, design a form to provide
21 notice under ~~ss. 302.117, 973.09 (4m), and s. 973.176 (2)~~ of ineligibility to vote under
22 s. 6.03 (1) (b):

23 **SECTION 6.** 301.03 (20m) of the statutes is amended to read:

24 301.03 (20m) Transmit to the government accountability board, on a
25 continuous basis, a list containing the name of each living person who has been

BILL

1 convicted of due to a felony conviction under the laws of this state and whose civil
 2 rights have not been restored is ineligible to vote under s. 6.03 (1) (b), together with
 3 his or her residential address and the date on which the department expects his or
 4 her civil rights to be restored him or her to be eligible to vote.

5 SECTION 7. 302.117 of the statutes is repealed.

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

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

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

19 SECTION 10. 304.078 (3) of the statutes is renumbered 304.078 (3) (a) and
20 amended to read:

21 304.078 (3) (a) plan from voting If a person an individual is disqualified from voting under s. 6.03
 22 (1) (b) his or her right to vote is restored when he or she completes the term of
 23 imprisonment or probation for the crime that led to the disqualification. The is no
 24 longer incarcerated, serving a term of confinement, or confined, whichever is
 25 applicable.

INS
5-19
24
25

INS
5-25 ✓

[Handwritten notes and signatures at the bottom of the page]

Person or person

BILL

1 (b) When ^{a person} ~~an individual~~ is placed on ~~probation or parole~~ ^{or} ~~when a person is placed~~
 2 ~~on extended supervision~~ after completing the term of confinement portion of a
 3 ~~sentence that disqualified him or her from voting under s. 6.03 (1) (b)~~ or when a
 4 ~~person is discharged from an incarceration sentence or a confinement period that~~
 5 ~~disqualified him or her from voting under s. 6.03 (1) (b)~~, the department or, if the
 6 person is sentenced to a county jail or house of correction, the jailer shall inform the
 7 ~~person in writing at the time his or her~~ ^{person} ~~provide the individual with~~ written notice of
 8 ~~the right to vote is restored under this subsection and, if the individual~~ ^{person} ~~resided in this~~
 9 ~~state at the time of conviction, a voter registration form.~~

INS 6-15

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

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

12 973.176 (2) VOTING. Whenever a court imposes a sentence ^{or places a defendant}
 13 ~~on probation for a conviction or a condition~~ ^{of probation} that disqualifies the defendant from
 14 voting under s. 6.03 (1) (b), the court shall inform the defendant in writing that he
 15 or she may not vote in any election until ~~his or her civil rights are restored~~ ^{he or she}
 16 ~~is no longer incarcerated, serving a term of confinement, or confined as a condition~~
 17 ~~of probation, whichever is applicable.~~ The court shall use the form designed by the
 18 department of corrections under s. 301.03 (3a) to inform ~~the defendant~~, and the
 19 defendant and a witness shall sign the form.

plain

INS - 6-17

SECTION 13. Nonstatutory provisions.

21 (1) TRAINING. The department of corrections, the government accountability
 22 board, and the director of state courts shall include in their ongoing training
 23 programs a discussion of the changes to voting rights that this act creates and shall
 24 offer the training to judges, attorneys, election officials, employees of the department
 25 of corrections, and the public, as appropriate. If this subsection takes effect at least

BILL

1 60 days before the first election that follows that effective date, the department, the
2 board, and the director shall endeavor to provide the training before election day.

3 (2) NOTICE. ^(a) The department of corrections shall, as soon as reasonably possible
4 but no later than 6 months after the effective date of this ^{paragraph} subsection, mail to each
5 person on parole, extended supervision, or probation, who was released to parole or
6 extended supervision, or placed on probation, before the effective date of this
7 ^{paragraph} subsection, notice that the person's right to vote is restored.

SECTION 14. Initial applicability.

8
9 (1) The renumbering and amendment of section 6.03 (1) (b) of the statutes and
10 the creation of section 6.03 (1) (b) 1., 2., and 3. of the statutes first apply to persons
11 who are on or released to parole or extended supervision on the effective date of this
12 subsection, and to persons who are on or placed on probation on the effective date of
13 this subsection.

(END)

INS
7-13 ✓

INS
7-8 ✓

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2499/4ins
CMH:.....

1 Insert 5-19

2 SECTION ~~#~~ 304.078 (2) of the statutes is amended to read:

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

14 History: 1987 a. 226; 1989 a. 31 s. 1706; Stats. 1989 s. 304.078; 2003 a. 121.

15 Insert 5-25

16 the factor under s. 6.03 (1) (b) that disqualified him or her from voting no longer
17 applies to him or her.

