



2023 SENATE BILL 561

October 23, 2023 - Introduced by Senators SMITH, ROYS, LARSON, HESSELBEIN, SPREITZER, TAYLOR and AGARD, cosponsored by Representatives C. ANDERSON, BARE, CLANCY, JACOBSON, JOERS, MADISON, PALMERI, RATCLIFF, EMERSON, J. ANDERSON, ANDRACA, DRAKE, HONG, MOORE OMOKUNDE, MYERS, NEUBAUER, RIEMER, SINICKI, STUBBS, VINING and HAYWOOD. Referred to Committee on Shared Revenue, Elections and Consumer Protection.

1 **AN ACT** *to amend* 5.056 and 85.61 (1); and *to create* 6.256 and 343.14 (2p) of the
2 statutes; **relating to:** automatic voter registration.

Analysis by the Legislative Reference Bureau

This bill requires the Elections Commission to use all feasible means to facilitate the registration of all eligible electors of this state and to maintain the registration of all eligible electors for so long as the electors remain eligible, except as the law specifically requires electors to take some action to continue their registrations. Under the bill, the commission must attempt to facilitate the initial registration of all eligible electors no later than July 1, 2027. To facilitate the initial registration, the bill directs the commission and the Department of Transportation to enter into an agreement so that DOT may transfer specified personally identifiable information in DOT's records to the commission. The bill requires the commission to maintain the confidentiality of any information it obtains under the agreement and allows a driver's license or identification card applicant to "opt out" of DOT's transfer of this information to the commission. Once the commission obtains all the information required under current law to complete an elector's registration, the commission adds the elector's name to the statewide registration list. The bill also permits an individual whose name is added to the registration list or who wishes to permanently exclude his or her name from the list to file a request to have his or her name deleted or excluded from the list or to revoke a deletion or exclusion request previously made. A deletion or exclusion request or revocation of a deletion or exclusion request may be made in the manner prescribed by the commission. In addition, the bill directs the commission to notify an individual by

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first class postcard whenever the commission removes his or her name from the registration list or changes his or her status on the list from eligible to ineligible.

The bill also directs the commission to report to the appropriate standing committees of the legislature, no later than July 1, 2026, its progress in initially implementing the registration system created by the bill. The report must contain an assessment of the feasibility and desirability or integration of registration information with information maintained by the Departments of Health Services, Children and Families, Workforce Development, Revenue, Safety and Professional Services, and Natural Resources; the University of Wisconsin System; and the Technical College System Board, as well as with the technical colleges in each technical college district.

Under current law, a qualified elector with a current and valid driver's license or identification card issued by DOT may register to vote electronically on a secure Internet site maintained by the commission. To register electronically under current law, a qualified elector must also authorize DOT to forward a copy of his or her electronic signature to the commission. The authorization affirms that all information provided by the elector is correct and has the same effect as a written signature on a paper copy of the registration form. Finally, current law requires the commission and DOT to enter into an agreement that permits the commission to verify the necessary registration information instantly by accessing DOT's electronic files.

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:

1 **SECTION 1.** 5.056 of the statutes is amended to read:

2 **5.056 Matching program with secretary of transportation.** The
3 commission administrator shall enter into the agreement with the secretary of
4 transportation specified under s. 85.61 (1) to match personally identifiable
5 information on the official registration list maintained by the commission under s.
6 6.36 (1) and the information specified in s. ~~ss.~~ 6.256 (2) and 6.34 (2m) with personally
7 identifiable information maintained by the department of transportation. Subject
8 to s. 343.14 (2p) (b), the agreement shall provide for the electronic transfer of
9 information under s. 6.256 (2) to the commission on a continuous basis, no less often
10 than monthly.

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1 **SECTION 2.** 6.256 of the statutes is created to read:

2 **6.256 Commission shall facilitate registration of electors. (1)** Except as
3 provided for individuals specified in sub. (8), and as otherwise expressly provided,
4 the commission shall use all feasible means to facilitate the registration of all eligible
5 electors of this state who are subject to a registration requirement and the
6 maintenance of the registration of all eligible electors for so long as an elector
7 remains eligible.

