

# State of Wisconsin



2003 Assembly Bill 111

Date of enactment:  
Date of publication\*:

## 2003 WISCONSIN ACT

AN ACT *to repeal* 6.15 (3) (a) (title), 6.15 (3) (b) (title) and 6.56 (5); *to renumber* 6.79 (3); *to renumber and amend* 6.15 (3) (a) 1., 2. and 3., 6.15 (3) (b) and 6.87 (4); *to amend* 5.40 (6), 6.15 (2) (title), 6.15 (2) (a) (intro.), 6.22 (2) (b), 6.24 (4) (d), 6.29 (1), 6.55 (2) (b), 6.55 (2) (c) 1., 6.55 (2) (c) 2., 6.55 (2) (d), 6.55 (3), 6.55 (7) (c) 1., 6.55 (7) (c) 2., 6.79 (1), 6.79 (2), 6.79 (3) (title), 6.79 (4), 6.79 (6) (a), 6.79 (6) (b), 6.82 (1) (a), 6.86 (1) (ar), 6.86 (3) (a), 6.87 (3) (d), 6.88 (3) (a), 10.02 (3) (a), 343.50 (3), 343.50 (4), 343.50 (5) and 343.50 (6); *to repeal and recreate* 6.79 (6) (title); and *to create* 6.15 (2) (bm), 6.15 (2) (d) 1g., 6.15 (2) (e), 6.79 (3) (b), 6.869, 6.87 (4) (a), 6.87 (4) (b) 2. and 3., 6.97 and 343.50 (4g) of the statutes; **relating to:** requiring identification in order to vote at a polling place or obtain an absentee ballot and the fee for an identification card issued by the Department of Transportation.

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

**SECTION 1.** 5.40 (6) of the statutes is amended to read:

5.40 (6) A municipality which utilizes voting machines or an electronic voting system at a polling place may permit use of the machines or system by electors voting under s. 6.15 only as authorized under s. 6.15 (3) (b).

**SECTION 2.** 6.15 (2) (title) of the statutes is amended to read:

6.15 (2) (title) APPLICATION FOR BALLOT PROCEDURE AT CLERK'S OFFICE.

**SECTION 3.** 6.15 (2) (a) (intro.) of the statutes is amended to read:

6.15 (2) (a) (intro.) The elector's request for the application form may be made to the proper municipal clerk either in person or in writing ~~any time during the 10-day period in which the elector's residence requirement is incomplete, but not later than the applicable deadline for making application for an absentee ballot.~~ Except as provided in par. (e), application may be made not

sooner than 9 days nor later than 5 p.m. on the day before the election, or may be made at the proper polling place ~~in~~ for the ward or election district in which the elector resides. The application form shall be returned to the municipal clerk after the affidavit has been signed in the presence of the clerk or any officer authorized by law to administer oaths. The affidavit shall be in substantially the following form:

**SECTION 4.** 6.15 (2) (bm) of the statutes is created to read:

6.15 (2) (bm) When making application in person at the office of the municipal clerk, each applicant shall present a valid operator's license issued to the person under ch. 343 that contains a photograph of the license holder, a valid, current identification card issued to the person by a U.S. uniformed service, or a valid identification card issued to the person under s. 343.50.

**SECTION 5.** 6.15 (2) (d) 1g. of the statutes is created to read:

6.15 (2) (d) 1g. If the elector makes application in person at the office of the municipal clerk, the clerk shall verify that the name on the identification provided by the

\* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

elector under par. (bm) is the same as the name on the elector's application and, unless the identification is issued under s. 343.50 (4g), shall verify that the photograph contained in the identification reasonably resembles the elector.

**SECTION 6.** 6.15 (2) (e) of the statutes is created to read:

6.15 (2) (e) If the elector makes application in writing but does not appear in person, and the clerk receives a properly completed application and cancellation card from the elector, the clerk shall provide the elector with a ballot. If the ballot is to be mailed, the application must be received no later than 5 p.m. on the Friday before the election. In order to be counted, the ballot must be received by the municipal clerk no later than 5 p.m. on the day before the election.