19 Insert 6-10

20 SECTION ~~#~~ 304.078 (3) (c) of the statutes is created to read:

21 304.078 (3) (c) When the department grants a person work-release privileges
22 under s. 303.065, the department shall provide the person with written notice of the
23 right to vote and, if the person resided in this state at the time of conviction, a voter

1 registration form. The written notice shall contain either the date on which the
2 department expects the work release privileges to terminate or the date on which the
3 department expects that the person will be placed on probation, extended
4 supervision, or discharged.

5

6 Insert 6-17

7 Not the factor under s. 6.03 (1) (b) that disqualified him or her from voting no longer
8 applies to him or her

9

10 Insert 7-8

11 ~~(d)~~ ^{##} The department of corrections shall, as soon as reasonably possible but no
12 later than one month after the effective date of this paragraph, provide every person
13 who is participating in the work release program under section 303.065 of the
14 statutes notice under section 304.078 (3) (c) of the statutes, as created by this act,
15 that his or her right to vote has been restored while he or she is participating in the
16 work release program.

17

18 Insert 7-13

19 Not and to persons who are participating in the work release program or are
20 granted work release privileges on the effective date of this subsection

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2499/4dn

CMH:.....

W LJ

Date

Aindy ☺

Please review s. 6.03 (1) (b). Note that the section allows persons participating in a work release program under s. 303.065 to vote. Please ensure that you intend that these persons be eligible and that the work release program is the only release program that will restore eligibility to vote. I did not include "incarcerated on a full-time basis" because that term does not exist in the statutes currently and it is not clear what it means. For instance, s. 303.065 (1) the work-release statute permits the department to "grant work release privileges to any person incarcerated within the state prisons"; it does not indicate that the person is no longer incarcerated on a full-time basis. To ensure your intent is met, we should spell out under what conditions a person, who may be considered incarcerated by some, should not be considered "incarcerated" for voting purposes. Is that OK?

On a similar theme, please note that the bill prohibits from voting persons confined as a condition of probation, but I added an exception if the court grants release privileges. These privileges are broader than the work release privileges. Is that OK? Or did you intend that persons confined as a condition of probation be eligible to vote no matter the conditions of probation?

* Please review s. 304.07 (3) (c), which is created in this bill. I think you want to provide written notice of the right to vote to persons who are participating in a work release program. But, unlike other restoration of the right to vote, this restoration is temporary (even if it lasts throughout the period of incarceration, it would end ~~then~~). So that notice provision is a little different - is that OK?

Cathlene Hanaman
Legislative Attorney
Phone: (608) 267-9810
E-mail: cathlene.hanaman@legis.wisconsin.gov

at release

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2499/4dn
CMH:wlj:jf

April 30, 2009

Cindy:

Please review s. 6.03 (1) (b). Note that the section allows persons participating in a work release program under s. 303.065 to vote. Please ensure that you intend that these persons be eligible and that the work release program is the only release program that will restore eligibility to vote. I did not include “incarcerated on a full-time basis” because that term does not exist in the statutes currently and it is not clear what it means. For instance, s. 303.065 (1) permits the department to “grant work release privileges to any person incarcerated within the state prisons”; it does not indicate that the person is no longer incarcerated on a full-time basis. To ensure your intent is met, we should spell out under what conditions a person, who may be considered incarcerated by some, should not be considered “incarcerated” for voting purposes. Is that OK?

On a similar theme, please note that the bill prohibits from voting persons confined as a condition of probation, but I added an exception if the court grants release privileges. These privileges are broader than the work release privileges. Is that OK? Or did you intend that persons confined as a condition of probation be eligible to vote no matter the conditions of probation?

Please review s. 304.078 (3) (c), which is created in this bill. I think you want to provide written notice of the right to vote to persons who are participating in a work release program. But, unlike other restorations of the right to vote, this restoration is temporary. (Even if it lasts throughout the period of incarceration, it would end at release.) So that notice provision is a little different—is that OK?

Cathlene Hanaman
Legislative Attorney
Phone: (608) 267-9810
E-mail: cathlene.hanaman@legis.wisconsin.gov

-2499

Hanaman, Cathlene

From: Mcginnis, Cindy
Sent: Wednesday, May 13, 2009 7:39 PM
To: Hanaman, Cathlene
Subject: RE: felon voting rights bill

Cathlene-

Let's drop the work release provision.

I'll get the answers to your other questions on the /4 draft soon

Cindy

From: Hanaman, Cathlene
Sent: Tuesday, May 05, 2009 12:24 PM
To: Mcginnis, Cindy
Subject:

Cindy:

I spoke with Bob Margolies (240-5056) at DOC about the people on work release or some other type of release. He does not know how the restoration of the right to vote for people who are incarcerated but on release would work administratively. Their status changes regularly. Also he is concerned about the appearance of impropriety since the department grants work release. He is concerned about an agency being able to grant the right to vote.

