



2009 ASSEMBLY BILL 895

March 24, 2010 – Introduced by Representatives SMITH, PARISI, YOUNG, KESSLER, ROYS, SOLETSKI, A. WILLIAMS, SHERIDAN, NELSON, POCAN, HILGENBERG, BERCEAU, HUBLER, DEXTER, BERNARD SCHABER, VRUWINK, PASCH, BLACK, MILROY, GRIGSBY and POPE-ROBERTS, cosponsored by Senators COGGS, HANSEN, WIRCH, KREITLOW, HOLPERIN and TAYLOR. Referred to Committee on Elections and Campaign Reform.

1 **AN ACT** *to repeal* 6.86 (2), 6.865 (3) and 6.865 (3m) (c); *to renumber* 5.07; *to*
2 *renumber and amend* 6.86 (2m), 7.52 (5), 7.52 (6) (a) and 7.52 (6) (b); *to*
3 *consolidate, renumber and amend* 6.25 (4) (intro.), (a) and (b); *to amend*
4 5.05 (1) (e), 5.05 (1) (f), 5.05 (13) (title), 5.056, 5.06 (2), 5.25 (4) (b), 5.35 (6) (a)
5 (intro.), 5.35 (6) (a) 5., 5.35 (6) (b), 5.35 (6) (c), 5.84 (1), 6.22 (4) (a), 6.22 (4) (e),
6 6.22 (6), 6.221 (1), 6.221 (3) (b), 6.24 (4) (c), 6.25 (1), 6.275 (1) (c), 6.275 (1) (d),
7 6.28 (1), 6.28 (4), 6.29 (1), 6.29 (2) (a), 6.29 (2) (b), 6.29 (2) (d), 6.33 (5) (a), 6.34
8 (2), 6.34 (3) (a) 7., 6.34 (3) (b) (intro.), 6.36 (1) (a), 6.36 (1) (b) 1. a., 6.36 (2) (a),
9 6.36 (2) (c), 6.54, 6.55 (title), 6.55 (2) (a) 1., 6.55 (2) (b), 6.55 (2) (c) 1. and 2., 6.55
10 (2) (cs), 6.55 (5), 6.79 (4), 6.855 (title), 6.855 (1), 6.855 (2), 6.86 (1) (a) (intro.),
11 6.86 (1) (a) 3., 6.86 (1) (ac), 6.86 (1) (b), 6.86 (1) (b), 6.86 (1) (c), 6.86 (3) (a), 6.86
12 (3) (c), 6.865 (title), 6.865 (3m) (a), 6.865 (3m) (b), 6.869, 6.87 (2) (intro.), 6.87
13 (3) (d), 6.87 (4), 6.87 (9), 6.875 (3), 6.875 (4) (a), 6.875 (6) (c) 1., 6.88 (3) (b), 6.88
14 (3) (c), 6.925, 6.93, 7.08 (1) (c), 7.15 (1) (cm), 7.15 (1) (j), 7.15 (2m), 7.15 (4), 7.41

ASSEMBLY BILL 895

1 (4), 7.51 (3) (d), 7.52 (3) (b), 7.52 (4) (i), 9.01 (1) (b) 2., 10.01 (2) (e), 12.09 (1) and
2 (3), 12.13 (1) (b), 12.13 (1) (c), 12.13 (1) (d), 12.13 (2) (b) 3., 12.60 (1) (a), 12.60
3 (4), 85.61 (1), 939.50 (3) (d) and 939.50 (3) (e); **to repeal and recreate** 6.86 (1)
4 (a) 3.; and **to create** 5.05 (13) (c) and (d), 5.05 (16), 5.07 (2), 5.25 (4) (c), 5.34, 5.35
5 (6) (a) 4c., 5.35 (6) (d), 6.22 (2) (e), 6.24 (4) (e), 6.256, 6.29 (2) (e), 6.34 (2n), 6.34
6 (3) (d), 6.34 (4), 6.36 (1) (bm), 6.86 (1) (ab), 6.86 (1) (ad), 6.86 (3) (d), 6.868, 6.87
7 (2m), 7.08 (3) (d) to (g), 7.08 (12), 7.08 (13), 7.10 (11), 7.15 (15), 12.17, 12.19,
8 12.60 (1) (am), 12.60 (1) (an), 12.60 (1) (ap), 12.60 (1) (bn) and 19.685 of the
9 statutes; **relating to:** various changes in election laws, granting rule-making
10 authority, and providing penalties.

Analysis by the Legislative Reference Bureau

This bill makes various changes in laws relating to elections and voting. Significant provisions include:

Voter registration

Currently, with the exception of individuals who are defined as “military electors” under state law and new or former residents voting for president and vice president, all eligible electors of this state must register in order to vote in an election in this state. The registration period for each election ends on the 20th day before that election, but an eligible elector may register to vote in an election after that date at the office of the municipal clerk or board of election commissioners of the municipality where he or she resides or at the polling place serving his or her residence by providing specified proof of residence. In order to register, an individual must provide his or her name, residence location, citizenship, date of birth, age, and the number of a valid Wisconsin driver’s license or the last four digits of his or her social security number. An individual must also affirm that he or she: 1) has resided in his or her ward (or municipality if not divided into wards) for at least ten days; 2) has not been convicted of a felony for which he or she has not been pardoned and has not completed his or her sentence; 3) is not disqualified on any other ground from voting; and 4) is not registered to vote at any other location. The burden is on the elector to initiate registration and, if the elector’s name, address, or eligibility changes, to initiate any change in registration required to maintain a valid registration.

This bill makes it the responsibility of the Government Accountability Board (GAB) to use all feasible means to facilitate the registration of all eligible electors of this state who are subject to a registration requirement and the maintenance of the

ASSEMBLY BILL 895

registration of all eligible electors for so long as they remain eligible, except as the law specifically requires electors to take some action to confirm or continue their registrations. Under the bill, GAB must attempt to facilitate the initial registration of all eligible electors in accordance with the bill's requirements and procedures no later than July 1, 2015. To assist with its responsibility, the bill directs GAB and the Department of Transportation to enter into an agreement for the purpose of transferring specified personally identifiable information in DOT's records to GAB. The bill requires GAB to maintain the confidentiality of any information that GAB obtains under the agreement. Under the bill, once GAB obtains all the information required under current law to complete an elector's registration, GAB adds the elector's name to the statewide registration list. GAB does not notify the elector of the addition, but the information is accessible on the Internet. No registration of an elector that is added to the list by GAB is valid until the elector confirms with GAB, on a form prescribed by GAB, that all the information pertaining to his or her registration is correct and accurate as of the date of the confirmation. The bill permits an elector to confirm a registration by any of the following means: 1) by electronic means on the Internet using a secure procedure prescribed by GAB; 2) by mail; or 3) by appearing in person at the office of the municipal clerk or board of election commissioners where the elector resides or at the polling place serving the elector's residence. The bill also permits an individual whose name is added to the registration list by GAB to file a request to have his or her name deleted from the list or to revoke a deletion request previously made. A deletion or revocation of a deletion request may be made in the same manner that a registration may be confirmed. In addition, the bill directs GAB to notify an individual by first class postcard whenever GAB removes his or her name from the registration list or changes his or her status on the list from eligible to ineligible, other than by request of the elector, except when GAB removes a duplicate entry from the list or changes the name of a deceased person from eligible to ineligible status.

Currently, if an elector is eligible to vote and is not registered to vote, the elector may register to vote and vote at the polling place serving his or her residence on election day by providing proof of residence or by having another elector of the municipality where the polling place is located corroborate his or her registration information. This bill permits an elector whose registration has been entered on the registration list by GAB to confirm his or her registration and vote on election day at the same polling place in the same manner as currently provided for original registration.

Currently, with certain exceptions, if an elector registers to vote by mail and has not voted in an election in this state, the elector must provide proof of residence prior to voting. This bill extends this requirement to apply to an elector whose registration is initiated by GAB but who has not confirmed his or her registration and has not voted in an election in this state. The bill also provides that if such an elector provides his or her Wisconsin driver's license number or his or her social security number, together with his or her name and date of birth, and GAB is able to instantly verify the information electronically by electronically accessing records of DOT, the elector need not provide proof of residence before voting.

ASSEMBLY BILL 895

Currently, in order to register to vote, an elector must provide his or her date of birth. This information becomes a part of the statewide voter registration list. Information on the registration list concerning the date of birth of an elector is not open to public inspection. This bill limits this restriction only to information concerning the birthday of an elector, thus permitting public access to information concerning an elector's year of birth.

The bill directs GAB to report to the appropriate standing committees of the legislature, no later than July 1, 2011, concerning its progress in initially implementing the registration system created by the bill. The report must contain an assessment of the feasibility and desirability or integration of registration information with information maintained by the departments of health services, children and families, workforce development, revenue, regulation and licensing, and natural resources and the University of Wisconsin System.

The bill also permits GAB to enter into an agreement with any state agency to enable matching of publicly available information in the records of the agency with records of the board to facilitate administration of voter registration by GAB.

Currently, information on the statewide voter registration list relating to the date of birth, operator's license number, or social security number of an elector, the confidential address of an elector who is subject to domestic abuse, sexual assault, or stalking, or an accommodation required to assist a disabled elector is open to inspection only by election officials and administrators. This bill permits GAB to transfer any of this information to another state agency or authority or to a subunit of the state government of another state except information obtained from DOT. The bill also prohibits a state agency or authority or officer or employee thereof from providing access to any transferred information to a third party. Violators are subject to a forfeiture (civil penalty) of not more than \$500 for each violation.

Currently, municipal clerks and boards of election commissioners must update changes in the voter registration list received on election day no later than 30 days after the date of the election. This bill permits these changes to be updated within 45 days after a general (November) election, and further permits the legal counsel of GAB to permit a municipal clerk or board of election commissioners, upon application, to update the registration list with changes received on the date of the general election within 60 days after the date of the election.

Absentee voting

This bill makes various changes in the laws pertaining to absentee voting. Most of the changes relate to absentee voting by military and overseas electors of this state. State law contains different definitions of the terms "military elector" and "overseas elector." One set of definitions mirrors the definitions found in federal law. Under federal law, a "military elector" includes 1) a member of a uniformed service on active duty who, by reason of that duty, is absent from the residence where the member is otherwise qualified to vote; 2) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the residence where the member is otherwise qualified to vote; and 3) the spouse or dependent of any such member who, by reason of the duty or service of the member, is absent from the residence where the person is otherwise qualified to vote. The federal definition of

ASSEMBLY BILL 895

“overseas elector” includes an elector who resides outside the United States and who is qualified under federal law to vote in elections for national office in this state because the elector last resided in this state immediately prior to the elector’s departure from the United States. The other set of definitions applies for certain state purposes and includes all the persons who are included in the federal definitions but also includes other persons. The state definition of the term “military elector” includes 1) members of a uniformed service who are not on active duty or who are not absent from their residences by reason of their service or both; 2) members of the merchant marine who are not absent from their residences; 3) civilian employees of the United States and civilians officially attached to a uniformed service who are serving outside the United States; 4) Peace Corps volunteers; and 5) spouses and dependents of these persons who are residing with or accompanying them. The state definition of “overseas elector” includes children of persons who qualify as overseas electors under federal law who are U.S. citizens at least 18 years of age, who are not disqualified from voting in this state, and who are not residents of this state. Significant provisions relating to absentee voting include:

1. Currently, an individual who is a qualified elector of a municipality, other than a “military elector” or an “overseas elector” as defined by state law, may file an application with the municipal clerk or board of election commissioners of the municipality where the individual resides requiring the clerk or board to send an absentee ballot to the individual without further request for every succeeding election held in the same calendar year in which the request is made, or until the individual is no longer a qualified elector of the municipality or the individual otherwise requests. Currently, an elector who is indefinitely confined may file a single request to receive absentee ballots automatically for each election. If a confined elector fails to cast an absentee ballot, the municipal clerk or board of election commissioners notifies the elector that he or she will not receive absentee ballots for subsequent elections unless the elector reapplies to receive ballots within 30 days of receiving the notice. Currently, an overseas elector, as defined by state law, who requests an absentee ballot is sent an absentee ballot for all federal elections that occur in the same calendar year as the year in which the request is made, unless the elector otherwise requests. Current law directs municipal clerks and boards of election commissioners to send military electors, as defined by state law, absentee ballots for every election if they request a ballot for one election and to verify their military status without the necessity of making additional application. The clerk or board must discontinue sending absentee ballots to a military elector if the elector so requests, the elector no longer qualifies as a military elector of the municipality, or the elector fails to return at least one of the ballots sent to the elector within a period that encompasses three successive general elections.

This bill directs a municipal clerk or board of election commissioners to send an absentee ballot to an individual who is a qualified elector of the municipality, other than a military elector or an overseas elector, as defined by state law, and who files a valid application to receive an absentee ballot for every election following receipt of the application until the individual no longer qualifies to receive a ballot, the individual requests not to receive ballots, or the individual fails to return an absentee

ASSEMBLY BILL 895

ballot that is mailed to the individual. Under the bill, a municipal clerk or board of election commissioners must attempt to notify any individual whose name is removed from the list of electors who automatically receive absentee ballots unless the individual requests that his or her name be removed. The individual may then request to continue to receive absentee ballots if he or she is qualified to do so. These changes do not affect the current procedure for sending absentee ballots to military and overseas electors, as defined by state law.

2. Currently, all electors who cast an absentee ballot, whether by mail or in person at the office of the municipal clerk or board of election commissioners, must sign a certificate that is printed on the envelope into which they deposit their ballots. The certificate certifies, subject to criminal penalties, that the elector meets specific voting qualifications and personally voted the ballot secretly unless the elector required assistance. The certificate must be witnessed by one adult U.S. citizen who also signs the certificate and certifies subject to the same penalties that the elector's statements are true, the ballot was voted as stated, and the witness did not solicit or advise the elector in casting his or her votes. This bill provides that for an elector voting an absentee ballot in person at the office of the municipal clerk or board of election commissioners or an alternate site designated by a municipality, GAB may prescribe an envelope to be used in place of the statutory certificate envelope. No certification and no witness is required on such envelopes. The bill requires GAB's envelope to include the elector's name, residence, and ward and aldermanic district, if any.

3. Currently, the governing body of a municipality may designate a single alternate site for absentee voting in person by electors of the municipality. If designated, this site serves in lieu of the office of the municipal clerk or board of election commissioners as the site where absentee voting is conducted for the election at which the designation is made.

This bill permits the governing body of a municipality to designate more than one alternate site for absentee voting in person by electors of the municipality. Under the bill, an alternate site may be used for absentee voting in addition to or in lieu of use of the office of the municipal clerk or board of election commissioners. The bill also directs a municipality that designates an alternate site for absentee voting at an election to notify GAB in writing of its designation.

4. Currently, an elector who wishes to cast an absentee ballot must file a written, signed application, but the form of the application is not specified. This bill provides that an elector who wishes to cast an absentee ballot in person at the office of the municipal clerk or board of election commissioners or at an alternate site must apply on a form prescribed by GAB.

5. Currently, the municipal clerk or board of election commissioners of a municipality must begin distributing absentee ballots to electors who have requested them no later than the 30th day before each September primary and general election and no later than the 21st day before each other primary or election. This bill retains this requirement but provides that the period for absentee voting in person at the office of the clerk or board or an alternate site begins on the 21st day before each election and ends on the day before each election.

ASSEMBLY BILL 895

6. Currently, an elector who requests an absentee ballot in person or by mail must make written application and must sign the application. However, if an elector requests an absentee ballot by electronic mail or facsimile transmission, the elector need not file a written application but must enclose with his or her returned ballot a copy of a request for an absentee ballot together with his or her original signature. This bill deletes the requirement for electors who apply for an absentee ballot by electronic mail or facsimile transmission to provide a request and original signature when returning their ballots.

7. Under current law, any qualified absentee elector may request an absentee ballot by means of electronic mail or facsimile transmission. If an elector so requests, the elector must mail with his or her voted absentee ballot a copy of an absentee ballot application containing his or her original signature. In addition, an absentee elector may request that his or her absentee ballot be transmitted to him or her by electronic mail or facsimile transmission and a municipal clerk or board of election commissioners may transmit the ballot as requested. This bill provides that the municipal clerk or board of election commissioners must transmit the ballot if the clerk or board receives a valid request.

