

## 2011 DRAFTING REQUEST

### Bill

Received: 03/16/2011

Received By: **jkuesel**

Wanted: **As time permits**

Companion to LRB:

For: **Donald Pridemore (608) 267-2367**

By/Representing: **him**

May Contact:

Drafter: **jkuesel**

Subject: **Elections - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

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### Pre Topic:

No specific pre topic given

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### Topic:

Implementation of voter ID; absentee voting in person

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### Instructions:

Election officials must ask voters when voting for ID's per SSA 1 to SB-6, as amended. If no ID is presented, must either inform voters in writing or refer voters to posted material explaining ID requirements for future reference. Change deadline for absentee voting in person to Friday before election at 5 PM, effective 7/1/11. At elections held prior to that date, voters to be informed of new requirement if they register after Friday at 5 PM.

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### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 03/17/2011	kfollett 03/17/2011		_____			S&L
/1			phenry 03/17/2011	_____	lparisi 03/17/2011	mbarman 03/22/2011	

FE Sent For: "1" @ intro, 3/30/11

<END>

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1/1	jkuesel 3/17/11	1/15f 3/17	3/17 ph	3/17 ph/MD			

FE Sent For:

<END>



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-1681  
JTK. [signature]

THU 3/17 5PM

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1 AN ACT ...; relating to: late voter registration, absentee voting in person, and  
2 implementation of a voter identification requirement at elections.

***Analysis by the Legislative Reference Bureau***

Currently, the deadline for late registration for an election in person at the office of a municipal clerk or board of election commissioners is 5 p.m. or the close of business, whichever is later, on the day before the election. The deadline for absentee voting in person at the office of a municipal clerk or board of election commissioners is 5 p.m. on the day before the election. This bill changes the deadline for late registration in person to 5 p.m. or the close of business, whichever is later, on the Friday before the election and the deadline for voting an absentee ballot in person to 5 p.m. on the Friday before the election. The change is effective for elections held on or after July 1, 2011, but the bill directs each municipal clerk and board of election commissioners to provide electors who register or vote by absentee ballot in person at the office of the clerk or board at elections held prior to July 1, 2011, with written or posted information concerning the change. The bill directs the Government Accountability Board (GAB) to prescribe information to be provided to electors briefly describing the deadline changes.

The bill also provides that any elector who votes at an election held prior to the date of the 2012 spring primary shall be requested by the election officials to present proof of identification in the same manner as provided for in 2011 Senate Bill 6, in accordance with the text of the bill as affected by any legislative action on the day this bill becomes law. If an elector does not present proof of identification, the elector is still permitted to vote, but is given information either in writing or posted at the

polling place or office of the clerk or board of election commissioners prescribed by the GAB briefly describing the identification requirement for future reference.

Currently, GAB prescribes the format of voter registration forms in accordance with statutory requirements. This bill directs GAB to provide to each municipal clerk and board of election commissioners an interactive electronic registration form that may be used by an elector to enter the information that is required to be provided by the elector electronically and to print the completed form for delivery to the clerk or board of election commissioners.

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

1           SECTION 1. 6.29 (2) (a) of the statutes is amended to read:

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

1 of registration for the general election and the elector presents a valid driver's license  
2 issued by another state, the municipal clerk or agent shall record on a separate list  
3 the name and address of the elector, the name of the state, and the license number  
4 and expiration date of the license.

5 History: 1977 c. 394; 1987 a. 391; 1989 a. 192; 1999 a. 182; 2001 a. 51; 2003 a. 265; 2005 a. 451; 2007 a. 96.

5 **SECTION 2.** 6.33 (3) of the statutes is created to read:

6 6.33 (3) The board shall provide to each municipal clerk and board of election  
7 commissioners a voter registration form under sub. (1) in an interactive electronic  
8 format that permits an elector to enter the information that is required to be provided  
9 by the elector electronically and to print the completed form for delivery to the clerk  
10 or board of election commissioners.