**SECTION 7.** 6.15 (3) (a) (title) of the statutes is repealed.

**SECTION 8.** 6.15 (3) (a) 1., 2. and 3. of the statutes are renumbered 6.15 (2) (d) 1r., 2. and 3., and 6.15 (2) (d) 1r., as renumbered, is amended to read:

6.15 (2) (d) 1r. Upon proper completion of the application and cancellation card, and compliance with subd. 1g., the municipal clerk shall ~~inform the elector that he or she may vote for the presidential electors not sooner than 9 days nor later than 5 p.m. on the day before the election at the office of the municipal clerk, or at a specified polling place on election day. When voting at the municipal clerk's office, the applicant shall provide identification and permit the elector to cast his or her ballot for president and vice president. The elector shall then~~ mark the ballot in the clerk's presence in a manner that will not disclose his or her vote. Unless the ballot is utilized with an electronic voting system, the ~~applicant~~ elector shall fold the ballot so as to conceal his or her vote. The ~~applicant~~ elector shall then deposit the ballot and seal it in an envelope furnished by the clerk.

**SECTION 9.** 6.15 (3) (b) (title) of the statutes is repealed.

**SECTION 10.** 6.15 (3) (b) of the statutes is renumbered 6.15 (3) and amended to read:

6.15 (3) ~~VOTING PROCEDURE~~ PROCEDURE AT POLLING PLACE. An eligible elector may appear at the polling place for the ward or election district where he or she resides and make application for a ballot under sub. (2). ~~In such case, the inspector or special registration deputy~~ Except as otherwise provided in this subsection, an elector who casts a ballot under this subsection shall follow the same procedure required for casting a ballot at the municipal clerk's office under sub. (2). The inspectors shall perform the duties of the municipal clerk. The elector shall provide identification. If the elector is qualified, he or she shall be permitted to vote, except that the inspectors shall return the cancellation card under sub. (2) (b) to the municipal clerk and the clerk shall forward the card as provided under sub. (2) (c) if required. Upon proper

completion of the application and cancellation card and compliance with sub. (2) (d) 1g., the inspectors shall permit the elector to cast his or her ballot for president and vice president. The elector shall then mark the ballot and, unless the ballot is utilized with an electronic voting system, the elector shall fold the ballot, and shall deposit the ballot into the ballot box or give it to the inspector. The inspector shall deposit it directly into the ballot box. Voting machines or ballots utilized with electronic voting systems may only be used by electors voting under this section if they permit voting for president and vice president only.

**SECTION 11.** 6.22 (2) (b) of the statutes is amended to read:

6.22 (2) (b) Notwithstanding s. 6.87 (4) ~~(b)~~, a military elector shall make and subscribe to the certification under s. 6.87 (2) before a witness who is an adult U.S. citizen.

**SECTION 12.** 6.24 (4) (d) of the statutes is amended to read:

6.24 (4) (d) An overseas elector who is not registered may request both a registration form and an absentee ballot at the same time, and the municipal clerk shall send the ballot automatically if the registration form is received within the time prescribed in s. 6.28 (1). The board shall prescribe a special certificate form for the envelope in which the absentee ballot for overseas electors is contained, which shall be substantially similar to that provided under s. 6.87 (2). Notwithstanding s. 6.87 (4) ~~(b)~~, an overseas elector shall make and subscribe to the special certificate form before a witness who is an adult U.S. citizen.

**SECTION 13.** 6.29 (1) of the statutes is amended to read:

6.29 (1) No names may be added to a registration list for any election after the close of registration, except as authorized under this section or s. 6.28 (1), 6.55 (2), or 6.86 (3) (a) 2. Any person whose name is not on the registration list but who is otherwise a qualified elector is entitled to vote at the election upon compliance with this section, if the person complies with all other requirements for voting at the polling place.

**SECTION 14.** 6.55 (2) (b) of the statutes is amended to read:

6.55 (2) (b) Upon executing the registration form under par. (a), the person shall be required by a special registration deputy or inspector to present a valid operator's license issued to the person under ch. 343 that contains the photograph of the license holder, a valid, current identification card issued to the person by a U.S. uniformed service, or a valid identification card issued to the person under s. 343.50. If the identification presented is not acceptable proof of residence under sub. (7), the person shall also present acceptable proof of residence under sub. (7). If the person cannot supply such proof, the registration form shall be substantiated and signed by one other elector who resides in the same municipality as the

registering elector, corroborating all the material statements therein. The corroborator shall then provide acceptable proof of residence. The signing by the elector executing the registration form and by any elector who corroborates the information in the form under par. (a) shall be in the presence of the special registration deputy or inspector. Upon compliance with this procedure and all other requirements for voting at the polling place, such person shall then be given the right to vote.

