



2005 SENATE BILL 396

October 19, 2005 – Introduced by Senators REYNOLDS, GROTHMAN, STEPP and ELLIS, cosponsored by Representatives JESKEWITZ, PRIDEMORE, NISCHKE, NASS, ALBERS, KERKMAN, LOTHIAN, KLEEFISCH, F. LASEE, BIES, AINSWORTH, MCCORMICK, SUDER, GUNDRUM, STRACHOTA and GUNDERSON. Referred to Committee on Labor and Election Process Reform.

1 **AN ACT to repeal** 6.26 (2) (d), 6.275 (1) (c), 6.29, 6.32 (3), 6.54, 6.55 (2) (a) 2., 6.55
2 (2) (cm), 6.55 (3), 6.55 (6), 6.56 (2) and 6.86 (3) (a) 2.; **to renumber** 6.86 (3) (a)
3 1.; **to renumber and amend** 6.55 (2) (a) 1., 6.55 (2) (d) and 6.97 (3); **to amend**
4 6.02 (1), 6.02 (2), 6.10 (3), 6.10 (4), 6.15 (1), 6.15 (2) (a), 6.15 (3), 6.18 (form), 6.275
5 (1) (b), 6.275 (1) (d), 6.28 (1), 6.30 (1), 6.32 (4), 6.33 (1), 6.33 (2) (b), 6.40 (1) (a)
6 1., 6.40 (1) (c), 6.45 (1), 6.45 (1m), 6.50 (10), 6.55 (title), 6.55 (2) (b), 6.55 (2) (c)
7 1., 6.56 (1), 6.56 (3), 6.56 (5), 6.79 (2) (b) and (c), 6.79 (4), 6.85, 6.86 (3) (b), 6.86
8 (3) (c), 6.87 (2) (form), 6.94, 6.97 (1), 6.97 (2), 7.03 (1) (d), 7.08 (1) (c), 7.30 (2) (a)
9 and 12.13 (3) (v); **to repeal and recreate** 6.15 (2) (title); and **to create** 6.79 (2)
10 (dm), 6.86 (1) (c) and 6.97 (3) (b) of the statutes; **relating to:** the deadline and
11 procedure for voter registration and the determination of residency for voting
12 purposes.

Analysis by the Legislative Reference Bureau

Under current law, every municipality with a population of greater than 5,000 is required to maintain a voter registration list. Effective on January 1, 2006, voter

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registration will be required in all municipalities. With certain exceptions, the deadline for voter registration is 5 p.m. on the second Wednesday preceding the election. Registrations made by mail must be delivered to the office of the municipal clerk or board of election commissioners or postmarked no later than this deadline. However, under current law, voters may also register in person at the office of the municipal clerk or board of election commissioners until 5 p.m. on the day before the election or, in most cases, may register at the proper polling place or other designated location on election day. In addition, voters may register at any time after the deadline if the municipal clerk of the municipality where they reside determines that the registration list can be revised to incorporate their registrations in time for the election. If an elector registers at the office of the municipal clerk or board of election commissioners after the close of registration or at a polling place or other designated location on election day, the elector must present acceptable proof of residence or have another elector of the same ward or, if a municipality is not divided into wards, of the same municipality, sign a statement corroborating the elector's registration. The corroborating elector must then present acceptable proof of residence.

Currently, an elector who appears at a polling place and who claims to be registered to vote in the election but whose name does not appear on the registration list may vote by signing a statement to the effect that he or she is a qualified elector of the ward or, if a municipality is not divided into wards, of the same municipality, served by the polling place and that he or she is registered to vote in the election. The elector must also present acceptable proof of residence or have another elector of the same ward or, if a municipality is not divided into wards, of the same municipality, sign a statement corroborating the elector's statement. The corroborating elector must then present acceptable proof of residence.

This bill provides that the deadline for registration is 5 p.m. on the 14th day preceding the election. Under the bill, in-person registrations must be completed by this deadline, and registrations made by mail must be delivered or postmarked no later than this deadline. The bill discontinues the procedure for registration at polling places and other designated locations on election day and the procedure under which an elector whose name does not appear on the registration list may be permitted to vote. However, the bill permits an elector who changes his or her name or who moves to a new residence within the same ward or, if a municipality is not divided into wards, of the same municipality, to update his or her registration at the proper polling place or other designated location on election day.

Under current law, with certain limited exceptions, an individual must be a resident of this state for ten days before an election to be eligible to vote in the election. This bill increases this durational residency requirement to 14 days.

The bill provides that if an elector claims to have registered to vote in an election at the address where the elector seeks to vote no later than the 14th day before the election but the elector's name does not appear on the registration list at that address, the elector may cast a marked, provisional ballot. If by 4 p.m. on the day after the election, the elector submits proof to the municipal clerk or executive director of the municipal board of election commissioners that the elector was

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properly registered and the clerk or executive director notifies the appropriate board or boards of canvassers of that fact, the provisional ballot is counted.

If enacted, this bill will activate certain requirements under the National Voter Registration Act (commonly referred to as the motor voter law), from which this state is currently exempt. Primarily, these requirements include simultaneous voter registration with motor vehicle driver's license applications and renewals, voter registration at any office that provides public assistance, voter registration at any office that primarily provides state-funded services to persons with disabilities, and voter registration at armed forces recruiting offices. In addition, the bill will activate a requirement under the federal Help America Vote Act of 2002 that authorizes voters whose ballots are not accepted at federal elections to cast provisional ballots in those elections. This state is currently exempt from that requirement.

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

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

1 **SECTION 1.** 6.02 (1) of the statutes is amended to read:

2 6.02 (1) Every U.S. citizen age 18 or older who has resided in an election district
3 or ward for ~~10~~ 14 days before any election where the citizen offers to vote is an eligible
4 elector.

