



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1105/1
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2019 ASSEMBLY BILL 309

June 25, 2019 - Introduced by Representatives CROWLEY, GRUSZYNSKI, VINING, ANDERSON, BILLINGS, BOWEN, BROSTOFF, CABRERA, CONSIDINE, DOYLE, EMERSON, FIELDS, GOYKE, HAYWOOD, HEBL, HESSELBEIN, HINTZ, KOLSTE, MCGUIRE, L. MYERS, NEUBAUER, OHNSTAD, POPE, RIEMER, SARGENT, SHANKLAND, SINICKI, SPREITZER, STUBBS, SUBECK, C. TAYLOR, VRUWINK and ZAMARRIPA, cosponsored by Senators HANSEN, JOHNSON, BEWLEY, CARPENTER, LARSON, RINGHAND, RISSER, SCHACHTNER, L. TAYLOR, WIRCH and SMITH. Referred to Committee on Campaigns and Elections.

1 **AN ACT to amend** 5.056, 6.33 (2) (a), 6.35 (3), 6.86 (3) (c) and 85.61 (1); and **to**
2 **create** 6.256, 6.29 (2) (e) and 343.14 (2p) of the statutes; **relating to:** automatic
3 voter registration and the integration of registration information with
4 information maintained by the Department of Transportation and other state
5 agencies and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill requires the Elections Commission to facilitate the registration of all eligible electors of this state and to maintain the registration of all eligible electors for so long as they remain eligible. The bill directs the commission and the Department of Transportation to enter into an agreement so that DOT may transfer 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 directs the Elections Commission to report to the appropriate standing committees of the legislature, no later than July 1, 2020, concerning its progress in implementing the registration system created by the bill. The report must contain an assessment of the feasibility of integrating registration information with information maintained by other agencies.

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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.** 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.

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

12 **6.256 Commission shall facilitate registration of electors. (1)** Except as
13 provided for electors specified in sub. (7) and as otherwise expressly provided, the
14 commission shall use all feasible means to facilitate the registration of all eligible
15 electors of this state who are subject to a registration requirement and the
16 maintenance of the registration of all eligible electors for so long as they remain
17 eligible.

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

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

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

7 2. The date of birth of the individual.

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

9 4. A copy of the document that the applicant provided as proof of citizenship
10 and a statement from the department of transportation indicating that the
11 department verified the applicant's citizenship. For purposes of this subdivision, the
12 applicant shall provide a document that meets the requirements under 42 USC
13 1320b-7 (d).

14 (b) For each item of information specified in this subsection, the most recent
15 date that the item of information was provided or obtained by the department of
16 transportation.

17 **(3)** The commission shall compare the information obtained under sub. (2) with
18 the information in the registration list under s. 6.36 (1) (a). If the commission finds
19 discrepancies between the information obtained under sub. (2) regarding an elector
20 and the information in the registration list under s. 6.36 (1) (a) regarding that same
21 elector, the commission shall contact the elector by mail or telephone or in person to
22 resolve the discrepancies. If the commission is able to resolve the discrepancies after
23 contacting the elector, the commission shall update the information on the
24 registration list. If the commission is unable to contact the elector, the commission
25 shall resolve any discrepancies in favor of the information in the registration list.

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1 (4) Except as provided in this subsection and sub. (7), if the commission
2 concludes that an individual appears eligible to vote in this state but is not
3 registered, and the commission has obtained from reliable sources all the
4 information required under s. 6.33 (1) to complete the individual's registration, the
5 commission shall enter the individual's name on the registration list. If the
6 commission has not obtained from reliable sources all the information pertaining to
7 an individual that is required under s. 6.33 (1), the commission shall attempt to
8 obtain from reliable sources the necessary information under s. 6.33 (1) that is
9 required to complete the individual's registration. If a municipality has changed the
10 status of an elector from eligible to ineligible under s. 6.50 (1) and the elector's
11 eligibility, name, or residence has not changed, the commission may not change the
12 individual's name to eligible status unless the commission first verifies that the
13 individual is eligible and wishes to change his or her status to eligible.

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

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

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

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

7 (8) 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 the individual a notice of the removal or change in status by 1st class
12 postcard at 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 (9) The commission shall attempt to facilitate the initial registration of all
16 eligible electors, except as otherwise provided in this section, as soon as practicable.

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

21 **SECTION 3.** 6.29 (2) (e) of the statutes is created to read:

22 6.29 (2) (e) The municipal clerk or clerk's agent shall promptly add the names
23 of qualified electors who register and vote under this section to the registration list.
24 The clerk or clerk's agent shall add the names of qualified electors who vote at their
25 polling places in the manner prescribed in s. 6.33 (5) (a).

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1 **SECTION 4.** 6.33 (2) (a) of the statutes is amended to read:

2 6.33 (2) (a) All information may be recorded by any person, except that the clerk
3 shall record the ward and aldermanic district, if any, other geographic information
4 under sub. (1), the indication of whether the registration is received by mail, and the
5 type of identifying document submitted by the elector as proof of residence under s.
6 6.34 or the indication of verification of information in lieu of proof of residence under
7 s. 6.34 (2m). Except as provided in s. 6.30 (5), each elector shall sign his or her own
8 name unless the elector is unable to sign his or her name due to physical disability.
9 In such case, the elector may authorize another elector to sign the form on his or her
10 behalf. If the elector so authorizes, the elector signing the form shall attest to a
11 statement that the application is made upon request and by authorization of a named
12 elector who is unable to sign the form due to physical disability.