**SECTION 15.** 6.55 (2) (c) 1. of the statutes is amended to read:

6.55 (2) (c) 1. As an alternative to registration at the polling place under pars. (a) and (b), the board of election commissioners, or the governing body of any municipality in which registration is required may by resolution require a person who qualifies as an elector and who is not registered and desires to register on the day of an election to do so at another readily accessible location in the same building as the polling place serving the elector's residence or at an alternate polling place assigned under s. 5.25 (5) (b), instead of at the polling place serving the elector's residence. In such case, the municipal clerk shall prominently post a notice of the registration location at the polling place. The municipal clerk, deputy clerk, or special registration deputy at the registration location shall require such person to execute a registration form as prescribed under par. (a) and to present a valid operator's license issued to the person under ch. 343 that contains the photograph of the license holder, a valid, current identification card issued to the person by a U.S. uniformed service, or a valid identification card issued to the person under s. 343.50. If the identification presented is not acceptable proof of residence under sub. (7), the person shall also provide acceptable proof of residence as provided under sub. (7). If the person cannot supply such proof, the registration form shall be corroborated in the manner provided in par. (b). The signing by the elector executing the registration form and by any corroborating elector as prescribed under par. (a) shall be in the presence of the municipal clerk, deputy clerk, or special registration deputy. Upon proper completion of registration, the municipal clerk, deputy clerk, or special registration deputy shall serially number the registration and give one copy to the elector for presentation at the polling place serving the elector's residence or an alternate polling place assigned under s. 5.25 (5) (b).

**SECTION 16.** 6.55 (2) (c) 2. of the statutes is amended to read:

6.55 (2) (c) 2. Upon compliance with the procedures under subd. 1., the municipal clerk or deputy clerk shall issue a certificate addressed to the inspectors of the proper polling place directing that the elector be permitted to cast his or her vote. ~~If the elector's registration is corroborated, the clerk shall enter the name and address of the corroborator on the face of the certificate if the elector complies with all requirements for voting at the~~

polling place. The certificate shall be numbered serially and prepared in duplicate. The municipal clerk shall preserve one copy in his or her office.

**SECTION 17.** 6.55 (2) (d) of the statutes is amended to read:

6.55 (2) (d) A registered elector who has changed his or her name but resides at the same address, and has not notified the municipal clerk under s. 6.40 (1) (c), shall notify the inspector of the change before voting. The inspector shall then notify the municipal clerk at the time which materials are returned under s. 6.56 (1). If an elector ~~changes~~ has changed both a name and address, the elector shall ~~complete a registration form~~ register at the polling place or other registration location under pars. (a) and (b).

**SECTION 18.** 6.55 (3) of the statutes is amended to read:

6.55 (3) Any qualified elector in the ward or election district where the elector desires to vote whose name does not appear on the registration list where registration is required but who claims to be registered to vote in the election may request permission to vote at the polling place for that ward or election district. When the request is made, the inspector shall require the person to give his or her name and address. If the elector is not at the polling place which serves the ward or election district where the elector resides, the inspector shall provide the elector with directions to the correct polling place. If the elector is at the correct polling place, the elector shall then execute the following written statement: "I, ..., hereby certify that to the best of my knowledge, I am a qualified elector, having resided at ... for at least 10 days immediately preceding this election, and that I am not disqualified on any ground from voting, and I have not voted at this election and am properly registered to vote in this election." The person shall be required to provide present a valid operator's license issued to the person under ch. 343 that contains a photograph of the license holder, a valid, current identification card issued to the person by a U.S. uniformed service, or a valid identification card issued to the person under s. 343.50. If any identification presented by the person is not acceptable proof of residence as provided under sub. (7), the person shall also present acceptable proof of residence as provided under sub. (7) and shall then be given the right to vote. ~~If acceptable proof is presented, the elector need not have the information corroborated by any other elector. If acceptable proof is not presented, the statement shall be certified by the elector and shall be corroborated by another elector who resides in the municipality. The corroborator shall then provide acceptable proof of residence as provided in sub. (7). Whenever the question of identity or residence cannot be satisfactorily resolved and the elector cannot be permitted to vote, an inspector shall telephone the office of the municipal clerk to reconcile the records at the polling place with those at the office.~~

**SECTION 19.** 6.55 (7) (c) 1. of the statutes is amended to read:

6.55 (7) (c) 1. ~~A Wisconsin motor vehicle~~ An operator's license issued under ch. 343.