5 **SECTION 2.** 6.02 (2) of the statutes is amended to read:

6 6.02 (2) Any U.S. citizen age 18 or older who moves within this state later than
7 ~~10~~ 14 days before an election shall vote at his or her previous ward or election district
8 if the person is otherwise qualified. If the elector can comply with the ~~10-day~~ 14-day
9 residence requirement at the new address and is otherwise qualified, he or she may
10 vote in the new ward or election district.

11 **SECTION 3.** 6.10 (3) of the statutes is amended to read:

12 6.10 (3) When an elector moves from one ward to another within a municipality
13 or from one municipality to another within the state ~~after the last registration day~~
14 ~~but at least 10 days before the election, the elector may vote in and be considered a~~

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1 ~~resident of the new ward or municipality where residing upon transferring~~
2 ~~registration under s. 6.40 (1) or upon registering at the proper polling place or other~~
3 ~~registration location in the new ward or municipality under s. 6.55 (2) or 6.86 (3) (a)~~
4 ~~2. If the elector moves within 10 14 days of an election, the elector shall vote in the~~
5 ~~elector's old former ward or municipality if otherwise qualified to vote there.~~

6 **SECTION 4.** 6.10 (4) of the statutes is amended to read:

7 6.10 (4) The residence of an unmarried person sleeping in one ward and
8 boarding in another is the place where the person sleeps. The residence of an
9 unmarried person in a transient vocation, a teacher or a student who boards at
10 different places for part of the week, month, or year, if one of the places is the
11 residence of the person's parents, is the place of the parents' residence unless through
12 registration or similar act the person elects to establish a residence elsewhere. If the
13 person has no parents and if the person has not registered elsewhere, the person's
14 residence shall be at the place ~~which~~ that the person considered his or her residence
15 in preference to any other for at least 10 14 days before an election. If this place is
16 within the municipality, the person is entitled to all the privileges and subject to all
17 the duties of other citizens having their residence there, including voting.

18 **SECTION 5.** 6.15 (1) of the statutes is amended to read:

19 6.15 (1) **QUALIFICATIONS.** Any person who was or who is a qualified elector under
20 ss. 6.02 and 6.03, except that he or she has been a resident of this state for less than
21 10 14 days prior to the date of the presidential election, is entitled to vote for the
22 president and vice president but for no other offices. The fact that the person was
23 not registered to vote in the state from which he or she moved does not prevent voting
24 in this state if the elector is otherwise qualified.

25 **SECTION 6.** 6.15 (2) (title) of the statutes is repealed and recreated to read:

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1 6.15 (2) (title) APPLICATION FOR BALLOT.

2 **SECTION 7.** 6.15 (2) (a) of the statutes is amended to read:

3 6.15 (2) (a) The elector's request for the application form may be made in person
4 to the municipal clerk of the municipality where the person resides. Application may
5 be made not sooner than ~~9~~ 13 days nor later than 5 p.m. on the day before the election,
6 ~~or may be made at the proper polling place in the ward or election district in which~~
7 ~~the elector resides. If an elector makes application before election day, the~~ The
8 application form shall be returned to the municipal clerk after the affidavit has been
9 signed in the presence of the clerk or any officer authorized by law to administer
10 oaths. The affidavit shall be in substantially the following form:

11 STATE OF WISCONSIN

12 County of

13 I, ..., do solemnly swear that I am a citizen of the United States; that prior to
14 establishing Wisconsin residence, my legal residence was in the (town) (village)
15 (city) of ..., state of ..., residing at (street address); that on the day of the next
16 presidential election, I shall be at least 18 years of age and that I have been a legal
17 resident of the state of Wisconsin since ..., ... (year), residing at (street address),
18 in the [... ward of the ... aldermanic district of] the (town) (village) (city) of ..., county
19 of ...; that I have resided in the state less than ~~10~~ 14 days, that I am qualified to vote
20 for president and vice president at the election to be held November ..., ... (year),
21 that I am not voting at any other place in this election and that I hereby make
22 application for an official presidential ballot, in accordance with section 6.15 of the
23 Wisconsin statutes.

24 Signed ...

25 P.O. Address ...

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1 Subscribed and sworn to before me this day of, (year)

2(Name)

3(Title)

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

5 6.15 (3) ~~PROCEDURE AT POLLING PLACE~~ USE OF ELECTRONIC VOTING SYSTEMS. ~~An~~
6 eligible elector may appear at the polling place for the ward or election district where
7 he or she resides and make application for a ballot under sub. (2). Except as
8 otherwise provided in this subsection, an elector who casts a ballot under this
9 subsection shall follow the same procedure required for casting a ballot at the
10 municipal clerk's office under sub. (2). The inspectors shall perform the duties of the
11 municipal clerk, except that the inspectors shall return the cancellation card under
12 sub. (2) (b) to the municipal clerk and the clerk shall forward the card as provided
13 in sub. (2) (c) if required. Upon proper completion of the application and cancellation
14 card and submittal of acceptable proof of residence under s. 6.55 (7) or providing
15 corroboration of residence, the inspectors shall permit the elector to cast his or her
16 ballot for president and vice president. The elector shall mark the ballot and, unless
17 the ballot is utilized with an electronic voting system, the elector shall fold the ballot,
18 and deposit the ballot into the ballot box or give it to the inspector. The inspector
19 shall deposit it directly into the ballot box. Voting machines or ballots utilized with
20 electronic voting systems may only be used by electors voting under this section if
21 they permit voting for president and vice president only.

22 **SECTION 9.** 6.18 (form) of the statutes is amended to read:

23 **6.18** (form)

24 This form shall be returned to the municipal clerk's office. Application must be
25 received in sufficient time for ballots to be mailed and returned prior to any

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1 presidential election at which applicant wishes to vote. Complete all statements in
2 full.

