



2011 ASSEMBLY BILL 67

March 30, 2011 - Introduced by Representatives PRIDEMORE, STRACHOTA, THIESFELDT and LEMAHIEU, cosponsored by Senators GROTHMAN and DARLING. Referred to Committee on Election and Campaign Reform.

1 **AN ACT to amend** 6.29 (2) (a) and 6.86 (1) (b); and **to create** 6.33 (3) of the
2 statutes; **relating to:** late voter registration, absentee voting in person, and
3 implementation of a voter identification requirement at elections.

Analysis by the Legislative Reference Bureau

Currently, the deadline for late registration for an election in person at the office of a municipal clerk or board of election commissioners is 5 p.m. or the close of business, whichever is later, on the day before the election. The deadline for absentee voting in person at the office of a municipal clerk or board of election commissioners is 5 p.m. on the day before the election. This bill changes the deadline for late registration in person to 5 p.m. or the close of business, whichever is later, on the Friday before the election and the deadline for voting an absentee ballot in person to 5 p.m. on the Friday before the election. The change is effective for elections held on or after July 1, 2011, but the bill directs each municipal clerk and board of election commissioners to provide electors who register or vote by absentee ballot in person at the office of the clerk or board at elections held prior to July 1, 2011, with written or posted information concerning the change. The bill directs the Government Accountability Board (GAB) to prescribe information to be provided to electors briefly describing the deadline changes.

The bill also provides that any elector who votes at an election held prior to the date of the 2012 spring primary shall be requested by the election officials to present proof of identification in the same manner as provided for in 2011 Senate Bill 6, in accordance with the text of the bill as affected by any legislative action on the day

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this bill becomes law. If an elector does not present proof of identification, the elector is still permitted to vote, but is given information either in writing or posted at the polling place or office of the clerk or board of election commissioners prescribed by the GAB briefly describing the identification requirement for future reference.

Currently, GAB prescribes the format of voter registration forms in accordance with statutory requirements. This bill directs GAB to provide to each municipal clerk and board of election commissioners an interactive electronic registration form that may be used by an elector to enter the information that is required to be provided by the elector electronically and to print the completed form for delivery to the clerk or board of election commissioners.

For further information see the *state and 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.** 6.29 (2) (a) of the statutes is amended to read:

2 6.29 (2) (a) Any qualified elector of a municipality who has not previously filed
3 a registration form or whose name does not appear on the registration list of the
4 municipality may register after the close of registration but not later than 5 p.m. or
5 the close of business, whichever is later, on the day Friday before an election at the
6 office of the municipal clerk and at the office of the clerk's agent if the clerk delegates
7 responsibility for electronic maintenance of the registration list to an agent under
8 s. 6.33 (5) (b). The elector shall complete, in the manner provided under s. 6.33 (2),
9 a registration form containing all information required under s. 6.33 (1). The
10 registration form shall also contain the following certification: "I, ..., hereby certify
11 that, to the best of my knowledge, I am a qualified elector, having resided at ... for
12 at least 10 days immediately preceding this election, and I have not voted at this
13 election". The elector shall also provide proof of residence under s. 6.34.
14 Alternatively, if the elector is unable to provide proof of residence under s. 6.34, the
15 information contained in the registration form shall be corroborated in a statement

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1 that is signed by any other elector of the municipality and that contains the current
2 street address of the corroborating elector. The corroborating elector shall then
3 provide proof of residence under s. 6.34. If the elector is registering after the close
4 of registration for the general election and the elector presents a valid driver's license
5 issued by another state, the municipal clerk or agent shall record on a separate list
6 the name and address of the elector, the name of the state, and the license number
7 and expiration date of the license.

8 **SECTION 2.** 6.33 (3) of the statutes is created to read:

9 6.33 (3) The board shall provide to each municipal clerk and board of election
10 commissioners a voter registration form under sub. (1) in an interactive electronic
11 format that permits an elector to enter the information that is required to be provided
12 by the elector electronically and to print the completed form for delivery to the clerk
13 or board of election commissioners.

