



2021 SENATE BILL 179

March 8, 2021 - Introduced by Senator BERNIER, cosponsored by Representative MAGNAFICI. Referred to Committee on Elections, Election Process Reform and Ethics.

1 **AN ACT** *to amend* 6.15 (2) (bm), 6.29 (2) (b), 6.32 (4), 6.33 (1), 6.33 (2) (a), 6.34
2 (2), 6.34 (3) (a) (intro.), 6.34 (3) (a) 10., 6.34 (3) (b) (intro.), 6.34 (3) (c), 6.36 (1)
3 (a) 12., 6.36 (2) (a), 6.36 (2) (c), 6.55 (2) (b), 6.55 (2) (c) 1., 6.55 (2) (d), 6.79 (2)
4 (d), 6.79 (4), 6.82 (1) (a) and 6.88 (3) (a); and *to create* 6.34 (3) (a) 1m. and 6.34
5 (3) (a) 2m. of the statutes; **relating to:** voter registration.

Analysis by the Legislative Reference Bureau

This bill requires a registered elector who has changed his or her name or address to complete a new voter registration. Under current law, if a registered elector changes his or her name, the elector must either provide notice of the change to the municipal clerk prior to election day or to the inspector at the polling place on election day. If notice is given to the inspector on election day, the inspector must notify the clerk of the elector's name change when the election day materials are returned to the clerk's office. Under current law, an elector who has changed both his or her name and address must complete a new voter registration.

Under current law, a document used as proof of identification for voting purposes may not be sufficient to establish proof of residence for voter registration purposes. Conversely, several documents that an elector may use to establish residency, such as a bank statement or utility bill, are not sufficient as proof of identification for voting. In many instances, however, current law refers to an elector providing an "identifying document" as proof of residence. The bill replaces the term "identifying document" with "document" when used in conjunction with establishing

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proof of residence to avoid voter confusion with regard to the documentation necessary to establish residency.

Current law allows an individual to use an unexpired driving receipt or an unexpired identification card receipt as proof of identification for voting purposes. Both documents include a photograph of the individual to whom the document is issued. An unexpired driving receipt is a temporary document that an individual may use as an operator's license until such time that the individual receives his or her actual operator's license. Similarly, an unexpired identification card receipt is a temporary document that the holder may use until he or she receives an actual identification card. The bill allows an individual to also use an unexpired driving receipt or an unexpired identification card receipt as proof of residence for voter registration purposes if the receipt has the individual's current and complete name and address.

Current law authorizes the use of a paycheck for an elector to establish proof of residence for purposes of voter registration. The bill adds the authority to use a pay stub or pay statement.

The bill also specifies that a document provided as proof of residence for purposes of voter registration may be provided in electronic format.

Under current law, when the municipal clerk or the Elections Commission receives a valid registration form, either electronically or by mail, the registrant receives a letter or postcard that specifies the registrant's ward, aldermanic district, if any, and polling place. The letter or postcard is also intended to verify the registrant's address. The bill clarifies that the commission sends the letter or postcard.

For further information see the 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.** 6.15 (2) (bm) of the statutes is amended to read:
2 6.15 (2) (bm) Except as authorized in s. 6.79 (7), when making application in
3 person at the office of the municipal clerk, each applicant shall present proof of
4 identification. If any document presented by the applicant is not proof of residence
5 under s. 6.34, the applicant shall also present proof of residence under s. 6.34. The
6 clerk shall verify that the name on the proof of identification presented by the elector
7 conforms to the name on the elector's application, shall verify that any photograph
8 appearing on that document reasonably resembles the elector, and shall enter the

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1 type of identifying document submitted by the elector as proof of residence, the name
2 of the entity or institution that issued the identifying document, and, if the
3 identifying document includes a number that applies only to the individual holding
4 that document, the last 4 digits of that number on the application form. If the
5 number on the identifying document submitted by the elector has 6 or fewer digits,
6 the clerk shall enter only the last 2 digits of that number.