8. Current law permits a military or overseas elector, as defined in state law, to cast a vote in any general election in which a federal office is to be filled by writing in the name of a candidate on a blank absentee ballot form prescribed by the U.S. government and returning the ballot to the appropriate municipal clerk or board of election commissioners. This bill permits such a ballot to be cast at any election, including any primary election, at which a federal office is to be filled.

9. This bill directs GAB, with the assistance of county and municipal clerks and boards of election commissioners, to designate at least one freely accessible means of electronic communication which shall be used to: 1) permit a military or overseas elector, as defined by federal law, to request a voter registration or absentee ballot application and to indicate whether he or she wishes to receive the application electronically or by mail; and 2) permit a municipal clerk or board of election commissioners to transmit an application to a military or overseas elector, as defined by federal law, electronically or by mail, as requested by the elector, together with related voting, balloting and election information. The bill also directs GAB, with the assistance of county and municipal clerks and boards of elections commissioners, to maintain a freely accessible system whereby a military or overseas elector who casts an absentee ballot may ascertain whether the ballot has been received by the appropriate municipal clerk or board. No similar provisions exist currently.

10. Under current federal law, states are required to transmit absentee ballots to military and overseas electors no later than 45 days before each federal election at which the electors are entitled to vote, if the electors have requested their ballots by that time. However, a state may request a hardship waiver from the federal government, for a single election only, if the state's primary election date does not permit compliance with this requirement and the state takes other actions to ensure expeditious delivery of absentee ballots to military and overseas electors. This bill directs the legal counsel to GAB to request a hardship waiver on behalf of this state for the 2010 September primary and general election and, if the waiver is not

ASSEMBLY BILL 895

granted, report that fact to the appropriate standing committees of the legislature. In addition, the bill directs GAB to report to the same committees no later than January 1, 2011, concerning the timeline used by this state for the absentee voting process and the feasibility of making adjustments to enable compliance with the timeline prescribed by federal law.

11. Currently, an absentee ballot cast by an elector is void unless it is received at the polling place for the elector's residence by 8 p.m. on election night. However, state law provides that if an elector is a military elector, as defined by federal law, the elector has an additional ten days after the general election and 7 days after the September primary for the elector's ballot to be received by his or her municipality if the ballot is postmarked by election day. This bill extends a similar ten-day dispensation to military electors voting in the presidential preference primary or a special federal election.

12. Currently, an elector who is a military elector, as defined by state law, or an overseas elector, as defined by state law, and who applies for an absentee ballot no later than 30 days before an election may cast a blank write-in ballot at that election in lieu of the official printed ballot, for any candidates for federal office whose offices are contested at that election. The ballot is valid only if it is submitted from a location outside the United States. This bill permits such an elector to cast a blank write-in absentee ballot after official printed ballots become available if he or she applies for an absentee ballot no later than the latest time permitted for application for an absentee ballot under state law. The bill also permits a military elector to cast such a ballot even if the ballot is submitted from a location inside the United States, including the elector's permanent residence.

13. Currently, GAB must prescribe uniform instructions for absentee voters. This bill provides that the instructions must include the specific means of electronic communication that absentee voters may use to file an application for an absentee ballot, to request a voter registration form, or to change their registrations.

14. Currently, when an elector registers to vote in person at the office of the municipal clerk or board of election commissioners after the close of registration for an election, the clerk or board issues a registration certificate to the elector. This bill provides that the clerk or board shall issue a registration certificate only if the elector does not wish to cast an absentee ballot when registering.

15. Currently, an individual may grant the power of attorney to another individual to act on his or her behalf under certain conditions specified by the grantor. This bill specifically permits an individual who has been granted the power of attorney to act on behalf of another individual and who has authority to act on the grantor's behalf to apply for an absentee ballot on behalf of the grantor if the grantor is unable to sign an application. The bill also permits such an individual to apply for an absentee ballot on behalf of a hospitalized elector and, if the elector is not registered, to sign the elector's voter registration form on his or her behalf. In addition, the bill provides that an individual who has been granted a power of attorney to act as the agent of an elector is not permitted to cast a ballot on behalf of the elector, but if the elector has difficulty reading, writing, or understanding English or due to disability is unable to mark a ballot, the elector may request

ASSEMBLY BILL 895

assistance in marking his or her ballot from the agent or, with certain exceptions, from another individual.

16. Current law permits a qualified elector to apply for an absentee ballot by mail, facsimile transmission, or electronic mail. The law also specifies deadlines for receipt of applications by mail. This bill provides that the deadlines for receipt of applications by facsimile transmission or electronic mail are the same as those for receipt of applications by mail.

Deceptive election practices

Currently, the statutes provide that no person may knowingly make or publish, or cause to be made or published, a false representation pertaining to a candidate or referendum that is intended to affect voting at an election. Violators may be fined not more than \$1,000 or imprisoned for not more than six months, or both.

This bill prohibits any person, whether acting in an official capacity or otherwise, from intentionally deceiving any other person regarding the date, time, place, or manner of conducting an election; the qualifications for voting or restrictions on the eligibility of electors to vote in an election; or the endorsement of candidates by specified persons. Any person who violates the prohibition with intent to prevent any person from exercising the right to vote in an election may be fined not more than \$100,000 or imprisoned for not more than five years, or both.

The bill permits any person who is aggrieved by an alleged violation to obtain a court order restraining the violation. The bill also permits any person to file a sworn complaint with GAB alleging that a violation has occurred or is occurring. If GAB finds that the facts alleged in the complaint, if true, would constitute a violation, it must promptly investigate the complaint. If GAB finds that a violation has occurred or is occurring, GAB must take all measures necessary to provide correct information to electors who may have been deceived by the actions of the alleged violator and must refer the matter to the appropriate authority for prosecution.

The bill also directs GAB to promulgate rules concerning corrective measures that may be appropriate whenever violations occur. In addition, the bill directs GAB to report biennially to the appropriate standing committees of the legislature with regard to violations and actions taken in response to violations.

Voter intimidation, suppression, and protection

Currently, no person may make use of or threaten to make use of force, violence, or restraint in order to compel any person to vote or refrain from voting at an election, and no person may, by any act compel, induce, or prevail upon an elector to either vote or refrain from voting at any election for or against a particular candidate or question. Violators may be fined not more than \$10,000 or imprisoned for not more than three years and six months, or both.

This bill provides that no person may make use of or threaten to make use of force, violence, restraint, or any tactic of coercion or intimidation in order to induce or compel any person to vote or refrain from voting or to refrain from registering to vote at an election, and no person may use or threaten to use force or violence or by use of any threat of any act of coercion or intimidation compel, induce, or prevail upon an elector either to vote or refrain from voting at any election for or against a

ASSEMBLY BILL 895

candidate or question. Violators may be fined not more than \$100,000 or imprisoned for not more than three years, or both.

The bill also provides that no person may knowingly attempt to prevent or deter another person from voting or registering to vote based upon fraudulent, deceptive, or spurious grounds or information. Violators may be fined not more than \$50,000 or imprisoned for not more than two years, or both.

Currently, municipal clerks and boards of election commissioners are directed by law to post specified materials at each polling place. GAB is directed to publish a manual that may be easily understood by the general public explaining the duties of election officials. Currently, GAB is also directed to ensure that in any jurisdiction in this state that is required under federal law to provide voting materials in a language other than English, the voting system used in that jurisdiction is in compliance with federal law. There is no specific penalty for violations, but the requirements are enforceable administratively and through the court system.

This bill creates a voter's bill of rights and directs municipal clerks and boards of election commissioners to post a copy of the bill of rights at each polling place unless otherwise permitted by GAB. The bill directs GAB to include a number of specific items in its manual. The bill also requires that at each polling place located in a jurisdiction that is required under federal law to provide voting materials in a language other than English, all required postings must be made in that language as well as in English unless otherwise permitted by GAB. See *Polling place posting requirements*, below. In addition, the bill directs the municipal clerk or board of election commissioners of any such jurisdiction to contact and coordinate with organizations that advocate for the rights of individuals who speak that language to ensure that each polling place in the jurisdiction adequately serves the needs of these individuals, and to endeavor to ensure that at least one of the election officials who serves at each polling place in the jurisdiction speaks that language. Violators are subject to a forfeiture (civil penalty) of not more than \$500 for each violation.

The bill also permits any elector of this state to sue for injunctive relief, a court order requiring or prohibiting certain action, or any other appropriate relief, to compel compliance with the bill's prohibitions and requirements relating to voter intimidation, suppression, and protection. Currently, an elector may be required to pursue administrative relief before filing suit, and in some cases must petition a district attorney or the attorney general to file suit on his or her behalf.

Polling place posting requirements

Currently, the law requires a number of notices to be posted at each polling place on election day. The notices include the date and hours of the election, sample ballots, local area maps, voting instructions, election fraud laws, warnings about mismarking ballots in ways that will void them, and other information prescribed by GAB. This bill adds two new posting requirements (see *Voter intimidation, suppression, and protection*, above). The bill also permits GAB, directly or by delegation to its legal counsel, to authorize another means of providing notice to affected electors of the information required to be posted, including the new information specified in the bill, if GAB determines that the alternative means of providing notice is at least as effective as posting.

ASSEMBLY BILL 895***Prosecution of civil prohibited practice offenses***

Currently, with limited exceptions, prosecutions of prohibited election practice offenses are conducted by the appropriate district attorney, or in certain cases, by the attorney general. Most of these offenses are criminal, but a few of them are civil offenses. This bill provides that, with limited exceptions, prosecutions of civil prohibited election practice offenses, including the one created by this bill (see *Voter intimidation, suppression, and protection*, above), may be prosecuted either by GAB or by the appropriate district attorney.

Challenging the ballots of electors at polling places

Currently, any elector may challenge for cause the right of any other elector to vote at a polling place if the challenger knows or suspects that the challenged elector is not a qualified elector. The inspectors of election (poll workers) must then administer oaths to both the challenger and the challenged elector concerning the challenged elector's qualifications. If the inspectors receive the ballot of any elector who has been challenged, they must mark the ballot with the elector's serial number. If canvassing an election, a board of canvassers may review and decide any challenge and may count or reject a challenged ballot accordingly. If a petition for a recount is filed, the board of canvassers may again review and decide whether a challenged ballot is cast by a qualified elector and may count or reject the ballot accordingly. An elector may also challenge the ballot of an absent elector before the inspectors at a polling place or before a board of absentee ballot canvassers in municipalities where absentee ballots are not canvassed at polling places. The challenged elector need not be present when the challenge is made.

This bill provides that in municipalities having a population of 2,500 or more only an elector who resides in the same ward or election district as the one in which a challenged elector resides may challenge the ballot of that elector. In such municipalities, the bill directs the inspectors or board of absentee ballot canvassers to require the challenging elector to provide proof of residence, as defined by law, when making a challenge.

Withholding of voluntarily provided elector information

Currently, GAB and municipal clerks must provide public access to information in their records unless otherwise provided by law or unless the custodian demonstrates that the public interest in withholding public access outweighs the strong public interest in providing that access. This bill provides that whenever GAB or a county or municipal clerk or board of election commissioners has the telephone number, facsimile transmission number, or electronic mail address of an elector that is voluntarily provided by the elector to GAB or to the clerk or board, GAB and the clerk and board are prohibited from providing access to that information except to election officials and employees to be used for the administration of elections.

Automatic tabulating equipment testing

Currently, if a municipality uses an electronic voting system at an election that employs automatic tabulating equipment, the municipal clerk or board of election commissioners must conduct a public test not more 10 days before the election to

ASSEMBLY BILL 895

ensure that the equipment correctly counts votes. This bill permits the test to be conducted at any time after ballots become available prior to the date of the election.

Proof of residence by certain students

Currently, an elector must provide proof of residence in a form specified by law for various registration and voting purposes. The purposes include voter registration after the close of registration for an election and voting for the first time in this state after registering by mail. In order for a specified form of proof to be valid, the proof must contain the current and complete name of the elector and the elector's current and complete address. However, if a student at a university, college, or technical college presents a fee or identification card, and the university, college, or technical college provides a current list of students residing in housing sponsored by the university, college, or technical college to a municipal clerk, and the municipal clerk, special registration deputy, or inspector (poll worker) verifies that the name of the student presenting a card appears on the list, the card need not contain the required information in order to be valid.

This bill provides that a municipal clerk, special registration deputy, or inspector must accept a university, college, or technical college fee or identification card presented by a student as proof of residence for registration or voting at an election if the student's university, college, or technical college has provided to the municipal clerk a current list of students residing in housing sponsored by the university, college, or technical college and the student's name appears on the list.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the ***state and local*** 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.** 5.05 (1) (e) of the statutes is amended to read:
- 2 5.05 (1) (e) Delegate to its legal counsel the authority to intervene in a civil
- 3 action or proceeding under sub. (9), issue an order under s. 5.06, exempt a polling
- 4 place from accessibility requirements under s. 5.25 (4) (a), permit a municipality to
- 5 provide notices required at polling places by alternative means under s. 5.35 (6) (d).
- 6 exempt a municipality from the requirement to use voting machines or an electronic
- 7 voting system under s. 5.40 (5m), approve an electronic data recording system for

ASSEMBLY BILL 895

1 maintaining poll lists under s. 6.79, ~~or~~ authorize nonappointment of an individual
2 who is nominated to serve as an election official under s. 7.30 (4) (e), or review and
3 investigate complaints received under s. 12.17 (4) and order corrective measures
4 under s. 12.17 (5), subject to such limitations as the board deems appropriate.

5 **SECTION 2.** 5.05 (1) (f) of the statutes is amended to read:

6 5.05 (1) (f) Promulgate rules under ch. 227 applicable to all jurisdictions for the
7 purpose of interpreting or implementing the laws regulating the conduct of elections
8 or election campaigns or ensuring their proper administration, and shall promulgate
9 rules to enforce ss. 5.25 (4) (b), 5.34, 5.35 (6) (a) 4c., 12.09, and 12.19 and rules
10 concerning the methods and means of providing corrective information to electors
11 under s. 12.17 (5).

12 **SECTION 3.** 5.05 (13) (title) of the statutes is amended to read:

13 5.05 (13) (title) TOLL-FREE ELECTION INFORMATION EXCHANGE AND REQUESTS.

14 **SECTION 4.** 5.05 (13) (c) and (d) of the statutes are created to read:

15 5.05 (13) (c) Maintain a freely accessible system under which a military elector
16 or an overseas elector, as defined in s. 6.34 (1), who casts an absentee ballot may
17 ascertain whether the ballot has been received by the appropriate municipal clerk.

18 (d) Designate and maintain at least one freely accessible means of electronic
19 communication which shall be used for the following purposes:

20 1. To permit a military elector or an overseas elector, as defined in s. 6.34 (1),
21 to request a voter registration application or an application for an absentee ballot at
22 any election at which the elector is qualified to vote in this state.

23 2. To permit a military elector or an overseas elector under subd. 1. to designate
24 whether the elector wishes to receive the applications under subd. 1. electronically
25 or by mail.

ASSEMBLY BILL 895

1 3. To permit a municipal clerk to transmit to a military elector or an overseas
2 elector under subd. 1. a registration application or absentee ballot application
3 electronically or by mail, as directed by the elector under subd. 2., together with
4 related voting, balloting, and election information.

5 **SECTION 5.** 5.05 (16) of the statutes is created to read:

6 **5.05 (16) INTERAGENCY AGREEMENTS.** The board may enter into an agreement
7 with any agency, as defined in s. 16.70 (1e), to enable electronic matching of publicly
8 available information in the records of the agency with records of the board to
9 facilitate administration of elector registration by the board under s. 6.256 (1).

10 **SECTION 6.** 5.056 of the statutes is amended to read:

11 **5.056 Matching program with secretary of transportation.** The
12 administrator of the elections division of the board shall enter into the agreement
13 with the secretary of transportation specified under s. 85.61 (1) to match personally
14 identifiable information on the official registration list maintained by the board
15 under s. 6.36 (1), the information specified in s. 6.34 (2n), and other information
16 specified in s. 6.256 (2) with personally identifiable information maintained by the
17 department of transportation. The agreement shall provide for the electronic
18 transfer of information under s. 6.256 (2) to the board on a continuous basis, no less
19 often than monthly.

