

Chapter EL 3

VOTER REGISTRATION

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Note: Chapter ElBd 3 was renumbered chapter GAB 3 under s. 13.92 (4) (b) 1., Stats., and corrections made under s. 13.92 (4) (b) 6., Stats., Register April 2008 No. 628. Chapter GAB 3 was renumbered Chapter EL 3 under s. 13.92 (4) (b) 1., Stats., Register June 2016 No. 726.

EL 3.01 Voter registration. In this chapter:

(1) “Applicant” is an individual who submits a voter registration application form or a special registration deputy application form.

(2) “Appointing authority” means the commission, a municipal clerk or board of election commissioners.

(4) “By mail” means the completing and signing of a voter registration application form other than in the presence of a special registration deputy, county clerk, deputy clerk or municipal clerk.

(5) “Close of registration” is the third Wednesday preceding the election.

(5m) “Commission” means the elections commission.

(6) “Election cycle” means the period beginning on January 1 of an odd-numbered year and continuing through December 31 of the following even-numbered year.

(7) “In person” means the completing and signing of a voter registration application form in the presence of a special registration deputy, county clerk, deputy clerk or municipal clerk.

(8) “Municipal clerk” has the meaning given in s. 5.02 (10), Stats., and includes the Milwaukee city board of election commissioners.

(9) “Provider” means a municipality or county that provides election administration services in conjunction with the Statewide Voter Registration System for a relied municipality.

(10) “Qualified elector” has the meaning given in s. 6.02, Stats.

(11) “Registration” means registration to vote under subch. II of ch. 6, Stats.

(12) “Registration period” means the time period occurring between the date of a special registration deputy’s appointment and the close of registration for the election immediately following the appointment. For purposes of this subsection, the term “election” includes any primary that precedes the election.

(13) “Relier” means a municipality that enters into an agreement with another municipality or county to provide election administration services in conjunction with the Statewide Voter Registration System.

(14) “Self-provider” means a municipality that provides its own election administration services in conjunction with the Statewide Voter Registration System.

(15) “Special registration deputy” means a qualified elector appointed pursuant ss. 6.26 (2) (a) and 6.55 (6), Stats., to register voters.

Note: Sub. (15) is unenforceable as a result of the repeal of s. 6.26, Stats., and amendment of 6.55 (6), Stats., by 2015 Wis. Act 261, and will be repealed in future rulemaking.

(16) “Statewide Voter Registration System” is the election administration software application provided by the commission

to enable local election officials to register voters, track absentee voting and administer elections.

(17) “Voter registration application form” means the commission-prescribed form (EL-131) on which voter registration information is recorded before entry in the Statewide Voter Registration System.

History: CR 07-059: cr. Register January 2008 No. 625, eff. 2-1-08; renum. (3) to (5m) under s. 13.92 (4) (b) 1., Stats., correction in (2), (5m), (16) and (17) made under s. 13.92 (4) (b) 6., and correction in (15) made under s. 13.92 (4) (b) 7., Stats., and s. 35.17, Stats., Register June 2016 No. 726.

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

(1) The elector’s full name, including first and last name.

(2) The elector’s complete address, including street, number and municipality.

(3) The elector’s date of birth.

(4) The elector’s driver’s license number or, if the elector has not been issued a valid and current driver’s license but has a department of transportation issued identification card, the transportation identification card number, or the last four digits of the elector’s social security number. If the elector has not been issued a valid and current driver’s license and does not have a social security number, the elector shall indicate that the elector has neither of those documents.

(5) An indication of the elector’s age.

(6) An indication of the elector’s citizenship.

(7) An indication that the elector is not disqualified from voting because the elector has not completed the terms of a sentence resulting from a felony conviction.

(8) If the elector was registered at a different location, the complete address including street, number and municipality of the previous address.

(9) If the elector was registered under a different name; the elector’s former name, including first and last name.

(10) The signature of the elector certifying that the elector is qualified to vote in this state.

History: Emerg. cr. eff. 7-1-76; cr. Register, August, 1976, No. 248, eff. 9-1-76; CR 07-059: r. and recr. Register January 2008 No. 625, eff. 2-1-08.

EL 3.03 Treatment of voter registration applications. (1) If an applicant for voter registration fails to check either or both of the boxes indicating the elector is a U.S. citizen and indicating the elector is or will be at least 18 years old at the time of the next election, the municipal clerk may process the voter registration application if the elector has signed the certification on the application form indicating the voter meets or will meet the applicable requirements to vote in this state.

(2) If information is missing from a voter registration application form, the municipal clerk shall contact the applicant by any means feasible, including in person, by email, facsimile transmission or telephone, to obtain the missing information.

History: CR 07-059: cr. Register January 2008 No. 625, eff. 2-1-08.

EL 3.04 Requiring provision of certain information by election-day voter registration applicants. (1) A qualified elector registering to vote at a polling place on election day, who has been issued a current and valid Wisconsin driver's license, shall list his or her Wisconsin driver's license number on the voter registration application before the registration may be accepted or processed and before the person is allowed to vote at any election in Wisconsin. A Wisconsin driver's license that has expired, or has been suspended or revoked, is not a current and valid driver's license.