3 APPLICATION FOR PRESIDENTIAL
4 ELECTOR'S ABSENTEE BALLOT.

5 (To be voted at the Presidential Election
6 on November ..., ... (year)

7 I, ... hereby swear or affirm that I am a citizen of the United States, formerly
8 residing at ... in the ... ward ... aldermanic district (city, town, village) of ..., County
9 of ... for ~~10~~ 14 days prior to leaving the State of Wisconsin. I, ... do solemnly swear
10 or affirm that I do not qualify to register or vote under the laws of the State of ... (State
11 you now reside in) where I am presently residing. A citizen must be a resident of:
12 State ... (Insert time) County ... (Insert time) City, Town or Village ... (Insert time),
13 in order to be eligible to register or vote therein. I further swear or affirm that my
14 legal residence was established in the State of ... (the State where you now reside)
15 on ... Month ... Day ... Year.

16 Signed ...

17 Address ... (Present address)

18 ... (City) ... (State)

19 Subscribed and sworn to before me this ... day of (year)

20 ... (Notary Public, or other officer authorized to administer oaths.)

21 ... (County)

22 My Commission expires

23 MAIL BALLOT TO:

24 NAME ...

25 ADDRESS ...

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1 CITY STATE ZIP CODE

2 *Penalties for Violations.* Whoever swears falsely to any absent elector affidavit
3 under this section may be fined not more than \$1,000 or imprisoned for not more than
4 6 months or both. Whoever intentionally votes more than once in an election may
5 be fined not more than \$10,000 or imprisoned for not more than 3 years and 6 months
6 or both.

7(Municipal Clerk)

8(Municipality)

9 **SECTION 10.** 6.26 (2) (d) of the statutes is repealed.

10 **SECTION 11.** 6.275 (1) (b) of the statutes is amended to read:

11 6.275 (1) (b) The total number of electors of the municipality residing in that
12 county who were ~~preregistered~~ registered on the deadline specified in s. 6.28 (1),
13 including valid mail registrations which are postmarked by that day.

14 **SECTION 12.** 6.275 (1) (c) of the statutes is repealed.

15 **SECTION 13.** 6.275 (1) (d) of the statutes is amended to read:

16 6.275 (1) (d) The total number of electors of the municipality residing in that
17 county who ~~registered~~ transferred registration on the day of the primary or election
18 under ss. s. 6.55 and ~~6.86 (3) (a) 2~~ (2).

19 **SECTION 14.** 6.28 (1) of the statutes is amended to read:

20 6.28 (1) REGISTRATION LOCATIONS; DEADLINE. Except as authorized in ~~ss. 6.29,~~
21 s. 6.55 (2), and 6.86 (3) (a) 2., registration in person for any election shall close at 5
22 p.m. on the ~~2nd Wednesday~~ 14th day preceding the election. Registrations made by
23 mail ~~under s. 6.30 (4)~~ must be delivered to the office of the municipal clerk or
24 postmarked no later than the ~~2nd Wednesday~~ 14th day preceding the election. An
25 Except as authorized in s. 6.55 (2), no application for registration in person or by mail

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1 may be accepted for placement on the registration list after the specified deadline,
2 if the municipal clerk determines that the registration list can be revised to
3 incorporate the registration in time for the election. All applications for registration
4 corrections and additions may be made throughout the year at the office of the city
5 board of election commissioners, at the office of the municipal clerk, at the office of
6 any register of deeds or at other locations provided by the board of election
7 commissioners or the common council in cities over 500,000 population or by either
8 or both the municipal clerk, or the common council, village or town board in all other
9 municipalities and may also be made during the school year at any high school by
10 qualified persons under sub. (2) (a). Other registration locations may include but are
11 not limited to fire houses, police stations, public libraries, institutions of higher
12 education, supermarkets, community centers, plants and factories, banks, savings
13 and loan associations and savings banks. Special registration deputies shall be
14 appointed for all locations. An elector who wishes to obtain a confidential listing
15 under s. 6.47 (2) shall register at the office of the municipal clerk of the municipality
16 where the elector resides.

17 **SECTION 15.** 6.29 of the statutes is repealed.

18 **SECTION 16.** 6.30 (1) of the statutes is amended to read:

19 6.30 (1) IN PERSON. An elector shall apply for registration in person, except as
20 provided under sub. (4) and s. ~~6.86 (3) (a) 2.~~

21 **SECTION 17.** 6.32 (3) of the statutes is repealed.

22 **SECTION 18.** 6.32 (4) of the statutes is amended to read:

23 6.32 (4) If the form is sufficient to accomplish registration and the clerk has no
24 reliable information to indicate that the proposed elector is not qualified, the clerk
25 shall enter the elector's name on the registration list and transmit a 1st class letter

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1 or postcard to the registrant, specifying the date of registration and the elector's
2 ward or aldermanic district, or both, if any, and polling place. If the letter or postcard
3 is returned, or if the clerk is informed of a different address than the one specified
4 by the elector, the clerk shall change the status of the elector on the list from eligible
5 to ineligible. The letter or postcard shall be marked in accordance with postal
6 regulations to ensure that it will be returned to the clerk if the elector does not reside
7 at the address given on the letter or postcard.