11 **SECTION 3.** 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 the application, signed by the elector, shall be received no later than 5 p.m. on the  
14 5th day immediately preceding the election. If application is made in person, the  
15 application shall be made no later than 5 p.m. on the day Friday preceding the  
16 election. If the elector is making written application for an absentee ballot at the  
17 September primary or general election and the application indicates that the elector  
18 is a military elector, as defined in s. 6.36 (2) (c), the application shall be received by  
19 the municipal clerk no later than 5 p.m. on election day. If the application indicates  
20 that the reason for requesting an absentee ballot is that the elector is a sequestered  
21 juror, the application shall be received no later than 5 p.m. on election day. If the  
22 application is received after 5 p.m. on the Friday immediately preceding the election,  
23 the municipal clerk or the clerk's agent shall immediately take the ballot to the court  
24 in which the elector is serving as a juror and deposit it with the judge. The judge shall



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

History: 1975 c. 85 ss. 37, 38, 65; 1975 c. 90, 199, 200, 275, 422; 1977 c. 394 ss. 14, 40, 41; 1979 c. 232, 311; 1981 c. 391; 1983 a. 183, 484; 1985 a. 304 ss. 69, 156; 1987 a. 391; 1995 a. 313; 1999 a. 182; 2001 a. 51; 2003 a. 265; 2005 a. 451.

8 **SECTION 4. Nonstatutory provisions.**

9 (1) IMPLEMENTATION OF IN-PERSON LATE REGISTRATION AND ABSENTEE VOTING  
10 DEADLINE CHANGE. If an elector registers to vote or casts an absentee ballot in person  
11 at the office of a municipal clerk or board of election commissioners under section  
12 6.29 (2) or 6.86 (1) of the statutes at any election held during the period beginning  
13 on the effective date of this subsection and ending on June 30, 2011, the municipal  
14 clerk, executive director of the board of election commissioners, or any deputy who  
15 registers the elector to vote shall inform the elector that beginning with elections  
16 held on July 1, 2011, if the elector wishes to register to vote or to cast an absentee  
17 ballot in person at the office of the municipal clerk or board of election  
18 commissioners, the elector will be required to register to vote in the election no later  
19 than 5 p.m. or the close of business, whichever is later, on the Friday before the  
20 election and will be required to cast his or her absentee ballot in the election no later  
21 than 5 p.m. on the Friday before the election. The information shall be prescribed  
22 by the government accountability board and shall be provided either in writing or by  
23 referring the elector to information posted at the office of the clerk or board of election  
24 commissioners.

1 (2) IMPLEMENTATION OF VOTER IDENTIFICATION REQUIREMENTS. Each elector who  
 2 votes at a polling place or at the office of a municipal clerk or board of election  
 3 commissioners at an election held prior to the 2012 spring primary shall be requested  
 4 by the election officials to present proof of identification in the manner provided for  
 5 in 2011 Senate Bill 6, as amended, in accordance with the text of that bill as affected  
 6 by any legislative action on the effective date of this subsection. If the elector does  
 7 not present proof of identification, and the elector is otherwise qualified, the elector's  
 8 ballot shall be counted without the necessity of presenting proof of identification and  
 9 without the necessity of casting a provisional ballot. If any elector who votes at a  
 10 polling place or at the office of a municipal clerk or board of election commissioners  
 11 at such an election does not present proof of identification and would be required to  
 12 present proof of identification under the text of that bill, the election official who  
 13 provides the elector with a ballot shall either provide to the elector written  
 14 information or direct the elector to information posted at the polling place or office  
 15 briefly describing the voter identification requirement created by that bill and  
 16 informing the elector that beginning upon enactment of that bill or the date that the  
 17 2012 spring primary is held, whichever is later, the elector will be required to comply  
 18 with the identification requirement in that bill unless an exemption applies. The  
 19 text of the information provided to electors under this subsection shall be prescribed  
 20 by the government accountability board.

**SECTION 5. Initial applicability.**

21  
 22 (1) The treatment of sections 6.29 (2) (a) and 6.86 (1) (b) of the statutes first  
 23 applies with respect to elections held on July 1, 2011.

(END)

24

**Basford, Sarah**

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**From:** Pusch, Liz  
**Sent:** Tuesday, March 22, 2011 10:36 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-1681/1 Topic: Implementation of voter ID; absentee voting in person

Please Jacket LRB 11-1681/1 for the ASSEMBLY.