(2) If a current and valid Wisconsin driver's license has been issued to the registration applicant, but the registration applicant does not list the driver's license number on the registration application, the applicant shall be allowed to vote a provisional ballot using the procedures set forth in s. 6.97, Stats. Individuals voting provisional ballots shall be given the written information required under s. 6.97 (1), Stats. If the person voting a provisional ballot provides his or her driver's license number to the municipal clerk, by any means feasible, including, but not limited to: in person, email, facsimile or telephone; not later than 4:00 p.m., on the day following the day of the election, the person's ballot shall be counted.

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

History: CR 06-137: cr. Register March 2008 No. 627, eff. 4-1-08.

EL 3.10 Special registration deputies. (1) A qualified elector of the this state may apply to any municipal clerk or board of election commissioners to be appointed a special registration deputy, under s. 6.26, Stats., for the purpose of registering electors of that municipality before the close of registration.

(2) A qualified elector of this state may apply to the commission to be appointed a special registration deputy for the purpose of registering electors of any municipality before the close of registration.

(3) Application to be appointed a special registration deputy shall be made by completion of the application form (EL-158) prescribed by the commission and submission of the form to the appointing authority.

(4) Appointment shall be consummated by issuance of the special registration deputy's oath of office, on a form (EL-156) prescribed by the commission.

(5) The term of an appointment under this chapter continues through the registration periods remaining in the election cycle at the time of application, and expires at the end of the election cycle.

History: CR 07-059: cr. Register January 2008 No. 625, eff. 2-1-08; correction in (2) to (4) made under s. 13.92 (4) (b) 6., Stats., Register June 2016 No. 726.

Note: This section is unenforceable as a result of the repeal of s. 6.26, stats., and will be repealed in future rulemaking.

EL 3.11 Special registration deputy application form. (1) An application to be appointed a special registration deputy shall require the applicant to provide the applicant's name, address, and contact information.

(2) The application shall contain a certification that the applicant is a qualified elector of the state.

(3) The applicant shall agree to follow the procedures established by the commission and the municipal clerk.

(4) Before being appointed a special registration deputy the applicant shall attend a training session conducted by the appointing authority.

(5) The applicant shall be issued, by the appointing authority, a unique number that the applicant shall list on all voter registration forms collected by the applicant.

History: CR 07-059: cr. Register January 2008 No. 625, eff. 2-1-08; correction in (3) made under s. 13.92 (4) (b) 6., Stats., Register June 2016 No. 726.

Note: This section is unenforceable as a result of the repeal of s. 6.26, stats., and will be repealed in future rulemaking.

EL 3.12 Special registration deputy training.

(1) The content and curriculum of the training session required of each special registration deputy shall be prescribed by the commission.

(2) The training shall include all of the following elements:

(a) Review of Wisconsin voter eligibility requirements.

(b) Directions on the completion of the voter registration application form, including a direction that the special registration deputy shall affix to the form his or her printed name, signature and identification number.

(c) Directions that the information on the form shall be legible.

(d) Review of the applicable statutory deadlines for submitting a voter registration application form.

(e) Directions on the treatment of confidential voter information and on the handling of proof of residence documents received from an applicant.

(f) Review of the deadlines and procedures for delivering the completed voter registration application form to the appointing authority.

(g) Information on the consequences of failing to follow the prescribed procedures for registering voters.

(h) Information on providing assistance to individuals with difficulty understanding the English language and individuals with disabilities.

(i) Information on the provisions of s. 12.13 (3) (ze), Stats., prohibiting compensation of special registration deputies according to the number of registration forms collected.

(j) Information on the criminal sanctions applicable to the misuse of appointment as a special registration deputy.

(k) Any other information prescribed by the commission.

(3) The commission shall provide training at times and locations designed to facilitate the participation of applicants.

(4) The commission may authorize a municipal clerk to provide training for an applicant applying for appointment by the board.

History: CR 07-059: cr. Register January 2008 No. 625, eff. 2-1-08; correction in (1), (2) (k), (3), (4) made under s. 13.92 (4) (b) 6., Stats., Register June 2016 No. 726.

Note: This section is unenforceable as a result of the repeal of s. 6.26, stats., and will be repealed in future rulemaking.

EL 3.13 Revocation of special registration deputy appointment.

(1) Under s. 6.26 (2) (b), Stats., an appointing authority may, for cause, decline to appoint an applicant as a special registration deputy, or may revoke the appointment of an existing special registration deputy.

(2) The basis for denying or revoking an appointment includes:

(a) The applicant or special registration deputy lacks the qualifications of an election official as set forth in s. 7.30 (2), Stats.

(b) The applicant or special registration deputy fails to attend training sessions scheduled by the appointing authority.

(c) The applicant or special registration deputy has previously had an appointment revoked for cause.