8 **SECTION 19.** 6.33 (1) of the statutes, as affected by 2003 Wisconsin Act 265, is
9 amended to read:

10 6.33 (1) The municipal clerk shall supply sufficient registration forms as
11 prescribed by the board printed on loose-leaf sheets or cards to obtain from each
12 applicant information as to name; date; residence location; citizenship; date of birth;
13 age; the number of a valid operator's license issued to the elector under ch. 343 or the
14 last 4 digits of the elector's social security account number; whether the applicant
15 has resided within the ward or election district for at least 10 14 days; whether the
16 applicant has lost his or her right to vote; and whether the applicant is currently
17 registered to vote at any other location. The forms shall also provide a space for the
18 applicant's signature and the ward and aldermanic district, if any, where the elector
19 resides and any other information required to determine the offices and referenda
20 for which the elector is certified to vote. The forms shall also include a space where
21 the clerk may record an indication of whether the form is received by mail and a space
22 where the clerk, for any applicant who possesses a valid voting identification card
23 issued to the person under s. 6.47 (3), may record the identification serial number
24 appearing on the voting identification card. Each register of deeds shall obtain
25 sufficient registration forms at the expense of the unit of government by which he or

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

3 **SECTION 20.** 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~~ The registration form
5 shall be signed by the registering elector ~~and any corroborating elector under s. 6.29~~
6 ~~(2) (a) or 6.55 (2)~~ before the clerk, issuing officer, or registration deputy. The form
7 shall contain a certification by the registering elector that all statements are true
8 and correct.

9 **SECTION 21.** 6.40 (1) (a) 1. of the statutes is amended to read:

10 6.40 (1) (a) 1. Any registered elector shall transfer registration after a change
11 of residence within the state by filing in person with the municipal clerk or by mailing
12 to the municipal clerk a signed request stating his or her present address, affirming
13 that this will be his or her residence for ~~10~~ 14 days prior to the election and providing
14 the address where he or she was last registered. Alternatively, the elector may
15 transfer his or her registration at the proper polling place or other registration
16 location under s. 6.02 (2) in accordance with s. 6.55 (2) ~~(a)~~. If an elector ~~is voting in~~
17 ~~the ward or election district where the elector formerly resided~~ changes his or her
18 residence from one municipality to another or from one ward to another within the
19 same municipality, within 14 days of an election, the change shall be effective for the
20 next election.

21 **SECTION 22.** 6.40 (1) (c) of the statutes is amended to read:

22 6.40 (1) (c) *Name change.* Whenever an elector's name is legally changed,
23 including a change by marriage or divorce, the elector shall transfer his or her
24 registration to his or her legal name by appearing in person or mailing to the
25 municipal clerk a signed request for a transfer of registration to such name.

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1 Alternatively, a registered elector may make notification of a name change at his or
2 her polling place under s. 6.55 ~~(2)~~ ~~(d)~~ (1).

3 **SECTION 23.** 6.45 (1) of the statutes is amended to read:

4 6.45 **(1)** After the deadline for revision of the registration list, the municipal
5 clerk shall make copies of the list for election use. The registration list and any
6 supplemental lists which are prepared at polling places or other registration
7 locations under s. 6.55 or 6.79, shall be open to public inspection. Under the
8 regulations prescribed by the municipal clerk, any person may copy the registration
9 list at the office of the clerk. A registration list maintained at a polling place may be
10 examined by any person who is observing the proceedings under s. 7.41 when such
11 use does not interfere with the conduct of the election.

12 **SECTION 24.** 6.45 (1m) of the statutes is amended to read:

13 6.45 **(1m)** The registration list and any supplemental lists which are prepared
14 at polling places or other registration locations under s. 6.55 or 6.79, shall be open
15 to public inspection. Under the regulations prescribed by the municipal clerk, any
16 person may copy the registration list at the office of the clerk. A registration list
17 maintained at a polling place may be examined by any person who is observing the
18 proceedings under s. 7.41 when such use does not interfere with the conduct of the
19 election. This subsection does not apply to information that is confidential under s.
20 6.47.

21 **SECTION 25.** 6.50 (10) of the statutes is amended to read:

22 6.50 **(10)** Any qualified elector whose registration is changed from eligible to
23 ineligible status under this section may reregister as provided under s. 6.28 (1), ~~6.29~~
24 ~~(2)~~, or transfer his or her registration as provided under s. 6.55 (2).

25 **SECTION 26.** 6.54 of the statutes is repealed.

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1 **SECTION 27.** 6.55 (title) of the statutes is amended to read:

2 **6.55** (title) **Polling place Updating registration; voting by certification**
3 **at polling place.**

4 **SECTION 28.** 6.55 (2) (a) 1. of the statutes is renumbered 6.55 (2) (a) and
5 amended to read:

6 6.55 (2) (a) Except where the procedure under par. (c) ~~or (em)~~ is employed, any
7 ~~person who qualifies as an elector in the ward or election district where he or she~~
8 ~~desires to vote, but has not previously filed a registration form, or was registered at~~
9 ~~another location, registered elector who has changed his or her residence within the~~
10 ~~ward or election district in which he or she is registered and who has not notified the~~
11 ~~municipal clerk of the change of address under s. 6.40 (1) may request permission to~~
12 ~~vote at the polling place for that ward or election district serving the elector's~~
13 ~~residence, or at an alternate polling place assigned under s. 5.25 (5) (b). When a~~
14 ~~proper request is made, the inspector shall require the person to execute elector to~~
15 ~~transfer his or her registration by executing a registration form prescribed by the~~
16 ~~board. The registration form shall be completed in the manner provided under s. 6.33~~
17 ~~(2) and shall contain all information required under s. 6.33 (1), together with the~~
18 ~~following certification:~~

19 “I, ..., hereby certify that to the best of my knowledge, I am a qualified elector,
20 having resided at ... for at least ~~10~~ 14 days immediately preceding this election, and
21 that I am not disqualified on any ground from voting, and I have not voted, at this
22 election.”

23 **SECTION 29.** 6.55 (2) (a) 2. of the statutes is repealed.