**SECTION 20.** 6.55 (7) (c) 2. of the statutes is amended to read:

6.55 (7) (c) 2. ~~A Wisconsin~~ An identification card issued under s. ~~125.08, 1987 stats.~~ 343.50.

**SECTION 21.** 6.56 (5) of the statutes is repealed.

**SECTION 22.** 6.79 (1) of the statutes is amended to read:

6.79 (1) MUNICIPALITIES WITHOUT REGISTRATION. Except as provided in sub. (6) ~~(a)~~, where there is no registration, before being permitted to vote, each ~~person~~ elector shall state his or her full name and address and present to the officials a valid operator's license issued to the elector under ch. 343 that contains a photograph of the license holder, a valid, current identification card issued to the person by a U.S. uniformed service, or a valid identification card issued to the elector under s. 343.50. The officials shall enter each name and address on a poll list in the same order as the votes are cast. If the residence of the elector does not have a number, the election officials shall, in the appropriate space, enter "none". Alternatively, the municipal clerk may maintain a poll list consisting of the full name and address of electors compiled from previous elections. Whenever an elector appears to vote, the officials shall verify the correctness of the elector's name and address, and shall enter a serial number next to the name of the elector in the order that the votes are cast, beginning with the number one. If the name and address of an elector do not appear on the prepared poll list, the officials shall enter the name, address and serial number of the elector at the bottom of the list. Except as provided in sub. (6), before being permitted to vote, each elector shall present to the officials a valid operator's license issued to the elector under ch. 343 that contains a photograph of the license holder, a valid, current identification card issued to the person by a U.S. uniformed service, or a valid identification card issued to the elector under s. 343.50. The officials may require any elector to provide identification, including acceptable proof of residence, ~~or to have another elector corroborate his or her information in accordance with the procedure specified in s. 6.55 (2) (b) under s. 6.55 (7)~~ before permitting the elector to vote. ~~An elector who presents an identification card under sub. (6) (a) is not required to provide separate identification.~~ The officials shall maintain a separate list of those persons voting under ss. 6.15 and 6.24.

**SECTION 23.** 6.79 (2) of the statutes is amended to read:

6.79 (2) MUNICIPALITIES WITH REGISTRATION. Except as provided in sub. (6) ~~(b)~~, where there is registration, each ~~person~~ elector, before receiving a voting number, shall state his or her full name and address and present to the officials a valid operator's license issued to the elector

under ch. 343 that contains a photograph of the license holder, a valid, current identification card issued to the person by a U.S. uniformed service, or a valid identification card issued to the elector under s. 343.50. Upon the prepared registration list, after the name of each elector, the officials shall enter the serial number of the vote as it is polled, beginning with number one. Each elector shall receive a slip bearing the same serial number. A separate list shall be maintained for electors who are voting under s. 6.15, 6.29 or 6.55 (2) or (3) and electors who are reassigned from another polling place under s. 5.25 (5) (b). Each such elector shall have his or her full name, address and serial number likewise entered and shall be given a slip bearing such number.

**SECTION 24.** 6.79 (3) (title) of the statutes is amended to read:

6.79 (3) (title) REFUSAL TO GIVE NAME AND ADDRESS AND FAILURE TO PRESENT IDENTIFICATION.

**SECTION 25.** 6.79 (3) of the statutes is renumbered 6.79 (3) (a).

**SECTION 26.** 6.79 (3) (b) of the statutes is created to read:

6.79 (3) (b) If identification is not provided or if the document that is provided cannot be verified by the officials, the officials shall offer the opportunity for the elector to vote under s. 6.97.