20 **SECTION 7.** 5.06 (2) of the statutes is amended to read:

21 **5.06 (2)** ~~No~~ Except as authorized in ss. 5.07 (2) and 12.17 (3), no person who
22 is authorized to file a complaint under sub. (1), other than the attorney general or
23 a district attorney, may commence an action or proceeding to test the validity of any
24 decision, action or failure to act on the part of any election official with respect to any
25 matter specified in sub. (1) without first filing a complaint under sub. (1), nor prior

ASSEMBLY BILL 895

1 to disposition of the complaint by the board. A complaint is deemed disposed of if the
2 board fails to transmit an acknowledgment of receipt of the complaint within 5
3 business days from the date of its receipt or if the board concludes its investigation
4 without a formal decision.

5 **SECTION 8.** 5.07 of the statutes is renumbered 5.07 (1).

6 **SECTION 9.** 5.07 (2) of the statutes is created to read:

7 5.07 (2) Whenever a violation of s. 5.25 (4) (b), 5.34, 5.35 (6) (a) 4c., 7.08 (3),
8 12.09, or 12.19 occurs or is proposed to occur, any elector of this state may sue for
9 injunctive relief, a writ of mandamus or prohibition, or such other legal or equitable
10 relief as may be appropriate to compel compliance with the law. The action shall be
11 filed in circuit court for the county where the violation occurs or is proposed to occur.
12 In such actions, the court shall award costs and reasonable actual attorney fees to
13 the plaintiff if the plaintiff prevails in the action.

14 **SECTION 10.** 5.25 (4) (b) of the statutes is amended to read:

15 5.25 (4) (b) In any jurisdiction that is subject to the requirement under 42 USC
16 1973aa-1a to provide voting materials in ~~any a~~ language other than English, the
17 board shall, for each such language, ensure that the notices specified in s. 5.35 (6)
18 are given in that language and the voting system used at each polling place in that
19 jurisdiction is in compliance with 42 USC 1973aa-1a.

20 **SECTION 11.** 5.25 (4) (c) of the statutes is created to read:

21 5.25 (4) (c) In any jurisdiction that is subject to the requirement under 42 USC
22 1973aa-1a to provide voting materials in a language other than English, the
23 municipal clerk or board of election commissioners shall, for each such language,
24 contact and coordinate with organizations that advocate for the rights of individuals
25 who speak that language to ensure that each polling place in the jurisdiction

1 adequately serves the needs of those individuals and shall endeavor to ensure that
2 at least one of the election officials who serves at each polling place in the jurisdiction
3 speaks that language.

4 **SECTION 12.** 5.34 of the statutes is created to read:

5 **5.34 Voter’s bill of rights.** Every qualified elector has the right to:

6 **(1)** Inspect a sample ballot before voting.

7 **(2)** Cast a ballot if he or she is in line when his or her polling place closes.

8 **(3)** Ask for and receive assistance in voting, including assistance in a language
9 other than English if the elector resides in a jurisdiction where voting materials must
10 be provided in that language under 42 USC 1073aa–1a.

11 **(4)** Receive a replacement ballot, up to 3 ballots in all, if he or she spoils a ballot
12 before casting that ballot.

13 **(5)** Cast a provisional ballot whenever permitted under s. 6.96 or 6.97.

14 **(6)** Vote free from coercion or intimidation by any election official or other
15 person.

16 **(7)** Cast a ballot using voting materials or equipment that enables the elector’s
17 ballot to be counted accurately.

18 **SECTION 13.** 5.35 (6) (a) (intro.) of the statutes is amended to read:

19 5.35 **(6)** (a) (intro.) ~~At Except as authorized under par. (d), at~~ each polling place
20 in the state, the municipal clerk or board of election commissioners shall post the
21 following materials, positioned so that they may be readily observed by electors
22 entering the polling place or waiting in line to vote:

23 **SECTION 14.** 5.35 (6) (a) 4c. of the statutes is created to read:

24 5.35 **(6)** (a) 4c. A copy of the voter’s bill of rights under s. 5.34.

25 **SECTION 15.** 5.35 (6) (a) 5. of the statutes is amended to read:

ASSEMBLY BILL 895

1 5.35 (6) (a) 5. Any other voting information directed to be posted by the board
2 to be posted, or noticed under par. (d).

3 **SECTION 16.** 5.35 (6) (b) of the statutes is amended to read:

4 5.35 (6) (b) ~~At~~ Except as authorized under par. (d), at each polling place in the
5 state where a consolidated ballot under s. 5.655 is used or an electronic voting system
6 is utilized at a partisan primary election incorporating a ballot upon which electors
7 may mark votes for candidates of more than one recognized political party or for
8 candidates of a recognized political party and independent candidates, the municipal
9 clerk or board of election commissioners shall prominently post a sign in the form
10 prescribed by the board warning electors in substance that on any ballot with votes
11 cast for candidates of more than one recognized political party or any ballot with
12 votes cast for candidates of a recognized political party and independent candidates,
13 no votes cast for any candidates for partisan office will be counted unless a preference
14 for a party or for the independent candidates is made. If the elector designates a
15 preference, only votes cast for candidates of that preference will be counted.

16 **SECTION 17.** 5.35 (6) (c) of the statutes is amended to read:

17 5.35 (6) (c) ~~At~~ Except as authorized in par. (d), at each polling place located in
18 a municipality that is served by more than one polling place for an election, the
19 municipal clerk or board of election commissioners shall prominently post a map of
20 the geographic area served by the polling place for that election. The posting shall
21 clearly show the boundaries of the ward or wards served by the polling place for that
22 election.

23 **SECTION 18.** 5.35 (6) (d) of the statutes is created to read:

24 5.35 (6) (d) As an alternative to any posting requirement under this subsection,
25 the board may authorize another means of providing notice to affected electors of the

ASSEMBLY BILL 895

1 information specified in this subsection if the board determines that an alternative
2 means of providing the information will provide notice to affected electors of that
3 information that is at least as effective as posting. Any authorization under this
4 paragraph shall be in writing and shall specify the particular alternative means of
5 notification of electors that may be used by a municipality.

6 **SECTION 19.** 5.84 (1) of the statutes is amended to read:

7 5.84 (1) Where any municipality employs an electronic voting system which
8 utilizes automatic tabulating equipment, either at the polling place or at a central
9 counting location, the municipal clerk shall, on any day ~~not more than 10 days~~ after
10 ballots become available prior to the date of the election ~~day on~~ at which the
11 equipment is to be utilized, have the equipment tested to ascertain that it will
12 correctly count the votes cast for all offices and on all measures. Public notice of the
13 time and place of the test shall be given by the clerk at least 48 hours prior to the test
14 by publication of a class 1 notice under ch. 985 in one or more newspapers published
15 within the municipality if a newspaper is published therein, otherwise in a
16 newspaper of general circulation therein. The test shall be open to the public. The
17 test shall be conducted by processing a preaudited group of ballots so marked as to
18 record a predetermined number of valid votes for each candidate and on each
19 referendum. The test shall include for each office one or more ballots which have
20 votes in excess of the number allowed by law and, for a partisan primary election, one
21 or more ballots which have votes cast for candidates of more than one recognized
22 political party, in order to test the ability of the automatic tabulating equipment to
23 reject such votes. If any error is detected, the municipal clerk shall ascertain the
24 cause and correct the error. The clerk shall make an errorless count before the
25 automatic tabulating equipment is approved by the clerk for use in the election.

ASSEMBLY BILL 895

1 **SECTION 20.** 6.22 (2) (e) of the statutes is created to read:

2 6.22 **(2)** (e) A military elector may file an application for an absentee ballot by
3 means of electronic mail or facsimile transmission in the manner prescribed in s. 6.86
4 (1) (ac). Upon receipt of a valid application, the municipal clerk shall send the elector
5 an absentee ballot or, if the elector so requests, shall transmit an absentee ballot to
6 the elector by means of electronic mail or facsimile transmission in the manner
7 prescribed in s. 6.87 (3) (d).

8 **SECTION 21.** 6.22 (4) (a) of the statutes is amended to read:

9 6.22 **(4)** (a) A request for an absentee ballot by an individual who qualifies as
10 a military elector shall be treated as a request for an absentee ballot for all elections
11 unless the individual otherwise requests. Upon receiving a timely request for an
12 absentee ballot under par. (b) by an individual who qualifies as a military elector, the
13 municipal clerk shall send or transmit to the elector an absentee ballot for all
14 elections that occur in the municipality or portion thereof where the elector resides
15 beginning on the date that the clerk receives the request.

16 **SECTION 22.** 6.22 (4) (e) of the statutes is amended to read:

17 6.22 **(4)** (e) Whenever the material is mailed, the material shall be prepared
18 and mailed to make use of the federal free postage laws. If the material does not
19 qualify for mailing without postage under federal free postage laws, the municipal
20 clerk shall pay the postage required for mailing to the military elector. If the return
21 envelope qualifies for mailing free of postage under federal free postage laws, the
22 clerk shall affix the appropriate legend required by U.S. postal regulations.
23 Otherwise the municipal clerk shall pay the postage required for return when the
24 ballot is mailed from within the United States. If the ballot is not mailed by the
25 military elector from within the United States the military elector shall provide

ASSEMBLY BILL 895

1 return postage. ~~The mailing list established under this subsection shall be kept~~
2 ~~current in the same manner as provided in s. 6.86 (2) (b).~~

3 **SECTION 23.** 6.22 (6) of the statutes is amended to read:

4 6.22 (6) MILITARY ELECTOR LIST. Each municipal clerk shall keep an up-to-date
5 list of all eligible military electors who reside in the municipality; ~~city clerks shall~~
6 ~~keep the lists by wards in the format prescribed by the board.~~ The list shall contain
7 the name, latest-known military residence and military mailing address of each
8 military elector. The list shall indicate whether each elector whose name appears on
9 the list is a military elector, as defined in s. 6.36 (2) (c) 6.34 (1), and has so certified
10 under s. 6.865 (3m). All persons over 18 years of age or who will be 18 years old prior
11 to an election shall be listed and remain on the list for the duration of their tour of
12 duty. The list shall be kept current through all possible means. Each clerk shall
13 exercise reasonable care to avoid duplication of names or listing anyone who is not
14 eligible to vote. Each clerk shall distribute ~~2 copies of~~ one copy of the list to the
15 appropriate ward each polling place in the municipality for use on election day.

16 **SECTION 24.** 6.221 (1) of the statutes is amended to read:

17 6.221 (1) In this section, “military elector” has the meaning given in s. 6.36 (2)
18 (c) 6.34 (1) and active duty status for any election is determined as of election day.

19 **SECTION 25.** 6.221 (3) (b) of the statutes is amended to read:

20 6.221 (3) (b) At the general election, the presidential preference primary, or a
21 special election for national office, a ballot that is cast under s. 6.22 by an elector who
22 is a military elector, that is received by mail from the U.S. postal service, and that
23 is postmarked no later than election day shall be counted as provided in this section
24 if it is received by a municipal clerk no later than 5 p.m. on the 10th day after the
25 election.

ASSEMBLY BILL 895

1 **SECTION 26.** 6.24 (4) (c) of the statutes is amended to read:

2 6.24 **(4)** (c) Upon receipt of a timely application from an individual who
3 qualifies as an overseas elector and who has registered to vote in a municipality
4 under sub. (3), the municipal clerk of the municipality shall send an absentee ballot
5 to the individual for all subsequent elections for national office to be held during the
6 year in which the ballot is requested, except as otherwise provided in this paragraph,
7 unless the individual otherwise requests or until the individual no longer qualifies
8 as an overseas elector. of the municipality. The clerk shall not send an absentee ballot
9 for an election if the overseas elector's name appeared on the registration list in
10 eligible status for a previous election following the date of the application but no
11 longer appears on the list in eligible status. The municipal clerk shall ensure that
12 the envelope containing the absentee ballot is clearly marked as not forwardable.
13 If an overseas elector who files an application under this subsection no longer resides
14 at the same address that is indicated on the application form, the elector shall so
15 notify the municipal clerk. The municipal clerk shall discontinue mailing absentee
16 ballots to an overseas elector under this subsection if the elector fails to return any
17 absentee ballot mailed to the elector. The municipal clerk shall notify the elector of
18 any such action not taken at the elector's request within 5 days, if possible. An
19 overseas elector who fails to cast an absentee ballot but who remains qualified to
20 receive absentee ballots under this subsection may then receive absentee ballots for
21 subsequent elections by notifying the municipal clerk that the elector wishes to
22 continue receiving absentee ballots for subsequent elections.

23 **SECTION 27.** 6.24 (4) (e) of the statutes is created to read:

24 6.24 **(4)** (e) An overseas elector may file an application for an absentee ballot
25 by means of electronic mail or facsimile transmission in the manner prescribed in s.

ASSEMBLY BILL 895

1 6.86 (1) (ac). Upon receipt of a valid application, the municipal clerk shall send the
2 elector an absentee ballot or, if the elector so requests, shall transmit an absentee
3 ballot to the elector by means of electronic mail or facsimile transmission in the
4 manner prescribed in s. 6.87 (3) (d).

5 **SECTION 28.** 6.25 (1) of the statutes is amended to read:

6 6.25 (1) Any individual who qualifies as a military elector under s. 6.22 (1) (b)
7 or an overseas elector under s. 6.24 (1) and who transmits an application for an
8 official absentee ballot for ~~a general election~~ an election for national office, including
9 a primary election, no later than ~~30 days before election day~~ the latest time specified
10 for the elector in s. 6.86 (1) (b) may, in lieu of the official ballot, cast a federal write-in
11 absentee ballot prescribed under 42 USC 1973ff-2 for any candidate or for all of the
12 candidates of any recognized political party for national office listed on the official
13 ballot at ~~the general~~ that election if the federal write-in absentee ballot is received
14 by the appropriate municipal clerk no later than the applicable time prescribed in
15 s. 6.221 (3) or 6.87 (6).

16 **SECTION 29.** 6.25 (4) (intro.), (a) and (b) of the statutes are consolidated,
17 renumbered 6.25 (4) and amended to read:

18 6.25 (4) A write-in absentee ballot issued under sub. (1), (2) or (3) is valid only
19 if ~~all of the following apply:~~ (a) ~~The ballot is submitted from a location outside the~~
20 ~~United States.~~ (b) ~~The~~ the elector submitting the ballot does not submit an official
21 ballot within the time prescribed in s. 6.87 (6) and, if the elector is an overseas elector,
22 the ballot is submitted from a location outside the United States.

23 **SECTION 30.** 6.256 of the statutes is created to read:

24 **6.256 Board shall facilitate registration of electors.** (1) Except as
25 provided for electors specified in sub. (8) and as otherwise expressly provided, the

ASSEMBLY BILL 895

1 board shall use all feasible means to facilitate the registration of all eligible electors
2 of this state who are subject to a registration requirement and the maintenance of
3 the registration of all eligible electors for so long as they remain eligible.

4 **(2)** For the purpose of carrying out its functions under sub. (1), the board shall
5 obtain the following information from the department of transportation, to the
6 extent that the department has the information:

7 (a) The full name of each individual who holds a current operator's license
8 issued to the individual under ch. 343 or a current identification card issued to the
9 individual under s. 343.50, together with the following information pertaining to
10 that individual:

11 1. The current address of the individual together with any address history
12 maintained by the department of transportation.

13 2. The date of birth of the individual.

14 3. The number of the license or identification card issued to the individual.

15 4. The individual's citizenship and any information pertaining to that
16 citizenship and whether the individual provided proof of citizenship or other
17 attestation of citizenship to the department of transportation.

18 (b) For each item of information specified in this subsection, the most recent
19 date that the item of information was provided or obtained by the department of
20 transportation.

21 **(3)** The board shall compare the information obtained under sub. (2) with the
22 information in the registration list under s. 6.36 (1) (a) and shall update that
23 information, correct inaccuracies in that information, and eliminate duplications in
24 the list.

