



State of Wisconsin  
2005 - 2006 LEGISLATURE

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## 2005 SENATE BILL 355

September 30, 2005 - Introduced by Senators DECKER and BRESKE, cosponsored by Representatives CULLEN, LEHMAN, SHERIDAN, VAN AKKEREN and SHILLING. Referred to Committee on Labor and Election Process Reform.

1       **AN ACT** *to repeal* 6.56 (5) and 12.13 (3) (v); *to renumber and amend* 6.55 (3)  
2           and 6.87 (4); *to amend* 5.35 (6) (a) 2., 5.35 (6) (a) 4a., 6.15 (2) (d) 1r., 6.15 (3),  
3           6.22 (2) (b), 6.24 (4) (d), 6.29 (1), 6.29 (2) (a), 6.33 (1), 6.33 (2) (b), 6.33 (5) (a), 6.36  
4           (1) (a), 6.36 (2) (a), 6.55 (2) (a) 1., 6.55 (2) (b), 6.55 (2) (c) 1., 6.55 (2) (c) 2., 6.79  
5           (2) (a) and (d), 6.79 (4), 6.79 (6), 6.82 (1) (a), 6.86 (1) (a) 5., 6.86 (1) (ar), 6.86 (1)  
6           (ar), 6.86 (3) (a) 1., 6.86 (3) (a) 2., 6.869, 6.87 (3) (d), 6.875 (title), 6.875 (2) (a),  
7           6.875 (3) and (4), 6.875 (6), 7.08 (8) (title), 10.02 (3) (a), 12.13 (2) (b) 6m., 12.13  
8           (4), 343.50 (3), 343.50 (4), 343.50 (5), 343.50 (6), 887.01 (1) and 887.02; and *to*  
9           **create** 5.02 (6s), 5.02 (24c), 6.15 (2) (bm), 6.15 (2) (d) 1g., 6.29 (2) (am), 6.55 (2)  
10          (cs), 6.55 (3) (b), 6.56 (3m), 6.79 (2) (dm), 6.87 (4) (a), 6.87 (4) (b) 2. to 4., 6.875  
11          (1) (ap) and (asm), 6.875 (2) (d), 6.92 (1m), 7.15 (1) (L), 301.03 (20) and 343.50  
12          (4g) of the statutes; **relating to:** requiring certain identification in order to vote  
13          at a polling place or obtain an absentee ballot, verification of the addresses of  
14          electors, absentee voting procedure in certain residential care apartment

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1           complexes and adult family homes, registration and voting procedures for  
2           certain persons who are convicted of felonies, and the fee for an identification  
3           card issued by the Department of Transportation.

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*Analysis by the Legislative Reference Bureau*

***Identification required for voting***

With certain limited exceptions, before being permitted to vote at any polling place, an elector currently must provide his or her name and address. If registration is required in order to vote and the elector is not registered, the elector must provide a specified form of proof of residence in order to register. If an elector claims to be registered but his or her name does not appear on the appropriate registration list, the elector must complete a certification of eligibility and present acceptable proof of residence in order to vote. In addition, an elector may be required to provide acceptable proof of residence even if registration is not required. (Beginning with the 2006 spring primary election, registration will be required on a statewide basis.) If an elector is not able to present any required proof of residence, as an alternative, current law permits another qualified elector who resides in the same municipality to corroborate the elector's information. In addition, an elector other than a military elector or an overseas elector, as defined by federal law, who registers by mail and who has not voted in a federal election in the municipality where the elector is voting (beginning January 1, 2006, in this state) must provide one of the forms of identification specified by federal law, or a copy thereof if voting by absentee ballot, in order to be permitted to vote. Corroboration may not be substituted for this identification requirement, but an elector who cannot provide the required identification may cast a provisional ballot. The municipal clerk or board of election commissioners must determine whether electors casting provisional ballots are qualified to vote by 4 p.m. on the day after an election.

With certain limited exceptions, this bill requires each person attempting to register or vote at the polls on election day to present an identifying document specified by law. An identifying document may take the form of a valid Wisconsin driver's license, a current, valid identification card issued by a tribal governing body or a U.S. uniformed service, or a Wisconsin identification card issued by the Department of Transportation (DOT) (with or without proof of residence); one of several types of documents containing a person's name and current voting address (proof of residence); or the last four digits of a person's social security number, together with an affidavit signed by the person containing the person's current voting residence and swearing that the name and residence are correct. The bill directs each municipal clerk and each executive director of a board of election commissioners to designate one inspector (poll worker) at each polling place who shall be authorized to administer the oaths required for these affidavits. A person whose address is confidential as a result of domestic abuse is exempted from the identification requirement. Under the bill, any person who applies for an absentee

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ballot, except a military or overseas elector, as defined by federal law, or a person whose address is confidential as a result of domestic abuse, must provide a copy of an identifying document, unless: 1) the person has already provided a copy of his or her identifying document in connection with an absentee ballot cast at a previous election and has not changed his or her name or address since that election; 2) the person is indefinitely confined, in which case the person may submit a statement signed by the person who witnesses his or her absentee ballot verifying his or her identity; or 3) the person is an occupant of any nursing home, or of a community-based residential facility, adult family home, or residential care apartment complex where a municipality sends special voting deputies, in which case the person may submit a statement signed by the deputies verifying his or her identity. The bill continues current requirements for certain electors to provide proof of residence in order to register or to vote, but discontinues the use of corroborating electors to verify residence. If a person who votes at a polling place fails to provide an identifying document or if a person who votes by absentee ballot and fails to provide a copy of an identifying document, unless exempted from the requirement, the person's ballot is challenged by the election officials and marked for later examination, and it may be reviewed and discounted during a canvass or recount if the appropriate board of canvassers determines that the person who cast the ballot is ineligible to vote.

The bill also permits an elector who is eligible to obtain a Wisconsin identification card to obtain the card from DOT free of charge, if the elector specifically requests not to be charged. The bill permits an applicant to receive a Wisconsin identification card without a photograph being taken, as currently required, if the applicant provides an affidavit stating that he or she has sincerely held religious beliefs against being photographed, that he or she is a member of a religious organization or identifies with the tenets of a religious organization and names that organization, and that the religious tenets of that organization prohibit such photographing.

***Absentee voting at residential care apartment complexes and adult family homes***

Currently, municipalities must send two special voting deputies (one designated by each major political party if the party wishes) to conduct absentee voting in nursing homes. Municipalities may also send the deputies to conduct absentee voting in community-based residential facilities and retirement homes that qualify for the service in accordance with standards prescribed by law. This bill permits municipal clerks and boards of election commissioners to send two special voting deputies to conduct absentee voting in adult family homes and residential care apartment complexes that qualify for the service in accordance with similar standards prescribed by law.

***Prevention of voting by ineligible felons***

Currently, any person who is convicted of a felony is not eligible to vote. However, if the person is pardoned or the person completes his or her sentence, the person's voting rights are restored. A person who is on probation, parole, or extended supervision has not completed his or her sentence. Under current law, there is no

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procedure that election officials must use to identify felons who are ineligible to vote and to prevent them from voting.

This bill directs the Department of Corrections (DOC) to transmit electronically to the Elections Board, on a continuous basis, a list containing the names of each person who has been convicted of a felony under the laws of this state and whose voting rights have not been restored, together with the date on which DOC expects his or her voting rights to be restored. (The voting rights of a convicted felon are restored if the felon is pardoned or if the felon is released from incarceration and is not on parole, probation or extended supervision.) The bill directs the board to enter the information received from DOC on the statewide voter registration list and to maintain the information on that list so that the information is kept current. Under the bill, the information is open to public inspection. The bill also directs the board to enter on the poll list prepared for each election a notation after the name of any elector who is ineligible to vote on that date because the person's name appears on the current list that DOC provides. In addition, the bill directs the board to provide for each polling place at each election a list of persons whose names do not appear on the registration list but whose names appear on the current list that DOC provides and whose addresses are located within the area served by the polling place. These lists are open to public inspection. The bill requires poll workers to check the lists and to inform any person whose names appear on the lists that they are ineligible to register to vote or to vote. A person whose name appears on a list and who claims to be eligible to vote may still be allowed to vote, but the person must vote by ballot. The ballot is marked for later examination and it may be reviewed and discounted during a canvass or recount if the appropriate board of canvassers determines that the person who cast the ballot is ineligible to vote.

