



**SENATE AMENDMENT 9,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO 2005 SENATE BILL 42**

May 12, 2005 – Offered by Senator LEIBHAM.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 2, line 1: delete “and”.

3 **2.** Page 2, line 2: after “Transportation” insert “, registration and voting  
4 procedures for certain persons who are convicted of felonies, and notification  
5 regarding ineligibility to vote”.

6 **3.** Page 7, line 23: after that line insert:

7 “**SECTION 8s.** 6.36 (1) (a) of the statutes is amended to read:

8 6.36 (1) (a) The board shall compile and maintain electronically an official  
9 registration list. The list shall contain the name and address of each registered  
10 elector in the state, the date of birth of the elector, the ward and aldermanic district  
11 of the elector, if any, and, for each elector, a unique registration identification number  
12 assigned by the board, the number of a valid operator’s license issued to the elector

1 under ch. 343, if any, or the last 4 digits of the elector’s social security account  
2 number, if any, any identification serial number issued to the elector under s. 6.47  
3 (3), the date of any election in which the elector votes, an indication of whether the  
4 elector is an overseas elector, as defined in s. 6.24 (1), any information relating to the  
5 elector that appears on the list transmitted to the board by the department of  
6 corrections under s. 301.03 (20), an indication of any accommodation required under  
7 s. 5.25 (4) (a) to permit voting by the elector, an indication of the method by which  
8 the elector’s registration form was received, and such other information as may be  
9 determined by the board to facilitate administration of elector registration  
10 requirements.

11 **SECTION 8t.** 6.36 (2) (a) of the statutes, as affected by 2003 Wisconsin Act 265,  
12 section 58b, is amended to read:

13 6.36 (2) (a) Except as provided in pars. (b) and (c), each registration list  
14 prepared for use as a poll list at a polling place shall contain the full name and  
15 address of each registered elector; a blank column for the entry of the serial number  
16 of the electors when they vote; if the list is prepared for use at an election for national  
17 office, an indication next to the name of each elector for whom identification is  
18 required under par. (c) 2.; any information relating to the elector that appears on the  
19 list transmitted to the board by the department of corrections under s. 301.03 (20)  
20 and, if the elector is ineligible to vote at the election by reason of a felony conviction,  
21 a notation to that effect; and a form of certificate bearing the certification of the  
22 executive director of the board stating that the list is a true and complete registration  
23 list of the municipality or the ward or wards for which the list is prepared.”.

24 **4.** Page 10, line 2: after that line insert:

1           **“SECTION 11m.** 6.55 (2) (cs) of the statutes is created to read:

2           6.55 (2) (cs) The board shall provide to each municipal clerk a list prepared for  
3 use at each polling place showing the name of each person whose name appears on  
4 the list provided by the department of corrections under s. 301.03 (20) whose address  
5 is located in the area served by that polling place and whose name does not appear  
6 on the poll list for that polling place. Prior to permitting an elector to register to vote  
7 under this subsection, the special registration deputies shall review the list. If the  
8 name of an elector who wishes to register to vote appears on the list, the special  
9 registration deputies shall inform the elector that he or she is ineligible to register.  
10 If the elector maintains that he or she is eligible to vote in the election, the special  
11 registration deputies shall permit the elector to register but shall mark the elector’s  
12 registration form as “ineligible due to felony conviction.” If the elector wishes to vote,  
13 the inspectors shall require the elector to vote by ballot and shall challenge the ballot  
14 as provided in s. 6.79 (2) (dm).”.

15           **5.** Page 10, line 3: delete that line and substitute:

16           **“SECTION 12m.** 6.55 (3) of the statutes is renumbered 6.55 (3) (a) and amended  
17 to read:”.

18           **6.** Page 10, line 4: after “(3)” insert “(a)”.

19           **7.** Page 11, line 4: after that line insert:

20           **“SECTION 12n.** 6.55 (3) (b) of the statutes is created to read:

21           6.55 (3) (b) Prior to permitting an elector to vote under this subsection, the  
22 inspectors shall review the list provided by the board under sub. (2) (cs). If the name  
23 of the elector appears on the list, the inspectors shall inform the elector that he or  
24 she is ineligible to vote at the election. If the elector maintains that he or she is

1 eligible to vote in the election, the inspectors shall permit the elector to vote, but shall  
2 require the elector to vote by ballot, and shall challenge the ballot as provided in s.  
3 6.79 (2) (dm).”.

4 **8.** Page 11, line 25: after that line insert:

5 “**SECTION 14m.** 6.79 (2) (dm) of the statutes is created to read:

6 6.79 (2) (dm) If the poll list indicates that the elector is ineligible to vote by  
7 reason of a felony conviction, the inspectors shall inform the elector of this fact. If the  
8 elector maintains that he or she is eligible to vote in the election, the inspectors shall  
9 provide the elector with a ballot and, after the elector casts his or her vote, shall  
10 challenge the ballot as provided in s. 6.92 and treat the ballot in the manner provided  
11 in s. 6.95.”.