ASSEMBLY BILL 895

1 **(4)** Except as provided in sub. (8) and this subsection, if the board concludes
2 that an individual appears eligible to vote in this state but is not registered, and the
3 board has obtained from reliable sources all the information required under s. 6.33
4 (1) to complete the individual's registration, the board shall enter the individual's
5 name on the registration list. If the board has not obtained from reliable sources all
6 the information pertaining to an individual that is required under s. 6.33 (1), the
7 board shall attempt to obtain from reliable sources the necessary information under
8 s. 6.33 (1) that is required to complete the individual's registration. If a
9 municipality has changed the status of an elector from eligible to ineligible under s.
10 6.50 (1) and the elector's eligibility, name, or residence have not changed, the board
11 shall not change the individual's name to eligible status unless the board first
12 verifies that the individual is eligible and wishes to change his or her status to
13 eligible.

14 **(5)** The board shall attempt to contact individuals described in sub. (4) if
15 necessary to obtain all the information specified in s. 6.33 (1) pertaining to the
16 individual that is required to complete the individual's registration.

17 **(6)** If the board is able to obtain all the required information specified in s. 6.33
18 (1) pertaining to an individual, the board shall enter the name of the individual on
19 the registration list maintained under s. 6.36 (1) (a).

20 **(7)** If an individual's name is entered on the registration list by initiative of the
21 board, the individual's registration is not valid until the individual confirms the
22 registration under this subsection on a form prescribed by the board. If any
23 information obtained by the board is not correct or accurate as of the confirmation
24 date, the individual shall correct the information before confirming his or her
25 registration. The confirmation shall affirm that all information is correct and

ASSEMBLY BILL 895

1 accurate as of the date of confirmation, subject to all penalties prescribed by law for
2 falsifying information or registration. An individual may confirm his or her
3 registration by any of the following means:

4 (a) By electronic means on the Internet using a secure procedure prescribed by
5 the board.

6 (b) By mail.

7 (c) By appearing in person at the office of the municipal clerk serving the
8 municipality where the elector resides or at the polling place serving his or her
9 residence.

10 **(8)** Any individual may file a request with the board to exclude his or her name
11 from the registration list. Any individual whose name is added to the registration
12 list by the board may file a request with the board to have his or her name deleted
13 from the list. A request for exclusion or deletion shall be filed on a form prescribed
14 by the board and may be filed by any means specified in sub. (7). An individual who
15 files an exclusion or deletion request under this subsection may revoke his or her
16 request by the same means that an individual may request an exclusion or deletion.
17 The board shall ensure that the name of any individual who has filed an exclusion
18 or deletion request under this subsection is excluded from the registration list or if
19 the individual's name appears on the list, is removed from the registration list and
20 is not added to the list at any subsequent time unless the individual files a revocation
21 of his or her request under this subsection.

22 **(9)** If the board removes from the registration list the name of an elector who
23 does not request that his or her name be deleted, other than to correct an entry that
24 the board positively determines to be a duplication or to change the name of an
25 individual who is verified to be deceased to ineligible status, the board shall mail the

ASSEMBLY BILL 895

1 individual a notice of the removal or change in status by 1st class postcard at the
2 individual's last-known address. The notice shall provide that the individual may
3 apply to have his or her status changed to eligible if he or she is a qualified elector.

4 **(10)** The board shall attempt to facilitate the initial registration of all eligible
5 electors, except as otherwise provided in this section, no later than July 1, 2015.

6 **(11)** The board shall maintain the confidentiality of all information obtained
7 from the department of transportation under sub. (2) and may use this information
8 only for the purpose of carrying out its functions under sub. (1) and s. 6.34 (2n) and
9 in accordance with the agreement under s. 85.61 (1).

10 **SECTION 31.** 6.275 (1) (c) of the statutes is amended to read:

11 6.275 **(1)** (c) The total number of electors of the municipality residing in that
12 county who registered or confirmed their registrations after the close of registration
13 and prior to the day of the primary or election under ss. 6.29 and 6.86 (3) (a) 2.

14 **SECTION 32.** 6.275 (1) (d) of the statutes is amended to read:

15 6.275 **(1)** (d) The total number of electors of the municipality residing in that
16 county who registered or confirmed their registrations on the day of the primary or
17 election under ss. 6.55 and 6.86 (3) (a) 2.

18 **SECTION 33.** 6.28 (1) of the statutes is amended to read:

19 6.28 **(1)** REGISTRATION LOCATIONS; DEADLINE. Except as authorized in ss. 6.29,
20 6.55 (2), and 6.86 (3) (a) 2., registration in person for any election shall close at 5 p.m.
21 on the 3rd Wednesday preceding the election. Registrations made by mail under s.
22 6.30 (4) must be delivered to the office of the municipal clerk or postmarked no later
23 than the 3rd Wednesday preceding the election. All applications for registration
24 corrections and additions and registration confirmations may be made throughout
25 the year at the office of the city board of election commissioners, at the office of the

ASSEMBLY BILL 895

1 municipal clerk, at the office of the county clerk, or at other locations provided by the
2 board of election commissioners or the common council in cities over 500,000
3 population or by either or both the municipal clerk, or the common council, village
4 or town board in all other municipalities and may also be made during the school year
5 at any high school by qualified persons under sub. (2) (a). Other registration
6 locations may include but are not limited to fire houses, police stations, public
7 libraries, institutions of higher education, supermarkets, community centers, plants
8 and factories, banks, savings and loan associations and savings banks. Special
9 registration deputies shall be appointed for each location unless the location can be
10 sufficiently staffed by the board of election commissioners or the municipal clerk or
11 his or her deputies. An elector who wishes to obtain a confidential listing under s.
12 6.47 (2) shall register at the office of the municipal clerk of the municipality where
13 the elector resides.

14 **SECTION 34.** 6.28 (4) of the statutes is amended to read:

15 6.28 (4) AT THE OFFICE OF THE COUNTY CLERK. Any person shall be given an
16 opportunity to register to vote or to file a registration confirmation form under s.
17 6.256 (7) at the office of the county clerk for the county in which the person's residence
18 is located. An applicant for registration may complete the required registration form
19 under s. 6.33. Unless the county clerk performs registration functions for the
20 municipality where the elector resides under s. 6.33 (5) (b), the county clerk shall
21 forward the each form submitted by an elector to the appropriate municipal clerk,
22 or to the board of election commissioners in cities over 500,000 population within 5
23 days of receipt. The clerk shall forward the form immediately whenever registration
24 closes within 5 days of receipt.

25 **SECTION 35.** 6.29 (1) of the statutes is amended to read:

ASSEMBLY BILL 895

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

7 **SECTION 36.** 6.29 (2) (a) of the statutes is amended to read:

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

ASSEMBLY BILL 895

1 and that contains the current street address of the corroborating elector. The
2 corroborating elector shall then provide proof of residence under s. 6.34. If the elector
3 is registering or confirming his or her registration after the close of registration for
4 the general election and the elector presents a valid driver's license issued by another
5 state, the municipal clerk or agent shall record on a separate list the name and
6 address of the elector, the name of the state, and the license number and expiration
7 date of the license.

8 **SECTION 37.** 6.29 (2) (b) of the statutes is amended to read:

9 6.29 (2) (b) Upon the filing of the registration form or confirmation form
10 required by this section, the municipal clerk or clerk's agent under s. 6.33 (5) (b) shall
11 offer to provide the elector with an absentee ballot. If the elector does not cast an
12 absentee ballot at the office of the municipal clerk or agent, the clerk or agent shall
13 issue a certificate containing the name and address of the elector addressed to the
14 inspectors of the proper ward or election district directing that the elector be
15 permitted to cast his or her vote if the elector complies with all requirements for
16 voting at the polling place. The certificate shall be numbered serially, prepared in
17 duplicate and one copy preserved in the office of the municipal clerk.

18 **SECTION 38.** 6.29 (2) (d) of the statutes is amended to read:

19 6.29 (2) (d) The inspectors shall record the names of electors who present
20 certificates in person ~~or for whom certificates are presented with absentee ballots~~
21 under this section on the list maintained under s. 6.56 (1). ~~These names shall then~~
22 ~~be added to the registration list if the electors are qualified.~~

23 **SECTION 39.** 6.29 (2) (e) of the statutes is created to read:

24 6.29 (2) (e) The municipal clerk or clerk's agent shall promptly add the names
25 of qualified electors who register and vote under this section to the registration list.

ASSEMBLY BILL 895

1 The clerk or clerk's agent shall add the names of qualified electors who vote at their
2 polling places in the manner prescribed in s. 6.33 (5) (a).

3 **SECTION 40.** 6.33 (5) (a) of the statutes is amended to read:

4 6.33 (5) (a) Except as provided in par. (b), whenever a municipal clerk receives
5 a valid registration or valid change of a name or address under an existing
6 registration or a change of information when a registration is confirmed under s.
7 6.256 (7) and whenever a municipal clerk changes a person's registration from
8 eligible to ineligible status, the municipal clerk shall promptly enter electronically
9 on the list maintained by the board under s. 6.36 (1) the information required under
10 that subsection, ~~except that the~~ as provided in this paragraph. The municipal clerk
11 may update any entries that change on the date of an election ~~in the municipality~~
12 other than a general election within 30 days after that ~~the~~ date, ~~and the~~ of that
13 election, and shall update any entries that change on the date of a general election
14 within 45 days after the date of that election, except that the legal counsel of the
15 board may, upon application of a municipal clerk, permit the clerk to update entries
16 that change on the date of a general election within 60 days after that election. The
17 municipal clerk shall provide to the board information that is confidential under s.
18 6.47 (2) in such manner as the board prescribes.

19 **SECTION 41.** 6.34 (2) of the statutes is amended to read:

20 6.34 (2) Except as authorized in ss. 6.29 (2) (a) and 6.86 (3) (a) 2., upon
21 completion of a registration form prescribed under s. 6.33 or registration
22 confirmation form under s. 6.256 (7), each elector who is required to register under
23 s. 6.27, who is not a military elector or an overseas elector and who registers or
24 confirms his or her registration after the close of registration under s. 6.29 or 6.86
25 (3) (a) 2., shall provide an identifying document that establishes proof of residence

ASSEMBLY BILL 895

1 under sub. (3). Each elector other than a military elector or an overseas elector who
2 is required to register under s. 6.27 ~~who is not a military elector or an overseas~~
3 ~~elector,~~ who registers by mail or confirms a registration entered by the board after
4 the close of registration, and who has not voted in an election in this state shall, if
5 voting in person, provide an identifying document that establishes proof of residence
6 under sub. (3) or, if voting by absentee ballot, provide a copy of an identifying
7 document that establishes proof of residence under sub. (3). If the elector registered
8 by mail or the elector is confirming a registration entered by the board after the close
9 of registration, the identifying document may not be a residential lease.

10 **SECTION 42.** 6.34 (2n) of the statutes is created to read:

11 6.34 (2n) If an elector who confirms a registration that has been entered by the
12 board under s. 6.256 (7) would otherwise be required to provide proof of residence
13 under sub. (2) but provides, in lieu of proof of residence, the number of a current and
14 valid operator's license issued under ch. 343 or the last 4 digits of the elector's social
15 security account number together with the elector's name and date of birth, and the
16 board is able to verify the information electronically at the time of confirmation, the
17 elector is not required to provide proof of residence.

18 **SECTION 43.** 6.34 (3) (a) 7. of the statutes is amended to read:

19 6.34 (3) (a) 7. A university, college, or technical college fee or identification card
20 that contains a photograph of the cardholder. ~~A card under this subdivision that does~~
21 ~~not contain the information specified in par. (b) shall be considered proof of residence~~
22 ~~if the university, college, or technical college that issued the card provides a certified~~
23 ~~and current list of students who reside in housing sponsored by the university,~~
24 ~~college, or technical college to the municipal clerk prior to the election showing the~~
25 ~~current address of the students and if the municipal clerk, special registration~~

ASSEMBLY BILL 895

1 ~~deputy, or inspector verifies that the student presenting the card is included on the~~
2 ~~list.~~

3 **SECTION 44.** 6.34 (3) (b) (intro.) of the statutes is amended to read:

4 6.34 (3) (b) (intro.) The Except as provided in par. (d), identifying documents
5 prescribed in par. (a) shall contain all of the following in order to be considered proof
6 of residence:

7 **SECTION 45.** 6.34 (3) (d) of the statutes is created to read:

8 6.34 (3) (d) The municipal clerk and the inspectors of election shall accept a
9 university, college, or technical college fee or identification card that contains a
10 photograph of the cardholder as proof of residence at any election regardless of
11 whether the card contains the information specified in par. (b) if the university,
12 college, or technical college that issued the card provides to the municipal clerk, for
13 use at the election, a certified copy of a current list of students who reside in housing
14 sponsored by the university, college, or technical college showing the names and
15 current addresses of the students. Upon presentation of such a card, the municipal
16 clerk, special registration deputy, or inspector shall verify that the name of the
17 student presenting the card is included on the list.

18 **SECTION 46.** 6.34 (4) of the statutes is created to read:

19 6.34 (4) The board shall maintain a system that electronically verifies, on an
20 instant basis, the validity of information specified in sub. (2n) submitted by an
21 elector who registers electronically with the information maintained by the
22 department of transportation pursuant to the board's agreement with the secretary
23 of transportation under s. 5.056.

24 **SECTION 47.** 6.36 (1) (a) of the statutes is amended to read:

ASSEMBLY BILL 895

1 6.36 (1) (a) The board shall compile and maintain electronically an official
2 registration list. The list shall contain the name and address of each registered
3 elector in the state, the date of birth of the elector, the ward and aldermanic district
4 of the elector, if any, and, for each elector, a unique registration identification number
5 assigned by the board, the number of a valid operator's license issued to the elector
6 under ch. 343, if any, or the last 4 digits of the elector's social security account
7 number, if any, any identification serial number issued to the elector under s. 6.47
8 (3), the date of any election in which the elector votes, an indication of whether the
9 elector is a military elector, as defined in ~~sub. (2) (c)~~ s. 6.34 (1), who has so certified
10 under s. 6.865 (3m), an indication of whether the elector is an overseas elector, as
11 defined in s. 6.24 (1), any information relating to the elector that appears on the
12 current list transmitted to the board by the department of corrections under s. 301.03
13 (20m), an indication of any accommodation required under s. 5.25 (4) (a) to permit
14 voting by the elector, an indication of the method by which the elector's registration
15 form was received, if any information in the elector's registration was obtained by
16 initiative of the board, whether the registration of the individual has been confirmed
17 under s. 6.256 (7), and such other information as may be determined by the board to
18 facilitate administration of elector registration requirements.

19 **SECTION 48.** 6.36 (1) (b) 1. a. of the statutes is amended to read:

20 6.36 (1) (b) 1. a. ~~No~~ Except as provided in par. (bm), no person other than an
21 employee of the board, a county clerk, a deputy county clerk, an executive director
22 of a county board of election commissioners, a deputy designated by the executive
23 director, a municipal clerk, a deputy municipal clerk, an executive director of a city
24 board of election commissioners, or a deputy designated by the executive director
25 may view the ~~date of birth~~ birthday, operator's license number, or social security

ASSEMBLY BILL 895

1 account number of an elector, the address of an elector to whom an identification
2 serial number is issued under s. 6.47 (3), or any indication of an accommodation
3 required under s. 5.25 (4) (a) to permit voting by an elector.

4 **SECTION 49.** 6.36 (1) (bm) of the statutes is created to read:

5 6.36 (1) (bm) 1. In this paragraph, “state authority” has the meaning given in
6 s. 19.62 (8).

7 2. Except as provided in s. 6.256 (11), the board may transfer any information
8 in the official registration list to which access is restricted under par. (b) 1. a. to any
9 state authority or to a subunit of the state government of another state.

10 **SECTION 50.** 6.36 (2) (a) of the statutes is amended to read:

11 6.36 (2) (a) Except as provided in par. (b), each registration list prepared for use
12 as a poll list at a polling place or for purposes of canvassing absentee ballots at an
13 election shall contain the full name and address of each registered elector; a blank
14 column for the entry of the serial number of the electors when they vote or the poll
15 list number used by the municipal board of absentee ballot canvassers in canvassing
16 absentee ballots; an indication whether the registration of an elector has been
17 confirmed under s. 6.256 (7), if confirmation is required; an indication next to the
18 name of each elector for whom proof of residence under s. 6.34 is required; and a form
19 of certificate bearing the certification of the administrator of the elections division
20 of the board stating that the list is a true and complete registration list of the
21 municipality or the ward or wards for which the list is prepared.