The bill also requires every person who registers to vote, to affirm specifically that he or she has not been convicted of a felony for which he or she has not been pardoned and, if so, whether the person is incarcerated or on probation, parole, or extended supervision resulting from that conviction. Currently, the law requires a person who registers at a polling place only to affirm that he or she is not disqualified on any ground from voting, and does not require any similar affirmation from other late registrants.

In addition, the bill directs the Elections Board to conduct a postelection audit after each election to determine whether any ineligible felons have been allowed to register and vote after the close of registration. If so, the board is directed to enter a notation reflecting this ineligibility on the registration list and to provide the names of these felons to the district attorney.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 5.02 (6s) of the statutes is created to read:

2           5.02 (6s) “Identifying document” means:

3           (a) In the case of an individual who votes in person at a polling place:

4           1. A valid operator’s license issued to the individual under ch. 343, a valid,  
5           current identification card issued to the individual by a tribal governing body or a  
6           U.S. uniformed service, or a valid identification card issued to the individual under  
7           s. 343.50.

8           2. If the individual cannot provide any of the documents specified in subd. 1.,  
9           acceptable proof of residence under s. 6.55 (7).

10          3. If the individual cannot provide any of the documents specified in subds. 1.  
11          and 2., the last 4 digits of the individual’s social security account number, together  
12          with an affidavit signed by the individual containing the individual’s name and  
13          current voting residence and swearing that the name and residence are correct.

14          (b) In the case of an individual who votes by absentee ballot, a copy of a  
15          document specified in par. (a) 1. to 3.

16          **SECTION 2.** 5.02 (24c) of the statutes is created to read:

17          5.02 (24c) “Tribal governing body” means a federally recognized tribal  
18          governing body in this state.

19          **SECTION 3.** 5.35 (6) (a) 2. of the statutes is amended to read:

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1           5.35 (6) (a) 2. A copy of the election fraud laws provided in s. 12.13 (1) and (3)  
2 (intro), (d), (f), (g), (k), (L), (o), (q), (r), (u), (v) and (x), together with the applicable  
3 penalties provided in s. 12.60 (1).

4           **SECTION 4.** 5.35 (6) (a) 4a. of the statutes is amended to read:

5           5.35 (6) (a) 4a. Instructions prescribed by the board for electors for whom an  
6 identifying document is required under s. 6.79 (2) or for whom identification is  
7 required under s. 6.36 (2) (c) 2.

8           **SECTION 5.** 6.15 (2) (bm) of the statutes is created to read:

9           6.15 (2) (bm) When making application in person at the office of the municipal  
10 clerk, each applicant shall present an identifying document. If any document  
11 presented by the applicant is not acceptable proof of residence under s. 6.55 (7), the  
12 applicant shall also present acceptable proof of residence under s. 6.55 (7).

13           **SECTION 6.** 6.15 (2) (d) 1g. of the statutes is created to read:

14           6.15 (2) (d) 1g. If the elector makes application in person at the office of the  
15 municipal clerk, the clerk shall verify that the name on any identifying document  
16 provided by the elector under par. (bm) is the same as the name on the elector's  
17 application and shall verify that any photograph appearing on that document  
18 reasonably resembles the elector.

19           **SECTION 7.** 6.15 (2) (d) 1r. of the statutes is amended to read:

20           6.15 (2) (d) 1r. Upon proper completion of the application and cancellation card,  
21 the municipal clerk shall require the elector to provide acceptable proof of residence  
22 under s. 6.55 (7). ~~If the elector cannot provide acceptable proof of residence, the~~  
23 ~~elector may have his or her residence corroborated in a statement that is signed by~~  
24 ~~another elector of the municipality and that contains the current street address of~~  
25 ~~the corroborating elector. If the residence is corroborated by another elector, that~~

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1 ~~elector shall then provide proof of residence under s. 6.55 (7)~~ permit the elector to cast  
2 his or her ballot for president and vice president. The elector shall then mark the  
3 ballot in the clerk's presence in a manner that will not disclose his or her vote. The  
4 elector shall then fold the ballot so as to conceal his or her vote. The clerk or elector  
5 shall then place the ballot in an envelope furnished by the clerk.

6 **SECTION 8.** 6.15 (3) of the statutes is amended to read:

7 6.15 (3) PROCEDURE AT POLLING PLACE. An eligible elector may appear at the  
8 polling place for the ward or election district where he or she resides and make  
9 application for a ballot under sub. (2). Except as otherwise provided in this  
10 subsection, an elector who casts a ballot under this subsection shall follow the same  
11 procedure required for casting a ballot at the municipal clerk's office under sub. (2).  
12 The inspectors shall perform the duties of the municipal clerk, except that the  
13 inspectors shall return the cancellation card under sub. (2) (b) to the municipal clerk  
14 and the clerk shall forward the card as provided in sub. (2) (c) if required. Upon  
15 proper completion of the application and cancellation card and ~~submittal of~~  
16 ~~acceptable proof of residence under s. 6.55 (7) or providing corroboration of residence~~  
17 compliance with sub. (2) (d) 1g., the inspectors shall permit the elector to cast his or  
18 her ballot for president and vice president. The elector shall mark the ballot and,  
19 unless the ballot is utilized with an electronic voting system, the elector shall fold the  
20 ballot, and deposit the ballot into the ballot box or give it to the inspector. The  
21 inspector shall deposit it directly into the ballot box. Voting machines or ballots  
22 utilized with electronic voting systems may only be used by electors voting under this  
23 section if they permit voting for president and vice president only.

24 **SECTION 9.** 6.22 (2) (b) of the statutes is amended to read:

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1           6.22 (2) (b) Notwithstanding s. 6.87 (4) (b), a military elector shall make and  
2           subscribe to the certification under s. 6.87 (2) before a witness who is an adult U.S.  
3           citizen.

4           **SECTION 10.** 6.24 (4) (d) of the statutes is amended to read:

5           6.24 (4) (d) An overseas elector who is not registered may request both a  
6           registration form and an absentee ballot at the same time, and the municipal clerk  
7           shall send the ballot automatically if the registration form is received within the time  
8           prescribed in s. 6.28 (1). The board shall prescribe a special certificate form for the  
9           envelope in which the absentee ballot for overseas electors is contained, which shall  
10          be substantially similar to that provided under s. 6.87 (2). Notwithstanding s. 6.87  
11          (4) (b), an overseas elector shall make and subscribe to the special certificate form  
12          before a witness who is an adult U.S. citizen.

13          **SECTION 11.** 6.29 (1) of the statutes is amended to read:

14          6.29 (1) No names may be added to a registration list for any election after the  
15          close of registration, except as authorized under this section or s. 6.28 (1), 6.55 (2),  
16          or 6.86 (3) (a) 2. Any person whose name is not on the registration list but who is  
17          otherwise a qualified elector is entitled to vote at the election upon compliance with  
18          this section, if the person complies with all other requirements for voting at the  
19          polling place.

