

State of Wisconsin \ Elections Board

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JOHN C. SCHOBER
Chairperson

KEVIN J. KENNEDY
Executive Director

December 21, 2006

Ronald Sklansky
Administrative Rules Clearinghouse
Legislative Council
1 East Main St., Suite 401
Madison, WI 53703

**Re: Administrative Rules of the State Elections Board
Creating ElBd 3.04**

Dear Mr. Sklansky:

Enclosed please find a Notice of Proposed Rule concerning a newly created rule, (ElBd 3.04), relating to voting by provisional ballot for election-day registrants, that the State Elections Board has adopted and wishes to promulgate pursuant to the 30-day notice procedure under s.227.16(2)(e), Stats.

Section 303(a)(5)(A)(i) of the Help America Vote requires the adoption of this rule. To comply with federal law, but also to avoid disenfranchising those Wisconsin election day registrants who have been issued a current and valid Wisconsin driver's license but do not provide that number on their registration form, the Board proposes to adopt this rule, providing for the issuance of a provisional ballot, pursuant to s.6.97, Stats., to those election-day registrants.

No court decision directly relates to the content or adoption of these rules.

The name of the person to contact about this rule is George A. Dunst, whose telephone number is (608) 266-0136.

The agency person responsible for internally processing this rule is George A. Dunst, legal counsel for the State Elections Board.

Please process this matter at your earliest convenience. Thank you.

STATE ELECTIONS BOARD

George A. Dunst
Legal Counsel