13 **SECTION 5.** 6.35 (3) of the statutes is amended to read:

14 6.35 (3) ~~Original~~ Except for electronic registrations, original registration forms
15 shall be maintained in the office of the municipal clerk or board of election
16 commissioners at all times. The commission shall maintain electronic registration
17 forms and make such forms available for inspection by the municipal clerk, the
18 clerk's designated agent, or the board of election commissioners.

19 **SECTION 6.** 6.86 (3) (c) of the statutes is amended to read:

20 6.86 (3) (c) An application under par. (a) 1. may be made and a registration form
21 under par. (a) 2. may be filed in person at the office of the municipal clerk not earlier
22 than 7 days before an election and not later than 5 p.m. on the day of the election.
23 A list of hospitalized electors applying for ballots under par. (a) 1. shall be made by
24 the municipal clerk and used to check that the electors vote only once, and by
25 absentee ballot. If Except as provided in s. 6.34 (2m), if the elector is registering for

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1 the election after the close of registration or if the elector registered by mail or by
2 electronic application and has not voted in an election in this state, the municipal
3 clerk shall inform the agent that proof of residence under s. 6.34 is required and the
4 elector shall enclose proof of residence under s. 6.34 in the envelope with the ballot.
5 The clerk shall verify that the name on any required proof of identification presented
6 by the agent conforms to the name on the elector's application. The clerk shall then
7 enter his or her initials on the carrier envelope indicating that the agent presented
8 proof of identification to the clerk. The agent is not required to enter a signature on
9 the registration list. The ballot shall be sealed by the elector and returned to the
10 municipal clerk either by mail or by personal delivery of the agent; but if the ballot
11 is returned on the day of the election, the agent shall make personal delivery to the
12 polling place serving the hospitalized elector's residence before the closing hour or,
13 in municipalities where absentee ballots are canvassed under s. 7.52, to the
14 municipal clerk no later than 8 p.m. on election day.

15 **SECTION 7.** 85.61 (1) of the statutes is amended to read:

16 85.61 (1) The secretary of transportation and the administrator of the elections
17 commission shall enter into an agreement to match personally identifiable
18 information on the official registration list maintained by the commission under s.
19 6.36 (1) and the information specified in ~~s.~~ ss. 6.256 (2) and 6.34 (2m) with personally
20 identifiable information in the operating record file database under ch. 343 and
21 vehicle registration records under ch. 341 to the extent required to enable the
22 secretary of transportation and the administrator of the elections commission to
23 verify the accuracy of the information provided for the purpose of voter registration.
24 Notwithstanding ss. 110.09 (2), 342.06 (1) (eg), and 343.14 (2j), but subject to s.
25 343.14 (2p) (b), the agreement shall provide for the transfer of electronic information

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1 under s. 6.256 (2) to the commission on a continuous basis, no less often than
2 monthly.

3 **SECTION 8.** 343.14 (2p) of the statutes is created to read:

4 343.14 (2p) (a) The forms for application for a license or identification card or
5 for renewal thereof shall inform the applicant of the department's duty to make
6 available to the elections commission the information described in s. 6.256 (2) for the
7 purposes specified in s. 6.256 (1) and (3) and shall provide the applicant an
8 opportunity to elect not to have this information made available for these purposes.

9 (b) If the applicant elects not to have the information described in s. 6.256 (2)
10 made available for the purposes specified in s. 6.256 (1) and (3), the department shall
11 not make this information available for these purposes. This paragraph does not
12 preclude the department from making available to the elections commission
13 information for the purposes specified in s. 6.34 (2m) or for any purpose other than
14 those specified in s. 6.256 (1) and (3).

15 **SECTION 9. Nonstatutory provisions.**

16 (1) INITIAL SHARING OF REGISTRATION INFORMATION. Notwithstanding ss. 85.61
17 (1), 110.09 (2), 342.06 (1) (eg), and 343.14 (2j), the department of transportation shall
18 enter into and begin transferring information under a revised agreement with the
19 elections commission administrator pursuant to s. 85.61 (1) no later than the first
20 day of the 4th month beginning after the effective date of this subsection.

21 (2) REPORT ON VOTER REGISTRATION INFORMATION INTEGRATION. No later than July
22 1, 2020, the elections commission shall report to the appropriate standing
23 committees of the legislature, in the manner specified in s. 13.172 (3), concerning its
24 progress in initially implementing a system to ensure the complete and continuous
25 registration of all eligible electors in this state, specifically including the operability

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1 and utility of information integration with the department of transportation and the
2 feasibility and desirability of integrating public information maintained by other
3 state agencies and by technical colleges with the commission's registration
4 information to enhance the completeness and accuracy of the information. At a
5 minimum, the report shall contain an assessment of the feasibility and desirability
6 of the integration of registration information with information maintained by the
7 departments of health services, children and families, workforce development,
8 revenue, safety and professional services, and natural resources; the University of
9 Wisconsin System; and the technical college system board, as well as the technical
10 colleges within each technical college district.

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(END)