20          **SECTION 12.** 6.29 (2) (a) of the statutes is amended to read:

21          6.29 (2) (a) Any qualified elector of a municipality who has not previously filed  
22          a registration form or whose name does not appear on the registration list of the  
23          municipality may register after the close of registration but not later than 5 p.m. or  
24          the close of business, whichever is later, on the day before an election at the office of  
25          the municipal clerk and at the office of the clerk's agent if the clerk delegates



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1 responsibility for electronic maintenance of the registration list to an agent under  
2 s. 6.33 (5) (b). The elector shall complete, in the manner provided under s. 6.33 (2),  
3 a registration form containing all information required under s. 6.33 (1). The  
4 registration form shall also contain the following certification: "I, ..., hereby certify  
5 that to the best of my knowledge, I am a qualified elector, having resided at .... for  
6 at least 10 days immediately preceding this election, and I have not voted at this  
7 election." The elector shall also provide acceptable proof of residence under s. 6.55  
8 (7). ~~Alternatively, if the elector is unable to provide acceptable proof of residence~~  
9 ~~under s. 6.55 (7), the information contained in the registration form shall be~~  
10 ~~corroborated in a statement that is signed by any other elector of the municipality~~  
11 ~~and that contains the current street address of the corroborating elector. The~~  
12 ~~corroborating elector shall then provide acceptable proof of residence under s. 6.55~~  
13 ~~(7).~~

14 **SECTION 13.** 6.29 (2) (am) of the statutes is created to read:

15 6.29 (2) (am) The board shall provide to each municipal clerk a list prepared  
16 for use at each municipal clerk's office showing the name and address of each person  
17 whose name appears on the list provided by the department of corrections under s.  
18 301.03 (20) as ineligible to vote on the date of the election, whose address is located  
19 in the municipality, and whose name does not appear on the registration list for that  
20 municipality. Prior to permitting an elector to register to vote under this subsection,  
21 the municipal clerk shall review the list. If the name of an elector who wishes to  
22 register to vote appears on the list, the municipal clerk shall inform the elector that  
23 the elector is ineligible to register to vote. If the elector maintains that he or she is  
24 eligible to vote in the election, the municipal clerk shall permit the elector to register  
25 to vote but shall mark the elector's registration form as "ineligible to vote per

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1 Department of Corrections.” If the elector wishes to vote, the municipal clerk shall  
2 challenge the elector’s ballot in the same manner as provided for inspectors who  
3 challenge ballots under s. 6.79 (2) (dm).

4 **SECTION 14.** 6.33 (1) of the statutes, as affected by 2003 Wisconsin Act 265,  
5 section 49b, is amended to read:

6 6.33 (1) The municipal clerk shall supply sufficient registration forms as  
7 prescribed by the board printed on loose-leaf sheets or cards to obtain from each  
8 applicant information as to name; date; residence location; citizenship; date of birth;  
9 age; the number of a valid operator’s license issued to the elector under ch. 343 or the  
10 last 4 digits of the elector’s social security account number; whether the applicant  
11 has resided within the ward or election district for at least 10 days; whether the  
12 applicant has ~~lost his or her right to vote~~ been convicted of a felony for which he or  
13 she has not been pardoned, and if so, whether the applicant is incarcerated, or on  
14 parole, probation, or extended supervision; whether the application is disqualified  
15 on any other ground from voting; and whether the applicant is currently registered  
16 to vote at any other location. The forms shall also provide a space for the applicant’s  
17 signature and the ward and aldermanic district, if any, where the elector resides and  
18 any other information required to determine the offices and referenda for which the  
19 elector is certified to vote. The forms shall also include a space where the clerk may  
20 record an indication of whether the form is received by mail and a space where the  
21 clerk, for any applicant who possesses a valid voting identification card issued to the  
22 person under s. 6.47 (3), may record the identification serial number appearing on  
23 the voting identification card. Each register of deeds shall obtain sufficient  
24 registration forms at the expense of the unit of government by which he or she is

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1 employed for completion by any elector who desires to register to vote at the office  
2 of the register of deeds under s. 6.28 (3).

3 **SECTION 15.** 6.33 (2) (b) of the statutes is amended to read:

4 6.33 (2) (b) Except as provided in s. 6.86 (3) (a) 2., the registration form shall  
5 be signed by the registering elector ~~and any corroborating elector under s. 6.29 (2)~~  
6 ~~(a) or 6.55 (2)~~ before the clerk, issuing officer or registration deputy. The form shall  
7 contain a certification by the registering elector that all statements are true and  
8 correct.

9 **SECTION 16.** 6.33 (5) (a) of the statutes is amended to read:

10 6.33 (5) (a) Except as provided in par. (b), whenever a municipal clerk receives  
11 a valid registration or valid change of a name or address under an existing  
12 registration and whenever a municipal clerk changes a registration from eligible to  
13 ineligible status, the municipal clerk shall promptly enter electronically on the list  
14 maintained by the board under s. 6.36 (1) the information required under that  
15 subsection, except that the municipal clerk may update any entries that change on  
16 the date of an election in the municipality within 30 days after that date, and the  
17 municipal clerk shall provide to the board information that is confidential under s.  
18 6.47 (2) in such manner as the board prescribes. If an elector registers after the close  
19 of registration for an election, the municipal clerk shall enter a notation to that effect  
20 indicating the date of registration.

21 **SECTION 17.** 6.36 (1) (a) of the statutes is amended to read:

22 6.36 (1) (a) The board shall compile and maintain electronically an official  
23 registration list. The list shall contain the name and address of each registered  
24 elector in the state, the date of birth of the elector, the ward and aldermanic district  
25 of the elector, if any, and, for each elector, a unique registration identification number

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

12 **SECTION 18.** 6.36 (2) (a) of the statutes, as affected by 2003 Wisconsin Act 265,  
13 section 58b, is amended to read:

14 6.36 (2) (a) Except as provided in pars. (b) and (c), each registration list  
15 prepared for use as a poll list at a polling place shall contain the full name and  
16 address of each registered elector; a blank column for the entry of the serial number  
17 of the electors when they vote; if the list is prepared for use at an election for national  
18 office, an indication next to the name of each elector for whom identification is  
19 required under par. (c) 2.; if the elector's name appears on the current list  
20 transmitted to the board by the department of corrections under s. 301.03 (20), a  
21 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 **SECTION 19.** 6.55 (2) (a) 1. of the statutes is amended to read:

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1           6.55 (2) (a) 1. Except where the procedure under par. (c) or (cm) is employed,  
2 any person who qualifies as an elector in the ward or election district where he or she  
3 desires to vote, but has not previously filed a registration form, or was registered at  
4 another location, may request permission to vote at the polling place for that ward  
5 or election district, or at an alternate polling place assigned under s. 5.25 (5) (b).  
6 When a proper request is made, the inspector shall require the person to execute a  
7 registration form prescribed by the board. The registration form shall be completed  
8 in the manner provided under s. 6.33 (2) and shall contain all information required  
9 under s. 6.33 (1), together with the following certification:

10           “I, ..., hereby certify that to the best of my knowledge, I am a qualified elector,  
11 having resided at ... for at least 10 days immediately preceding this election, and  
12 that I am not disqualified on any ground from voting, and I have not voted, at this  
13 election.”

14           **SECTION 20.** 6.55 (2) (b) of the statutes is amended to read:

15           6.55 (2) (b) Upon executing the registration form under par. (a), the elector  
16 shall be required by a special registration deputy or inspector to present an  
17 identifying document. If any document presented is not acceptable proof of residence  
18 under sub. (7), the elector shall also provide acceptable proof of residence under sub.  
19 (7). If the elector cannot provide acceptable proof of residence, the information  
20 contained in the registration form shall be corroborated in a statement that is signed  
21 by any elector who resides in the same municipality as the registering elector and  
22 that contains the current street address of the corroborating elector. The  
23 corroborator shall then provide acceptable proof of residence as provided in sub. (7).  
24 The signing by the elector executing the registration form and by any corroborator  
25 shall be in the presence of the special registration deputy or inspector. Upon

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1 compliance with this procedure, the elector shall be permitted to cast his or her vote,  
2 if the elector complies with all other requirements for voting at the polling place,  
3 except that if the elector cannot provide an identifying document, the special  
4 registration deputy or inspector shall accept the elector's registration, but shall  
5 advise the elector that if the elector wishes to vote, his or her ballot will be challenged  
6 under s. 6.92 (1m).