22 **SECTION 51.** 6.36 (2) (c) of the statutes is amended to read:

23 6.36 (2) (c) The list shall contain, next to the name of each elector, an indication
24 of whether proof of residence under s. 6.34 is required for the elector to be permitted
25 to vote. Proof of residence is required if the elector is not a military elector or an

ASSEMBLY BILL 895

1 overseas elector and the elector registers by mail or has not confirmed his or her
2 registration under s. 6.256 (7) and has not previously voted in an election in this
3 state.

4 **SECTION 52.** 6.54 of the statutes is amended to read:

5 **6.54 Failure to register; rights.** No name may be added to the registration
6 list after the close of registration, but any person whose name is not on the
7 registration list or whose registration has not been confirmed under s. 6.256 (7), if
8 confirmation is required, but who is otherwise a qualified elector, is entitled to vote
9 at the election upon compliance with s. 6.29 or 6.55.

10 **SECTION 53.** 6.55 (title) of the statutes is amended to read:

11 **6.55 (title) Polling place registration and registration confirmation;**
12 **voting by certification.**

13 **SECTION 54.** 6.55 (2) (a) 1. of the statutes is amended to read:

14 6.55 (2) (a) 1. Except where the procedure under par. (c) or (cm) is employed,
15 any person who qualifies as an elector in the ward or election district where he or she
16 desires to vote, but has not previously filed a registration form, whose registration
17 appears on the registration list but has not been confirmed under s. 6.256 (7) or who
18 was registered at another location, may request permission to vote at the polling
19 place for that ward or election district, or at an alternate polling place assigned under
20 s. 5.25 (5) (b). When a proper request is made, the inspector shall require the person
21 to execute a registration form or confirmation form prescribed by the board. The An
22 original registration form shall be completed in the manner provided under s. 6.33
23 (2) and shall contain all information required under s. 6.33 (1), together with the
24 following certification:

ASSEMBLY BILL 895

1 “I,, hereby certify that, to the best of my knowledge, I am a qualified elector,
2 having resided at for at least 10 days immediately preceding this election, and I
3 have not voted at this election.”

4 **SECTION 55.** 6.55 (2) (b) of the statutes is amended to read:

5 6.55 (2) (b) Upon executing ~~the~~ a registration form or confirmation form under
6 par. (a), the elector shall provide proof of residence under s. 6.34. If the elector cannot
7 provide proof of residence, the information contained in the elector’s registration
8 form or confirmation form shall be corroborated in a statement that is signed by ~~any~~
9 another elector who resides in the same municipality as the registering elector and
10 that contains the current street address of the corroborating elector. The
11 corroborator shall then provide proof of residence as provided in s. 6.34. If the elector
12 is registering to vote or confirming his or her registration in the general election and
13 the elector presents a valid driver’s license issued by another state, the inspector or
14 deputy shall record on a separate list the name and address of the elector, the name
15 of the state, and the license number and expiration date of the license. The signing
16 by the elector executing the registration form or confirmation form and the signing
17 by any corroborator shall be in the presence of the special registration deputy or
18 inspector who shall then print his or her name on and sign the form, indicating that
19 the deputy or inspector has accepted the form. Upon compliance with this procedure,
20 the elector shall be permitted to cast his or her vote, if the elector complies with all
21 other requirements for voting at the polling place.

22 **SECTION 56.** 6.55 (2) (c) 1. and 2. of the statutes are amended to read:

23 6.55 (2) (c) 1. As an alternative to registration or confirmation of registration
24 under par. (a) at ~~the~~ a polling place under pars. (a) and (b), the board of election
25 commissioners, or the governing body of any municipality may by resolution require

ASSEMBLY BILL 895

1 a person who qualifies as an elector and who is not registered or confirmed and
2 desires to register or confirm his or her registration on the day of an election to do
3 so at another readily accessible location in the same building as the polling place
4 serving the elector's residence or at an alternate polling place assigned under s. 5.25
5 (5) (b), instead of at the polling place serving the elector's residence. In such case,
6 the municipal clerk shall prominently post a notice of the registration location at the
7 polling place. The elector who desires to register or confirm his or her registration
8 shall execute a registration form or confirmation form as prescribed under par. (a)
9 and provide proof of residence as provided under s. 6.34. If the elector cannot provide
10 proof of residence, the information contained in the registration form or confirmation
11 form shall be corroborated in the manner provided in par. (b). If the elector is
12 registering to vote or confirming his or her registration in the general election and
13 the elector presents a valid driver's license issued by another state, the municipal
14 clerk, deputy clerk, or special registration deputy shall record on a separate list the
15 name and address of the elector, the name of the state, and the license number and
16 expiration date of the license. The signing by the elector executing the registration
17 form or confirmation form and the signing by any corroborator shall be in the
18 presence of the municipal clerk, deputy clerk or special registration deputy. The
19 municipal clerk, the deputy clerk, or the special registration deputy shall then print
20 his or her name and sign the form, indicating that the clerk, deputy clerk, or deputy
21 has accepted the form. ~~Upon proper completion of registration, the municipal clerk,~~
22 ~~deputy clerk or special registration deputy shall serially number the registration and~~
23 ~~give one copy to the elector for presentation at the polling place serving the elector's~~
24 ~~residence or an alternate polling place assigned under s. 5.25 (5) (b).~~

ASSEMBLY BILL 895

1 2. Upon compliance with the procedures under subd. 1., the municipal clerk or
2 deputy clerk shall issue a certificate addressed to the inspectors of the proper polling
3 place directing that the elector be permitted to cast his or her vote if the elector
4 complies with all requirements for voting at the polling place. The clerk shall enter
5 the name and address of the elector on the face of the certificate. If the elector's
6 registration or confirmation is corroborated, the clerk shall also enter the name and
7 address of the corroborator on the face of the certificate. The certificate shall be
8 numbered serially and prepared in duplicate. The municipal clerk shall preserve one
9 copy in his or her office.

10 **SECTION 57.** 6.55 (2) (cs) of the statutes is amended to read:

11 6.55 (2) (cs) The board shall provide to each municipal clerk a list prepared for
12 use at each polling place showing the name and address of each person whose name
13 appears on the list provided by the department of corrections under s. 301.03 (20m)
14 as ineligible to vote on the date of the election, whose address is located in the area
15 served by that polling place, and whose name does not appear on the poll list for that
16 polling place. Prior to permitting an elector to register to vote or to confirm a
17 registration in accordance with s. 6.256 (7) under this subsection or s. 6.86 (3) (a) 2.,
18 the inspectors or special registration deputies shall review the list. If the name of
19 an elector who wishes to register to vote appears on the list, the inspectors or special
20 registration deputies shall inform the elector or the elector's agent that the elector
21 is ineligible to register to vote. If the elector or the elector's agent maintains that the
22 elector is eligible to vote in the election, the inspectors or special registration
23 deputies shall permit the elector to register or to confirm his or her registration but
24 shall mark the elector's registration form as "ineligible to vote per Department of

ASSEMBLY BILL 895

1 Corrections.” If the elector wishes to vote, the inspectors shall require the elector to
2 vote by ballot and shall challenge the ballot as provided in s. 6.79 (2) (dm).

3 **SECTION 58.** 6.55 (5) of the statutes is amended to read:

4 6.55 (5) Any person who ~~violates~~ falsifies a statement under this section may
5 be punished as provided in ss. 12.13 (3) (g) and 12.60 (1) (b).

6 **SECTION 59.** 6.79 (4) of the statutes is amended to read:

7 6.79 (4) SUPPLEMENTAL INFORMATION. When any elector provides proof of
8 residence under s. 6.15, 6.29 or 6.55 (2), the election officials shall enter the type of
9 identifying document provided on the poll list, or separate list maintained under sub.
10 (2) (c). If the document submitted as proof of identity or residence includes a number
11 which applies only to the individual holding that document, the election officials
12 shall also enter that number on the list. When any elector corroborates the
13 registration ~~identity or residence~~ or confirmation of registration of any person
14 offering to vote under s. 6.55 (2) (b) or (c), or the registration ~~identity or residence~~ or
15 confirmation of any person registering on election day under s. 6.86 (3) (a) 2., the
16 election officials shall also enter the name and address of the corroborator next to the
17 name of the elector whose information is being corroborated on the poll list, or the
18 separate list maintained under sub. (2) (c). When any person offering to vote has
19 been challenged and taken the oath, following the person’s name on the poll list, the
20 officials shall enter the word “Sworn”.

21 **SECTION 60.** 6.855 (title) of the statutes is amended to read:

22 **6.855 (title) Alternate absentee ballot site sites.**

23 **SECTION 61.** 6.855 (1) of the statutes is amended to read:

24 6.855 (1) The governing body of a municipality may elect to designate ~~a site~~
25 one or more sites other than the office of the municipal clerk or board of election

ASSEMBLY BILL 895

1 commissioners as ~~the~~ a location from which electors of the municipality may request
2 and vote absentee ballots and to which voted absentee ballots shall may be returned
3 by electors for any election. ~~The designated site shall be located as near as~~
4 ~~practicable to the office of the municipal clerk or board of election commissioners and~~
5 ~~no~~ No alternate site may be designated that affords an advantage to any political
6 party. An election by a governing body to designate an alternate site under this
7 section shall be made no fewer than 14 days prior to the time that absentee ballots
8 are available for the primary under s. 7.15 (1) (cm), if a primary is scheduled to be
9 held, or at least no fewer than 14 days prior to the time that absentee ballots are
10 available for the election under s. 7.15 (1) (cm), if a primary is not scheduled to be
11 held, and shall remain in effect until at least the day after the election. ~~If the~~
12 ~~governing body of a municipality makes an election under this section, no function~~
13 ~~related to voting and return of absentee ballots that is to be conducted at the~~
14 ~~alternate site may be conducted in the office of the municipal clerk or board of~~
15 ~~election commissioners. An alternate site may be used for absentee voting in~~
16 addition to or in lieu of use of the office of the municipal clerk or board of election
17 commissioners. No later than the latest time specified in this subsection for
18 designation of an alternate site for absentee voting at an election, a municipality
19 designating an alternate site shall provide written notice to the board of the
20 designation of the site, the address of the site, and the election at which it will be in
21 operation.

22 **SECTION 62.** 6.855 (2) of the statutes is amended to read:

23 6.855 (2) The municipal clerk or board of election commissioners shall
24 prominently display a notice of the designation of the each alternate site selected
25 under sub. (1) in the office of the municipal clerk or board of election commissioners

ASSEMBLY BILL 895

1 beginning on the date that the site is designated under sub. (1) and continuing
2 through the period that absentee ballots are available for the election and for any
3 primary under s. 7.15 (1) (cm). The notice shall specify the days and hours of
4 operation of each alternate site and the days and hours of operation of the office of
5 the municipal clerk or board of election commissioners. If the municipal clerk or
6 board of election commissioners maintains a Web site on the Internet, the clerk or
7 board of election commissioners shall post a notice of the designation of the each
8 alternate site selected under sub. (1) on the Web site during the same period that
9 notice is displayed in the office of the clerk or board of election commissioners.

10 **SECTION 63.** 6.86 (1) (a) (intro.) of the statutes is amended to read:

11 6.86 (1) (a) (intro.) Any elector of a municipality who is registered to vote
12 whenever required and who qualifies under ss. 6.20 and 6.85 as an absent elector
13 may make written application to the municipal clerk of that municipality for an
14 official ballot by one of the following methods:

15 **SECTION 64.** 6.86 (1) (a) 3. of the statutes is amended to read:

16 6.86 (1) (a) 3. By signing submitting a statement under sub. (2) (a).

17 **SECTION 65.** 6.86 (1) (a) 3. of the statutes, as affected by 2009 Wisconsin Act
18 (this act), is repealed and recreated to read:

19 6.86 (1) (a) 3. By filing a request to receive absentee ballots under sub. (2m) (a)
20 or s. 6.22 (4) or 6.24 (4).

21 **SECTION 66.** 6.86 (1) (ab) of the statutes is created to read:

22 6.86 (1) (ab) The application shall be signed by the elector except as authorized
23 in par. (ag) and subs. (2m) (a) and (3) (a) 1.

24 **SECTION 67.** 6.86 (1) (ac) of the statutes is amended to read:

ASSEMBLY BILL 895

1 6.86 (1) (ac) Any elector qualifying under par. (a) may make written application
2 to the municipal clerk for an official ballot by means of facsimile transmission or
3 electronic mail. Any application under this paragraph shall need not contain a copy
4 of the applicant's original signature. ~~An elector requesting a ballot under this~~
5 ~~paragraph shall return with the voted ballot a copy of the request bearing an original~~
6 ~~signature of the elector as provided in s. 6.87 (4).~~

7 **SECTION 68.** 6.86 (1) (ad) of the statutes is created to read:

8 6.86 (1) (ad) The board shall prescribe the form of applications for absentee
9 ballots by electors who vote in person at the office of the municipal clerk or an
10 alternate site designated under s. 6.855.

11 **SECTION 69.** 6.86 (1) (b) of the statutes is amended to read:

12 6.86 (1) (b) Except as provided in this section, if application is made by mail,
13 facsimile transmission, or electronic mail, the application, ~~signed by the elector,~~ shall
14 be received no later than 5 p.m. on the 5th day immediately preceding the election.
15 If application is made in person, the application shall be made no later than 5 p.m.
16 on the day preceding the election. ~~If~~ Except as provided in par. (c), if the elector is
17 making written application for an absentee ballot at the September primary ~~or, the~~
18 general election, the presidential preference primary, or a special election for
19 national office, and the application indicates that the elector is a military elector, as
20 defined in s. 6.36 (2) (c), the application shall be received by the municipal clerk no
21 later than 5 p.m. on election day. If the application indicates that the reason for
22 requesting an absentee ballot is that the elector is a sequestered juror, the
23 application shall be received no later than 5 p.m. on election day. If the application
24 is received after 5 p.m. on the Friday immediately preceding the election, the
25 municipal clerk or the clerk's agent shall immediately take the ballot to the court in

ASSEMBLY BILL 895

1 which the elector is serving as a juror and deposit it with the judge. The judge shall
2 recess court, as soon as convenient, and give the elector the ballot. The judge shall
3 then witness the voting procedure as provided in s. 6.87 and shall deliver the ballot
4 to the clerk or agent of the clerk who shall deliver it to the polling place or, in
5 municipalities where absentee ballots are canvassed under s. 7.52, to the municipal
6 clerk as required in s. 6.88. If application is made under sub. (2) or (2m), the
7 application may be received no later than 5 p.m. on the Friday immediately
8 preceding the election.

9 **SECTION 70.** 6.86 (1) (b) of the statutes, as affected by 2009 Wisconsin Act
10(this act), is amended to read:

11 6.86 (1) (b) Except as provided in this section, if application is made by mail,
12 facsimile transmission, or electronic mail, the application shall be received no later
13 than 5 p.m. on the 5th day immediately preceding the election. If application is made
14 in person, the application shall be made no later than 5 p.m. on the day preceding
15 the election. Except as provided in par. (c), if the elector is making written
16 application for an absentee ballot at the September primary, the general election, the
17 presidential preference primary, or a special election for national office, and the
18 application indicates that the elector is a military elector, as defined in s. ~~6.36(2)(c)~~
19 6.34 (1), the application shall be received by the municipal clerk no later than 5 p.m.
20 on election day. If the application indicates that the reason for requesting an
21 absentee ballot is that the elector is a sequestered juror, the application shall be
22 received no later than 5 p.m. on election day. If the application is received after 5 p.m.
23 on the Friday immediately preceding the election, the municipal clerk or the clerk's
24 agent shall immediately take the ballot to the court in which the elector is serving
25 as a juror and deposit it with the judge. The judge shall recess court, as soon as

ASSEMBLY BILL 895

1 convenient, and give the elector the ballot. The judge shall then witness the voting
2 procedure as provided in s. 6.87 and shall deliver the ballot to the clerk or agent of
3 the clerk who shall deliver it to the polling place or, in municipalities where absentee
4 ballots are canvassed under s. 7.52, to the municipal clerk as required in s. 6.88. If
5 application is made under sub. ~~(2)~~ or (2m), the application may be received no later
6 than 5 p.m. on the Friday immediately preceding the election.