**SECTION 27.** 6.79 (4) of the statutes is amended to read:

6.79 (4) SUPPLEMENTAL INFORMATION. ~~When any elector provides identification under sub. (1) or s. 6.15, 6.29 or 6.55 (2) or (3), the election officials shall enter the type of identification on the poll or registration list, or supplemental list maintained under sub. (2). If the form of identification includes a number which applies only to the individual holding that piece of identification, the election officials shall also enter that number on the list. When any elector corroborates the registration identity or residence of any person offering to vote under sub. (1) or s. 6.55 (2) (b) or (c) or (3), or the registration identity or residence of any person registering on election day under s. 6.86 (3) (a) 2., the name and address of the corroborator shall also be entered next to the name of the elector whose information is being corroborated on the registration or poll list, or the separate list maintained under sub. (2). When any person offering to vote has been challenged and taken the oath, following the person's name on the registration or poll list, the officials shall enter the word "Sworn".~~

**SECTION 28.** 6.79 (6) (title) of the statutes is repealed and recreated to read:

6.79 (6) (title) EXCEPTIONS REGARDING IDENTIFICATION.

**SECTION 29.** 6.79 (6) (a) of the statutes is amended to read:

6.79 (6) (a) In municipalities where there is no registration, an elector who has a confidential listing under s.

6.47 (2) may present an identification card issued under s. 6.47 (3) in lieu of providing his or her name and address and presenting identification under sub. (1). If the elector resides in the area served by the polling place, the inspectors shall then enter the elector's name and identification serial number on the poll list in a section following the other names, shall issue a voting serial number to the elector and shall record that number on the poll list and permit the elector to vote.

**SECTION 30.** 6.79 (6) (b) of the statutes is amended to read:

6.79 (6) (b) In municipalities where registration is required, an elector who has a confidential listing under s. 6.47 (2) may present his or her identification card issued under s. 6.47 (3) or may give his or her name and identification serial number issued under s. 6.47 (3), in lieu of stating his or her name and address and presenting identification under sub. (2). If the elector's name and identification serial number appear on the confidential portion of the list, the inspectors shall issue a voting serial number to the elector, record that number on the registration list and permit the elector to vote.

**SECTION 31.** 6.82 (1) (a) of the statutes is amended to read:

6.82 (1) (a) When any inspectors are informed that an elector is at the entrance to the polling place who as a result of disability is unable to enter the polling place, they shall permit the elector to be assisted in marking a ballot by any individual selected by the elector, except the elector's employer or an agent of that employer or an officer or agent of a labor organization which represents the elector. The individual selected by the elector shall provide all information necessary for the elector to obtain a ballot under s. 6.79 (1) or (2). The inspectors shall then issue a ballot to the individual selected by the elector and shall accompany the individual to the polling place entrance where the assistance is to be given. If the ballot is a paper ballot, the assisting individual shall fold the ballot after the ballot is marked by the assisting individual. The assisting individual shall then immediately take the ballot into the polling place and give the ballot to an inspector. The inspector shall distinctly announce that he or she has "a ballot offered by .... (stating person's name), an elector who, as a result of disability, is unable to enter the polling place without assistance". The inspector shall then ask, "Does anyone object to the reception of this ballot?" If no objection is made, the inspectors shall record the elector's name under s. 6.79 and deposit the ballot in the ballot box, and shall make a notation on the registration or poll list: "Ballot received at poll entrance".

**SECTION 32.** 6.86 (1) (ar) of the statutes is amended to read:

6.86 (1) (ar) Except as authorized in s. 6.875 (6), the municipal clerk shall not issue an absentee ballot unless the clerk receives a written application therefor from a qualified elector of the municipality. The clerk shall

retain each absentee ballot application until destruction is authorized under s. 7.23 (1). If an elector applies for an absentee ballot in person at the clerk's office, the clerk shall not issue the elector an absentee ballot unless the elector presents a valid operator's license issued to the elector under ch. 343 that contains a photograph of the license holder, a valid, current identification card issued to the person by a U.S. uniformed service, or a valid identification card issued to the elector under s. 343.50.