7 **SECTION 21.** 6.55 (2) (c) 1. of the statutes is amended to read:

8 6.55 (2) (c) 1. As an alternative to registration at the polling place under pars.  
9 (a) and (b), the board of election commissioners, or the governing body of any  
10 municipality may by resolution require a person who qualifies as an elector and who  
11 is not registered and desires to register on the day of an election to do so at another  
12 readily accessible location in the same building as the polling place serving the  
13 elector's residence or at an alternate polling place assigned under s. 5.25 (5) (b),  
14 instead of at the polling place serving the elector's residence. In such case, the  
15 municipal clerk shall prominently post a notice of the registration location at the  
16 polling place. The municipal clerk, deputy clerk or special registration deputy at the  
17 registration location shall require such person to execute a registration form as  
18 prescribed under par. (a) and to present an identifying document. If any document  
19 presented by the person is not acceptable proof of residence under sub. (7), the person  
20 shall also provide acceptable proof of residence as provided under sub. (7). If the  
21 elector cannot provide acceptable proof of residence, the information contained in the  
22 registration form shall be corroborated in the manner provided in par. (b). The  
23 signing by the elector person executing the registration form and by any  
24 corroborator, except as provided under par. (a) shall be in the presence of the  
25 municipal clerk, deputy clerk, or special registration deputy. Upon Except as

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1 provided in this subdivision, upon proper completion of registration, the municipal  
2 clerk, deputy clerk, or special registration deputy shall serially number the  
3 registration and give one copy to the elector person for presentation at the polling  
4 place serving the elector's person's residence or an alternate polling place assigned  
5 under s. 5.25 (5) (b). If the elector cannot provide an identifying document, the  
6 municipal clerk, deputy clerk, or special registration deputy shall accept the elector's  
7 registration, but shall advise the elector that if the elector wishes to vote, his or her  
8 ballot will be challenged under s. 6.92 (1m).

9 **SECTION 22.** 6.55 (2) (c) 2. of the statutes is amended to read:

10 6.55 (2) (c) 2. Upon ~~compliance with~~ completion of the procedures under subd.  
11 1., the municipal clerk or deputy clerk shall issue a certificate addressed to the  
12 inspectors of the proper polling place directing that the elector be permitted to cast  
13 his or her vote if the elector complies with all requirements for voting at the polling  
14 place. The clerk shall enter the name and address of the elector on the face of the  
15 certificate. ~~If the elector's registration is corroborated, the clerk shall also enter the~~  
16 ~~name and address of the corroborator on the face of the certificate.~~ The certificate  
17 shall be numbered serially and prepared in duplicate. The municipal clerk shall  
18 preserve one copy in his or her office.

19 **SECTION 23.** 6.55 (2) (cs) of the statutes is created to read:

20 6.55 (2) (cs) The board shall provide to each municipal clerk a list prepared for  
21 use at each polling place showing the name and address of each person whose name  
22 appears on the list provided by the department of corrections under s. 301.03 (20) as  
23 ineligible to vote on the date of the election, whose address is located in the area  
24 served by that polling place, and whose name does not appear on the poll list for that  
25 polling place. Prior to permitting an elector to register to vote under this subsection

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1 or s. 6.86 (3) (a) 2., the special registration deputies shall review the list. If the name  
2 of an elector who wishes to register to vote appears on the list, the special registration  
3 deputies shall inform the elector or the elector’s agent that the elector is ineligible  
4 to register to vote. If the elector or the elector’s agent maintains that the elector is  
5 eligible to vote in the election, the special registration deputies shall permit the  
6 elector to register but shall mark the elector’s registration form as “ineligible to vote  
7 per Department of Corrections.” If the elector wishes to vote, the inspectors shall  
8 require the elector to vote by ballot and shall challenge the ballot as provided in s.  
9 6.79 (2) (dm).

10 **SECTION 24.** 6.55 (3) of the statutes is renumbered 6.55 (3) (a) and amended to  
11 read:

12 6.55 (3) (a) Any qualified elector in the ward or election district where the  
13 elector desires to vote whose name does not appear on the registration list but who  
14 claims to be registered to vote in the election may request permission to vote at the  
15 polling place for that ward or election district. When the request is made, the  
16 inspector shall require the person to give his or her name and address. If the elector  
17 is not at the polling place which serves the ward or election district where the elector  
18 resides, the inspector shall provide the elector with directions to the correct polling  
19 place. If the elector is at the correct polling place, the elector shall then execute the  
20 following written statement: “I, ....., hereby certify that to the best of my knowledge,  
21 I am a qualified elector, having resided at .... for at least 10 days immediately  
22 preceding this election, and ~~that I am not disqualified on any ground from voting, and~~  
23 I have not voted at this election and am properly registered to vote in this election.”  
24 The person shall be required to provide acceptable proof of residence as provided  
25 under sub. (7) and shall then be given the right to vote. If the elector cannot provide



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1 acceptable proof of residence, the statement shall be certified by the elector and shall  
2 be corroborated in a statement that is signed by any other elector who resides in the  
3 municipality and that contains the current street address of the corroborating  
4 elector. The corroborator shall then provide acceptable proof of residence as provided  
5 in sub. (7). Whenever the question of identity or residence cannot be satisfactorily  
6 resolved and the elector cannot be permitted to vote, an inspector shall telephone the  
7 office of the municipal clerk to reconcile the records at the polling place with those  
8 at the office.

9 **SECTION 25.** 6.55 (3) (b) of the statutes is created to read:

10 6.55 (3) (b) Prior to permitting an elector to vote under this subsection, the  
11 inspectors shall review the list provided by the board under sub. (2) (cs). If the name  
12 of the elector appears on the list, the inspectors shall inform the elector that he or  
13 she is ineligible to vote at the election. If the elector maintains that he or she is  
14 eligible to vote in the election, the inspectors shall permit the elector to vote, but shall  
15 require the elector to vote by ballot, and shall challenge the ballot as provided in s.  
16 6.79 (2) (dm).

17 **SECTION 26.** 6.56 (3m) of the statutes is created to read:

18 6.56 (3m) As soon as possible after all information relating to registrations  
19 after the close of registration for an election is entered on the registration list  
20 following the election under s. 6.33 (5) (a), the board shall compare the list of new  
21 registrants with the list containing the names transmitted to the board by the  
22 department of corrections under s. 301.03 (20) as of election day but whose names  
23 do not appear on the poll lists for the election because the names were added after  
24 the board certified the poll lists for use at the election. If the board finds that the  
25 name of any person whose name appears on the list transmitted under s. 301.03 (20)

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1 has been added to the registration list, the board shall enter on the list the  
2 information transmitted to the board under s. 301.03 (20) and shall notify the district  
3 attorney that the person appears to have voted illegally at the election.

4 **SECTION 27.** 6.56 (5) of the statutes is repealed.

5 **SECTION 28.** 6.79 (2) (a) and (d) of the statutes, as affected by 2003 Wisconsin  
6 Act 265, section 96, are amended to read:

7 6.79 (2) VOTING PROCEDURE. (a) Unless information on the poll list is entered  
8 electronically, the municipal clerk shall supply the inspectors with 2 copies of the  
9 most current official registration list or lists prepared under s. 6.36 (2) (a) for use as  
10 poll lists at the polling place. Except as provided in ~~sub.~~ subs. (6) and (7), each ~~person~~  
11 elector, before receiving a serial number, shall state his or her full name and address  
12 and present to the officials an identifying document. If the elector cannot provide an  
13 identifying document, the inspectors shall permit the elector to vote but shall  
14 challenge the elector's ballot under s. 6.92 (1m). The officials shall also verify that  
15 the name and address ~~provided~~ stated by the ~~person~~ elector are the same as the  
16 ~~person's~~ elector's name and address on the poll list.

17 (d) If the poll list indicates that identification is required and the document  
18 provided by the elector under par. (a) does not constitute identification, the officials  
19 shall require the elector to provide identification. If identification is provided, the  
20 officials shall verify that the name and address on the identification provided is the  
21 same as the name and address shown on the registration list. If identification is  
22 required and not provided, the officials shall offer the opportunity for the elector to  
23 vote under s. 6.97.

24 **SECTION 29.** 6.79 (2) (dm) of the statutes is created to read:

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1           6.79 (2) (dm) If the poll list indicates that the elector is ineligible to vote because  
2 the elector's name appears on the current list provided by the department of  
3 corrections under s. 301.03 (20), the inspectors shall inform the elector of this fact.  
4 If the elector maintains that he or she is eligible to vote in the election, the inspectors  
5 shall provide the elector with a ballot and, after the elector casts his or her vote, shall  
6 challenge the ballot as provided in s. 6.92 and treat the ballot in the manner provided  
7 in s. 6.95.