7 **SECTION 71.** 6.86 (1) (c) of the statutes is amended to read:

8 6.86 (1) (c) If an application is made ~~by mail~~ by a military elector, as defined
9 in s. 6.22 (1) (b), by mail, facsimile transmission, or electronic mail, the application
10 shall be received no later than 5 p.m. on the Friday immediately preceding the
11 election.

12 **SECTION 72.** 6.86 (2) of the statutes is repealed.

13 **SECTION 73.** 6.86 (2m) of the statutes is renumbered 6.86 (2m) (a) and amended
14 to read:

15 6.86 (2m) (a) An Except as provided in this subsection, any elector other than
16 an elector who is eligible to receive absentee ballots under sub. (2) receives an
17 absentee ballot under s. 6.22 (4) or 6.24 (4) (c) may by written application filed with
18 the municipal clerk of the municipality where the elector resides require that an
19 absentee ballot be sent to the elector automatically for every succeeding election that
20 is held within the same calendar year in which the application is filed until the
21 elector is no longer an elector of the municipality or the elector otherwise requests.
22 If an elector is unable to sign the application and has designated an agent with the
23 power of attorney and the agent has authority to act on the elector's behalf, the agent
24 may file the application. The application form and instructions shall be prescribed
25 by the board, and furnished upon request to any elector by each municipal clerk. The

ASSEMBLY BILL 895

1 municipal clerk shall thereupon mail an absentee ballot to the elector for all
2 succeeding elections that are held in the municipality ~~during the same calendar year~~
3 ~~that the application is filed~~, except that the clerk shall not send an absentee ballot
4 for an election if the elector's name appeared on the registration list in eligible status
5 for a previous election following the date of the application but no longer appears on
6 the list in eligible status. The municipal clerk shall ensure that the envelope
7 containing the absentee ballot is clearly marked as not forwardable. If an elector who
8 files an application under this subsection no longer resides at the same address that
9 is indicated on the application form, the elector shall so notify the municipal clerk.
10 The municipal clerk shall discontinue mailing absentee ballots to an elector under
11 this subsection upon receipt of reliable information that the elector no longer
12 qualifies ~~for the service~~ as an elector of the municipality. In addition, the municipal
13 clerk shall discontinue mailing absentee ballots to an elector under this subsection
14 if the elector fails to return any absentee ballot mailed to the elector. The municipal
15 clerk shall notify the elector of any such action not taken at the elector's request
16 within 5 days, if possible. An elector who fails to cast an absentee ballot but who
17 remains qualified to receive absentee ballots under this subsection may then receive
18 absentee ballots for subsequent elections by notifying the municipal clerk that the
19 elector wishes to continue receiving absentee ballots for subsequent elections.

20 (b) If a municipal clerk is notified by an elector that the elector's residence is
21 changed to another municipality within this state, the ~~municipal~~ clerk shall forward
22 the request to the municipal clerk of that municipality ~~and that~~. The municipal clerk
23 shall honor the request, except as provided in this subsection of that municipality
24 shall thereupon send an absentee ballot to the elector for each succeeding election

ASSEMBLY BILL 895

1 held in the municipality until the elector is no longer an elector of the municipality
2 or the elector otherwise requests, except as otherwise provided in this subsection.

3 **SECTION 74.** 6.86 (3) (a) of the statutes is amended to read:

4 6.86 (3) (a) 1. Any elector who is registered and whose registration is confirmed,
5 whenever confirmation is required, and who is hospitalized, may apply for and
6 obtain an official ballot by agent. The agent may apply for and obtain a ballot for the
7 hospitalized absent elector by presenting a form prescribed by the board and
8 containing the required information supplied by the hospitalized elector and signed
9 by that elector and any other elector residing in the same municipality as the
10 hospitalized elector, corroborating the information contained therein. The
11 corroborating elector shall state on the form his or her full name and address.
12 Notwithstanding sub. (2m) (a), if the hospitalized elector has designated the agent
13 with the power of attorney and the agent has authority to act on the elector's behalf,
14 the agent may sign the application form on behalf of the elector.

15 2. If a hospitalized elector is not registered, the elector may register or confirm
16 his or her registration by agent under this subdivision at the same time that the
17 elector applies for an official ballot by agent under subd. 1. To register the elector
18 under this subdivision, the agent shall present a completed registration form that
19 contains the required information supplied by the elector and the elector's signature,
20 ~~unless the elector is unable to sign due to physical disability. In this case~~ To confirm
21 a registration under this subdivision, the agent shall present a completed
22 registration confirmation form under s. 6.256 (7). If the elector is unable to sign
23 either form due to physical disability, the elector may authorize another elector to
24 sign on his or her behalf. Any elector signing a form on another elector's behalf shall
25 attest to a statement that the application or confirmation is made on request and by

ASSEMBLY BILL 895

1 authorization of the named elector, who is unable to sign the form due to physical
2 disability. The agent shall present this statement along with all other information
3 required under this subdivision. Except as otherwise provided in this subdivision,
4 the agent shall in every case provide proof of the elector's residence under s. 6.34.
5 If the elector has designated the agent with the power of attorney and the agent has
6 authority to act on the elector's behalf, the agent may sign the registration form on
7 behalf of the elector. If the elector is registering to vote for or confirming an elector's
8 registration for voting in the general election and the elector's agent presents a valid
9 driver's license issued to the elector by another state, the municipal clerk shall record
10 on a separate list the name and address of the elector, the name of the state, and the
11 license number and expiration date of the license. If the agent cannot present proof
12 of residence, the registration form or confirmation form shall be signed and
13 substantiated by another elector residing in the elector's municipality of residence,
14 corroborating the information in the form. The form shall contain the full name and
15 address of the corroborating elector. The elector's agent shall then present proof of
16 the corroborating elector's residence under s. 6.34.

17 **SECTION 75.** 6.86 (3) (c) of the statutes is amended to read:

18 6.86 (3) (c) An application under par. (a) 1. may be made and a registration form
19 or confirmation form under par. (a) 2. may be filed in person at the office of the
20 municipal clerk not earlier than 7 days before an election and not later than 5 p.m.
21 on the day of the election. A list of hospitalized electors applying for ballots under
22 par. (a) 1. shall be made by the municipal clerk and used to check that the electors
23 vote only once, and by absentee ballot. If the elector is registering for the election
24 after the close of registration or if the elector registered by mail or the elector
25 confirmed his or her registration after the close of registration and has not voted in

ASSEMBLY BILL 895

1 an election in this state, the municipal clerk shall inform the agent that proof of
2 residence under s. 6.34 is required and the elector shall enclose proof of residence
3 under s. 6.34 in the envelope with the ballot. The ballot shall be sealed by the elector
4 and returned to the municipal clerk either by mail or by personal delivery of the
5 agent; but if the ballot is returned on the day of the election, the agent shall make
6 personal delivery to the polling place serving the hospitalized elector's residence
7 before the closing hour or, in municipalities where absentee ballots are canvassed
8 under s. 7.52, to the municipal clerk no later than 8 p.m. on election day.

9 **SECTION 76.** 6.86 (3) (d) of the statutes is created to read:

10 6.86 (3) (d) A power of attorney agent is not permitted to cast an absentee ballot
11 on behalf of a hospitalized elector, but if a hospitalized elector has difficulty reading,
12 writing, or understanding English or due to disability is unable to mark a ballot, the
13 elector may request assistance in marking his or her ballot from the power of
14 attorney agent or another individual specified in s. 6.82 (2) (a).

15 **SECTION 77.** 6.865 (title) of the statutes is amended to read:

16 **6.865 (title) Federal absentee ballot requests ballots.**

17 **SECTION 78.** 6.865 (3) of the statutes is repealed.

18 **SECTION 79.** 6.865 (3m) (a) of the statutes is amended to read:

19 6.865 (3m) (a) ~~Except as provided in par. (c), if any elector who certifies~~ If an
20 individual who will be a military elector on election day applies for an absentee
21 ballot, the individual may certify that he or she will be a military elector on election
22 day ~~requests an absentee ballot, the municipal clerk shall send or transmit to the~~
23 ~~elector an absentee ballot for all elections that occur in the municipality or portion~~
24 ~~thereof where the elector resides beginning on the date that the clerk receives the~~
25 ~~request and ending on the day after the 3rd successive general election that follows~~

ASSEMBLY BILL 895

1 receipt of the request, unless the elector otherwise requests. In addition, the
2 municipal clerk shall continue to send or transmit to the elector an absentee ballot
3 for all elections ending on the day after the 3rd successive general election that
4 follows any election at which the elector returns an absentee ballot under this section
5 or renews his or her request under par. (c) and the municipal clerk shall treat the
6 ballot as provided under s. 6.221.

7 **SECTION 80.** 6.865 (3m) (b) of the statutes is amended to read:

8 6.865 (3m) (b) A military elector may indicate an alternate address on his or
9 her absentee ballot application. If the elector's ballot is returned as undeliverable
10 prior to the deadline for receipt and return of absentee ballots under ~~sub. (3)~~ s. 6.87
11 (6) and the elector remains eligible to receive absentee ballots under this subsection,
12 the municipal clerk shall immediately send or transmit an absentee ballot to the
13 elector at the alternate address.

14 **SECTION 81.** 6.865 (3m) (c) of the statutes is repealed.

15 **SECTION 82.** 6.868 of the statutes is created to read:

16 **6.868 Period for absentee voting in person.** The period for absentee voting
17 in person at the office of the municipal clerk or an alternate site designated under
18 s. 6.855 begins on the 21st day before each election and ends on the day before each
19 election.

20 **SECTION 83.** 6.869 of the statutes is amended to read:

21 **6.869 Uniform instructions.** The board shall prescribe uniform instructions
22 for municipalities to provide to absentee voters. The instructions shall include the
23 specific means of electronic communication that an absentee elector may use to file
24 an application for an absentee ballot and, if the absentee elector is required to
25 register, to request a registration form or change his or her registration. The

ASSEMBLY BILL 895

1 instructions also shall include information concerning the procedure for correcting
2 errors in marking a ballot and obtaining a replacement for a spoiled ballot. The
3 procedure shall, to the extent possible, respect the privacy of each elector and
4 preserve the confidentiality of each elector's vote.

5 **SECTION 84.** 6.87 (2) (intro.) of the statutes is amended to read:

6 6.87 (2) (intro.) Except as authorized under sub. (3) (d), the municipal clerk
7 shall place the ballot in an unsealed envelope furnished by the clerk. The Except as
8 provided in sub. (2m) and s. 6.24 (4) (d), the envelope shall have the name, official
9 title and post-office address of the clerk upon its face. The other side of the envelope
10 shall have a printed certificate in substantially the following form:

11 **SECTION 85.** 6.87 (2m) of the statutes is created to read:

12 6.87 (2m) The board shall prescribe the form of an absentee ballot envelope for
13 use by electors voting absentee ballots in person at the office of the municipal clerk
14 or an alternate site designated under s. 6.855. No certification and no witness is
15 required on such envelopes. The form shall include a space for the name and
16 residence of the absentee elector and the ward and aldermanic district where the
17 elector resides, if any.

18 **SECTION 86.** 6.87 (3) (d) of the statutes is amended to read:

19 6.87 (3) (d) A municipal clerk ~~may~~ shall, if the clerk is reliably informed by an
20 absent elector of a facsimile transmission number or electronic mail address where
21 the elector can receive an absentee ballot, transmit a facsimile or electronic copy of
22 the absent elector's ballot to that elector in lieu of mailing under this subsection ~~if,~~
23 ~~in the judgment of the clerk, the time required to send the ballot through the mail~~
24 ~~may not be sufficient to enable return of the ballot by the time provided under sub.~~
25 (6). An elector may receive an absentee ballot ~~under this subsection~~ only if the elector

ASSEMBLY BILL 895

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

15 **SECTION 87.** 6.87 (4) of the statutes is amended to read:

16 6.87 (4) Except as otherwise provided in sub. (2m) and s. 6.875, the elector
17 voting absentee shall make and subscribe to the certification before one witness who
18 is an adult U.S. citizen. The absent elector, in the presence of the witness, shall mark
19 the ballot in a manner that will not disclose how the elector's vote is cast. The elector
20 shall then, still in the presence of the witness, fold the ballots so each is separate and
21 so that the elector conceals the markings thereon and deposit them in the proper
22 envelope. If a consolidated ballot under s. 5.655 is used, the elector shall fold the
23 ballot so that the elector conceals the markings thereon and deposit the ballot in the
24 proper envelope. If proof of residence is required, the elector shall enclose proof of
25 residence under s. 6.34 in the envelope. Proof of residence is required if the elector

ASSEMBLY BILL 895

1 is not a military elector or an overseas elector, as defined in s. 6.34 (1), and the elector
2 registered by mail or confirmed his or her registration after the close of registration
3 and has not voted in an election in this state. ~~If the elector requested a ballot by~~
4 ~~means of facsimile transmission or electronic mail under s. 6.86 (1) (ac), the elector~~
5 ~~shall enclose in the envelope a copy of the request which bears an original signature~~
6 ~~of the elector.~~ The elector may receive assistance under sub. (5). The return envelope
7 shall then be sealed. The witness may not be a candidate. The envelope shall be
8 mailed by the elector, or delivered in person, to the municipal clerk issuing the ballot
9 or ballots. If the envelope is mailed from a location outside the United States, the
10 elector shall affix sufficient postage unless the ballot qualifies for delivery free of
11 postage under federal law. Failure to return an unused ballot in a primary does not
12 invalidate the ballot on which the elector's votes are cast. Return of more than one
13 marked ballot in a primary or return of a ballot prepared under s. 5.655 or a ballot
14 used with an electronic voting system in a primary which is marked for candidates
15 of more than one party invalidates all votes cast by the elector for candidates in the
16 primary.

17 **SECTION 88.** 6.87 (9) of the statutes is amended to read:

18 6.87 (9) If a municipal clerk receives an absentee ballot by mail with an
19 improperly completed certificate or with no certificate, the clerk may return the
20 ballot to the elector, inside the sealed envelope when an envelope is received, together
21 with a new envelope if necessary, whenever time permits the elector to correct the
22 defect and return the ballot within the period authorized under sub. (6).

23 **SECTION 89.** 6.875 (3) of the statutes is amended to read:

24 6.875 (3) An occupant of a nursing home or qualified retirement home or
25 qualified community-based residential facility who qualifies as an absent elector

ASSEMBLY BILL 895

1 and desires to receive an absentee ballot shall make application under s. 6.86 (1), ~~(2)~~,
2 or (2m) with the municipal clerk or board of election commissioners of the
3 municipality in which the elector is a resident. The clerk or board of election
4 commissioners of a municipality receiving an application from an elector who is an
5 occupant of a nursing home or qualified retirement home or qualified
6 community-based residential facility located in a different municipality shall, as
7 soon as possible, notify and transmit an absentee ballot for the elector to the clerk
8 or board of election commissioners of the municipality in which the home or qualified
9 community-based residential facility is located. The clerk or board of election
10 commissioners of a municipality receiving an application from an elector who is an
11 occupant of a nursing home or qualified retirement home or qualified
12 community-based residential facility located in the municipality but who is a
13 resident of a different municipality shall, as soon as possible, notify and request
14 transmission of an absentee ballot from the clerk or board of election commissioners
15 of the municipality in which the elector is a resident. The clerk or board of election
16 commissioners shall make a record of all absentee ballots to be transmitted,
17 delivered, and voted under this section.