**SECTION 33.** 6.86 (3) (a) of the statutes is amended to read:

6.86 (3) (a) 1. Any elector who is registered, or otherwise qualified where registration is not required, and who is hospitalized, may apply for and obtain an official ballot by agent. The agent may apply for and obtain a ballot for the hospitalized absent elector by presenting a form prescribed by the board and containing the required information supplied by the hospitalized elector and signed by that elector ~~and any other elector residing in the same municipality as the hospitalized elector, corroborating the information contained therein. The corroborating elector shall state on the form his or her full name and address. Except as provided in s. 6.87 (4) (b) 2., the agent shall provide the identification required under sub. (1) (ar).~~

2. If a hospitalized elector is not registered where registration is required, the elector may register by agent under this subdivision at the same time that the elector applies for an official ballot by agent under subd. 1. To register the elector under this subdivision, the agent shall present a completed registration form that contains the required information supplied by the elector and the elector's signature, unless the elector is unable to sign due to physical disability. In this case, the elector may authorize another elector to sign on his or her behalf. Any elector signing a form on another elector's behalf shall attest to a statement that the application is made on request and by authorization of the named elector, who is unable to sign the form due to physical disability. The agent shall present this statement along with all other information required under this subdivision. ~~Except as otherwise provided in this subdivision, the~~ The agent shall in every case present acceptable proof of the elector's residence under s. 6.55 (7). If the agent cannot present this proof, the registration form shall be signed and substantiated by another elector residing in the elector's municipality of residence, corroborating the information in the form. The form shall contain the full name and address of the corroborating elector. The agent shall then present acceptable proof of the corroborating elector's residence under s. 6.55 (7).

**SECTION 34.** 6.869 of the statutes is created to read:

**6.869 Uniform instructions.** The board shall prescribe uniform instructions for absentee voters. The instructions shall include information concerning whether a copy of identification is required to be sub-

mitted and, if so, the form of identification that is required.

**SECTION 35.** 6.87 (3) (d) of the statutes is amended to read:

6.87 (3) (d) A municipal clerk of a municipality may, if the clerk is reliably informed by an absent elector of a facsimile transmission number or electronic mail address where the elector can receive an absentee ballot, transmit a facsimile or electronic copy of the absent elector's ballot to that elector in lieu of mailing under this subsection if, in the judgment of the clerk, the time required to send the ballot through the mail may not be sufficient to enable return of the ballot by the time provided under sub. (6). An elector may receive an absentee ballot under this subsection only if the elector has filed a valid application for the ballot under sub. (1). If the clerk transmits an absentee ballot under this paragraph, the clerk shall also transmit a facsimile or electronic copy of the text of the material that appears on the certificate envelope prescribed in sub. (2), together with instructions prescribed by the board. The instructions shall require the absent elector to make and subscribe to the certification as required under sub. (4) (b) and to enclose the absentee ballot in a separate envelope contained within a larger envelope, that shall include the completed certificate. The elector shall then mail the absentee ballot with postage prepaid to the municipal clerk. An absentee ballot received under this paragraph shall not be counted unless it is cast in the manner prescribed in this paragraph and in accordance with the instructions provided by the board.

**SECTION 36.** 6.87 (4) of the statutes is renumbered 6.87 (4) (b) 1. and amended to read:

6.87 (4) (b) 1. Except as otherwise provided in s. 6.875, the elector voting absentee shall make and subscribe to the certification before one witness. The absent elector, in the presence of the witness, shall mark the ballot in a manner that will not disclose how the elector's vote is cast. The elector shall then, still in the presence of the witness, fold the ballots if they are paper ballots so each is separate and so that the elector conceals the markings thereon and deposit them in the proper envelope. If a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot if it is a paper ballot so that the elector conceals the markings thereon and deposit the ballot in the proper envelope. Except as authorized in subds. 2. and 3., the elector shall enclose a copy of the identification required under s. 6.86 (1) (ar) in the envelope, unless the elector is a military elector or an overseas elector, as defined in s. 6.87 (4) (a). The elector may receive assistance under sub. (5). The return envelope shall then be sealed. The witness may not be a candidate. The envelope shall be mailed by the elector, postage prepaid, or delivered in person, to the municipal clerk issuing the ballot or ballots. Failure to return an unused ballot in a primary does not invalidate the ballot on which the elector's votes are cast. Return of more than one marked bal-

lot in a primary or return of a ballot prepared under s. 5.655 or a ballot used with an electronic voting system in a primary which is marked for candidates of more than one party invalidates all votes cast by the elector for candidates in the primary.