I am not sure how you would like to proceed. Bob would be happy to discuss any concern you have. I will wait for your instruction.

-Cathlene



State of Wisconsin
2009 - 2010 LEGISLATURE

5
LRB-2499/4
CMH&JTK:wlj:jf

↑
Stays

2009 BILL

repeal code

1 AN ACT *to repeal* 302.117, 304.078 (1) and 973.09 (4m); *to renumber and*
2 *amend* 6.03 (1) (b) and 304.078 (3); *to amend* 6.33 (1), 6.33 (2) (a), 301.03 (3a)
3 (intro.), 301.03 (20m), 304.078 (2) and 973.176 (2); and *to create* 6.03 (1) (b) 1.,
4 2., 3. and 4. and 304.078 (3) (c) of the statutes; **relating to:** restoring the right
5 to vote to certain persons barred from voting as a result of a felony conviction
6 and changing the information required on voter registration forms.

Analysis by the Legislative Reference Bureau

Under current law, when a person is barred from voting as the result of a felony conviction (a “disqualifying offense”), the person’s right to vote may be restored through a pardon. Otherwise, it is restored upon completion of the sentence, including extended supervision or parole, or completion of the term of probation imposed on the person who committed the offense.

Under this bill, a person loses his or her right to vote based on a disqualifying offense only while he or she is incarcerated for that offense. A person participating in a work release program or released to extended supervision or parole may resume voting. In addition, a person convicted of a disqualifying offense and on probation retains the right to vote while on probation unless he or she is confined as a condition of probation. But if a person who committed a disqualifying offense is returned to prison after the revocation of extended supervision or parole or is sent to prison or a jail or house of correction after the revocation of probation, the person loses the right to vote until he or she is released.

BILL

Currently, an applicant for voter registration must affirm 1) whether he or she has been convicted of a felony for which he or she has not been pardoned and, if so, whether the applicant is incarcerated or on parole, probation, or extended supervision; and 2) whether the applicant is disqualified on any other ground from voting.

This bill deletes the requirement that an applicant provide any information relating to a felony conviction but retains the requirement that an applicant affirm that he or she is not disqualified on any ground from voting.

This bill also requires the Department of Corrections (DOC), the Government Accountability Board, and the Director of State Courts to include in their ongoing training programs a discussion of the changes in law produced by this bill and to offer the training to judges, attorneys, election officials, employees of DOC, and the public.

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

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

1 **SECTION 1.** 6.03 (1) (b) of the statutes is renumbered 6.03 (1) (b) (intro.) and
2 amended to read:

3 6.03 (1) (b) (intro.) Any person ~~convicted of treason, who, as a result of a felony~~
4 ~~or bribery, unless the person's right to vote is restored through a pardon or under s.~~
5 ~~304.078 (3) conviction, is any of the following:~~

6 **SECTION 2.** 6.03 (1) (b) 1., 2., 3. and 4. of the statutes are created to read:

7 6.03 (1) (b) 1. Incarcerated while serving a sentence that was not imposed
8 under s. 973.01 unless the person is participating in a work release program under
9 s. 303.065

10 2. Serving a term of confinement, or incarcerated after revocation of extended
11 supervision, while serving a sentence that was imposed under s. 973.01 unless the
12 person is participating in a work release program under s. 303.065

13 3. Incarcerated following the revocation of probation unless the person is
14 participating in a work release program under s. 303.065

BILL

1 4. Confined as a condition of probation under s. 973.09 (4) (a) unless the court
2 grants the privilege of leaving the facility of confinement under s. 973.09 (4) (a).

3 **SECTION 3.** 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 forms to meet voter registration needs. The forms shall be designed to
8 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 3**

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 4.** 6.33 (2) (a) of the statutes is amended to read:

9 6.33 (2) (a) All information may be recorded by any person, except that the ward
10 and aldermanic district, if any, other geographic information under sub. (1), the
11 indication of whether the registration is received by mail, the type of identifying
12 document submitted by the elector as proof of residence under s. 6.34, whenever
13 required, and any information relating to an applicant's voting identification card
14 shall be recorded by the clerk. An applicant is not required to provide a copy of any
15 certificate or notice issued to the applicant under s. 304.078. Each applicant shall
16 sign his or her own name unless the applicant is unable to sign his or her name due
17 to physical disability. In such case, the applicant may authorize another elector to
18 sign the form on his or her behalf. If the applicant so authorizes, the elector signing
19 the form shall attest to a statement that the application is made upon request and
20 by authorization of a named elector who is unable to sign the form due to physical
21 disability.