18 **SECTION 90.** 6.875 (4) (a) of the statutes is amended to read:

19 6.875 (4) (a) For the purpose of absentee voting in nursing homes and qualified
20 retirement homes and qualified community-based residential facilities, the
21 municipal clerk or board of election commissioners of each municipality in which one
22 or more nursing homes or qualified retirement homes or qualified community-based
23 residential facilities are located shall appoint at least 2 special voting deputies for
24 the municipality. Upon application under s. 6.86 (1), ~~(2)~~, or (2m) by one or more
25 qualified electors who are occupants of a nursing home or qualified retirement home

ASSEMBLY BILL 895

1 or qualified community-based residential facility, the municipal clerk or board of
2 election commissioners of the municipality in which the home or facility is located
3 shall dispatch 2 special voting deputies to visit the home or qualified
4 community-based residential facility for the purpose of supervising absentee voting
5 procedure by occupants of the home or qualified community-based residential
6 facility. The clerk shall maintain a list, available to the public upon request, of each
7 nursing home or qualified retirement home or qualified community-based
8 residential facility where an elector has requested an absentee ballot. The list shall
9 include the date and time the deputies intend to visit each home or facility. The 2
10 deputies designated to visit each nursing home or qualified retirement home and
11 qualified community-based residential facility shall be affiliated with different
12 political parties whenever deputies representing different parties are available.

13 **SECTION 91.** 6.875 (6) (c) 1. of the statutes is amended to read:

14 6.875 **(6)** (c) 1. Upon their visit to the home or facility under par. (a), the
15 deputies shall personally offer each elector who has filed a proper application for an
16 absentee ballot the opportunity to cast his or her absentee ballot. If an elector is
17 present who has not filed a proper application for an absentee ballot, the 2 deputies
18 may accept an application from the elector and shall issue a ballot to the elector if
19 the elector is qualified and the application is proper. The deputies shall each witness
20 the certification and may, upon request of the elector, assist the elector in marking
21 the elector's ballot. The deputies shall then sign the certification as witnesses and,
22 if they provide assistance, shall sign the back of the ballot indicating that they
23 provided assistance. All voting shall be conducted in the presence of the deputies.
24 Upon request of the elector, a relative of the elector who is present in the room may
25 assist the elector in marking the elector's ballot. No individual other than a deputy

ASSEMBLY BILL 895

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

3 **SECTION 92.** 6.88 (3) (b) of the statutes is amended to read:

4 6.88 (3) (b) When the inspectors find that a certification is insufficient, that the
5 applicant is not a qualified elector in the ward or election district, that the ballot
6 envelope is open or has been opened and resealed, that the ballot envelope contains
7 more than one ballot of any one kind or, except in municipalities where absentee
8 ballots are canvassed under s. 7.52, that the certificate of an elector who received an
9 absentee ballot by facsimile transmission or electronic mail is missing, or if proof is
10 submitted to the inspectors that an elector voting an absentee ballot has since died,
11 the inspectors shall not count the ballot. The inspectors shall endorse every ballot
12 not counted on the back, “rejected (giving the reason)”. The inspectors shall reinsert
13 each rejected ballot into the ~~certificate~~ envelope in which it was delivered and enclose
14 the ~~certificate~~ envelopes and ballots, and securely seal the ballots and envelopes in
15 an envelope marked for rejected absentee ballots. The inspectors shall endorse the
16 envelope, “rejected ballots” with a statement of the ward or election district and date
17 of the election, signed by the chief inspector and one of the inspectors representing
18 each of the 2 major political parties and returned to the municipal clerk in the same
19 manner as official ballots voted at the election.

20 **SECTION 93.** 6.88 (3) (c) of the statutes is amended to read:

21 6.88 (3) (c) The inspectors shall review each ~~certificate~~ absentee ballot envelope
22 to determine whether any absentee ballot is cast by an elector whose name appears
23 on the poll list as ineligible to vote at the election by reason of a felony conviction.
24 If the inspectors receive an absentee ballot that has been cast by an elector whose
25 name appears on the poll list as ineligible for that reason, the inspectors shall

ASSEMBLY BILL 895

1 challenge the ballot as provided in s. 6.92 and treat the ballot in the manner provided
2 in s. 6.95.

3 **SECTION 94.** 6.925 of the statutes is amended to read:

4 **6.925 Elector making challenge in person.** Any elector may challenge for
5 cause any person offering to vote whom the elector knows or suspects is not a
6 qualified elector. If the challenged elector proposes to vote in a municipality having
7 a population of 2,500 or more, the challenging elector shall be an elector of the same
8 ward or election district as the challenged elector and the inspectors shall require the
9 challenging elector to provide proof of residence under s. 6.34 before accepting the
10 challenge. If a person is challenged as unqualified by an elector, one of the inspectors
11 may administer the oath or affirmation to the challenged elector under s. 6.92 and
12 ask the challenged elector the questions under that section which are appropriate to
13 test the elector's qualifications. In addition, one of the inspectors shall administer
14 the following oath or affirmation to the challenging elector: "You do solemnly swear
15 (or affirm) that you will fully and truly answer all questions put to you regarding the
16 challenged person's place of residence and qualifications as an elector of this
17 election"; and election." If the challenged elector resides in a municipality having a
18 population of 2,500 or more, the inspector shall also require the challenging elector
19 to swear or affirm that he or she is an elector of the same ward or election district as
20 the challenged elector. The inspector shall then ask questions which are appropriate
21 as determined by the board, by rule, to test the qualifications of the challenged
22 elector.

23 **SECTION 95.** 6.93 of the statutes is amended to read:

24 **6.93 Challenging the absent elector.** The vote of any absent elector may be
25 challenged for cause by any inspector or by another elector and the inspectors of

ASSEMBLY BILL 895

1 election shall have all the power and authority given them to hear and determine the
2 legality of the ballot the same as if the ballot had been voted in person. In
3 municipalities where absentee ballots are canvassed under s. 7.52, the vote of an
4 absentee elector may be challenged as provided in s. 7.52 (5). If the challenged elector
5 proposes to vote in a municipality having a population of 2,500 or more, any
6 challenging elector shall be an elector of the same ward or election district as the
7 challenged elector and the inspectors shall require the challenging elector to provide
8 proof of residence under s. 6.34 before accepting the challenge.

9 **SECTION 96.** 7.08 (1) (c) of the statutes is amended to read:

10 7.08 (1) (c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (4), 6.33 (1),
11 6.40 (1) (a), 6.47 (1) (am) 2. and (3), 6.55 (2), ~~and, 6.86 (2) to (1) (ad) and (3), and 6.87~~
12 ~~(2m)~~. All such forms shall contain a statement of the penalty applicable to false or
13 fraudulent registration or voting through use of the form. Forms are not required
14 to be furnished by the board.

15 **SECTION 97.** 7.08 (3) (d) to (g) of the statutes are created to read:

16 7.08 (3) (d) Be written in clear, unambiguous language.

17 (e) Be indexed by subject.

18 (f) Contain specific examples of common problems encountered at polling
19 places on election day and detailed, specific procedures for resolving those problems.

20 (g) Include an explanation of all of the following:

21 1. Laws and rules governing solicitation by individuals and groups at a polling
22 place.

23 2. Procedures to be followed with respect to electors whose names do not appear
24 on the registration list.

25 3. Proper operation of any electronic voting system used at a polling place.

ASSEMBLY BILL 895

- 1 4. Procedures for handling of ballots.
- 2 5. Procedures governing spoiled ballots.
- 3 6. Procedures to be followed after a polling place closes.
- 4 7. Rights of electors at the polls.
- 5 8. Procedures for handling of emergency situations.
- 6 9. Procedures for handling and processing of provisional ballots.
- 7 10. Security procedures.

8 **SECTION 98.** 7.08 (12) of the statutes is created to read:

9 **7.08 (12) REMEDIES FOR DECEPTIVE ELECTION PRACTICES.** Disseminate through
10 the Internet and radio, television, and newspaper advertisements information
11 concerning complaint procedures and remedies for deceptive election practices
12 under s. 12.17.

13 **SECTION 99.** 7.08 (13) of the statutes is created to read:

14 **7.08 (13) WITHHOLD PERSONAL INFORMATION PROVIDED TO BOARD.** Withhold from
15 public access under s. 19.35 (1) the telephone number, facsimile transmission
16 number, or electronic mail address of any elector who voluntarily provides that
17 information to the board or to a county or municipal clerk. The board may transfer
18 the information to any official or employee who has access to the information in the
19 registration list under s. 6.36 (1) (b) 1. a. to be used for the administration of elections.

20 **SECTION 100.** 7.10 (11) of the statutes is created to read:

21 **7.10 (11) WITHHOLD PERSONAL INFORMATION PROVIDED TO CLERK.** The county clerk
22 shall withhold from public inspection under s. 19.35 (1) the telephone number,
23 facsimile transmission number, or electronic mail address of any elector who
24 voluntarily provides that information to the clerk or to the board or a municipal clerk.
25 The county clerk may transfer the information to any official or employee who has

ASSEMBLY BILL 895

1 access to the information in the registration list under s. 6.36 (1) (b) 1. a. to be used
2 for the administration of elections.

3 **SECTION 101.** 7.15 (1) (cm) of the statutes is amended to read:

4 7.15 (1) (cm) Prepare official absentee ballots for delivery to electors requesting
5 them, and send an official absentee ballot to each elector who has requested one for
6 voting outside the office of the municipal clerk or an alternate site designated under
7 s. 6.855 no later than the 30th day before each September primary and general
8 election and no later than the 21st day before each other primary and election if the
9 request is made before that day; otherwise, the municipal clerk shall send an official
10 absentee ballot within one day of the time the elector's request is received.

11 **SECTION 102.** 7.15 (1) (j) of the statutes is amended to read:

12 7.15 (1) (j) Send an absentee ballot automatically to each person making an
13 authorized request therefor in accordance with s. 6.22 (4), 6.24 (4) (c), or 6.86 (2) ~~or~~
14 (2m).

15 **SECTION 103.** 7.15 (2m) of the statutes is amended to read:

16 7.15 (2m) OPERATION OF ALTERNATE ABSENTEE BALLOT SITE. In a municipality in
17 which the governing body has elected to establish an one or more alternate absentee
18 ballot site sites under s. 6.855, the municipal clerk shall operate such site as though
19 it were his or her office for absentee ballot purposes and shall ensure that such site
20 is adequately staffed.

21 **SECTION 104.** 7.15 (4) of the statutes is amended to read:

22 7.15 (4) RECORDING ELECTORS. ~~Within~~ Except as authorized in s. 6.33 (5) (a),
23 within 30 days after each election, the municipal clerk shall enter on the registration
24 list under the name of each elector of the municipality who has voted at the election
25 an indication of the date of the election in which the elector voted.

ASSEMBLY BILL 895

1 **SECTION 105.** 7.15 (15) of the statutes is created to read:

2 7.15 (15) WITHHOLD PERSONAL INFORMATION PROVIDED TO CLERK. The municipal
3 clerk shall withhold from public inspection under s. 19.35 (1) the telephone number,
4 facsimile transmission number, or electronic mail address of any elector who
5 voluntarily provides that information to the clerk or to the board or county clerk. The
6 municipal clerk may transfer the information to any official or employee who has
7 access to the information in the registration list under s. 6.36 (1) (b) 1. a. to be used
8 for the administration of elections.

9 **SECTION 106.** 7.41 (4) of the statutes is amended to read:

10 7.41 (4) No individual exercising the right under sub. (1) may view the
11 confidential portion of a registration list maintained under s. 6.36 (4) or a poll list
12 maintained under s. 6.79 (6). However, the inspectors or municipal clerk shall
13 disclose to such an individual, upon request, the existence of such a list, the number
14 of electors whose names appear on the list, and the number of those electors who have
15 voted at any point in the proceedings. No such individual may view the certificate
16 absentee ballot envelope of an absent elector who obtains a confidential listing under
17 s. 6.47 (2).

18 **SECTION 107.** 7.51 (3) (d) of the statutes is amended to read:

19 7.51 (3) (d) Except in municipalities where absentee ballots are canvassed
20 under s. 7.52, all absentee certificate ballot envelopes which have been opened shall
21 be returned by the inspectors to the municipal clerk in a securely sealed carrier
22 envelope which is clearly marked “used absentee certificate ballot envelopes”. The
23 envelopes shall be signed by the chief inspector and 2 other inspectors. Except when
24 the ballots are used in a municipal or school district election only, the municipal clerk
25 shall transmit the used envelopes to the county clerk.

ASSEMBLY BILL 895

1 **SECTION 108.** 7.52 (3) (b) of the statutes is amended to read:

2 7.52 **(3)** (b) When the board of absentee ballot canvassers finds that a
3 certification is insufficient, that the applicant is not a qualified elector in the ward
4 or election district, that the ballot envelope is open or has been opened and resealed,
5 that the ballot envelope contains more than one ballot of any one kind, or that the
6 certificate of an elector who received an absentee ballot by facsimile transmission or
7 electronic mail is missing, or if proof is submitted to the board of absentee ballot
8 canvassers that an elector voting an absentee ballot has since died, the board of
9 absentee ballot canvassers shall not count the ballot. Each member of the board of
10 absentee ballot canvassers shall endorse every ballot not counted on the back as
11 “rejected (giving the reason).” The board of absentee ballot canvassers shall reinsert
12 each rejected ballot into the certificate envelope in which it was delivered and enclose
13 the certificate envelopes and ballots, and securely seal the ballots and envelopes in
14 an envelope marked for rejected absentee ballots. The board of absentee ballot
15 canvassers shall endorse the envelope as “rejected ballots,” with a statement of the
16 ward or election district and date of the election, and each member of the board of
17 absentee ballot canvassers shall sign the statement. The board of absentee ballot
18 canvassers shall then return the envelope containing the ballots to the municipal
19 clerk.

20 **SECTION 109.** 7.52 (4) (i) of the statutes is amended to read:

21 7.52 **(4)** (i) All absentee ~~certificate~~ ballot envelopes that have been opened shall
22 be returned by the board of absentee ballot canvassers to the municipal clerk in a
23 securely sealed carrier envelope that is clearly marked “used absentee ~~certificate~~
24 ballot envelopes.” The envelopes shall be signed by each member of the board of
25 absentee ballot canvassers. Except when the ballots are used in a municipal or school

ASSEMBLY BILL 895

1 district election only, the municipal clerk shall transmit the used envelopes to the
2 county clerk.

3 **SECTION 110.** 7.52 (5) of the statutes is renumbered 7.52 (5) (a) and amended
4 to read:

5 7.52 (5) (a) The vote of any absent elector may be challenged for cause by the
6 board of absentee ballot canvassers or by another elector and the board of absentee
7 ballot canvassers shall have all the power and authority given the inspectors to hear
8 and determine the legality of the ballot the same as if the ballot had been voted in
9 person. If the challenged elector proposes to vote in a municipality having a
10 population of 2,500 or more, any challenging elector shall be an elector of the same
11 ward or election district as the challenged elector and the board of absentee ballot
12 canvassers shall require the challenging elector to provide proof of residence under
13 s. 6.34.

14 **SECTION 111.** 7.52 (6) (a) of the statutes is renumbered 7.52 (6) and amended
15 to read:

16 7.52 (6) The board of absentee ballot canvassers shall review each certificate
17 absentee ballot envelope to determine whether any absentee ballot is cast by an
18 elector whose name appears on the poll list as ineligible to vote at the election,
19 including ineligibility to vote by reason of a felony conviction. If the board of absentee
20 ballot canvassers receives an absentee ballot that has been cast by an elector whose
21 name appears on the poll list as ineligible to vote, the inspectors shall challenge the
22 ballot in the same manner as provided for inspectors making challenges under s. 6.92
23 and shall treat the ballot in the manner as provided for treatment of challenged
24 ballots by inspectors under s. 6.95.

ASSEMBLY BILL 895

1 **SECTION 112.** 7.52 (6) (b) of the statutes is renumbered 7.52 (5) (b) and amended
2 to read:

3 7.52 (5) (b) ~~Any elector may challenge for cause any absentee ballot.~~ For the
4 purpose of deciding upon ballots that are challenged for any reason, the board of
5 absentee ballot canvassers may call before it any person whose absentee ballot is
6 challenged if the person is available to be called. If the person challenged refuses to
7 answer fully any relevant questions put to him or her by the board of absentee ballot
8 canvassers under s. 6.92, the board of absentee ballot canvassers shall reject the
9 person's vote. If the challenge is not withdrawn after the person offering to vote has
10 answered the questions, one of the members of the board of absentee ballot
11 canvassers shall administer to the person the following oath or affirmation: "You do
12 solemnly swear (or affirm) that: you are 18 years of age; you are a citizen of the United
13 States; you are now and for 10 days have been a resident of this ward except under
14 s. 6.02 (2), stats.; you have not voted at this election; you have not made any bet or
15 wager or become directly or indirectly interested in any bet or wager depending upon
16 the result of this election; you are not on any other ground disqualified to vote at this
17 election." If the person challenged refuses to take the oath or affirmation, the
18 person's vote shall be rejected. If the person challenged answers fully all relevant
19 questions put to the elector by the board of absentee ballot canvassers under s. 6.92,
20 takes the oath or affirmation, and fulfills the applicable registration requirements,
21 and if the answers to the questions given by the person indicate that the person meets
22 the voting qualification requirements, the person's vote shall be received.