**SECTION 37.** 6.87 (4) (a) of the statutes is created to read:

6.87 (4) (a) In this paragraph:

1. "Military elector" means 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; a member of the merchant marine, as defined in s. 6.22 (1) (a), who, by reason of service in the merchant marine, is absent from the residence where the member is otherwise qualified to vote; or 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 spouse or dependent is otherwise qualified to vote.

2. "Overseas elector" means 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 was last domiciled in this state immediately prior to the elector's departure from the United States.

**SECTION 37m.** 6.87 (4) (b) 2. and 3. of the statutes are created to read:

6.87 (4) (b) 2. Unless subd. 3. applies, if the absentee elector has applied for and qualified to receive absentee ballots automatically under s. 6.86 (2) (a), the elector may, in lieu of providing a copy of the identification required under s. 6.86 (1) (ar), submit with his or her absentee ballot a statement signed by the same individual who witnesses voting of the ballot which contains the name and address of the elector and verifies that the name and address are correct.

3. If the absentee elector has received an absentee ballot from the municipal clerk for a previous election, has provided a copy of the identification required under s. 6.86 (1) (ar) with that ballot, and has not changed his or her name or address since providing that identification, the elector is not required to provide a copy of the identification required under s. 6.86 (1) (ar).

**SECTION 38.** 6.88 (3) (a) of the statutes is amended to read:

6.88 (3) (a) Any time between the opening and closing of the polls on election day, the inspectors shall open the carrier envelope only, and announce the name of the absent elector or the identification serial number of the absent elector if the elector has a confidential listing under s. 6.47 (2). When the inspectors find that the certification has been properly executed, the applicant is a qualified elector of the ward or election district, and the applicant has not voted in the election, they shall enter an indication on the poll or registration list next to the applicant's name indicating an absentee ballot is cast by the

elector. They shall then open the envelope containing the ballot in a manner so as not to deface or destroy the certification thereon. The inspectors shall take out the ballot without unfolding it or permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95, the inspectors shall verify that the ballot has been endorsed by the issuing clerk. If the elector is required to provide a copy of the identification required under s. 6.86 (1) (ar) and no copy of the elector's identification is enclosed or the name or address on the document that is provided cannot be verified by the inspectors, the elector's ballot may not be counted. The inspectors shall then deposit the ballot into the proper ballot box and enter the absent elector's name or voting number after his or her name on the poll ~~or registration~~ list in the same manner as if the elector had been present and voted in person.

**SECTION 39.** 6.97 of the statutes is created to read:

**6.97 Voting procedure for individuals not providing required identification.** If an individual who appears to vote at a polling place has registered by mail and has not previously voted in an election for national office in this state, and the elector cannot provide the required identification or inspectors cannot verify the document submitted by the individual, the inspectors shall offer the opportunity for the individual to vote under this section. If the individual wishes to vote, the inspectors shall require the individual to execute a written affirmation before the inspectors stating that the individual is a qualified elector of the ward or election district where he or she offers to vote and is eligible to vote in the election. The inspectors shall then give the individual a ballot. Before depositing the ballot, the inspectors shall write on the back of the ballot the serial number of the individual corresponding to the number kept at the election on the poll list or other list maintained under s. 6.79. If voting machines are used in the municipality where the individual is voting, the individual's vote may be received only upon an absentee ballot furnished by the municipal clerk which shall have the corresponding number from the poll list or other list maintained under s. 6.79 written on the back of the ballot before the ballot is deposited. The inspectors shall indicate on the list the fact that the individual did not provide identification or the document submitted by the individual could not be verified by the inspectors. The inspectors shall notify the individual that he or she may provide to the municipal clerk a valid operator's license issued to the individual under ch. 343 that contains a photograph of the license holder, a valid, current identification card issued to the person by a U.S. uniformed service, or a valid identification card issued to the individual under s. 343.50. The inspectors shall also promptly notify the municipal clerk of the name, address, and serial number of the individual. If by 4 p.m. or the close of business, whichever is later, on the day after the election the elector provides a valid license or identification card to the municipal clerk, the

