



## 2013 ASSEMBLY BILL 886

March 25, 2014 - Introduced by Representatives PASCH, GOYKE, YOUNG, BARNES, SARGENT, OHNSTAD, HEBL, C. TAYLOR, KESSLER, ZAMARRIPA and BERCEAU, cosponsored by Senators HARRIS, CARPENTER and MILLER. Referred to Committee on Criminal Justice.

1     **AN ACT to repeal** 6.29 (2) (am), 6.55 (2) (cs), 6.55 (3) (b), 6.56 (3m), 6.79 (2) (dm),  
2           6.88 (3) (c), 301.03 (20m), 302.117, 304.078 (1) and 973.09 (4m); **to renumber**  
3           6.55 (3) (a); **to renumber and amend** 6.03 (1) (b) and 304.078 (3); **to amend**  
4           6.33 (1), 6.33 (2) (a), 6.36 (1) (a), 7.52 (6), 301.03 (3a) (intro.), 304.078 (2) and  
5           973.176 (2); and **to create** 6.03 (1) (b) 1., 2., 3. and 4. of the statutes; **relating**  
6           **to:** restoring the right to vote to certain persons barred from voting as a result  
7           of a felony conviction, changing the information required on voter registration  
8           forms, and changing voting procedure for certain persons who are convicted of  
9           felonies.

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

Under current law, when a person is barred from voting as the result of a felony conviction (a “disqualifying offense”), the person’s right to vote may be restored through a pardon. Otherwise, it is restored when the person 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

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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 returned to prison after the revocation of extended supervision or parole or is sent to prison or a jail or house of correction after the revocation of 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 the Department of Corrections (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.

The bill also requires DOC, the Government Accountability Board, 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.

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

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

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

3           6.03 (1) (b) (intro.) Any person ~~convicted of treason, who, as a result of a felony~~  
4 ~~or bribery, unless the person's right to vote is restored through a pardon or under s.~~  
5 ~~304.078 (3).~~ conviction, is any of the following:

6           **SECTION 2.** 6.03 (1) (b) 1., 2., 3. and 4. of the statutes are created to read:

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1           6.03 (1) (b) 1. Incarcerated while serving a sentence that was not imposed  
2 under s. 973.01.

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

5           3. Incarcerated following the revocation of probation.

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

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

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

9           6.33 (1) The board shall prescribe the format, size, and shape of registration  
10 forms. All forms shall be printed on cards and each item of information shall be of  
11 uniform font size, as prescribed by the board. The municipal clerk shall supply  
12 sufficient forms to meet voter registration needs. The forms shall be designed to  
13 obtain from each applicant information as to name; date; residence location; location  
14 of previous residence immediately before moving to current residence location;  
15 citizenship; date of birth; age; the number of a current and valid operator's license  
16 issued to the elector under ch. 343 or the last 4 digits of the elector's social security  
17 account number; whether the applicant has resided within the ward or election  
18 district for at least 28 consecutive days; ~~whether the applicant has been convicted of~~  
19 ~~a felony for which he or she has not been pardoned, and if so, whether the applicant~~  
20 ~~is incarcerated, or on parole, probation, or extended supervision; whether the~~  
21 ~~applicant is disqualified on any other ground for any reason~~ from voting; and  
22 whether the applicant is currently registered to vote at any other location. The form  
23 shall include a space for the applicant's signature. Below the space for the signature,  
24 the form shall state "Falsification of information on this form is punishable under  
25 Wisconsin law as a Class I felony." The form shall include a space to enter the name

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1 of any special registration deputy under s. 6.26 or 6.55 (6) or inspector, municipal  
2 clerk, or deputy clerk under s. 6.55 (2) who obtains the form and a space for the  
3 deputy, inspector, clerk, or deputy clerk to sign his or her name, affirming that the  
4 deputy, inspector, clerk, or deputy clerk has accepted the form. The form shall  
5 include a space for entry of the ward and aldermanic district, if any, where the elector  
6 resides and any other information required to determine the offices and referenda  
7 for which the elector is certified to vote. The form shall also include a space where  
8 the clerk may record an indication of whether the form is received by mail, a space  
9 where the clerk may record an indication of the type of identifying document  
10 submitted by the elector as proof of residence under s. 6.34, whenever required, and  
11 a space where the clerk, for any applicant who possesses a valid voting identification  
12 card issued to the person under s. 6.47 (3), may record the identification serial  
13 number appearing on the voting identification card. Each county clerk shall obtain  
14 sufficient registration forms for completion by an elector who desires to register to  
15 vote at the office of the county clerk under s. 6.28 (4).

16 **SECTION 5.** 6.33 (2) (a) of the statutes is amended to read:

17 6.33 (2) (a) All information may be recorded by any person, except that the ward  
18 and aldermanic district, if any, other geographic information under sub. (1), the  
19 indication of whether the registration is received by mail, the type of identifying  
20 document submitted by the elector as proof of residence under s. 6.34, whenever  
21 required, and any information relating to an applicant's voting identification card  
22 shall be recorded by the clerk. An applicant is not required to provide a copy of any  
23 certificate or notice issued to the applicant under s. 304.078. Each applicant shall  
24 sign his or her own name unless the applicant is unable to sign his or her name due  
25 to physical disability. In such case, the applicant may authorize another elector to

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1 sign the form on his or her behalf. If the applicant so authorizes, the elector signing  
2 the form shall attest to a statement that the application is made upon request and  
3 by authorization of a named elector who is unable to sign the form due to physical  
4 disability.