23 **SECTION 113.** 9.01 (1) (b) 2. of the statutes is amended to read:

24 9.01 (1) (b) 2. The board of canvassers shall then examine the absentee ballot
25 envelopes. Any defective absentee ballot envelopes shall be laid aside, properly

ASSEMBLY BILL 895

1 marked and carefully preserved. The number of voters shall be reduced by the
2 number of ballot envelopes set aside under this subdivision. An absentee ballot
3 envelope is defective only if it is not witnessed ~~or~~, if a witness is required for the voter
4 casting the ballot, if it is not signed by the voter, or if the certificate accompanying
5 an absentee ballot that the voter received by facsimile transmission or electronic
6 mail is missing.

7 **SECTION 114.** 10.01 (2) (e) of the statutes is amended to read:

8 10.01 **(2)** (e) Type E—The type E notice shall state the qualifications for
9 absentee voting, the procedures for obtaining an absentee ballot in the case of
10 registered and unregistered voters, the places ~~and the deadlines for application and~~
11 ~~return of application~~ where electors may cast absentee ballots in person, including
12 any alternate site or sites designated under s. 6.855, the deadlines for making
13 application and for return of absentee ballots, and the office hours during which an
14 elector may cast an absentee ballot in the municipal clerk's office or at ~~an~~ each
15 alternate site under s. 6.855. The municipal clerk shall publish a type E notice on
16 the 4th Tuesday preceding each spring primary and election, on the 4th Tuesday
17 preceding each September primary and general election, on the 4th Tuesday
18 preceding the primary for each special national, state, county or municipal election
19 if any, on the 4th Tuesday preceding a special county or municipal referendum, and
20 on the 3rd Tuesday preceding each special national, state, county or municipal
21 election to fill an office which is not held concurrently with the spring or general
22 election. The clerk of each special purpose district which calls a special election shall
23 publish a type E notice on the 4th Tuesday preceding the primary for the special
24 election, if any, on the 4th Tuesday preceding a special referendum, and on the 3rd

ASSEMBLY BILL 895

1 Tuesday preceding a special election for an office which is not held concurrently with
2 the spring or general election except as authorized in s. 8.55 (3).

3 **SECTION 115.** 12.09 (1) and (3) of the statutes are amended to read:

4 12.09 (1) No person may personally or through an agent make use of or
5 threaten to make use of force, violence, ~~or~~ restraint, or any tactic of coercion or
6 intimidation in order to induce or compel any person to vote or refrain from voting
7 or to refrain from registering to vote at an election.

8 (3) No person may personally or through an agent, ~~by any use or threaten to~~
9 use force or violence or by use or threat of any act of coercion or intimidation compel,
10 induce, or prevail upon an elector either to vote or refrain from voting at any election
11 for or against a particular candidate or question at a referendum.

12 **SECTION 116.** 12.13 (1) (b) of the statutes is amended to read:

13 12.13 (1) (b) Falsely procures registration, confirms inaccurate registration
14 information, or makes false statements to the municipal clerk, board of election
15 commissioners or any other election official whether or not under oath.

16 **SECTION 117.** 12.13 (1) (c) of the statutes is amended to read:

17 12.13 (1) (c) Registers as an elector in more than one place for the same election
18 or confirms 2 or more simultaneous registrations to vote in the same election.

19 **SECTION 118.** 12.13 (1) (d) of the statutes is amended to read:

20 12.13 (1) (d) Impersonates a registered elector or a person whose unconfirmed
21 registration appears on the registration list or poses as another person for the
22 purpose of voting at an election.

23 **SECTION 119.** 12.13 (2) (b) 3. of the statutes is amended to read:

24 12.13 (2) (b) 3. Permit registration, confirmation of registration or receipt of a
25 vote from a person who the official knows is not a legally qualified elector or who has

ASSEMBLY BILL 895

1 refused after being challenged to make the oath or to properly answer the necessary
2 questions pertaining to the requisite requirements and residence; or put into the
3 ballot box a ballot other than the official's own or other one lawfully received.

4 **SECTION 120.** 12.17 of the statutes is created to read:

5 **12.17 Deceptive election practices. (1)** In this section, “election-related
6 information” means information concerning any of the following:

7 (a) The date, time, place, or manner of conducting an election.

8 (b) The qualifications for or restrictions on the eligibility of electors voting at
9 an election, including any criminal penalties associated with voting in an election or
10 a voter's registration status or eligibility.

11 (c) The explicit endorsement by any person of a candidate at an election.

12 **(2)** No person, whether acting under color of law or otherwise, may
13 intentionally induce another person to refrain from registering or voting at an
14 election by knowingly providing that person with false election-related information.

15 **(3)** Any person who is aggrieved by an alleged violation of sub. (2) may bring
16 an action for injunctive relief in circuit court for the county where the violation is
17 alleged to occur.

18 **(4)** Any person may file a verified complaint with the board alleging facts that
19 the person believes to constitute a violation of sub. (2). The complaint shall be filed
20 under s. 5.05 (2m) (c).

21 **(5)** Notwithstanding s. 5.05 (2m) (c), the board shall promptly review each
22 complaint received under sub. (4), and if the board finds that the facts alleged in the
23 complaint, if true, would constitute a violation of sub. (2), the board shall promptly
24 investigate the complaint. Notwithstanding s. 5.05 (2m) (c) 11., if the board finds
25 that a violation of sub. (2) has occurred or is occurring, the board shall take all

ASSEMBLY BILL 895

1 measures necessary to provide correct information to electors who may have been
2 deceived by the actions of the alleged violator, and shall refer the matter to the
3 appropriate authority for prosecution in accordance with ss. 5.05 (2m) (i) and 12.60
4 (4).

5 (6) (a) No later than 90 days after each each general election, the board shall
6 report to the chief clerk of each house of the legislature for referral to the appropriate
7 standing committees under s. 13.172 (2) concerning any complaints under sub. (4)
8 that were acted upon or referred by the board under sub. (5) during the period
9 beginning with the date of the 2nd preceding general election and ending with the
10 preceding general election. Except as provided in par. (b), the report shall include
11 a description of the alleged deceptive election practices that were the subject of each
12 complaint, any corrective measures taken by the board with regard to the subject
13 matter of the complaint, the board's evaluation of the effectiveness of those corrective
14 measures, the status of any prosecution relating to the subject matter of the
15 complaint, a compilation of the number and types of allegations made that were
16 acted upon or referred by the board under sub. (5), the locations and segments of the
17 population that were affected by the alleged deceptive election practices, and the
18 status of any investigations conducted by the board under sub. (5).

19 (b) The board may exclude from the report under par. (a) any information that,
20 if disclosed, would interfere with a pending investigation of a violation of the law.

21 (c) The board shall post a copy of each report submitted under this subsection
22 on the Internet.

23 **SECTION 121.** 12.19 of the statutes is created to read:

ASSEMBLY BILL 895

1 **12.19 Voter suppression.** No person may knowingly attempt to prevent or
2 deter another person from voting or registering to vote based upon fraudulent,
3 deceptive, or spurious grounds or information. A violation of this section includes:

4 **(1)** Challenging another person’s right to register or vote at an election based
5 upon information the person knows is false.

6 **(2)** Attempting to induce another person to refrain from registering or voting
7 by providing that person with information the person knows is false.

8 **SECTION 122.** 12.60 (1) (a) of the statutes is amended to read:

9 12.60 **(1)** (a) Whoever violates s. ~~12.09~~, 12.11 or 12.13 (1), (2) (b) 1. to 7. or (3)
10 (a), (e), (f), (j), (k), (L), (m), (y) or (z) is guilty of a Class I felony.

11 **SECTION 123.** 12.60 (1) (am) of the statutes is created to read:

12 12.60 **(1)** (am) Whoever violates s. 12.17 (2) with the intent to prevent any
13 person from exercising the right to vote in an election is guilty of a Class D felony.

14 **SECTION 124.** 12.60 (1) (an) of the statutes is created to read:

15 12.60 **(1)** (an) Whoever violates s. 12.09 is guilty of a Class D felony.

16 **SECTION 125.** 12.60 (1) (ap) of the statutes is created to read:

17 12.60 **(1)** (ap) Whoever violates s. 12.19 is guilty of a Class E felony.

18 **SECTION 126.** 12.60 (1) (bn) of the statutes is created to read:

19 12.60 **(1)** (bn) If a municipal clerk or executive director of a board of election
20 commissioners fails to ensure compliance with s. 5.25 (4) (b) or to post the materials
21 specified in s. 5.35 (6) (a) at each polling place located in the municipality served by
22 the clerk or executive director at any election, except as authorized in s. 5.35 (6) (d),
23 or the executive director of the government accountability board fails to include any
24 of the materials specified in s. 7.08 (3) in the election manual, the violator may be
25 required to forfeit not more than \$500 for each violation.

ASSEMBLY BILL 895

1 **SECTION 127.** 12.60 (4) of the statutes is amended to read:

2 12.60 (4) Prosecutions of civil offenses under this chapter shall be conducted
3 in the manner prescribed in s. 11.60 (4). Prosecutions of criminal offenses under this
4 chapter shall be conducted in accordance with the manner prescribed in s. 11.61 (2).

5 **SECTION 128.** 19.685 of the statutes is created to read:

6 **19.685 Access to information provided by Government Accountability**
7 **Board.** No state authority and no officer or employee thereof may provide access to
8 information in any record of the authority that was obtained by the authority from
9 the government accountability board under s. 6.36 (1) (bm).

10 **SECTION 129.** 85.61 (1) of the statutes is amended to read:

11 85.61 (1) The secretary of transportation and the administrator of the elections
12 division of the government accountability board shall enter into an agreement to
13 match personally identifiable information on the official registration list maintained
14 by the government accountability board under s. 6.36 (1), the information specified
15 in s. 6.34 (2n), and other information specified in s. 6.256 (2) with personally
16 identifiable information in the operating record file database under ch. 343 and
17 vehicle registration records under ch. 341, notwithstanding ss. 110.09 (2), 342.06 (1)
18 (eg), and 343.14 (2j), to the extent required to enable the secretary of transportation
19 and the administrator of the elections division of the government accountability
20 board to verify the accuracy of the information provided for the purpose of voter
21 registration. Notwithstanding ss. 110.09 (2), 342.06 (1) (eg), and 343.14 (2j), the
22 agreement shall provide for the transfer of electronic information under s. 6.256 (2)
23 to the board on a continuous basis, no less often than monthly.

24 **SECTION 130.** 939.50 (3) (d) of the statutes is amended to read:

ASSEMBLY BILL 895

1 939.50 (3) (d) For a Class D felony, a fine not to exceed \$100,000 or
2 imprisonment not to exceed 25 years, or both, except that for a violation of s. 12.09,
3 the term of imprisonment may not exceed 3 years and for a violation of s. 12.17, the
4 term of imprisonment may not exceed 5 years.

5 **SECTION 131.** 939.50 (3) (e) of the statutes is amended to read:

6 939.50 (3) (e) For a Class E felony, a fine not to exceed \$50,000 or imprisonment
7 not to exceed 15 years, or both, except that for a violation of s. 12.19, the term of
8 imprisonment may not exceed 2 years.

9 **SECTION 132. Nonstatutory provisions.**

10 (1) STUDY OF OPTIONS FOR CORRECTIVE ACTION. The government accountability
11 board, in consultation with the department of justice and the federal election
12 assistance commission, shall study the feasibility of providing corrective information
13 that may be required under section 12.17 (5) of the statutes, as created by this act,
14 through public service announcements, other uses of broadcast media, or an
15 emergency alert system. No later than the first day of the 7th month beginning after
16 the effective date of this subsection, the board shall report its findings and
17 recommendations to the chief clerk of each house of the legislature, in the manner
18 provided under section 13.172 (2) of the statutes, for referral to the appropriate
19 standing committees of each house.

20 (2) HARDSHIP WAIVER REQUEST; STUDY OF ABSENTEE VOTING TIMELINE.

21 (a) Prior to the 2010 September primary, the legal counsel to the Government
22 Accountability Board shall apply on behalf of this state to the presidential designee
23 under 42 USC 1973ff-1 (g) for a determination that this state is unable to meet the
24 requirement under 42 USC 1973ff-1 (a) (8) with respect to transmittal of absentee
25 ballots to military and overseas electors at the 2010 September primary and general

ASSEMBLY BILL 895

1 election. The application shall include a description of this state's efforts to enable
2 delivery of absentee ballots to military and overseas electors as expeditiously as
3 possible. If the waiver is not granted, the legal counsel shall promptly report the
4 response of the designee to the appropriate standing committees of the legislature
5 in the manner prescribed in section 13.172 (3) of the statutes.

6 (b) No later than January 1, 2011, the Government Accountability Board shall
7 report to the appropriate standing committees of the legislature, in the manner
8 prescribed in section 13.172 (3) of the statutes, concerning the timeline used by this
9 state for the absentee voting process and the feasibility of making adjustments to
10 enable compliance with the timeline prescribed in 42 USC 1973ff-1 (a) (8) (A).

11 (3) INITIAL SHARING OF REGISTRATION INFORMATION. Notwithstanding sections
12 85.61 (1), 110.09 (2), 342.06 (1) (eg), and 343.14 (2j) of the statutes, as affected by this
13 act, the department of transportation shall enter into and begin transferring
14 information under a revised agreement with the administrator of the elections
15 division of the government accountability board pursuant to section 85.61 (1) of the
16 statutes, as affected by this act, no later than the first day of the 4th month beginning
17 after the effective date of this subsection.

18 (4) REPORT ON VOTER REGISTRATION INFORMATION INTEGRATION. No later than July
19 1, 2011, the board shall report to the appropriate standing committees of the
20 legislature, in the manner specified in section 13.172 (3) of the statutes, concerning
21 its progress in initially implementing a system to ensure the complete and
22 continuous registration of all eligible electors in this state, specifically including the
23 operability and utility of information integration with the department of
24 transportation and the desirability and feasibility of integrating public information
25 maintained by other state agencies with the board's registration information to

ASSEMBLY BILL 895

1 enhance the completeness and accuracy of the information. At a minimum, the
2 report shall contain an assessment of the feasibility and desirability of the
3 integration of registration information with information maintained by the
4 departments of health services, children and families, workforce development,
5 revenue, regulation and licensing, and natural resources and the University of
6 Wisconsin System.

SECTION 133. Initial applicability.

7
8 (1) Except as provided in subsection (2) and except with respect to the
9 requirements in section 7.08 (3) (d) to (g) of the statutes, as created by this act, this
10 act first applies with respect to elections held on the effective date of this subsection.

11 (2) The treatment of sections 6.24 (4) (c), 6.86 (1) (a) 3. (by SECTION 65) and (b)
12 (by SECTION 70), (2), and (2m), 6.865 (title) (3), and (3m) (a), (b), and (c), 6.875 (3) and
13 (4) (a), 7.08 (1) (c), and 7.15 (1) (j) of the statutes first applies with respect to requests
14 for absentee ballots made for voting at elections held on or after the effective date of
15 this subsection.

16 **SECTION 134. Effective dates.** This act takes effect on the day after
17 publication, except as follows:

18 (1) The treatment of sections 6.24 (4) (c), 6.86 (1) (a) 3. (by SECTION 65) and (b)
19 (by SECTION 70), (2), and (2m), 6.865 (title), (3), and (3m) (a), (b), and (c), 6.875 (3) and
20 (4) (a), 7.08 (1) (c), and 7.15 (1) (j) of the statutes and SECTION 133 (2) of this act take
21 effect on the 90th day beginning after publication.

22 (2) The treatment of section 7.08 (3) (d) to (g) of the statutes takes effect on
23 January 1, 2011.

24 **(END)**