7 **SECTION 2.** 6.29 (2) (b) of the statutes is amended to read:

8 6.29 (2) (b) Upon the filing of the registration form required by this section, the
9 municipal clerk or clerk's agent under s. 6.33 (5) (b) shall enter the type of identifying
10 document submitted by the elector as proof of residence, the name of the entity or
11 institution that issued the identifying document, and, if the identifying document
12 includes a number that applies only to the individual holding that document, the last
13 4 digits of that number on the registration form. If the number on the identifying
14 document submitted by the elector has 6 or fewer digits, the clerk shall enter only
15 the last 2 digits of that number. The municipal clerk or clerk's agent under s. 6.33
16 (5) (b) shall issue a certificate containing the name and address of the elector
17 addressed to the inspectors of the proper ward or election district directing that the
18 elector be permitted to cast his or her vote if the elector complies with all
19 requirements for voting at the polling place. The certificate shall be numbered
20 serially, prepared in duplicate and one copy preserved in the office of the municipal
21 clerk.

22 **SECTION 3.** 6.32 (4) of the statutes is amended to read:

23 6.32 (4) If the form is sufficient to accomplish registration and the commission
24 or clerk has no reliable information to indicate that the proposed elector is not
25 qualified, the commission or clerk shall enter the elector's name on the registration

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1 list and. The commission shall transmit a 1st class letter or postcard to the
2 registrant, specifying the elector's ward or aldermanic district, or both, if any, and
3 polling place. ~~The letter or postcard shall be sent~~ within 10 days of receipt of the form
4 by the clerk. If the letter or postcard is returned, or if the commission or clerk is
5 informed of a different address than the one specified by the elector, the commission
6 or clerk shall change the status of the elector on the list from eligible to ineligible.
7 The letter or postcard shall be marked in accordance with postal regulations to
8 ensure that it will be returned to the commission or clerk if the elector does not reside
9 at the address given on the letter or postcard.

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

11 6.33 (1) The commission shall prescribe the format, size, and shape of
12 registration forms. All nonelectronic forms shall be printed and each item of
13 information shall be of uniform font size, as prescribed by the commission. Except
14 as otherwise provided in this subsection, electronic forms shall contain the same
15 information as nonelectronic forms. The municipal clerk shall supply sufficient
16 forms to meet voter registration needs. The commission shall design the form to
17 obtain from each elector information as to name; date; residence location; location of
18 previous residence immediately before moving to current residence location;
19 citizenship; date of birth; age; the number of a current and valid operator's license
20 issued to the elector under ch. 343 or the last 4 digits of the elector's social security
21 account number; whether the elector has resided within the ward or election district
22 for the number of consecutive days specified in s. 6.02 (1); whether the elector has
23 been convicted of a felony for which he or she has not been pardoned, and if so,
24 whether the elector is incarcerated, or on parole, probation, or extended supervision;
25 whether the elector is disqualified on any other ground from voting; and whether the

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1 elector is currently registered to vote at any other location. The commission shall
2 include on the nonelectronic form a space for the elector's signature and on the
3 electronic form the authorization specified under s. 6.30 (5). Below the space for the
4 signature or authorization, respectively, the commission shall include the following
5 statement: "Falsification of information on this form is punishable under Wisconsin
6 law as a Class I felony." The commission shall include on the form a space to enter
7 the name of any inspector, municipal clerk, or deputy clerk under s. 6.55 (2) who
8 obtains the form and a space for the inspector, clerk, or deputy clerk to sign his or her
9 name, affirming that the inspector, clerk, or deputy clerk has accepted the form. The
10 commission shall include on the form a space for entry of the ward and aldermanic
11 district, if any, where the elector resides and any other information required to
12 determine the offices and referenda for which the elector is certified to vote. The
13 commission shall also include on the form a space where the clerk may record an
14 indication of whether the form is received by mail or by electronic application, a space
15 where the clerk shall record an indication of the type of identifying document
16 submitted by the elector as proof of residence under s. 6.34 or an indication that the
17 elector's information in lieu of proof of residence was verified under s. 6.34 (2m), the
18 name of the entity or institution that issued the identifying document, and, if the
19 identifying document includes a number that applies only to the individual holding
20 that document, that number. The commission shall also include on the form a space
21 where the clerk, for any elector who possesses a valid voting identification card
22 issued to the person under s. 6.47 (3), may record the identification serial number
23 appearing on the voting identification card. Each county clerk shall obtain sufficient
24 registration forms for completion by an elector who desires to register to vote at the
25 office of the county clerk under s. 6.28 (4).