12 **9.** Page 26, line 16: after that line insert:

13 “**SECTION 31m.** 6.88 (3) (c) of the statutes is created to read:

14 6.88 (3) (c) The inspectors shall review each certificate envelope to determine  
15 whether any absentee ballot is cast by an elector whose name appears on the poll list  
16 as ineligible to vote at the election by reason of a felony conviction. If the inspectors  
17 receive an absentee ballot that has been cast by an elector whose name appears on  
18 the poll list as ineligible for that reason, the inspectors shall challenge the ballot as  
19 provided in s. 6.92 and treat the ballot in the manner provided in s. 6.95.”.

20 **10.** Page 32, line 10: before that line insert:

21 “**SECTION 37s.** 301.03 (3a) of the statutes is created to read:

22 301.03 (3a) Subject to all of the following, design a form to provide notice under  
23 ss. 302.117, 973.09 (4m), and 973.176 (2) of ineligibility to vote under s. 6.03 (1) (b):

1 (a) The form shall inform the person who is ineligible to vote that he or she may  
2 not vote in any election until his or her civil rights are restored.

3 (b) The form shall inform the person who is ineligible to vote when his or her  
4 civil rights are expected to be restored.

5 (c) The form shall include a place for the person to sign indicating that he or  
6 she understands that he or she may not vote in any election until his or her civil  
7 rights are restored. The form shall include a place also for a witness signature.

8 (d) The form shall be kept in the person's file and a copy shall be given to the  
9 person.

10 **SECTION 37t.** 301.03 (20) of the statutes is created to read:

11 301.03 (20) Transmit to the elections board, on a continuous basis, a list  
12 containing the name of each living person who has been convicted of a felony under  
13 the laws of this state and whose civil rights have not been restored, together with his  
14 or her residential address and the date on which the department expects his or her  
15 civil rights to be restored.

16 **SECTION 37u.** 302.117 of the statutes is amended to read:

17 **302.117 Notice regarding ineligibility to vote.** When an inmate who is  
18 disqualified from voting under s. 6.03 (1) (b) is released to parole or extended  
19 supervision, the department shall inform the person in writing that he or she may  
20 not vote in any election until his or her civil rights are restored. The department shall  
21 use the form designed under s. 301.03 (3a) to inform the person, and the person and  
22 a witness must sign the form.”.

23 **11.** Page 34, line 3: after that line insert:

24 **“SECTION 42p.** 973.09 (4m) of the statutes is amended to read:

1           973.09 (4m) The department shall inform in writing each probationer who is  
2 disqualified from voting under s. 6.03 (1) (b) that he or she may not vote in any  
3 election until his or her civil rights are restored. The department shall use the form  
4 designed under s. 301.03 (3a) to inform the probationer, and the probationer and a  
5 witness must sign the form.

6           **SECTION 42r.** 973.176 (2) of the statutes is amended to read:

7           973.176 (2) VOTING. Whenever a court imposes a sentence or places a defendant  
8 on probation for a conviction that disqualifies the defendant from voting under s. 6.03  
9 (1) (b), the court shall inform the defendant in writing that he or she may not vote  
10 in any election until his or her civil rights are restored. The court shall use the form  
11 designed by the department of corrections under s. 301.03 (3a) to inform the  
12 defendant, and the defendant and a witness must sign the form.

13           **SECTION 42y. Nonstatutory provisions.**

14           (1) No later than the first day of the 6th month beginning after the effective date  
15 of this subsection, the department of corrections shall distribute, and have signed in  
16 front of a witness, a copy of the form designed under section 301.03 (3a) of the  
17 statutes, as created by this act, to each person who is on probation, parole, or  
18 extended supervision on that date and who is disqualified from voting in any election  
19 under section 6.03 (1) (b) of the statutes.”.

20           **12.** Page 34, line 5: before “The treatment” insert “IDENTIFICATION REQUIRED  
21 FOR VOTING.”.

22           **13.** Page 34, line 8: after that line insert:

23           “(2m) NOTIFICATION REGARDING INELIGIBILITY TO VOTE DURING PAROLE OR EXTENDED  
24 SUPERVISION. The treatment of section 302.117 of the statutes first applies to persons

1 whom the department of corrections releases to parole or extended supervision on  
2 the effective date of this subsection.

3 (2n) NOTIFICATION REGARDING INELIGIBILITY TO VOTE DURING PROBATION. The  
4 treatment of section 973.09 (4m) of the statutes first applies to persons whom the  
5 court places on probation on the effective date of this subsection.

6 (2o) NOTIFICATION AT SENTENCING REGARDING INELIGIBILITY TO VOTE. The  
7 treatment of section 973.176 (2) of the statutes first applies to persons whom the  
8 court sentences on the effective date of this subsection.”.

9 **14.** Page 34, line 9: delete that line.

10 **15.** Page 34, line 10: delete lines 10 and 11 and substitute:

11 **“SECTION 44m. Effective dates.** This act takes effect on the January 1, 2006,  
12 or on the day after publication, whichever is later, except as follows:

13 (1m) EFFECTIVE DATE FOR NOTIFICATION. The treatment of sections 302.117,  
14 973.09 (4m), and 973.176 (2) of the statutes and SECTION 43 (2m), (2n), and (2o) of this  
15 act take effect on the first day of the 6th month beginning after publication.

16 (2m) EFFECTIVE DATE FOR FORMS. The treatment of sections 301.03 (3a) of the  
17 statutes and SECTION 42y (1) of this act take effect on the day after publication.”.

18 (END)