24 **SECTION 30.** 6.55 (2) (b) of the statutes is amended to read:

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1 6.55 (2) (b) Upon executing the registration form under par. (a), the elector
2 shall provide acceptable proof of residence under sub. (7). If the elector cannot
3 provide acceptable proof of residence, the information contained in the registration
4 form shall be corroborated in a statement that is signed by any elector who resides
5 in the same municipality as the registering elector and that contains the current
6 street address of the corroborating elector. The corroborator shall then provide
7 acceptable proof of residence as provided in sub. (7). The signing by the elector
8 ~~executing the~~ who is transferring his or her registration form and by any
9 corroborator shall be in the presence of the ~~special registration deputy or inspector.~~
10 Upon compliance with this procedure, the elector shall be permitted to cast his or her
11 vote, if the elector complies with all other requirements for voting at the polling
12 place.

13 **SECTION 31.** 6.55 (2) (c) 1. of the statutes is amended to read:

14 6.55 (2) (c) 1. As an alternative to transferring registration at the polling place
15 under pars. (a) and (b), the board of election commissioners, or the governing body
16 of any municipality may by resolution require a ~~person who qualifies as an elector~~
17 ~~and who is not registered and desires to register on the day of an election to do so~~
18 registered elector who has changed his or her residence within the ward or election
19 district in which he or she is registered, who has not notified the municipal clerk of
20 the change of address under s. 6.40 (1), and who desires to vote to transfer his or her
21 registration at another readily accessible location in the same building as the polling
22 place serving the elector's residence or at an alternate polling place assigned under
23 s. 5.25 (5) (b), instead of at the polling place serving the elector's residence. In such
24 case, the municipal clerk shall prominently post a notice ~~of the registration location~~
25 at the polling place of the location designated for transferring registrations. The

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1 municipal clerk, or deputy clerk ~~or special registration deputy~~ at the registration
2 location shall require such person to ~~execute~~ transfer his or her registration by
3 executing a registration form as prescribed under par. (a) and to provide acceptable
4 proof of residence as provided under sub. (7). If the elector cannot provide acceptable
5 proof of residence, the information contained in the registration form shall be
6 corroborated in the manner provided in par. (b). The signing by the elector executing
7 the registration form and by any corroborator shall be in the presence of the
8 municipal clerk, or deputy clerk ~~or special registration deputy~~. Upon proper
9 completion of registration, the municipal clerk, or deputy clerk ~~or special~~
10 ~~registration deputy~~ shall serially number the registration and give one copy to the
11 elector for presentation at the polling place serving the elector's residence or an
12 alternate polling place assigned under s. 5.25 (5) (b).

13 **SECTION 32.** 6.55 (2) (cm) of the statutes is repealed.

14 **SECTION 33.** 6.55 (2) (d) of the statutes is renumbered 6.55 (1) and amended to
15 read:

16 6.55 (1) A registered elector who has changed his or her name but resides at
17 the same address, and has not notified the municipal clerk under s. 6.40 (1) (c), shall
18 notify the inspector of the change before voting. The inspector shall then notify the
19 municipal clerk at the time when materials are returned under s. 6.56 (1). If an A
20 registered elector has changed both a name and address, the elector who has changed
21 his or her residence within the ward or election district in which he or she is
22 registered and who has not notified the municipal clerk of the change of address
23 under s. 6.40 (1) shall register transfer his or her registration by completing a
24 registration form at the polling place or other registration location under pars. (a)
25 ~~and (b)~~ sub. (2) before voting. A registered elector who has changed his or her

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1 residence within this state from one municipality to another or within a municipality
2 from one ward to another, and who has not notified the municipal clerk of the change
3 of address under s. 6.40 (1), may not be permitted to vote, except at a subsequent
4 election for which the elector is properly registered or as authorized under s. 6.10 (3)
5 or 6.85 (2).

6 **SECTION 34.** 6.55 (3) of the statutes is repealed.

7 **SECTION 35.** 6.55 (6) of the statutes is repealed.

8 **SECTION 36.** 6.56 (1) of the statutes is amended to read:

9 6.56 (1) The list containing the names of persons ~~voting~~ transferring
10 registration under ~~ss. 6.29 and s. 6.55 (2) and (3)~~ shall be returned together with all
11 forms and certificates to the municipal clerk.

12 **SECTION 37.** 6.56 (2) of the statutes is repealed.

13 **SECTION 38.** 6.56 (3) of the statutes is amended to read:

14 6.56 (3) Upon receipt of the list under sub. (1), the municipal clerk or board of
15 election commissioners shall make an audit of all electors ~~registering to vote~~
16 transferring registration at the polling place or other registration location under s.
17 6.55 (2) ~~and all electors registering by agent on election day under s. 6.86 (3) (a) 2.~~
18 The audit shall be made by 1st class postcard. The postcard shall be marked in
19 accordance with postal regulations to ensure that it will be returned to the clerk or
20 board of election commissioners if the elector does not reside at the address given on
21 the postcard. If any postcard is returned undelivered, or if the clerk or board of
22 election commissioners is informed of a different address than the one specified by
23 the elector which was apparently improper on the day of the election, the clerk or
24 board shall change the status of the elector from eligible to ineligible on the

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1 registration list and mail the elector a notice of the change in status and provide the
2 name to the district attorney for the county where the polling place is located.

3 **SECTION 39.** 6.56 (5) of the statutes is amended to read:

4 6.56 (5) Whenever any letter or postcard mailed under this section is returned
5 undelivered, or whenever the U.S. postal service notifies the clerk of an improper
6 address which was apparently improper on the day of the election or whenever it
7 otherwise appears that a person has voted who is not qualified or has voted more
8 than once in an election, and the person has been permitted to vote after
9 corroboration was made under s. 6.55 (2) ~~or (3) or 6.86 (3) (a) 2.~~, the name of the
10 corroborator shall also be provided to the district attorney.

11 **SECTION 40.** 6.79 (2) (b) and (c) of the statutes, as affected by 2003 Wisconsin
12 Act 265, are amended to read:

13 6.79 (2) (b) Upon the poll list, after the name of each elector, the officials shall
14 enter a serial number for each elector in the order that votes are cast, beginning with
15 number one. The officials shall enter upon the poll list, after the name of any elector
16 who updates his or her registration under s. 6.55 (1), the updated name of the elector.