8           **SECTION 30.** 6.79 (4) of the statutes is amended to read:

9           6.79 (4) SUPPLEMENTAL INFORMATION. ~~When any elector provides acceptable~~  
10 ~~proof of residence under s. 6.15, 6.29 or 6.55 (2) or (3), the election officials shall enter~~  
11 ~~the type of identifying document provided on the poll list, or separate list maintained~~  
12 ~~under sub. (2) (c). If the document submitted as proof of identity or residence~~  
13 ~~includes a number which applies only to the individual holding that document, the~~  
14 ~~election officials shall also enter that number on the list. When any elector~~  
15 ~~corroborates the registration identity or residence of any person offering to vote~~  
16 ~~under s. 6.55 (2) (b) or (c) or (3), or the registration identity or residence of any person~~  
17 ~~registering on election day under s. 6.86 (3) (a) 2., the election officials shall also enter~~  
18 ~~the name and address of the corroborator next to the name of the elector whose~~  
19 ~~information is being corroborated on the poll list, or the separate list maintained~~  
20 ~~under sub. (2) (c). When any person offering to vote has been challenged and taken~~  
21 ~~the oath, following the person's name on the poll list, the officials shall enter the word~~  
22 "Sworn".

23           **SECTION 31.** 6.79 (6) of the statutes is amended to read:

24           6.79 (6) CONFIDENTIAL NAMES AND ADDRESSES. An elector who has a confidential  
25 listing under s. 6.47 (2) may present his or her identification card issued under s. 6.47

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1 (3), or give his or her name and identification serial number issued under s. 6.47 (3),  
2 in lieu of stating his or her name and address and presenting an identifying  
3 document under sub. (2). If the elector’s name and identification serial number  
4 appear on the confidential portion of the list, the inspectors shall issue a voting serial  
5 number to the elector, record that number on the poll list and permit the elector to  
6 vote.

7 **SECTION 32.** 6.82 (1) (a) of the statutes is amended to read:

8 6.82 (1) (a) When any inspectors are informed that an elector is at the entrance  
9 to the polling place who as a result of disability is unable to enter the polling place,  
10 they shall permit the elector to be assisted in marking a ballot by any individual  
11 selected by the elector, except the elector’s employer or an agent of that employer or  
12 an officer or agent of a labor organization which represents the elector. The Except  
13 as authorized in s. 6.79 (6) and this paragraph, the individual selected by the elector  
14 shall present to the inspectors an identifying document and, if the identifying  
15 document does not constitute identification, shall also provide identification for the  
16 assisted elector, whenever required, and all other information necessary for the  
17 elector to obtain a ballot under s. 6.79 (2). If the individual cannot provide an  
18 identifying document on behalf of the elector, the inspectors shall permit the elector  
19 to vote, but shall challenge the elector’s ballot under s. 6.92 (1m). The inspectors  
20 shall issue a ballot to the individual selected by the elector and shall accompany the  
21 individual to the polling place entrance where the assistance is to be given. If the  
22 ballot is a paper ballot, the assisting individual shall fold the ballot after the ballot  
23 is marked by the assisting individual. The assisting individual shall then  
24 immediately take the ballot into the polling place and give the ballot to an inspector.  
25 The inspector shall distinctly announce that he or she has “a ballot offered by ...

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1 (stating person's name), an elector who, as a result of disability, is unable to enter the  
2 polling place without assistance". The inspector shall then ask, "Does anyone object  
3 to the reception of this ballot?" If no objection is made, the inspectors shall record  
4 the elector's name under s. 6.79 and deposit the ballot in the ballot box, and shall  
5 make a notation on the poll list: "Ballot received at poll entrance".

6 **SECTION 33.** 6.86 (1) (a) 5. of the statutes is amended to read:

7 6.86 (1) (a) 5. By delivering an application to a special voting deputy under s.  
8 6.873 (4) or 6.875 (6).

9 **SECTION 34.** 6.86 (1) (ar) of the statutes is amended to read:

10 6.86 (1) (ar) Except as authorized in ~~s.~~ ss. 6.873 (3) (b) and 6.875 (6), the  
11 municipal clerk shall not issue an absentee ballot unless the clerk receives a written  
12 application therefor from a qualified elector of the municipality. The clerk shall  
13 retain each absentee ballot application until destruction is authorized under s. 7.23  
14 (1).

15 **SECTION 35.** 6.86 (1) (ar) of the statutes is amended to read:

16 6.86 (1) (ar) Except as authorized in s. 6.875 (6), the municipal clerk shall not  
17 issue an absentee ballot unless the clerk receives a written application therefor from  
18 a qualified elector of the municipality. The clerk shall retain each absentee ballot  
19 application until destruction is authorized under s. 7.23 (1). Except as authorized  
20 in s. 6.79 (6) and this paragraph, if an elector applies for an absentee ballot in person  
21 at the clerk's office, the clerk shall not issue the elector an absentee ballot unless the  
22 elector presents an identifying document. If the elector cannot provide an identifying  
23 document on behalf of the elector, the clerk shall permit the elector to cast his or her  
24 ballot, but shall advise the elector that his or her ballot will be challenged under s.

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1 6.92 (1m). The clerk shall make a copy of any document presented by the elector and  
2 shall enclose the copy in the certificate envelope.

3 **SECTION 36.** 6.86 (3) (a) 1. of the statutes is amended to read:

4 6.86 (3) (a) 1. Any elector who is registered and who is hospitalized, may apply  
5 for and obtain an official ballot by agent. The agent may apply for and obtain a ballot  
6 for the hospitalized absent elector by presenting a form prescribed by the board and  
7 containing the required information supplied by the hospitalized elector and signed  
8 by that elector and ~~any other elector residing in the same municipality as the~~  
9 ~~hospitalized elector, corroborating the information contained therein. The~~  
10 ~~corroborating elector shall state on the form his or her full name and address. Except~~  
11 ~~as authorized for an elector who has a confidential listing under s. 6.47 (2) and this~~  
12 ~~subdivision, the agent shall present an identifying document. If the agent cannot~~  
13 ~~provide an identifying document on behalf of the elector, the clerk shall permit the~~  
14 ~~agent to cast ballot on behalf of the elector, but shall advise the agent that the~~  
15 ~~elector's ballot will be challenged under s. 6.92 (1m). The clerk shall make a copy of~~  
16 ~~any document presented by the agent and shall enclose the copy in the certificate~~  
17 ~~envelope.~~

18 **SECTION 37.** 6.86 (3) (a) 2. of the statutes is amended to read:

19 6.86 (3) (a) 2. If a hospitalized elector is not registered, the elector may register  
20 by agent under this subdivision at the same time that the elector applies for an  
21 official ballot by agent under subd. 1. To register the elector under this subdivision,  
22 the agent shall present a completed registration form that contains the required  
23 information supplied by the elector and the elector's signature, unless the elector is  
24 unable to sign due to physical disability. In this case, the elector may authorize  
25 another elector to sign on his or her behalf. Any elector signing a form on another

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1 elector's behalf shall attest to a statement that the application is made on request  
2 and by authorization of the named elector, who is unable to sign the form due to  
3 physical disability. The agent shall present this statement along with all other  
4 information required under this subdivision. ~~Except as otherwise provided in this~~  
5 ~~subdivision, the~~ The agent shall ~~in every case~~ provide acceptable proof of the elector's  
6 residence under s. 6.55 (7). ~~If the agent cannot present this proof, the registration~~  
7 ~~form shall be signed and substantiated by another elector residing in the elector's~~  
8 ~~municipality of residence, corroborating the information in the form. The form shall~~  
9 ~~contain the full name and address of the corroborating elector. The agent shall then~~  
10 ~~present acceptable proof of the corroborating elector's residence under s. 6.55 (7).~~

11 **SECTION 38.** 6.869 of the statutes, as created by 2003 Wisconsin Act 265, is  
12 amended to read:

13 **6.869 Uniform instructions.** The board shall prescribe uniform instructions  
14 for absentee voters. The instructions shall include information concerning whether  
15 identification is required under s. 6.87 (4) or an identifying document is required  
16 under s. 6.86 (1) (ar) and information concerning whether a copy of identification is  
17 required to be submitted and, if so, the form of identification that is required.