municipal clerk shall, no later than the day after the election, notify the board of canvassers that the individual is qualified to vote in the ward or election district where the individual's ballot was cast, and the vote of the individual shall be counted. Otherwise, the vote of the individual may not be counted. The decision of the municipal clerk with respect to the validity of identification under this section is final and is not subject to review by the board of canvassers, by the chairperson of the elections board or his or her designee, or under s. 9.01. A ballot cast under this section by an elector for whom a valid license or identification card is required shall not be counted unless the municipal clerk provides timely notification that the elector has provided valid identification under this section.

**SECTION 40.** 10.02 (3) (a) of the statutes is amended to read:

10.02 (3) (a) Upon entering the polling place and before being permitted to vote, an elector shall give state his or her name and address before being permitted to vote and shall present identification as required by law. Where ballots are distributed to electors, the initials of 2 inspectors must appear on the ballot. Upon being permitted to vote, the elector shall retire alone to a voting booth or machine and cast his or her ballot, except that an elector who is a parent or guardian may be accompanied by the elector's minor child or minor ward. An election official may inform the elector of the proper manner for casting a vote, but the official may not in any manner advise or indicate a particular voting choice.

**SECTION 42p.** 343.50 (3) of the statutes is amended to read:

343.50 (3) DESIGN AND CONTENTS OF CARD. The card shall be the same size as an operator's license but shall be of a design which is readily distinguishable from the design of an operator's license and bear upon it the words "IDENTIFICATION CARD ONLY". The information on the card shall be the same as specified under s. 343.17 (3). The card may serve as a document of gift under s. 157.06 (2) (b) and (c) and the holder may affix a sticker thereto as provided in s. 343.175 (3). The card may also serve as a document of refusal to make an anatomical gift under s. 157.06 (2) (i). The Except as provided in sub. (4g), the card shall contain the holder's photograph and, if applicable, shall be of the design specified under s. 343.17 (3) (a) 12.

**SECTION 42r.** 343.50 (4) of the statutes is amended to read:

343.50 (4) APPLICATION. The application for an identification card shall include any information required under ss. 85.103 (2) and 343.14 (2) (a), (b), (bm), (br), and (em), such further information as the department may reasonably require to enable it to determine whether the applicant is entitled by law to an identification card, and, for applicants who are aged 65 years or older, material, as provided by the department, explaining the volun-

tary program that is specified in s. 71.55 (10) (b). The Except as provided in sub.(4g), the department shall, as part of the application process, take a photograph of the applicant to comply with sub. (3). No Except as provided in sub.(4g), no application may be processed without the photograph being taken. Misrepresentations in violation of s. 343.14 (5) are punishable as provided in s. 343.14 (9).

**SECTION 42t.** 343.50 (4g) of the statutes is created to read:

343.50 (4g) PHOTOGRAPH REQUIREMENT; EXCEPTION. An application may be processed and an original or renewal identification card issued under this section without a photograph being taken to comply with subs. (3) and (4) to an applicant who requests the identification card without charge under sub. (5) or (6) and who provides to the department an affidavit stating that the applicant has a sincerely held religious belief against being photographed; identifying the religion to which he or she belongs or the tenets of which he or she adheres to; and stating that the tenets of the religion prohibit him or her from being photographed.

**SECTION 43.** 343.50 (5) of the statutes is amended to read:

343.50 (5) VALID PERIOD; FEES. The fee for an original card and for the reinstatement of an identification card after cancellation under sub. (10) shall be \$9 or, upon request of the applicant, without charge. The card shall be valid for the succeeding period of 4 years from the applicant's next birthday after the date of issuance.

**SECTION 44.** 343.50 (6) of the statutes is amended to read:

343.50 (6) RENEWAL. At least 30 days prior to the expiration of the card, the department shall mail a renewal application to the last-known address of each identification card holder. The department shall include with the application information, as developed by all organ procurement organizations in cooperation with the department, that promotes anatomical donations and which relates to the anatomical donation opportunity available under s. 343.175. The fee for a renewal identification card shall be \$9, which or, upon request of the identification card holder, without charge. The renewal identification card shall be valid for 4 years.