17 (c) The officials shall maintain separate lists for electors who are voting under
18 s. 6.15, ~~6.29~~, or transferring registrations under s. 6.55 (2) or (3) and electors who are
19 reassigned from another polling place under s. 5.25 (5) (b) and shall enter the full
20 name, address, and serial number of each of these electors on the appropriate
21 separate list. Alternatively, if the poll list is maintained electronically, the officials
22 may enter on the poll list the information that would otherwise appear on a separate
23 list if the information that would be obtainable from a separate list is entered on the
24 poll list.

25 **SECTION 41.** 6.79 (2) (dm) of the statutes is created to read:

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1 6.79 (2) (dm) If the elector claims to have registered at an address that is served
2 by the polling place on or before the 14th day preceding the election, but the elector's
3 name does not appear on the poll list, the officials shall offer the elector the
4 opportunity to vote under s. 6.97.

5 **SECTION 42.** 6.79 (4) of the statutes is amended to read:

6 6.79 (4) SUPPLEMENTAL INFORMATION. When any elector provides acceptable
7 proof of residence under s. 6.15, ~~6.29~~ or 6.55 (2) ~~or (3)~~, the election officials shall enter
8 the type of identifying document provided on the poll list, or separate list maintained
9 under sub. (2) (c). If the document submitted as proof of identity or residence
10 includes a number which applies only to the individual holding that document, the
11 election officials shall also enter that number on the list. ~~When any elector~~
12 ~~corroborates the registration identity or residence of any person offering to vote~~
13 ~~under s. 6.55 (2) (b) or (c) or (3), or the registration identity or residence of any person~~
14 ~~registering on election day under s. 6.86 (3) (a) 2., the election officials shall also enter~~
15 ~~the name and address of the corroborator next to the name of the elector whose~~
16 ~~information is being corroborated on the poll list, or the separate list maintained~~
17 ~~under sub. (2) (c).~~ When any person offering to vote has been challenged and taken
18 the oath, following the person's name on the poll list, the officials shall enter the word
19 "Sworn".

20 **SECTION 43.** 6.85 of the statutes is amended to read:

21 **6.85 Absent elector; definition.** (1) An absent elector is any otherwise
22 qualified elector who for any reason is unable or unwilling to appear at the polling
23 place in his or her ward.

24 (2) Any otherwise qualified elector who changes residence within this state by
25 moving to a different ward or municipality later than ~~10~~ 14 days prior to an election

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1 may vote an absentee ballot in the ward or municipality where he or she was
2 qualified to vote before moving.

3 **(3)** An elector qualifying under this section may vote by absentee ballot under
4 ss. 6.86 to 6.89.

5 **SECTION 44.** 6.86 (1) (c) of the statutes is created to read:

6 6.86 (1) (c) If an elector other than a military elector applies for an absentee
7 ballot for an election at the office of the municipal clerk after the 14th day preceding
8 the election and the elector claims to have registered at an address that is located in
9 the municipality on or before the 14th day preceding the election, but the elector's
10 name does not appear on the registration list, the municipal clerk shall offer the
11 elector the opportunity to vote under s. 6.97. If the individual chooses to vote under
12 s. 6.97, the municipal clerk shall mark on the certificate envelope an indication that
13 the elector's name does not appear on the registration list.

14 **SECTION 45.** 6.86 (3) (a) 1. of the statutes is renumbered 6.86 (3) (a).

15 **SECTION 46.** 6.86 (3) (a) 2. of the statutes is repealed.

16 **SECTION 47.** 6.86 (3) (b) of the statutes is amended to read:

17 6.86 (3) (b) When each properly executed form and statement required under
18 par. (a) is presented to the municipal clerk, if the elector who proposes to vote is
19 qualified, an absentee ballot shall be issued and the name of such hospitalized elector
20 shall be recorded by the clerk ~~or special registration deputy~~. An agent who is issued
21 an absentee ballot under this section shall present documentation of his or her
22 identity, provide his or her name and address, and attest to a statement that the
23 ballot is received solely for the benefit of a named elector who is hospitalized, and the
24 agent will promptly transmit the ballot to such person.

25 **SECTION 48.** 6.86 (3) (c) of the statutes is amended to read:

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1 6.86 (3) (c) An application under ~~par. (a) 1.~~ this subsection may be made and
2 ~~a registration form under par. (a) 2.~~ may be filed in person at the office of the
3 municipal clerk not earlier than 7 days before an election and not later than 5 p.m.
4 on the day of the election. A list of hospitalized electors applying for ballots under
5 ~~par. (a) 1.~~ this subsection shall be made by the municipal clerk and used to check that
6 the electors vote only once, and by absentee ballot. If identification is required, the
7 municipal clerk shall so inform the agent and the elector shall enclose identification
8 in the envelope with the ballot. The ballot shall be sealed by the elector and returned
9 to the municipal clerk either by mail or by personal delivery of the agent; but if the
10 ballot is returned on the day of the election, the agent shall make personal delivery
11 at the polling place serving the hospitalized elector's residence before the closing
12 hour for the ballot to be counted.

13 **SECTION 49.** 6.87 (2) (form) of the statutes is amended to read:

14 6.87 (2) (form)

15 [STATE OF

16 County of]

17 or

18 [(name of foreign country and city or other jurisdictional unit)]

19 I,, certify subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false
20 statements, that I am a resident of the [... ward of the] (town) (village) of, or of
21 the aldermanic district in the city of, residing at ...* in said city, the county
22 of, state of Wisconsin, and am entitled to vote in the (ward) (election district) at
23 the election to be held on; that I am not voting at any other location in this election;
24 that I am unable or unwilling to appear at the polling place in the (ward) (election
25 district) on election day or have changed my residence within the state from one ward

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1 or election district to another within ~~10~~ 14 days before the election. I certify that I
2 exhibited the enclosed ballot unmarked to the witness, that I then in (his) (her)
3 presence and in the presence of no other person marked the ballot and enclosed and
4 sealed the same in this envelope in such a manner that no one but myself and any
5 person rendering assistance under s. 6.87 (5), Wis. Stats., if I requested assistance,
6 could know how I voted.