18 **SECTION 39.** 6.87 (3) (d) of the statutes is amended to read:

19 6.87 (3) (d) A municipal clerk of a municipality may, if the clerk is reliably  
20 informed by an absent elector of a facsimile transmission number or electronic mail  
21 address where the elector can receive an absentee ballot, transmit a facsimile or  
22 electronic copy of the absent elector's ballot to that elector in lieu of mailing under  
23 this subsection if, in the judgment of the clerk, the time required to send the ballot  
24 through the mail may not be sufficient to enable return of the ballot by the time  
25 provided under sub. (6). An elector may receive an absentee ballot under this

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1 subsection only if the elector has filed a valid application for the ballot under sub. (1).  
2 If the clerk transmits an absentee ballot under this paragraph, the clerk shall also  
3 transmit a facsimile or electronic copy of the text of the material that appears on the  
4 certificate envelope prescribed in sub. (2), together with instructions prescribed by  
5 the board. The instructions shall require the absent elector to make and subscribe  
6 to the certification as required under sub. (4) (b) and to enclose the absentee ballot  
7 in a separate envelope contained within a larger envelope, that shall include the  
8 completed certificate. The elector shall then mail the absentee ballot with postage  
9 prepaid to the municipal clerk. Except as authorized in s. 6.97 (2), an absentee ballot  
10 received under this paragraph shall not be counted unless it is cast in the manner  
11 prescribed in this paragraph and in accordance with the instructions provided by the  
12 board.

13 **SECTION 40.** 6.87 (4) of the statutes, as affected by 2003 Wisconsin Act 265,  
14 section 112a, is renumbered 6.87 (4) (b) 1. and amended to read:

15 6.87 (4) (b) 1. Except as otherwise provided in s. 6.875, the elector voting  
16 absentee shall make and subscribe to the certification before one witness. The  
17 absent elector, in the presence of the witness, shall mark the ballot in a manner that  
18 will not disclose how the elector's vote is cast. The elector shall then, still in the  
19 presence of the witness, fold the ballots so each is separate and so that the elector  
20 conceals the markings thereon and deposit them in the proper envelope. If a  
21 consolidated ballot under s. 5.655 is used, the elector shall fold the ballot so that the  
22 elector conceals the markings thereon and deposit the ballot in the proper envelope.  
23 Except as authorized in subds. 2. to 4. and s. 6.875 (6) and this subdivision and  
24 notwithstanding s. 343.43 (1) (f), the elector shall enclose a copy of the identifying  
25 document under s. 6.86 (1) (ar) in the envelope, unless the elector is a military elector



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1 or an overseas elector or the elector has a confidential listing under s. 6.47 (2). If the  
2 elector has registered by mail and has not, or is not certain whether the elector has,  
3 previously voted in an election for national office in this state identification is  
4 required and the document enclosed by the elector under this subdivision does not  
5 constitute identification, the elector shall also enclose identification in the envelope.  
6 Identification is required if the elector is not a military elector or an overseas elector,  
7 ~~as defined in s. 6.36 (2) (e)~~, and the elector registered by mail and has not voted in  
8 an election for national office in this state. The elector may receive assistance under  
9 sub. (5). The return envelope shall then be sealed. The witness may not be a  
10 candidate. The envelope shall be mailed by the elector, postage prepaid, or delivered  
11 in person, to the municipal clerk issuing the ballot or ballots. Failure to return an  
12 unused ballot in a primary does not invalidate the ballot on which the elector's votes  
13 are cast. Return of more than one marked ballot in a primary or return of a ballot  
14 prepared under s. 5.655 or a ballot used with an electronic voting system in a primary  
15 which is marked for candidates of more than one party invalidates all votes cast by  
16 the elector for candidates in the primary.

17 **SECTION 41.** 6.87 (4) (a) of the statutes is created to read:

18 6.87 (4) (a) In this subsection:

19 1. "Military elector" means a member of a U.S. uniformed service on active duty  
20 who, by reason of that duty, is absent from the residence where the member is  
21 otherwise qualified to vote; a member of the merchant marine, as defined in s. 6.22  
22 (1) (a), who, by reason of service in the merchant marine, is absent from the residence  
23 where the member is otherwise qualified to vote; or the spouse or dependent of any  
24 such member who, by reason of the duty or service of the member, is absent from the  
25 residence where the spouse or dependent is otherwise qualified to vote.

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1           2. “Overseas elector” means an elector who resides outside the United States  
2 and who is qualified under federal law to vote in elections for national office in this  
3 state because the elector was last domiciled in this state immediately prior to the  
4 elector’s departure from the United States.

5           **SECTION 42.** 6.87 (4) (b) 2. to 4. of the statutes are created to read:

6           6.87 (4) (b) 2. Unless subd. 3. applies, if the absentee elector has applied for and  
7 qualified to receive absentee ballots automatically under s. 6.86 (2) (a), the elector  
8 may, in lieu of providing the identifying document required under s. 6.86 (1) (ar),  
9 submit with his or her absentee ballot a statement signed by the same individual who  
10 witnesses voting of the ballot which contains the name and address of the elector and  
11 verifies that the name and address are correct.

12           3. If the absentee elector has received an absentee ballot from the municipal  
13 clerk by mail for a previous election, has provided an identifying document required  
14 under s. 6.86 (1) (ar) with that ballot, and has not changed his or her name or address  
15 since providing that identification, the elector is not required to provide the  
16 identifying document required under s. 6.86 (1) (ar).

17           4. Unless subd. 3. applies, if the absentee elector resides in a residential care  
18 apartment complex that is certified or registered under s. 50.034 (1) or an adult  
19 family home that is certified under s. 50.032 and the municipal clerk or board of  
20 election commissioners of the municipality where the complex or home is located  
21 does not send special voting deputies to visit the complex or home at the election  
22 under s. 6.875, the elector may, in lieu of providing the identifying document required  
23 under s. 6.86 (1) (ar), submit with his or her absentee ballot a statement signed by  
24 the same individual who witnesses voting of the ballot that contains the certification  
25 of the manager that the elector resides in the complex or home and the complex or

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1 home is certified or registered as required by law, that contains the name and address  
2 of the elector, and that verifies that the name and address are correct.

3 **SECTION 43.** 6.875 (title) of the statutes is amended to read:

4 **6.875 (title) Absentee voting in nursing and retirement certain homes**  
5 **and certain community-based residential, facilities, and complexes.**

6 **SECTION 44.** 6.875 (1) (ap) and (asm) of the statutes are created to read:

7 6.875 (1) (ap) “Qualified adult family home” means a facility that is certified  
8 to operate as an adult family home under s. 50.032 that qualifies under sub. (2) (d)  
9 to utilize the procedures under this section.

10 (asm) “Qualified residential care apartment complex” means a facility that is  
11 certified or registered to operate as a residential care apartment complex under s.  
12 50.034 (1) that qualifies under sub. (2) (d) to utilize the procedures under this section.

13 **SECTION 45.** 6.875 (2) (a) of the statutes is amended to read:

14 6.875 (2) (a) The procedures prescribed in this section are the exclusive means  
15 of absentee voting for electors who are occupants of nursing homes, qualified  
16 community-based residential facilities ~~or~~, qualified retirement homes, qualified  
17 residential care apartment complexes, and qualified adult family homes.

