



State of Wisconsin
2009 - 2010 LEGISLATURE

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**ASSEMBLY AMENDMENT 5,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 895**

April 20, 2010 – Offered by Representatives STONE, KRAMER, VUKMIR, BALLWEG, DAVIS, GOTTLIEB, GUNDERSON, HONADEL, KAUFERT, KERKMAN, KESTELL, LEMAHIEU, MEYER, MURSAU, NERISON, NYGREN, J. OTT, RHOADES, SPANBAUER and STRACHOTA.

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

2 **1.** Page 20, line 25: after that line insert:

3 “SECTION 14r. 5.35 (6) (a) 4a. of the statutes is amended to read:

4 5.35 (6) (a) 4a. Instructions prescribed by the board for electors for whom a
5 license or identification card is required under s. 6.79 (2) or for whom proof of
6 residence under s. 6.34 is required under s. 6.55 (2).”.

7 **2.** Page 33, line 14: delete lines 14 to 20 and substitute:

8 “SECTION 39m. 6.29 (1) of the statutes is amended to read:

9 6.29 (1) No names may be added to a registration list for any election after the
10 close of registration, except as authorized under this section or s. 6.55 (2) or 6.86 (3)
11 (a) 2. Any person whose name is not on the registration list but who is otherwise a
12 qualified elector and any elector whose name appears on the registration list but

1 whose registration has not been confirmed is entitled to vote at the election upon
2 compliance with this section, if the person complies with all other requirements for
3 voting at the polling place.”.

4 **3.** Page 43, line 21: after “required;” insert “an indication whether an elector
is required to provide a copy of his or her operator’s license issued to the elector under
ch. 343 or identification card issued to the elector under s. 343.50;”.

5 **4.** Page 46, line 12: delete the material beginning with that line and ending
with page 48, line 7, and substitute:

6 “**SECTION 70m.** 6.55 (2) (b) of the statutes is amended to read:

7 6.55 (2) (b) Upon executing the a registration form or confirmation form under
8 par. (a), the elector shall provide proof of residence under s. 6.34. If the elector is
9 confirming a registration entered by the board based upon information obtained
10 from the department of transportation, the elector shall also be required by a special
11 registration deputy or inspector to present his or her operator’s license issued to the
12 elector under ch. 343, or his or her identification card issued to the elector under s.
13 343.50. If the elector cannot provide proof of residence, the information contained
14 in the registration form shall be corroborated in a statement that is signed by any
15 elector who resides in the same municipality as the registering elector and that
16 contains the current street address of the corroborating elector. The corroborator
17 shall then provide proof of residence as provided in s. 6.34. If the elector is registering
18 to vote or confirming his or her registration in the general election and the elector
19 presents a valid driver’s license issued by another state, the inspector or deputy shall
20 record on a separate list the name and address of the elector, the name of the state,
21 and the license number and expiration date of the license. The signing by the elector

1 executing the registration form or confirmation form and the signing by any
2 corroborator shall be in the presence of the special registration deputy or inspector
3 who shall then print his or her name on and sign the form, indicating that the deputy
4 or inspector has accepted the form. Upon compliance with this procedure, the elector
5 shall be permitted to cast his or her vote, if the elector complies with all other
6 requirements for voting at the polling place.

7 **SECTION 71m.** 6.55 (2) (c) 1. of the statutes is amended to read:

8 6.55 (2) (c) 1. As an alternative to registration or confirmation of registration
9 under par. (a) at the polling place under pars. (a) and (b), the board of election
10 commissioners, or the governing body of any municipality may by resolution require
11 a person who qualifies as an elector and who is not registered or confirmed and
12 desires to register or confirm his or her registration on the day of an election to do
13 so at another readily accessible location in the same building as the polling place
14 serving the elector's residence or at an alternate polling place assigned under s. 5.25
15 (5) (b), instead of at the polling place serving the elector's residence. In such case,
16 the municipal clerk shall prominently post a notice of the registration location at the
17 polling place. The elector who desires to register or confirm his or her registration
18 shall execute a registration form or a confirmation form as prescribed under par. (a)
19 and, if the elector is confirming a registration entered by the board based upon
20 information obtained from the department of transportation except as authorized in
21 s. 6.79 (7), present his or her operator's license issued to the person under ch. 343 or
22 his or her identification card issued to the person under s. 343.50. The person shall
23 also provide proof of residence as provided under s. 6.34. If the elector cannot provide
24 proof of residence, the information contained in the registration form shall be
25 corroborated in the manner provided in par. (b). ~~If the elector~~ a person is registering