7 Signed ...

8 Identification serial number, if any: ...

9 The witness shall execute the following:

10 I, the undersigned witness, subject to the penalties of s. 12.60 (1) (b), Wis.
11 Stats., for false statements, certify that the above statements are true and the voting
12 procedure was executed as there stated. I am not a candidate for any office on the
13 enclosed ballot (except in the case of an incumbent municipal clerk). I did not solicit
14 or advise the elector to vote for or against any candidate or measure.

15(Name)

16(Address)**

17 * — An elector who provides an identification serial number issued under s.
18 6.47 (3), Wis. Stats., need not provide a street address.

19 ** — If this form is executed before 2 special voting deputies under s. 6.875 (6),
20 Wis. Stats., both deputies shall witness and sign.

21 **SECTION 50.** 6.94 of the statutes is amended to read:

22 **6.94 Challenged elector oath.** If the person challenged refuses to answer
23 fully any relevant questions put to him or her by the inspector under s. 6.92, the
24 inspectors shall reject the elector's vote. If the challenge is not withdrawn after the
25 person offering to vote has answered the questions, one of the inspectors shall

SENATE BILL 396**SECTION 50**

1 administer to the person the following oath or affirmation: "You do solemnly swear
2 (or affirm) that: you are 18 years of age; you are a citizen of the United States; you
3 are now and for ~~10~~ 14 days have been a resident of this ward except under s. 6.02 (2);
4 you have not voted at this election; you have not made any bet or wager or become
5 directly or indirectly interested in any bet or wager depending upon the result of this
6 election; you are not on any other ground disqualified to vote at this election". If the
7 person challenged refuses to take the oath or affirmation, the person's vote shall be
8 rejected. If the person challenged answers fully all relevant questions put to the
9 elector by the inspector under s. 6.92, takes the oath or affirmation, and fulfills the
10 applicable registration requirements, and if the answers to the questions given by
11 the person indicate that the person meets the voting qualification requirements, the
12 person's vote shall be received.

13 **SECTION 51.** 6.97 (1) of the statutes is amended to read:

14 6.97 (1) Whenever any individual who is required to provide identification in
15 order to be permitted to vote appears to vote at a polling place and cannot provide
16 the required identification, the inspectors shall offer the opportunity for the
17 individual to vote under this section. Whenever any individual appears to vote at a
18 polling place and claims to be registered at an address served by the polling place on
19 or before the 14th day preceding the election but the elector's name does not appear
20 on the poll list for that polling place, the inspectors shall similarly offer the
21 opportunity for the elector to vote under this section. If the individual wishes to vote,
22 the inspectors shall provide the elector with an envelope marked "Ballot under s.
23 6.97, stats." on which the serial number of the elector is entered and shall require the
24 individual to execute on the envelope a written affirmation stating that the
25 individual is a qualified elector of the ward or election district where he or she offers

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1 to vote and is eligible to vote in the election. The inspectors shall, before giving the
2 elector a ballot, write on the back of the ballot the serial number of the individual
3 corresponding to the number kept at the election on the poll list or other list
4 maintained under s. 6.79 and the notation "s. 6.97". If voting machines are used in
5 the municipality where the individual is voting, the individual's vote may be received
6 only upon an absentee ballot furnished by the municipal clerk which shall have the
7 corresponding number from the poll list or other list maintained under s. 6.79 and
8 the notation "s. 6.97" written on the back of the ballot by the inspectors before the
9 ballot is given to the elector. When receiving the individual's ballot, the inspectors
10 shall provide the individual with written voting information prescribed by the board
11 under s. 7.08 (8). The inspectors shall indicate on the list the fact that the individual
12 is required to provide identification but did not do so, or that the elector claims to be
13 properly registered to vote in the election, but the elector's name does not appear on
14 the poll list. The inspectors shall notify the individual that he or she may provide
15 identification to the municipal clerk or executive director of the municipal board of
16 election commissioners or may provide proof of timely registration to the municipal
17 clerk or executive director of the board of election commissioners. The inspectors
18 shall also promptly notify the municipal clerk or executive director of the name,
19 address, and serial number of the individual and the reason why the individual is
20 voting under this section. The inspectors shall then place the ballot inside the
21 envelope and place the envelope in a separate carrier envelope.

22 **SECTION 52.** 6.97 (2) of the statutes is amended to read:

23 6.97 (2) Whenever any individual who votes by absentee ballot is required to
24 provide identification in order to be permitted to vote and does not provide the
25 required identification, the inspectors shall treat the ballot as a provisional ballot

SENATE BILL 396**SECTION 52**

1 under this section. Whenever any individual other than a military elector applies for
2 an absentee ballot for an election at the office of the municipal clerk after the 14th
3 day preceding the election, and the elector claims to be properly registered to vote
4 in the election but the elector's name does not appear on the registration list for the
5 municipality, the inspectors shall similarly treat the ballot as a provisional ballot
6 under this section. Upon removing the ballot from the envelope, the inspectors shall
7 write on the back of the absentee ballot the serial number of the individual
8 corresponding to the number kept at the election on the poll list or other list
9 maintained under s. 6.79 and the notation "s. 6.97". The inspectors shall indicate on
10 the list the fact that the individual is required to provide identification but did not
11 do so, or that the elector claims to be properly registered to vote in the election at an
12 address served by the polling place, but the elector's name does not appear on the poll
13 list. The inspectors shall promptly notify the municipal clerk or executive director
14 of the municipal board of election commissioners of the name, address, and serial
15 number of the individual. The inspectors shall then place the ballot inside an
16 envelope on which the name and serial number of the elector is entered and shall
17 place the envelope in a separate carrier envelope.