5 **SECTION 6.** 6.36 (1) (a) of the statutes is amended to read:

6 6.36 (1) (a) The board shall compile and maintain electronically an official  
7 registration list. The list shall contain the name and address of each registered  
8 elector in the state; the date of birth of the elector; the ward and aldermanic district  
9 of the elector, if any; and, for each elector, a unique registration identification  
10 number assigned by the board, the number of a valid operator's license issued to the  
11 elector under ch. 343, if any, or the last 4 digits of the elector's social security account  
12 number, if any; any identification serial number issued to the elector under s. 6.47  
13 (3); the date of any election in which the elector votes; an indication of whether the  
14 elector is an overseas elector, as defined in s. 6.24 (1), ~~any information relating to the~~  
15 ~~elector that appears on the current list transmitted to the board by the department~~  
16 ~~of corrections under s. 301.03 (20m);~~ an indication of any accommodation required  
17 under s. 5.25 (4) (a) to permit voting by the elector; an indication of the method by  
18 which the elector's registration form was received; and such other information as  
19 may be determined by the board to facilitate administration of elector registration  
20 requirements.

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

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

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

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

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

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

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

3           7.52 (6) The board of absentee ballot canvassers shall review each certificate  
4 envelope to determine whether any absentee ballot is cast by an elector whose name  
5 appears on the poll list as ineligible to vote at the election, ~~including ineligibility to~~  
6 ~~vote by reason of a felony conviction.~~ If the board of absentee ballot canvassers  
7 receives an absentee ballot that has been cast by an elector whose name appears on  
8 the poll list as ineligible to vote, the inspectors shall challenge the ballot in the same  
9 manner as provided for inspectors making challenges under s. 6.92 and shall treat  
10 the ballot in the same manner as provided for treatment of challenged ballots by  
11 inspectors under s. 6.95.

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

13           301.03 (3a) (intro.) Subject to all of the following, design a form to provide  
14 notice under ~~ss. 302.117, 973.09 (4m), and s. 973.176 (2)~~ of ineligibility to vote under  
15 s. 6.03 (1) (b):

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

17           **SECTION 16.** 302.117 of the statutes is repealed.

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

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

20           304.078 (2) Except for the right to vote, which is restored as provided in sub.  
21 (3), every person who is convicted of a crime obtains a restoration of his or her civil  
22 rights by serving out his or her term of imprisonment or otherwise satisfying his or  
23 her sentence. The certificate of the department or other responsible supervising  
24 agency that a convicted person has served his or her ~~sentence~~ term of imprisonment  
25 or otherwise satisfied the ~~judgment~~ sentence against him or her is evidence of that

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1 fact and that the person is restored to his or her civil rights. The department or other  
2 agency shall list in the person's certificate rights which have been restored and which  
3 have not been restored. Persons who served out their terms of imprisonment or  
4 otherwise satisfied their sentences prior to August 14, 1947, are likewise restored to  
5 their civil rights from and after September 25, 1959.

6 **SECTION 19.** 304.078 (3) of the statutes is renumbered 304.078 (3) (a) and  
7 amended to read:

8 304.078 (3) (a) If a person is disqualified ~~from voting~~ under s. 6.03 (1) (b) from  
9 voting, his or her right to vote is restored when ~~he or she completes the term of~~  
10 imprisonment or probation for the crime that led to the disqualification. The the  
11 factor under s. 6.03 (1) (b) that disqualified him or her from voting no longer applies  
12 to him or her.

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

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

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

22 973.176 (2) VOTING. Whenever a court imposes a sentence or ~~places a defendant~~  
23 ~~on probation for a conviction~~ a condition of probation that disqualifies the defendant  
24 from voting under s. 6.03 (1) (b), the court shall inform the defendant in writing that  
25 he or she may not vote in any election until ~~his or her civil rights are restored~~ the

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1 factor under s. 6.03 (1) (b) that disqualified him or her from voting no longer applies  
2 to him or her. The court shall use the form designed by the department of corrections  
3 under s. 301.03 (3a) to inform the defendant, and the defendant and a witness shall  
4 sign the form.

**SECTION 22. Nonstatutory provisions.**

6 (1) TRAINING. The department of corrections, the government accountability  
7 board, and the director of state courts shall include in their ongoing training  
8 programs a discussion of the changes to voting rights that this act creates and shall  
9 offer the training to judges, attorneys, election officials, employees of the department  
10 of corrections, and the public, as appropriate. If this subsection takes effect at least  
11 60 days before the first election that follows that effective date, the department, the  
12 board, and the director shall endeavor to provide the training before election day.

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

**SECTION 23. Initial applicability.**

18 (1) The renumbering and amendment of section 6.03 (1) (b) of the statutes and  
19 the creation of section 6.03 (1) (b) 1., 2., 3., and 4. of the statutes first apply to persons  
20 who are on or released to parole or extended supervision on the effective date of this  
21 subsection and to persons who are on or placed on probation on the effective date of  
22 this subsection.  
23

24

(END)