1 to vote or confirming his or her registration in the general election and the elector
2 person presents a valid driver’s license issued by another state, the municipal clerk,
3 deputy clerk, or special registration deputy shall record on a separate list the name
4 and address of the elector person, the name of the state, and the license number and
5 expiration date of the license. The signing by the elector person executing the
6 registration form ~~and by any corroborator~~ or the confirmation form, except as
7 provided under par. (a), shall be in the presence of the municipal clerk, deputy clerk
8 or special registration deputy. The municipal clerk, the deputy clerk, or the special
9 registration deputy shall then print his or her name and sign the form, indicating
10 that the clerk, deputy clerk, or deputy has accepted the form. ~~Upon proper~~
11 ~~completion of registration, the municipal clerk, deputy clerk or special registration~~
12 ~~deputy shall serially number the registration and give one copy to the elector for~~
13 ~~presentation at the polling place serving the elector’s residence or an alternate~~
14 ~~polling place assigned under s. 5.25 (5) (b).~~

15 **SECTION 71s.** 6.55 (2) (c) 2. of the statutes is amended to read:”.

16 **5.** Page 48, line 8: before “2.” insert “6.55 (2) (c)”.

17 **6.** Page 52, line 16: after that line insert:

18 “**SECTION 83m.** 6.86 (1) (ar) of the statutes is amended to read:

19 6.86 (1) (ar) Except as authorized in s. 6.875 (6), the municipal clerk shall not
20 issue an absentee ballot unless the clerk receives a written application therefor from
21 a qualified elector of the municipality. The clerk shall retain each absentee ballot
22 application until destruction is authorized under s. 7.23 (1). If an elector confirms
23 a registration entered by the board based upon information obtained from the
24 department of transportation and simultaneously applies for an absentee ballot in

1 person at the clerk's office, the clerk shall not issue the elector an absentee ballot
2 unless the elector presents his or her operator's license issued to the elector under
3 ch. 343 or his or her identification card issued to the elector under s. 343.50. The clerk
4 shall make a copy of the document presented by the elector and shall enclose the copy
5 in the absentee ballot envelope."

6 **7. Page 56, line 22:** delete the material beginning with that line and ending
with page 57, line 23, and substitute:

7 "2. If a hospitalized elector is not registered, the elector may register or confirm
8 his or her registration by agent under this subdivision at the same time that the
9 elector applies for an official ballot by agent under subd. 1. To register the elector
10 under this subdivision, the agent shall present a completed registration form that
11 contains the required information supplied by the elector and the elector's signature,
12 unless the elector is unable to sign due to physical disability. In this case To confirm
13 a registration under this subdivision, the agent shall present a completed
14 registration confirmation form under s. 6.256 (7) and, if the agent is confirming a
15 registration entered by the board based upon information obtained from the
16 department of transportation, shall present the hospitalized elector's operator's
17 license issued to the elector under ch. 343 or the hospitalized elector's identification
18 card issued to the elector under s. 343.50. The clerk shall make a copy of the
19 document presented by the agent and shall enclose the copy in the absentee ballot
20 envelope. If the elector is unable to sign either form due to physical disability, the
21 elector may authorize another elector to sign on his or her behalf. Any elector signing
22 a form on another elector's behalf shall attest to a statement that the application or
23 confirmation is made on request and by authorization of the named elector, who is

1 unable to sign the form due to physical disability. The agent shall present this
2 statement along with all other information required under this subdivision. ~~Except~~
3 ~~as otherwise provided in this subdivision, the~~ The agent shall in every case provide
4 proof of the elector’s residence under s. 6.34. If the elector has designated the agent
5 with the power of attorney and the agent has authority to act on the elector’s behalf,
6 the agent may sign the registration form on behalf of the elector. If the elector is
7 registering to vote for or confirming an elector’s registration for voting in the general
8 election and the elector’s agent presents a valid driver’s license issued to the elector
9 by another state, the municipal clerk shall record on a separate list the name and
10 address of the elector, the name of the state, and the license number and expiration
11 date of the license. If the agent cannot present proof of residence, the registration
12 form shall be signed and substantiated by another elector residing in the elector’s
13 municipality of residence, corroborating the information in the form. The form shall
14 contain the full name and address of the corroborating elector. The agent shall then
15 present proof of the corroborating elector’s residence under s. 6.34.”.