18 **SECTION 53.** 6.97 (3) of the statutes is renumbered 6.97 (3) (a) and amended to
19 read:

20 **6.97 (3) (a)** Whenever the municipal clerk or executive director of the municipal
21 board of election commissioners is informed by the inspectors that a ballot has been
22 cast under this section, the clerk or executive director shall promptly provide written
23 notice to the board of canvassers of each municipality, special purpose district, and
24 county that is responsible for canvassing the election of the number of ballots cast
25 under this section in each ward or election district. The municipal clerk or executive

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1 director then shall determine whether each individual voting under this section is
2 qualified to vote in the ward or election district where the individual's ballot is cast.
3 If the elector's name does not appear on the registration list at the address where the
4 elector resides, the elector bears the burden of providing proof of timely registration
5 for the election. If a question arises as to whether an elector was registered at an
6 address where the elector resides on or before the 14th day preceding an election, the
7 elector may establish that he or she was properly registered to vote by submitting
8 to the municipal clerk a first class letter or postcard that was received by the elector
9 under s. 6.32 (4) showing a timely registration date or by demonstrating from
10 municipal records that he or she has voted at the address where he or she now resides
11 during the 4-year period preceding the election and submitting to the municipal
12 clerk a statement signed by the elector affirming that the elector has not changed his
13 or her residence since the date that the elector last voted at that residence. The
14 municipal clerk or executive director shall make a record of the procedure used to
15 determine the validity of each ballot. If, prior to 4 p.m. on the day after the election,
16 the municipal clerk or executive director determines that the individual is qualified
17 to vote in the ward or election district where the individual's ballot is cast, the
18 municipal clerk or executive director shall notify the board of canvassers for each
19 municipality, special purpose district and county that is responsible for canvassing
20 the election of that fact.

21 **SECTION 54.** 6.97 (3) (b) of the statutes is created to read:

22 6.97 (3) (b) A ballot cast under this section by an elector whose name does not
23 appear on the registration list at the address where the elector resides shall not be
24 counted unless the municipal clerk or executive director of the board of election
25 commissioners provides timely notification that the elector was properly registered

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1 to vote in the election at the address where the elector resides on the 14th day
2 preceding that election

3 **SECTION 55.** 7.03 (1) (d) of the statutes is amended to read:

4 7.03 (1) (d) Except as otherwise provided in par. (a), special registration
5 ~~deputies appointed under s. 6.55 (6),~~ special voting deputies appointed under s. 6.875
6 (4) and officials and trainees who attend training sessions under s. 7.15 (1) (e) or 7.25
7 (5) may be compensated by the municipality where they serve at the option of the
8 municipality.

9 **SECTION 56.** 7.08 (1) (c) of the statutes is amended to read:

10 7.08 (1) (c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (4), 6.33 (1),
11 6.40 (1) (a), 6.47 (1) (a) 2. and (3), 6.55 (2) ~~and (3),~~ and 6.86 (2) and (3). All such forms
12 shall contain a statement of the penalty applicable to false or fraudulent registration
13 or voting through use of the form. Forms are not required to be furnished by the
14 board.

15 **SECTION 57.** 7.30 (2) (a) of the statutes, as affected by 2005 Wisconsin Act 27,
16 is amended to read:

17 7.30 (2) (a) Only election officials appointed under this section may conduct an
18 election. Except as otherwise provided in this paragraph and in s. 7.15 (1) (k), each
19 election official shall be a qualified elector of the ward or wards, or the election
20 district, for which the polling place is established. ~~A special registration deputy who~~
21 ~~is appointed under s. 6.55 (6) or an~~ An election official who is appointed to fill a
22 vacancy under par. (b) need not be a resident of the ward or wards, or the election
23 district, but shall be a resident of the municipality, except that if a municipal clerk
24 or deputy clerk serves as a registration deputy or is appointed to fill a vacancy under
25 par. (b), the clerk or deputy clerk need not be a resident of the municipality, but shall

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1 be a resident of the state. No more than 2 individuals holding the office of clerk or
2 deputy clerk may serve without regard to municipal residency in any municipality
3 at any election. ~~Special registration deputies may be appointed to serve more than~~
4 ~~one polling place.~~ All officials shall be able to read and write the English language,
5 be capable, and be of good understanding, and may not be a candidate for any office
6 to be voted for at an election at which they serve. In 1st class cities, they may hold
7 no public office other than notary public. Except as authorized under sub. (4) (c), all
8 inspectors shall be affiliated with one of the 2 recognized political parties which
9 received the largest number of votes for president, or governor in nonpresidential
10 general election years, in the ward or combination of wards served by the polling
11 place at the last election. The party which received the largest number of votes is
12 entitled to one more inspector than the party receiving the next largest number of
13 votes at each polling place. The same election officials may serve the electors of more
14 than one ward where wards are combined under s. 5.15 (6) (b). If a municipality is
15 not divided into wards, the ward requirements in this paragraph apply to the
16 municipality at large.

17 **SECTION 58.** 12.13 (3) (v) of the statutes is amended to read:

18 12.13 (3) (v) Corroborate any information offered by a proposed elector for the
19 purpose of permitting the person to register to vote, to transfer his or her registration
20 or to vote in any election, knowing such information to be false.

21 **SECTION 59. Initial applicability.**

22 (1) This act first applies with respect to the 2006 spring primary election.

23 **SECTION 60. Effective date.**

24 (1) This act takes effect on January 1, 2006.

25 (END)