8 **(2)** Subject to s. 343.14 (2p) (b), for the purpose of carrying out its functions
9 under sub. (1), the commission shall obtain the following information from the
10 department of transportation, to the extent that the department has the
11 information:

12 (a) The full name of each individual who holds a current operator's license
13 issued to the individual under ch. 343 or a current identification card issued to the
14 individual under s. 343.50, together with the following information pertaining to
15 that individual:

16 1. The current address of the individual together with any address history and
17 any name history maintained by the department of transportation.

18 2. The date of birth of the individual.

19 3. The number of the license or identification card issued to the individual.

20 4. A copy of the document that the applicant provided as proof of citizenship
21 and a statement from the department of transportation indicating that the
22 department verified the applicant's citizenship. For purposes of this subdivision, the
23 applicant shall provide a document that meets the requirements under 42 USC
24 1320b-7 (d).

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1 (b) For each item of information specified in this subsection, the most recent
2 date that the item of information was provided to or obtained by the department of
3 transportation.

4 **(3)** The commission shall compare the information obtained under sub. (2) with
5 the information in the registration list under s. 6.36 (1) (a). If the commission finds
6 discrepancies between the information obtained under sub. (2) regarding an elector
7 and the information in the registration list under s. 6.36 (1) (a) regarding that same
8 elector, the commission shall contact the elector by mail or telephone or in person to
9 resolve the discrepancies. If the commission is able to resolve the discrepancies after
10 contacting the elector, the commission shall update the information on the
11 registration list. If the commission is unable to contact the elector, the commission
12 shall resolve any discrepancies in favor of the information in the registration list.

13 **(4)** Except as provided in this subsection and sub. (8), if the commission
14 concludes that an individual appears eligible to vote in this state but is not
15 registered, and the commission has obtained from reliable sources all the
16 information required under s. 6.33 (1) to complete the individual's registration, the
17 commission shall enter the individual's name on the registration list. If the
18 commission has not obtained from reliable sources all the information pertaining to
19 an individual that is required under s. 6.33 (1), the commission shall attempt to
20 obtain from reliable sources the necessary information under s. 6.33 (1) that is
21 required to complete the individual's registration. If an elector's status has been
22 changed from eligible to ineligible under s. 6.50 (2) or (2g) and the elector's eligibility,
23 name, or residence has not changed, the commission may not change the individual's
24 name to eligible status unless the commission first verifies that the individual is
25 eligible and wishes to change his or her status to eligible.

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1 **(5)** The commission shall attempt to contact an individual described in sub. (4)
2 if necessary to obtain all the information specified in s. 6.33 (1) pertaining to the
3 individual that is required to complete the individual's registration.

4 **(6)** If the commission is able to obtain all the required information specified in
5 s. 6.33 (1) pertaining to an individual, the commission shall enter the name of the
6 individual on the registration list maintained under s. 6.36 (1) (a).

7 **(7)** The commission shall mail a notice to each individual whose name the
8 commission enters under sub. (6) on the registration list maintained under s. 6.36
9 (1) (a). The notice shall be printed in English, Spanish, and other languages spoken
10 by a significant number of state residents, as determined by the commission, and
11 shall include all of the following:

12 (a) A statement informing the individual that his or her name has been entered
13 on the registration list and showing the current address for the individual based on
14 the commission's records.

15 (b) A statement informing the individual that he or she may request to have
16 his or her name deleted from the registration list and instructions for doing so.

17 (c) Instructions for notifying the commission of a change in name or address.

18 (d) Instructions for obtaining a confidential listing under s. 6.47 (2) and a
19 description of how an individual qualifies for a confidential listing.

20 **(8)** Any individual may file a request with the commission to exclude his or her
21 name from the registration list maintained under s. 6.36 (1) (a). Any individual
22 whose name is added to the registration list by the commission may file a request
23 with the commission or a municipal clerk to have his or her name deleted from the
24 list. A request for exclusion or deletion shall be filed in the manner prescribed by the
25 commission. An individual who files an exclusion or deletion request under this

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1 subsection may revoke his or her request by the same means that an individual may
2 request an exclusion or deletion. The commission shall ensure that the name of any
3 individual who has filed an exclusion or deletion request under this subsection is
4 excluded from the registration list or, if the individual's name appears on the list, is
5 removed from the registration list and is not added to the list at any subsequent time
6 unless the individual files a revocation of his or her request under this subsection.