16 **8.** Page 60, line 5: delete lines 5 to 14 and substitute:

17 “**SECTION 98m.** 6.869 of the statutes is amended to read:

18 **6.869 Uniform instructions.** The board shall prescribe uniform instructions
19 for municipalities to provide to absentee voters. The instructions shall include the
20 specific means of electronic communication that an absentee elector may use to file
21 an application for an absentee ballot and, if the absentee elector is required to
22 register, to request a registration form or change his or her registration. The
23 instructions shall include information concerning whether a copy of a license or
24 identification card is required under s. 6.86 (1) (ar) or 6.87 (4) (b). The instructions

1 shall also include information concerning the procedure for correcting errors in
2 marking a ballot and obtaining a replacement for a spoiled ballot. The procedure
3 shall, to the extent possible, respect the privacy of each elector and preserve the
4 confidentiality of each elector's vote.”.

5 **9.** Page 62, line 1: delete the material beginning with that line and ending with
page 63, line 3, and substitute:

6 “**SECTION 102m.** 6.87 (4) of the statutes is renumbered 6.87 (4) (b) 1. and
7 amended to read:

8 6.87 (4) (b) 1. Except as otherwise provided in sub. (2m) and s. 6.875, the elector
9 voting absentee shall make and subscribe to the certification before one witness who
10 is an adult U.S. citizen. The absent elector, in the presence of the witness, shall mark
11 the ballot in a manner that will not disclose how the elector's vote is cast. The elector
12 shall then, still in the presence of the witness, fold the ballots so each is separate and
13 so that the elector conceals the markings thereon and deposit them in the proper
14 envelope. If a consolidated ballot under s. 5.655 is used, the elector shall fold the
15 ballot so that the elector conceals the markings thereon and deposit the ballot in the
16 proper envelope. Notwithstanding s. 343.43 (1) (f), if the elector is confirming a
17 registration entered by the board based upon information obtained from the
18 department of transportation, the elector shall enclose a copy of the license or
19 identification card required under s. 6.86 (1) (ar) in the envelope, unless the elector
20 is a military elector or an overseas elector or the elector has a confidential listing
21 under s. 6.47 (2). If proof of residence is required, the elector shall also enclose proof
22 of residence under s. 6.34 in the envelope. ~~Proof~~ Except as authorized in s. 6.34 (2m)
23 and (2n), proof of residence is required if the elector is not a military elector or an

1 overseas elector, ~~as defined in s. 6.34 (1), and the elector registered by mail or by~~
2 electronic application or confirmed his or her registration after the close of
3 registration and has not voted in an election in this state. ~~If the elector requested~~
4 ~~a ballot by means of facsimile transmission or electronic mail under s. 6.86 (1) (ac),~~
5 ~~the elector shall enclose in the envelope a copy of the request which bears an original~~
6 ~~signature of the elector.~~ The elector may receive assistance under sub. (5). The
7 return envelope shall then be sealed. The witness may not be a candidate. The
8 envelope shall be mailed by the elector, or delivered in person, to the municipal clerk
9 issuing the ballot or ballots. If the envelope is mailed from a location outside the
10 United States, the elector shall affix sufficient postage unless the ballot qualifies for
11 delivery free of postage under federal law. Failure to return an unused ballot in a
12 primary does not invalidate the ballot on which the elector's votes are cast. Return
13 of more than one marked ballot in a primary or return of a ballot prepared under s.
14 5.655 or a ballot used with an electronic voting system in a primary which is marked
15 for candidates of more than one party invalidates all votes cast by the elector for
16 candidates in the primary.”.

17 **10.** Page 65, line 14: delete the material beginning with that line and ending
with page 66, line 3, and substitute:

18 “**SECTION 106g.** 6.875 (6) (c) 1. of the statutes is amended to read:

19 6.875 (6) (c) 1. Upon their visit to the home or facility under par. (a), the
20 deputies shall personally offer each elector who has filed a proper application for an
21 absentee ballot the opportunity to cast his or her absentee ballot. If an elector
22 presents a license or identification card under s. 6.87 (4) (b) 1., the deputies shall
23 make a copy of the document presented by the elector and shall enclose the copy in

1 the certificate envelope. If an elector is present who has not filed a proper application
2 for an absentee ballot, the 2 deputies may accept an application from the elector and
3 shall issue a ballot to the elector if the elector is qualified, the elector presents a
4 license or identification card, whenever required, and the application is proper. The
5 deputies shall each witness the certification and may, upon request of the elector,
6 assist the elector in marking the elector's ballot. The deputies shall then sign the
7 certification as witnesses and, if they provide assistance, shall sign the back of the
8 ballot indicating that they provided assistance. All voting shall be conducted in the
9 presence of the deputies. Upon request of the elector, a relative of the elector who
10 is present in the room may assist the elector in marking the elector's ballot. No
11 individual other than a deputy may witness the certification and no individual other
12 than a deputy or relative of an elector may render voting assistance to the elector.”.