22 **SECTION 5.** 301.03 (3a) (intro.) of the statutes is amended to read:

23 301.03 (3a) (intro.) Subject to all of the following, design a form to provide
24 notice under ~~ss. 302.117, 973.09 (4m), and s. 973.176 (2)~~ of ineligibility to vote under
25 s. 6.03 (1) (b):

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1 **SECTION 6.** 301.03 (20m) of the statutes is amended to read:

2 301.03 (20m) Transmit to the government accountability board, on a
3 continuous basis, a list containing the name of each living person who ~~has been~~
4 ~~convicted of a felony under the laws of this state and whose civil rights have not been~~
5 ~~restored~~ is ineligible to vote under s. 6.03 (1) (b), together with his or her residential
6 address and the date on which the department expects ~~his or her civil rights to be~~
7 ~~restored~~ him or her to be eligible to vote.

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

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

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

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

22 **SECTION 10.** 304.078 (3) of the statutes is renumbered 304.078 (3) (a) and
23 amended to read:

24 304.078 (3) (a) If a person is disqualified ~~from voting~~ under s. 6.03 (1) (b) from
25 voting, his or her right to vote is restored when ~~he or she completes the term of~~

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1 ~~imprisonment or probation for the crime that led to the disqualification. The~~ the
2 factor under s. 6.03 (1) (b) that disqualified him or her from voting no longer applies
3 to him or her.

4 (b) When a person is placed on parole or extended supervision or when a person
5 is discharged from an incarceration sentence or a confinement period that
6 disqualified him or her under s. 6.03 (1) (b) from voting, the department or, if the
7 person is sentenced to a county jail or house of correction, the jailer shall inform the
8 person in writing at the time his or her provide the person written notice of the right
9 to vote is restored under this subsection and, if the person resided in this state at the
10 time of conviction, a voter registration form.

11 **SECTION 11.** 304.078 (3) (c) of the statutes is created to read:

12 304.078 (3) (c) When the department grants a person work release privileges
13 under s. 303.065, the department shall provide the person written notice of the right
14 to vote and, if the person resided in this state at the time of conviction, a voter
15 registration form. The written notice shall contain either the date on which the
16 department expects the work release privileges to terminate or the date on which the
17 department expects that the person will be placed on probation, extended
18 supervision, or discharged.

19 **SECTION 12.** 973.09 (4m) of the statutes is repealed.

20 **SECTION 13.** 973.176 (2) of the statutes is amended to read:

21 973.176 (2) VOTING. Whenever a court imposes a sentence or places a defendant
22 ~~on probation for a conviction~~ a condition of probation that disqualifies the defendant
23 from voting under s. 6.03 (1) (b), the court shall inform the defendant in writing that
24 he or she may not vote in any election until ~~his or her civil rights are restored~~ the
25 factor under s. 6.03 (1) (b) that disqualified him or her from voting no longer applies

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1 to him or her. The court shall use the form designed by the department of corrections
2 under s. 301.03 (3a) to inform the defendant, and the defendant and a witness shall
3 sign the form.

SECTION 14. Nonstatutory provisions.

4
5 (1) TRAINING. The department of corrections, the government accountability
6 board, and the director of state courts shall include in their ongoing training
7 programs a discussion of the changes to voting rights that this act creates and shall
8 offer the training to judges, attorneys, election officials, employees of the department
9 of corrections, and the public, as appropriate. If this subsection takes effect at least
10 60 days before the first election that follows that effective date, the department, the
11 board, and the director shall endeavor to provide the training before election day.

12 (2) NOTICE.

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

18 (b) The department of corrections shall, as soon as reasonably possible but no
19 later than one month after the effective date of this paragraph, provide every person
20 who is participating in the work release program under section 303.065 of the
21 statutes notice under section 304.078 (3) (c) of the statutes, as created by this act,
22 that his or her right to vote has been restored while he or she is participating in the
23 work release program.

SECTION 15. Initial applicability.

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9
1
and 40

1 (1) The renumbering and amendment of section 6.03 (1) (b) of the statutes and
 2 the creation of section 6.03 (1) (b) 1., 2., and 3. of the statutes first apply to persons
 3 who are on or released to parole or extended supervision on the effective date of this
 4 subsection, ^{and} to persons who are on or placed on probation on the effective date of this
 5 subsection, ^{or} and to persons who are participating in the work release program or are
 6 granted work release privileges on the effective date of this subsection.

(END)

Parisi, Lori

From: McGinnis, Cindy

Sent: Tuesday, June 02, 2009 2:59 PM

To: LRB.Legal

Subject: Draft Review: LRB 09-2499/5 Topic: Restoring right to vote unless incarcerated and serving a sentence

Please Jacket LRB 09-2499/5 for the ASSEMBLY.