(d) The applicant or special registration deputy fails to adhere to procedures established by the appointing authority, including

submission of completed voter registration application forms in the time and manner prescribed by the appointing authority.

(e) The applicant or special registration deputy falsifies, fails to submit, or wrongfully suppresses a voter registration application form or otherwise commits official misconduct.

(f) The applicant has been convicted of a crime delineated in s. 12.13, Stats.

History: CR 07-059: cr. Register January 2008 No. 625, eff. 2-1-08.

Note: This section is unenforceable as a result of the repeal of s. 6.26, stats., and will be repealed in future rulemaking.

EL 3.20 Voter registration drives. (1) Individuals or organizations conducting voter registration drives shall use the voter registration application form (EL-131).

(2) Individuals or organizations conducting voter registration drives may not retain the following voter registration information: the date of birth, driver's license number, department of transportation identification number, or last four digits of the social security number of an individual completing a voter registration application form.

(3) Individuals or organizations conducting voter registration drives may utilize special registration deputies to assist in the collection of voter registration application forms.

(4) Individuals or organizations conducting voter registration drives that do not utilize special registration deputies to assist in the collection of voter registration application forms shall collect a copy of the required forms of proof of residence for first-time voters and submit the copy to the appointing authority with the completed voter registration application form.

(5) Individuals or organizations conducting voter registration drives may not retain a copy of any form of proof of residence collected from an individual.

(6) Individuals or organizations conducting voter registration drives may not pay any individual collecting voter registration application forms compensation based on the number of registration forms collected as prohibited in s. 12.13 (3) (ze), Stats.

History: CR 07-059: cr. Register January 2008 No. 625, eff. 2-1-08; correction in (6) made under s. 13.92 (4) (b) 7., Stats., Register January 2008 No. 625; correction in (1) made under s. 13.92 (4) (b) 6., Stats., Register June 2016 No. 726.

EL 3.50 Charges for voter registration data. (1) In this section:

(a) "Custom report" means a report that is not programmed to run in the Statewide Voter Registration System at the time a request for the report is made, or a report that requires additional programming tasks.

(b) "Election official" has the same meaning as provided in s. 5.02 (4e), Stats.

(c) "Official registration list" has the same meaning as provided in s. 6.36, Stats.

(d) "Protected information" means any information that is protected from general public disclosure by ss. 6.36 (1) (b) 1. a. and 6.47, Stats.

(e) "Report" means a defined list of related voter registration data records generated from the Statewide Voter Registration System.

(f) "Voter registration data" means data contained in the official registration list.

(g) "Voter registration data record" means a set of related information requested from the official registration list which consists of a core data element and related attributes. A core data element is the basic unit of data that is being requested, including, but not limited to, a voter name, candidate, election official, or address. The related attributes consist of pieces of data associated with that core data element.

(2) The official registration list shall be open to public inspection consistent with the requirements of ss. 6.36, 6.45 to 6.47, and ss. 19.31 to 19.36, Stats.

(3) Any person may obtain, from the official registration list, voter registration data that is not protected information, upon payment of the applicable charges.

(4) The charge for reports in electronic format is a \$25 base fee per report; plus \$5 for the first 1,000 voter registration data records, or up to 1,000 voter registration data records; plus \$5 for each additional 1,000 voter registration data records, rounded to the nearest thousand. The maximum charge for an electronic report is \$12,500.

(5) The charge for a paper copy of a report is \$.25 per page, plus the cost of postage and shipping.

(6) Any request for a report or custom report submitted to the commission shall be made in writing by the requester or reduced to writing by the commission's staff. Any request by the commission for payment in advance for the report requested shall include a copy of the report request in writing as submitted by the requester or as memorialized by the commission's staff.

(7) Any person may request a copy of the poll list used at an election from the municipal or county clerk who has custody of the list. The charge for a copy of a poll list provided by a municipal or county clerk shall be a charge determined by that clerk not to exceed the cost of reproduction.

(8) The commission, its staff, and each municipal or county election official shall take steps to ensure that any protected information contained in the Statewide Voter Registration System, or on a poll list, is not made available for public inspection.

(9) If a request for voter registration data requires a custom report, and the commission staff determines that it can produce the report, the charge for producing the custom report charged to the requester shall be calculated by the commission's staff on a case-by-case basis and shall include, in addition to the charges articulated in subs. (4) and (5), any applicable charges for handling and mailing; charges for reproduction, including programming costs; and costs of maintenance of the Statewide Voter Registration System as authorized by s. 6.36 (6), Stats. Requests fulfilled under this subsection are not subject to the maximum charge limitations in subs. (4) and (5).

(10) The money received from requests for voter registration data shall remain with the municipality, county, or commission, whichever produces and provides the report.

History: Emerg. cr. eff. 5-12-07; CR 07-043: cr. Register January 2008 No. 625, eff. 2-1-08; correction in (6), (8) to (10) made under s. 13.92 (4) (b) 6., Stats., Register June 2016 No. 726.