13 **11.** Page 66, line 3: after that line insert:

14 “**SECTION 107s.** 6.88 (3) (a) of the statutes is amended to read:

15 6.88 (3) (a) Except in municipalities where absentee ballots are canvassed
16 under s. 7.52, at any time between the opening and closing of the polls on election day,
17 the inspectors shall, in the same room where votes are being cast, in such a manner
18 that members of the public can hear and see the procedures, open the carrier
19 envelope only, and announce the name of the absent elector or the identification
20 serial number of the absent elector if the elector has a confidential listing under s.
21 6.47 (2). When the inspectors find that the certification has been properly executed,
22 the applicant is a qualified elector of the ward or election district, and the applicant
23 has not voted in the election, they shall enter an indication on the poll list next to the
24 applicant's name indicating an absentee ballot is cast by the elector. They shall then

1 open the envelope containing the ballot in a manner so as not to deface or destroy the
2 certification thereon. The inspectors shall take out the ballot without unfolding it
3 or permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95,
4 the inspectors shall verify that the ballot has been endorsed by the issuing clerk. If
5 the poll list indicates that proof of residence under s. 6.34 is required and no proof
6 of residence is enclosed or the name or address on the document that is provided is
7 not the same as the name and address shown on the poll list, or if the elector is
8 required to provide a copy of a license or identification card specified in s. 6.86 (1) (ar)
9 and no copy of the license or identification card is enclosed or the name on the
10 document cannot be verified by the inspectors, the inspectors shall proceed as
11 provided under s. 6.97 (2). The inspectors shall then deposit the ballot into the proper
12 ballot box and enter the absent elector’s name or voting number after his or her name
13 on the poll list in the same manner as if the elector had been present and voted in
14 person.”.

15 **12.** Page 76, line 2: after that line insert:

16 “**SECTION 128m.** 7.52 (3) (a) of the statutes is amended to read:

17 7.52 (3) (a) The board of absentee ballot canvassers shall first open the carrier
18 envelope only, and, in such a manner that a member of the public, if he or she desired,
19 could hear, announce the name of the absent elector or the identification serial
20 number of the absent elector if the elector has a confidential listing under s. 6.47 (2).
21 When the board of absentee ballot canvassers finds that the certification has been
22 properly executed and the applicant is a qualified elector of the ward or election
23 district, the board of absentee ballot canvassers shall enter an indication on the poll
24 list next to the applicant’s name indicating an absentee ballot is cast by the elector.

1 The board of absentee ballot canvassers shall then open the envelope containing the
2 ballot in a manner so as not to deface or destroy the certification thereon. The board
3 of absentee ballot canvassers shall take out the ballot without unfolding it or
4 permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95, the
5 board of absentee ballot canvassers shall verify that the ballot has been endorsed by
6 the issuing clerk. If the poll list indicates that proof of residence is required and no
7 proof of residence is enclosed or the name or address on the document that is provided
8 is not the same as the name and address shown on the poll list, or if the elector is
9 required to provide a copy of a license or identification card under s. 6.87 (4) and no
10 copy of the license or identification card is enclosed or the name on the document
11 cannot be verified by the canvassers, the board of absentee ballot canvassers shall
12 proceed as provided under s. 6.97 (2). The board of absentee ballot canvassers shall
13 mark the poll list number of each elector who casts an absentee ballot on the back
14 of the elector's ballot. The board of absentee ballot canvassers shall then deposit the
15 ballot into the proper ballot box and enter the absent elector's name or poll list
16 number after his or her name on the poll list.”.

17 **13.** Page 80, line 3: after that line insert:

18 “SECTION 135g. 10.02 (3) (form) (a) of the statutes is amended to read:

19 10.02 (3) (form) (a) Upon entering the polling place and before being permitted
20 to vote, an elector shall state his or her name and address. If an elector is not
21 registered to vote, an elector may register to vote at the polling place serving his or
22 her residence if the elector provides proof of residence or the elector's registration is
23 verified by another elector of the same municipality where the elector resides. If the
24 elector confirms at the polling place a registration entered by the board based upon

1 information obtained from the department of transportation, the elector shall
2 present his or her Wisconsin operator's license, or his or her Wisconsin identification
3 card. Where ballots are distributed to electors, the initials of 2 inspectors must
4 appear on the ballot. Upon being permitted to vote, the elector shall retire alone to
5 a voting booth or machine and cast his or her ballot, except that an elector who is a
6 parent or guardian may be accompanied by the elector's minor child or minor ward.
7 An election official may inform the elector of the proper manner for casting a vote,
8 but the official may not in any manner advise or indicate a particular voting choice.”.

9 (END)