



2003 ASSEMBLY BILL 310

May 1, 2003 - Introduced by Representatives STONE, JENSEN, ALBERS, JESKEWITZ, FREESE, MCCORMICK, HINES and GUNDERSON, cosponsored by Senators LAZICH and STEPP. Referred to Committee on Campaigns and Elections.

- 1 **AN ACT** *to amend* 6.56 (2) to (4) and 6.56 (5) of the statutes; **relating to:**
2 verification of voters whose names do not appear on registration lists.

Analysis by the Legislative Reference Bureau

Current law requires the officials at each polling place where voter registration is required to maintain a list of persons who register to vote at the polling place on election day and certain persons whose names do not appear on the registration list but who are permitted to vote after certifying that they are properly registered. After each election, these lists must be given to the municipal clerk or board of election commissioners, who must then audit the lists to ensure that each voter is properly registered. This audit generally consists of mailing a postcard to the address given by the voter. Current law also requires the clerk or board of election commissioners, after each election, to carefully check to ensure that no person has been allowed to vote more than once. If a postcard mailed by the clerk or board of election commissioners is returned undelivered or the clerk or board of election commissioners is informed that the address given by the voter was apparently incorrect on election day, or if it appears that a person voted more than once, the clerk or board of election commissioners must provide the name of the voter to the district attorney. If the person voted after having his or her registration information corroborated by another elector, the name of the corroborator must also be provided to the district attorney.

Under this bill, the clerk or board of election commissioners must perform the required audit within one month after each election. If a postcard is returned undelivered, if the clerk or board of election commissioners is informed that the

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address given by a voter was apparently incorrect on election day, or if it appears that a person voted more than once, the clerk or board must notify both the district attorney and the appropriate municipal or county law enforcement agency, and must provide the name of the person who voted and the name of any corroborator. The bill requires the law enforcement agency to investigate the matter within two weeks and report the results of the investigation to the district attorney. The district attorney must then file a report with the clerk or board of election commissioners within two weeks, indicating the results of the investigation and any action the district attorney intends to prosecute as a result of the investigation.

For further information see the *local* 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.** 6.56 (2) to (4) of the statutes are amended to read:

2 6.56 (2) Upon receipt of the list, the municipal clerk or board of election
3 commissioners shall make a check to determine whether each person who has been
4 allowed to vote under s. 6.55 (3) is properly registered. If so, the clerk or board of
5 election commissioners shall correct the registration list. If the address on the
6 registration list is not correct, the clerk or board of election commissioners shall
7 correct the address. The clerk or board of election commissioners shall then notify
8 the elector by postcard when he or she is properly registered. If such person is found
9 not to be properly registered, the clerk or board of election commissioners shall send
10 the person a 1st class letter with that information, containing a mail registration
11 form under s. 6.30 (4). The letter shall be marked "ADDRESS CORRECTION REQUESTED".
12 If No later than one month after the election, the clerk or board of election
13 commissioners shall notify the district attorney and the appropriate municipal police
14 department or, if there is no appropriate municipal police department, the
15 appropriate county sheriff of each such letter that is returned undelivered, or if the
16 U.S. postal service notifies the clerk of an improper address which and of each

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1 notification of improper address that the clerk or board of election commissioner
2 receives from the U.S. postal service, if the address was apparently improper on the
3 day of the election, the clerk shall notify the district attorney. If a letter is returned
4 undelivered or a notification of an improper address under this subsection is received
5 later than one month after the election, the clerk or board of election commissioners
6 shall promptly notify the district attorney and appropriate municipal police
7 department or county sheriff under this subsection. No later than 2 weeks after
8 receiving information under this subsection, the municipal police department or
9 county sheriff shall investigate the matter and report the results of the investigation
10 to the district attorney. No later than 2 weeks after receiving this report, the district
11 attorney shall file a report with the appropriate municipal clerk or board of election
12 commissioners indicating the results of each investigation and any action that the
13 district attorney intends to prosecute as a result of each investigation.