18 **SECTION 46.** 6.875 (2) (d) of the statutes is created to read:

19 6.875 (2) (d) The municipal clerk or board of election commissioners of any  
20 municipality where a residential care apartment complex certified or registered  
21 under s. 50.034 (1) or an adult family home certified under s. 50.032 is located may  
22 adopt the procedures under this section for absentee voting in any residential care  
23 apartment complex or adult family home located in the municipality if the municipal  
24 clerk or board of election commissioners finds that there are a significant number of  
25 the occupants of the complex or home who lack adequate transportation to the

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1 appropriate polling place, a significant number of the occupants of the complex or  
2 home may need assistance in voting, there are a significant number of the occupants  
3 of the complex or home aged 60 or over, or there are a significant number of  
4 indefinitely confined electors who are occupants of the complex or home.

5 **SECTION 47.** 6.875 (3) and (4) of the statutes are amended to read:

6 6.875 (3) An occupant of a nursing home or a qualified retirement home ~~or,~~  
7 qualified community-based residential facility, qualified residential care apartment  
8 complex, or qualified adult family home who qualifies as an absent elector and  
9 desires to receive an absentee ballot shall make application under s. 6.86 (1) or (2)  
10 with the municipal clerk or board of election commissioners of the municipality in  
11 which the elector is a resident. The clerk or board of election commissioners of a  
12 municipality receiving an application from an elector who is an occupant of a nursing  
13 home or qualified retirement home ~~or, qualified community-based residential~~  
14 facility, qualified residential care apartment complex, or qualified adult family home  
15 located in a different municipality shall, as soon as possible, notify and transmit an  
16 absentee ballot for the elector to the clerk or board of election commissioners of the  
17 municipality in which the home ~~or qualified community-based residential, facility,~~  
18 or complex is located. The clerk or board of election commissioners of a municipality  
19 receiving an application from an elector who is an occupant of a nursing home ~~or,~~  
20 qualified retirement home ~~or, qualified community-based residential facility,~~  
21 qualified residential care apartment complex, or qualified adult family home located  
22 in the municipality but who is a resident of a different municipality shall, as soon as  
23 possible, notify and request transmission of an absentee ballot from the clerk or  
24 board of election commissioners of the municipality in which the elector is a resident.

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1 The clerk or board of election commissioners shall make a record of all absentee  
2 ballots to be transmitted, delivered and voted under this section.

3 (4) For the purpose of absentee voting in nursing homes ~~and~~, qualified  
4 retirement homes ~~and~~, qualified community-based residential facilities, qualified  
5 residential care apartment complexes, and qualified adult family homes the  
6 municipal clerk or board of election commissioners of each municipality in which one  
7 or more nursing homes ~~or~~, qualified retirement homes ~~or~~, qualified  
8 community-based residential facilities, qualified residential care apartment  
9 complexes, and qualified adult family homes are located shall appoint at least 2  
10 special voting deputies for the municipality. Upon application under s. 6.86 (1) or (2)  
11 by one or more qualified electors who are occupants of such a ~~nursing home or~~  
12 ~~qualified retirement home or qualified community-based residential~~, facility, or  
13 complex the clerk or board of election commissioners shall dispatch 2 special voting  
14 deputies to visit the home ~~or qualified community-based residential~~, facility or  
15 complex for the purpose of supervising absentee voting procedure by occupants of the  
16 home or ~~qualified community-based residential facility or complex~~. The 2 deputies  
17 designated to visit each nursing home ~~or~~, qualified retirement home ~~and~~, qualified  
18 community-based residential facility, qualified residential care apartment complex,  
19 and qualified adult family home shall be affiliated with different political parties  
20 whenever deputies representing different parties are available. Nominations for  
21 deputy positions may be submitted by the 2 recognized political parties whose  
22 candidates for governor or president received the greatest numbers of votes in the  
23 municipality at the most recent general election. The deputies shall be specially  
24 appointed to carry out duties under this section for the period specified in s. 7.30 (6)  
25 (a). The clerk or board of election commissioners may revoke an appointment at any

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1 time. No individual who is employed or retained, or within the 2 years preceding  
2 appointment has been employed or retained at a nursing home ~~or~~, qualified  
3 retirement home ~~or~~, qualified community-based residential facility, qualified  
4 residential care apartment complex, and qualified adult family home in the  
5 municipality, or any member of the immediate family of such an individual as defined  
6 in s. 19.42 (7), may be appointed to serve as a deputy.

7 **SECTION 48.** 6.875 (6) of the statutes is amended to read:

8 6.875 (6) Special voting deputies in each municipality shall, not later than 5  
9 p.m. on the Friday preceding an election, arrange one or more convenient times with  
10 the administrator of each nursing home, qualified retirement home, ~~and~~ qualified  
11 community-based residential facility, qualified residential care apartment complex,  
12 and qualified adult family home in the municipality from which one or more  
13 occupants have filed an application under s. 6.86 to conduct absentee voting for the  
14 election. The time may be no earlier than the 4th Monday preceding the election and  
15 no later than 5 p.m. on the Monday preceding the election. Upon request of a relative  
16 of an occupant of a nursing home ~~or qualified retirement home or, qualified~~  
17 retirement home, qualified community-based residential facility, qualified  
18 residential care apartment complex, or qualified adult family home, the  
19 administrator may notify the relative of the time or times at which special voting  
20 deputies will conduct absentee voting at the home ~~or~~, facility, or complex, and permit  
21 the relative to be present in the room where the voting is conducted. At the  
22 designated time, 2 deputies appointed under sub. (4) shall visit the home ~~or~~, facility,  
23 or complex. The municipal clerk or executive director of the board of election  
24 commissioners shall issue a supply of absentee ballots to the deputies sufficient to  
25 provide for the number of valid applications received by the clerk, and a reasonable

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1 additional number of ballots. The municipal clerk or executive director shall keep  
2 a careful record of all ballots issued to the deputies and shall require the deputies to  
3 return every ballot issued to them. The deputies shall personally offer each elector  
4 who has filed a proper application the opportunity to cast his or her absentee ballot.  
5 In lieu of providing an identifying document under s. 6.87 (4) (b) 1. with his or her  
6 absentee ballot, the elector may submit with his or her ballot a statement signed by  
7 both deputies that contains the name and address of the elector and verifies that the  
8 name and address are correct. The deputies shall enclose the statement in the  
9 certificate envelope. If an elector presents an identifying document under s. 6.87 (4)  
10 (b) 1., the deputies shall make a copy of the document presented by the elector and  
11 shall enclose a copy of the document in the certificate envelope. If an elector is  
12 present who has not filed a proper application, the 2 deputies may accept an  
13 application from the elector and shall issue a ballot to the elector if the elector is  
14 qualified, the elector presents an identifying document, whenever required, or  
15 submits a statement containing his or her name and address under this subsection,  
16 and the application is proper. The deputies shall advise the elector that if the elector  
17 is required to submit an identifying document and fails to do so, the elector's ballot  
18 will be challenged under s. 6.92 (1m). The deputies shall each witness the  
19 certification and may, upon request of the elector, assist the elector in marking the  
20 elector's ballot. Upon request of the elector, a relative of the elector who is present  
21 in the room may assist the elector in marking the elector's ballot. All voting shall be  
22 conducted in the presence of the deputies. No individual other than a deputy may  
23 witness the certification and no individual other than a deputy or relative of an  
24 elector may render voting assistance to the elector. Upon completion of the voting,  
25 the deputies shall promptly deliver, either personally or by 1st class mail, any

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1 absentee ballot applications and the sealed certificate envelope containing each  
2 ballot to the clerk or board of election commissioners of the municipality in which the  
3 elector casting the ballot resides, within such time as will permit delivery to the  
4 polling place serving the elector's residence on election day. Personal delivery may  
5 be made by the deputies no later than noon on election day. If a qualified elector is  
6 not able to cast his or her ballot on 2 separate visits by the deputies to the home or  
7 facility, or complex, they shall so inform the municipal clerk or executive director of  
8 the board of election commissioners, who may then send the ballot to the elector no  
9 later than 5 p.m. on the Friday preceding the election.

10 **SECTION 49.** 6.92 (1m) of the statutes is created to read:

11 6.92 (1m) The inspectors at each polling place shall challenge under sub. (1)  
12 the ballot of any elector who fails to provide an identifying document whenever  
13 required under ch. 5 or this chapter and shall treat the ballot in the manner provided  
14 in s. 6.95.

