2019 SENATE BILL 348

August 14, 2019 – Introduced by Senators L. TAYLOR, RISSER, LARSON, SMITH, JOHNSON and CARPENTER, cosponsored by Representatives EMERSON, CROWLEY, STUBBS, SARGENT, HEBL, L. MYERS, ZAMARRIPA, FIELDS, BOWEN, SPREITZER, NEUBAUER, SUBECK, ANDERSON, GOYKE, OHNSTAD, C. TAYLOR and CABRERA. Referred to Committee on Insurance, Financial Services, Government Oversight and Courts.

AN ACT to repeal 6.29 (2) (am), 6.36 (1) (a) 9., 6.55 (2) (cs), 6.55 (3) (b), 6.56 (3m),

6.79 (2) (dm), 6.88 (3) (c), 301.03 (20m), 302.117, 304.078 (1) and 973.09 (4m);

to renumber 6.55 (3) (a); to renumber and amend 6.03 (1) (b) and 304.078 (3);
to amend 6.33 (1), 6.33 (2) (a), 7.52 (6), 301.03 (3a) (intro.), 304.078 (2) and

973.176 (2); and to create 6.03 (1) (b) 1., 2., 3. and 4. of the statutes; relating to: restoring the right to vote to certain persons barred from voting as a result of a felony conviction, changing the information required on voter registration forms, and changing voting procedure for certain persons who are convicted of felonies.

Analysis by the Legislative Reference Bureau
This bill changes the circumstances under which a person may be barred from voting as the result of a disqualifying offense, and requires the Department of Corrections, the Elections Commission, and the Director of State Courts to include in their ongoing training programs a discussion of the changes in law made by this bill and to offer the training to judges, attorneys, election officials, employees of DOC, and the public.

Under current law, a person convicted of treason, felony, or bribery may not vote unless the person’s right to vote is restored through a pardon or until the person
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completes his or her sentence, including extended supervision or parole, or any term of probation imposed. Under this bill, a person loses his or her right to vote based on a disqualifying offense only while he or she is incarcerated for that offense. A person released to extended supervision or parole may resume voting. In addition, a person convicted of a disqualifying offense and on probation retains the right to vote while on probation unless he or she is confined as a condition of probation. But if a person who committed a disqualifying offense is incarcerated after the revocation of extended supervision, parole, or probation, the person loses the right to vote until he or she is released.

Currently, an applicant for voter registration must affirm 1) whether he or she has been convicted of a felony for which he or she has not been pardoned and, if so, whether the applicant is incarcerated or on parole, probation, or extended supervision; and 2) whether the applicant is disqualified on any other ground from voting. This bill deletes the requirement that an applicant provide any information relating to a felony conviction but retains the requirement that an applicant affirm that he or she is not disqualified on any ground from voting.

Currently, election officials are required to verify the eligibility of electors who vote at an election or who register to vote at an election after the close of voter registration for that election by checking each elector’s name against a list provided by DOC that contains the names of convicted felons who have not completed their sentences and have not been pardoned. If a person’s name appears on the list, the election officials are directed to allow the person to vote if he or she is otherwise eligible, but to mark and challenge the elector’s ballot for possible later review. This bill deletes the requirements for DOC to provide the list of convicted felons and for election officials to review the names on the list.

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

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

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

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

SECTION 2. 6.03 (1) (b) 1., 2., 3. and 4. of the statutes are created to read:
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6.03 (1) (b) 1. Incarcerated while serving a sentence that was not imposed under s. 973.01.

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

3. Incarcerated following the revocation of probation.

4. Confined as a condition of probation under s. 973.09 (4) (a).

SECTION 3. 6.29 (2) (am) of the statutes is repealed.

SECTION 4. 6.33 (1) of the statutes is amended to read:

6.33 (1) The commission shall prescribe the format, size, and shape of registration forms. All nonelectronic forms shall be printed and each item of information shall be of uniform font size, as prescribed by the commission. Except as otherwise provided in this subsection, electronic forms shall contain the same information as nonelectronic forms. The municipal clerk shall supply sufficient forms to meet voter registration needs. The commission shall design the form to obtain from each elector information as to name; date; residence location; location of previous residence immediately before moving to current residence location; citizenship; date of birth; age; the number of a current and valid operator’s license issued to the elector under ch. 343 or the last 4 digits of the elector’s social security account number; whether the elector has resided within the ward or election district for the number of consecutive days specified in s. 6.02 (1); whether the elector has been convicted of a felony for which he or she has not been pardoned, and if so, whether the elector is incarcerated, or on parole, probation, or extended supervision; whether the elector is disqualified on any other ground for any reason from voting; and whether the elector is currently registered to vote at any other location. The commission shall include on the nonelectronic form a space for the elector’s signature.
and on the electronic form the authorization specified under s. 6.30 (5). Below the space for the signature or authorization, respectively, the commission shall include the following statement: “Falsification of information on this form is punishable under Wisconsin law as a Class I felony.” The commission shall include on the form a space to enter the name of any inspector, municipal clerk, or deputy clerk under s. 6.55 (2) who obtains the form and a space for the inspector, clerk, or deputy clerk to sign his or her name, affirming that the inspector, clerk, or deputy clerk has accepted the form. The commission shall include on the form a space for entry of the ward and aldermanic district, if any, where the elector resides and any other information required to determine the offices and referenda for which the elector is certified to vote. The commission shall also include on the form a space where the clerk may record an indication of whether the form is received by mail or by electronic application, a space where the clerk shall record an indication of the type of identifying document submitted by the elector as proof of residence under s. 6.34 or an indication that the elector’s information in lieu of proof of residence was verified under s. 6.34 (2m), the name of the entity or institution that issued the identifying document, and, if the identifying document includes a number that applies only to the individual holding that document, that number. The commission shall also include on the form a space where the clerk, for any elector who possesses a valid voting identification card issued to the person under s. 6.47 (3), may record the identification serial number appearing on the voting identification card. Each county clerk shall obtain sufficient registration forms for completion by an elector who desires to register to vote at the office of the county clerk under s. 6.28 (4).

SECTION 5. 6.33 (2) (a) of the statutes is amended to read:
6.33 (2) (a) All information may be recorded by any person, except that the clerk shall record the ward and aldermanic district, if any, other geographic information under sub. (1), the indication of whether the registration is received by mail, and the type of identifying document submitted by the elector as proof of residence under s. 6.34. An elector is not required to provide a copy of any certificate or notice issued to the applicant under s. 304.078. Except as provided in s. 6.30 (5), each elector shall sign his or her own name unless the elector is unable to sign his or her name due to physical disability. In such case, the elector may authorize another elector to sign the form on his or her behalf. If the elector so authorizes, the elector signing the form shall attest to a statement that the application is made upon request and by authorization of a named elector who is unable to sign the form due to physical disability.

SECTION 6. 6.36 (1) (a) 9. of the statutes is repealed.

SECTION 7. 6.55 (2) (cs) of the statutes is repealed.

SECTION 8. 6.55 (3) (a) of the statutes is renumbered 6.55 (3).

SECTION 9. 6.55 (3) (b) of the statutes is repealed.

SECTION 10. 6.56 (3m) of the statutes is repealed.

SECTION 11. 6.79 (2) (dm) of the statutes is repealed.

SECTION 12. 6.88 (3) (c) of the statutes is repealed.

SECTION 13. 7.52 (6) of the statutes is amended to read:

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

SECTION 14. 301.03 (3a) (intro.) of the statutes is amended to read:

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

SECTION 15. 301.03 (20m) of the statutes is repealed.

SECTION 16. 302.117 of the statutes is repealed.

SECTION 17. 304.078 (1) of the statutes is repealed.

SECTION 18. 304.078 (2) of the statutes is amended to read:

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

SECTION 19. 304.078 (3) of the statutes is renumbered 304.078 (3) (a) and
amended to read:
304.078 (3) (a) If a person is disqualified from voting under s. 6.03 (1) (b) from voting, his or her right to vote is restored when he or she completes the term of imprisonment or probation for the crime that led to the disqualification. The factor under s. 6.03 (1) (b) that disqualified him or her from voting no longer applies to him or her.

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

SECTION 20. 973.09 (4m) of the statutes is repealed.

SECTION 21. 973.176 (2) of the statutes is amended to read:

973.176 (2) VOTING. Whenever a court imposes a sentence or places a defendant on probation for a conviction a condition of probation that disqualifies the defendant from voting under s. 6.03 (1) (b), the court shall inform the defendant in writing that he or she may not vote in any election until his or her civil rights are restored the factor under s. 6.03 (1) (b) that disqualified him or her from voting no longer applies to him or her. The court shall use the form designed by the department of corrections under s. 301.03 (3a) to inform the defendant, and the defendant and a witness shall sign the form.

SECTION 22. Nonstatutory provisions.

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

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

**SECTION 23. Initial applicability.**

(1) The renumbering and amendment of s. 6.03 (1) (b) and the creation of s. 6.03 (1) (b) 1., 2., 3., and 4. first apply to persons who are on or released to parole or extended supervision on the effective date of this subsection and to persons who are on or placed on probation on the effective date of this subsection.