14 (3) Upon receipt of the list under sub. (1), the municipal clerk or board of
15 election commissioners shall make an audit of all electors registering to vote at the
16 polling place or other registration location under s. 6.55 (2) and all electors
17 registering by agent on election day under s. 6.86 (3) (a) 2. The audit shall be made
18 by 1st class postcard. The postcard shall be labeled "ADDRESS CORRECTION REQUESTED"
19 or "DO NOT FORWARD—RETURN POSTAGE GUARANTEED". If any No later than one month
20 after the election, the clerk or board of election commissioners shall notify the district
21 attorney and the appropriate municipal police department or, if there is no
22 appropriate municipal police department, the appropriate county sheriff of each
23 postcard that is returned undelivered, or if and of each notification that the clerk or
24 board of election commissioners is informed of receives indicating a different address
25 than the one specified by the elector which was apparently improper on the day of

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1 the election, ~~the clerk or board~~ and shall remove the elector's name from the
2 registration list, and mail the elector a notice of the removal and ~~provide the name~~
3 ~~to the district attorney for the county where the polling place is located.~~ If a postcard
4 is returned undelivered or a notification of a different address under this subsection
5 is received later than one month after the election, the clerk or board of election
6 commissioners shall promptly notify the district attorney and appropriate municipal
7 police department or county sheriff under this subsection. No later than 2 weeks
8 after receiving information under this subsection, the municipal police department
9 or county sheriff shall investigate the matter and report the results of the
10 investigation to the district attorney. No later than 2 weeks after receiving this
11 report, the district attorney shall file a report with the appropriate municipal clerk
12 or board of election commissioners indicating the results of each investigation and
13 any action that the district attorney intends to prosecute as a result of each
14 investigation.

15 (4) After No later than one month after each election, the municipal clerk or
16 board of election commissioners shall carefully check to assure that no person has
17 been allowed to vote more than once. Whenever the municipal clerk or board of
18 election commissioners has good reason to believe that a person has voted more than
19 once in an election, the clerk or board of election commissioners shall send the person
20 a 1st class letter with return receipt and address correction requested, informing him
21 or her that all registrations relating to that person may be canceled within 7 days
22 unless the person contacts the office of the clerk to clarify the matter. A copy of such
23 letter and any subsequent information received from or about the addressee shall be
24 sent to the district attorney and the appropriate municipal police department or, if
25 there is no appropriate municipal police department, the appropriate county sheriff.

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1 No later than 2 weeks after receiving information under this subsection, the
2 municipal police department or county sheriff shall investigate the matter and
3 report the results of the investigation to the district attorney. No later than 2 weeks
4 after receiving this report, the district attorney shall file a report with the
5 appropriate municipal clerk or board of election commissioners indicating the
6 results of each investigation and any action that the district attorney intends to
7 prosecute as a result of each investigation.

8 **SECTION 2.** 6.56 (5) of the statutes is amended to read:

9 6.56 (5) Whenever any letter or postcard mailed under this section is returned
10 undelivered, or whenever the U.S. postal service notifies the clerk or board of election
11 commissioners of an improper address which was apparently improper on the day
12 of the election or whenever it otherwise appears that a person has voted who is not
13 qualified or has voted more than once in an election, and the person has been
14 permitted to vote after corroboration was made under s. 6.55 (2) or (3) or 6.86 (3) (a)
15 2., the name of the corroborator shall also be provided to the district attorney and the
16 appropriate municipal police department or, if there is no appropriate municipal
17 police department, the appropriate county sheriff. No later than 2 weeks after
18 receiving information under this subsection, the municipal police department or
19 county sheriff shall investigate the matter and report the results of the investigation
20 to the district attorney. No later than 2 weeks after receiving this report, the district
21 attorney shall file a report with the appropriate municipal clerk or board of election
22 commissioners indicating the results of each investigation and any action the district
23 attorney intends to prosecute as a result of each investigation.

24 (END)