14 **SECTION 3.** 6.86 (1) (b) of the statutes is amended to read:

15 6.86 (1) (b) Except as provided in this section, if application is made by mail,
16 the application, signed by the elector, shall be received no later than 5 p.m. on the
17 5th day immediately preceding the election. If application is made in person, the
18 application shall be made no later than 5 p.m. on the day Friday preceding the
19 election. If the elector is making written application for an absentee ballot at the
20 September primary or general election and the application indicates that the elector
21 is a military elector, as defined in s. 6.36 (2) (c), the application shall be received by
22 the municipal clerk no later than 5 p.m. on election day. If the application indicates
23 that the reason for requesting an absentee ballot is that the elector is a sequestered
24 juror, the application shall be received no later than 5 p.m. on election day. If the
25 application is received after 5 p.m. on the Friday immediately preceding the election,

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1 the municipal clerk or the clerk's agent shall immediately take the ballot to the court
2 in which the elector is serving as a juror and deposit it with the judge. The judge shall
3 recess court, as soon as convenient, and give the elector the ballot. The judge shall
4 then witness the voting procedure as provided in s. 6.87 and shall deliver the ballot
5 to the clerk or agent of the clerk who shall deliver it to the polling place or, in
6 municipalities where absentee ballots are canvassed under s. 7.52, to the municipal
7 clerk as required in s. 6.88. If application is made under sub. (2) or (2m), the
8 application may be received no later than 5 p.m. on the Friday immediately
9 preceding the election.

SECTION 4. Nonstatutory provisions.

10
11 (1) IMPLEMENTATION OF IN-PERSON LATE REGISTRATION AND ABSENTEE VOTING
12 DEADLINE CHANGE. If an elector registers to vote or casts an absentee ballot in person
13 at the office of a municipal clerk or board of election commissioners under section
14 6.29 (2) or 6.86 (1) of the statutes at any election held during the period beginning
15 on the effective date of this subsection and ending on June 30, 2011, the municipal
16 clerk, executive director of the board of election commissioners, or any deputy who
17 registers the elector to vote shall inform the elector that beginning with elections
18 held on July 1, 2011, if the elector wishes to register to vote or to cast an absentee
19 ballot in person at the office of the municipal clerk or board of election
20 commissioners, the elector will be required to register to vote in the election no later
21 than 5 p.m. or the close of business, whichever is later, on the Friday before the
22 election and will be required to cast his or her absentee ballot in the election no later
23 than 5 p.m. on the Friday before the election. The information shall be prescribed
24 by the government accountability board and shall be provided either in writing or by

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1 referring the elector to information posted at the office of the clerk or board of election
2 commissioners.

3 (2) IMPLEMENTATION OF VOTER IDENTIFICATION REQUIREMENTS. Each elector who
4 votes at a polling place or at the office of a municipal clerk or board of election
5 commissioners at an election held prior to the 2012 spring primary shall be requested
6 by the election officials to present proof of identification in the manner provided for
7 in 2011 Senate Bill 6, as amended, in accordance with the text of that bill as affected
8 by any legislative action on the effective date of this subsection. If the elector does
9 not present proof of identification, and the elector is otherwise qualified, the elector's
10 ballot shall be counted without the necessity of presenting proof of identification and
11 without the necessity of casting a provisional ballot. If any elector who votes at a
12 polling place or at the office of a municipal clerk or board of election commissioners
13 at such an election does not present proof of identification and would be required to
14 present proof of identification under the text of that bill, the election official who
15 provides the elector with a ballot shall either provide to the elector written
16 information or direct the elector to information posted at the polling place or office
17 briefly describing the voter identification requirement created by that bill and
18 informing the elector that beginning upon enactment of that bill or the date that the
19 2012 spring primary is held, whichever is later, the elector will be required to comply
20 with the identification requirement in that bill unless an exemption applies. The
21 text of the information provided to electors under this subsection shall be prescribed
22 by the government accountability board.

23 **SECTION 5. Initial applicability.**

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1 (1) The treatment of sections 6.29 (2) (a) and 6.86 (1) (b) of the statutes first
2 applies with respect to elections held on July 1, 2011.

3 (END)