15 **SECTION 50.** 7.08 (8) (title) of the statutes is amended to read:

16 7.08 (8) (title) ~~ELECTORS VOTING WITHOUT IDENTIFICATION~~ PROOF OF IDENTITY OR  
17 PURSUANT TO COURT ORDER.

18 **SECTION 51.** 7.15 (1) (L) of the statutes is created to read:

19 7.15 (1) (L) Designate one inspector at each polling place who shall be  
20 authorized to administer oaths for purposes of affidavits submitted under s. 5.02 (6s)  
21 (a) 3.

22 **SECTION 52.** 10.02 (3) (a) of the statutes is amended to read:

23 10.02 (3) (a) Upon entering the polling place and before being permitted to vote,  
24 an elector shall state his or her name and address and, shall provide identification  
25 if required by federal law, and shall present an identifying document authorized by



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

8 **SECTION 53.** 12.13 (2) (b) 6m. of the statutes is amended to read:

9 12.13 (2) (b) 6m. Obtain an absentee ballot for voting in a nursing home or  
10 qualified retirement home ~~or~~ qualified community-based residential facility,  
11 qualified residential care apartment complex, or adult family home under s. 6.875  
12 (6) and fail to return the ballot to the issuing officer.

13 **SECTION 54.** 12.13 (3) (v) of the statutes is repealed.

14 **SECTION 55.** 12.13 (4) of the statutes is amended to read:

15 12.13 (4) NURSING AND RETIREMENT HOME AND COMMUNITY-BASED RESIDENTIAL  
16 FACILITY VOTING. No employee of a nursing home or qualified retirement home or  
17 qualified community-based residential facility, qualified residential care apartment  
18 complex, or adult family home as defined in s. 6.875 (1) (as), may disclose the  
19 designated time arranged for absentee voting by occupants of the home ~~or~~  
20 ~~community-based residential, facility, or complex~~ under s. 6.875 (6) to any person  
21 other than an occupant of the home ~~or qualified community-based residential~~  
22 ~~facility, or complex~~ or a relative of an occupant, as defined in s. 6.875 (1), who requests  
23 to be so informed.

24 **SECTION 56.** 301.03 (20) of the statutes is created to read:

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1           301.03 (20) Transmit to the elections board, on a continuous basis, a list  
2 containing the name of each living person who has been convicted of a felony under  
3 the laws of this state and whose civil rights have not been restored, together with his  
4 or her residential address and the date on which the department expects his or her  
5 civil rights to be restored.

6           **SECTION 57.** 343.50 (3) of the statutes is amended to read:

7           343.50 (3) DESIGN AND CONTENTS OF CARD. The card shall be the same size as  
8 an operator's license but shall be of a design which is readily distinguishable from  
9 the design of an operator's license and bear upon it the words "IDENTIFICATION  
10 CARD ONLY". The information on the card shall be the same as specified under s.  
11 343.17 (3). The card may serve as a document of gift under s. 157.06 (2) (b) and (c)  
12 and the holder may affix a sticker thereto as provided in s. 343.175 (3). The card may  
13 also serve as a document of refusal to make an anatomical gift under s. 157.06 (2) (i).  
14 The Except as provided in sub. (4g), the card shall contain the holder's photograph  
15 and, if applicable, shall be of the design specified under s. 343.17 (3) (a) 12.

16           **SECTION 58.** 343.50 (4) of the statutes is amended to read:

17           343.50 (4) APPLICATION. The application for an identification card shall include  
18 any information required under ss. 85.103 (2) and 343.14 (2) (a), (b), (bm), (br), and  
19 (em), and such further information as the department may reasonably require to  
20 enable it to determine whether the applicant is entitled by law to an identification  
21 card. The Except as provided in sub.(4g), the department shall, as part of the  
22 application process, take a photograph of the applicant to comply with sub. (3). ~~No~~  
23 Except as provided in sub.(4g), no application may be processed without the  
24 photograph being taken. Misrepresentations in violation of s. 343.14 (5) are  
25 punishable as provided in s. 343.14 (9).

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1           **SECTION 59.** 343.50 (4g) of the statutes is created to read:

2           343.50 **(4g)** PHOTOGRAPH REQUIREMENT; EXCEPTION. An application may be  
3 processed and an original or renewal identification card issued under this section  
4 without a photograph being taken to comply with subs. (3) and (4) to an applicant  
5 who requests the identification card without charge under sub. (5) or (6) and who  
6 provides to the department an affidavit stating that the applicant has a sincerely  
7 held religious belief against being photographed; identifying the religion to which he  
8 or she belongs or the tenets of which he or she adheres to; and stating that the tenets  
9 of the religion prohibit him or her from being photographed.

10           **SECTION 60.** 343.50 (5) of the statutes is amended to read:

11           343.50 **(5)** VALID PERIOD; FEES. The fee for an original card and for the  
12 reinstatement of an identification card after cancellation under sub. (10) shall be \$9  
13 or, upon request of the applicant, without charge. The card shall be valid for the  
14 succeeding period of 4 years from the applicant's next birthday after the date of  
15 issuance.

16           **SECTION 61.** 343.50 (6) of the statutes is amended to read:

17           343.50 **(6)** RENEWAL. At least 30 days prior to the expiration of the card, the  
18 department shall mail a renewal application to the last-known address of each  
19 identification card holder. The department shall include with the application  
20 information, as developed by all organ procurement organizations in cooperation  
21 with the department, that promotes anatomical donations and which relates to the  
22 anatomical donation opportunity available under s. 343.175. The fee for a renewal  
23 identification card shall be \$9, ~~which~~ or, upon request of the identification card  
24 holder, without charge. The renewal identification card shall be valid for 4 years.

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1           **SECTION 62.** 887.01 (1) of the statutes is amended to read:

2           887.01 (1) WITHIN THE STATE. An oath or affidavit required or authorized by law,  
3 except oaths to jurors and witnesses on a trial and such other oaths as are required  
4 by law to be taken before particular officers, may be taken before any judge, court  
5 commissioner, resident U.S. commissioner who has complied with s. 706.07, clerk,  
6 deputy clerk or calendar clerk of a court of record, court reporter, notary public,  
7 municipal judge, town clerk, village clerk, city clerk, municipal judge, county clerk,  
8 or executive director of a board of election commissioners or the clerk's or executive  
9 director's deputy within the territory in which the officer is authorized to act, school  
10 district clerk with respect to any oath required by the elections laws, or election  
11 inspector designated under s. 7.15 (1) (L) with respect to any affidavit submitted  
12 under s. 5.02 (6s) (a) 3.; and, when certified by the officer to have been taken before  
13 him or her, may be read and used in any court and before any officer, board or  
14 commission. Oaths may be administered by any person mentioned in s. 885.01 (3)  
15 and (4) to any witness examined before him or her.

16           **SECTION 63.** 887.02 of the statutes is amended to read:

17           **887.02 Duty to administer official and election oaths; no fees. (1)** Every  
18 person thereto authorized by law shall administer and certify, on demand, any  
19 official oath and any oath required on any nomination paper, petition or other  
20 instrument used in the nomination or election of any candidate for public office, ~~or~~  
21 in the submission of any question to a vote of the people, or in the identification of  
22 electors.

23           **(2)** No fee shall be charged by any officer for administering or certifying any  
24 official oath, or any oath to any person relative to the person's right to vote or be  
25 registered ~~or~~ to vote.

**SENATE BILL 355****1 SECTION 64. Initial applicability.**

2 (1) The treatment of sections 6.55 (2) (b) and (c) 1. and 2., 6.79 (2) (a) and (d),  
3 (4), and (6), and 6.86 (3) (a) 1. and 2. of the statutes, the renumbering and amendment  
4 of sections 6.55 (3) and 6.87 (4) of the statutes, and the creation of section 6.87 (4) (b)  
5 2. to 4. of the statutes first apply with respect to the 2006 spring primary election.

**6 SECTION 65. Effective date.**

7 (1) This act takes effect on January 1, 2006, or the day after publication,  
8 whichever is later.

9 (END)