7 **(9)** If the commission removes from the registration list the name of an elector
8 who does not request that his or her name be deleted, other than to correct an entry
9 that the commission positively determines to be a duplication or to change the name
10 of an individual who is verified to be deceased to ineligible status, the commission
11 shall mail to the individual a notice of the removal or change in status by 1st class
12 postcard to the individual's last-known address. The notice shall provide that the
13 individual may apply to have his or her status changed to eligible if he or she is a
14 qualified elector.

15 **(10)** The commission shall attempt to facilitate the initial registration of all
16 eligible electors, except as otherwise provided in this section, no later than July 1,
17 2027.

18 **(11)** The commission shall maintain the confidentiality of all information
19 obtained from the department of transportation under sub. (2) and may use this
20 information only for the purpose of carrying out its functions under sub. (1) and s.
21 6.34 (2m) and in accordance with the agreement under s. 85.61 (1).

22 **SECTION 3.** 85.61 (1) of the statutes is amended to read:

23 85.61 **(1)** The secretary of transportation and the administrator of the elections
24 commission shall enter into an agreement to match personally identifiable
25 information on the official registration list maintained by the commission under s.

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1 6.36 (1) and the information specified in ~~s. ss. 6.256 (2) and~~ 6.34 (2m) with personally
2 identifiable information in the operating record file database under ch. 343 and
3 vehicle registration records under ch. 341 to the extent required to enable the
4 secretary of transportation and the administrator of the elections commission to
5 verify the accuracy of the information provided for the purpose of voter registration.
6 Notwithstanding ss. 110.09 (2), 342.06 (1) (eg), and 343.14 (2j), but subject to s.
7 343.14 (2p) (b), the agreement shall provide for the transfer of electronic information
8 under s. 6.256 (2) to the commission on a continuous basis, no less often than
9 monthly.

10 **SECTION 4.** 343.14 (2p) of the statutes is created to read:

11 343.14 (2p) (a) The forms for application for a license or identification card or
12 for renewal thereof shall inform the applicant of the department's duty to make
13 available to the elections commission the information described in s. 6.256 (2) for the
14 purposes specified in s. 6.256 (1) and (3) and shall provide the applicant an
15 opportunity to elect not to have this information made available for these purposes.

16 (b) If the applicant elects not to have the information described in s. 6.256 (2)
17 made available for the purposes specified in s. 6.256 (1) and (3), the department shall
18 not make this information available for these purposes. This paragraph does not
19 preclude the department from making available to the elections commission
20 information for the purposes specified in s. 6.34 (2m) or for any purpose other than
21 those specified in s. 6.256 (1) and (3).

22 **SECTION 5. Nonstatutory provisions.**

23 (1) INITIAL SHARING OF REGISTRATION INFORMATION. Notwithstanding ss. 85.61
24 (1), 110.09 (2), 342.06 (1) (eg), and 343.14 (2j), the department of transportation shall
25 enter into and begin transferring information under a revised agreement with the

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1 elections commission administrator pursuant to s. 85.61 (1) no later than the first
2 day of the 4th month beginning after the effective date of this subsection.

3 (2) REPORT ON VOTER REGISTRATION INFORMATION INTEGRATION. No later than July
4 1, 2026, the elections commission shall report to the appropriate standing
5 committees of the legislature, in the manner specified in s. 13.172 (3), its progress
6 in initially implementing a system to ensure the complete and continuous
7 registration of all eligible electors in this state, specifically including the operability
8 and utility of information integration with the department of transportation and the
9 feasibility and desirability of integrating public information maintained by other
10 state agencies and by technical colleges with the commission's registration
11 information to enhance the completeness and accuracy of the information. At a
12 minimum, the report shall contain an assessment of the feasibility and desirability
13 of the integration of registration information with information maintained by the
14 departments of health services, children and families, workforce development,
15 revenue, safety and professional services, and natural resources; the University of
16 Wisconsin System; and the technical college system board, as well as the technical
17 colleges within each technical college district.

18 (END)