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1 **SECTION 5.** 6.33 (2) (a) of the statutes is amended to read:

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

12 **SECTION 6.** 6.34 (2) of the statutes is amended to read:

13 6.34 (2) Except as provided in sub. (2m), upon completion of a registration form
14 prescribed under s. 6.33, each eligible elector who is required to register under s.
15 6.27, who is not a military elector or an overseas elector, shall provide ~~an identifying~~
16 a document, which may be provided in electronic format, that establishes proof of
17 residence under sub. (3). If the elector registered by mail or by electronic application,
18 the ~~identifying~~ document may not be a residential lease.

19 **SECTION 7.** 6.34 (3) (a) (intro.) of the statutes is amended to read:

20 6.34 (3) (a) (intro.) ~~An identifying~~ A document used to establish proof of an
21 elector's residence under sub. (2) shall contain the information required under par.
22 (b) and is limited to one of the following:

23 **SECTION 8.** 6.34 (3) (a) 1m. of the statutes is created to read:

24 6.34 (3) (a) 1m. An unexpired driving receipt under s. 343.11.

25 **SECTION 9.** 6.34 (3) (a) 2m. of the statutes is created to read:

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1 6.34 (3) (a) 2m. An unexpired identification card receipt issued under s. 343.50.

2 **SECTION 10.** 6.34 (3) (a) 10. of the statutes is amended to read:

3 6.34 (3) (a) 10. A paycheck, pay stub, or pay statement.

4 **SECTION 11.** 6.34 (3) (b) (intro.) of the statutes is amended to read:

5 6.34 (3) (b) (intro.) Except as provided in par. (a) 7., the ~~identifying~~ documents
6 prescribed in par. (a) shall contain all of the following in order to be considered proof
7 of residence:

8 **SECTION 12.** 6.34 (3) (c) of the statutes is amended to read:

9 6.34 (3) (c) ~~Identifying documents~~ Documents specified in par. (a) which are
10 valid for use during a specified period must be valid on the day that an elector makes
11 application for registration in order to constitute proof of residence.

12 **SECTION 13.** 6.36 (1) (a) 12. of the statutes is amended to read:

13 6.36 (1) (a) 12. An indication of whether the elector was required under s. 6.34
14 to provide proof of residence and, if so, the type of ~~identifying~~ document submitted
15 as proof of residence, the name of the entity or institution that issued the ~~identifying~~
16 document, and, if the ~~identifying~~ document included a number that applies only to
17 the individual holding that document, up to the last 4 digits of that number. If the
18 number on the ~~identifying~~ document submitted by the elector had 6 or fewer digits,
19 the list under this paragraph may not contain more than the last 2 digits of that
20 number.

21 **SECTION 14.** 6.36 (2) (a) of the statutes is amended to read:

22 6.36 (2) (a) Except as provided in par. (b), each registration list prepared for use
23 as a poll list at a polling place or for purposes of canvassing absentee ballots at an
24 election shall contain the full name and address of each registered elector; a blank
25 column for the entry of the serial number of the electors when they vote or the poll

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1 list number used by the municipal board of absentee ballot canvassers in canvassing
2 absentee ballots; an indication next to the name of each elector for whom proof of
3 residence under s. 6.34 is required; a space for entry of the type of and the name of
4 the entity or institution that issued the identifying document submitted by the
5 elector as proof of residence when proof of residence under s. 6.34 is required; a space
6 for entry of the elector's signature, or if another person signed the elector's
7 registration form for the elector by reason of the elector's physical disability, the word
8 "exempt"; and a form of certificate bearing the certification of the commission
9 administrator stating that the list is a true and complete registration list of the
10 municipality or the ward or wards for which the list is prepared. The commission
11 shall, by rule, prescribe the space and location for entry of each elector's signature
12 on the poll list which shall provide for entry of the signature without changing the
13 orientation of the poll list from the orientation used by the election officials.

14 **SECTION 15.** 6.36 (2) (c) of the statutes is amended to read:

15 6.36 (2) (c) The list shall contain, next to the name of each elector, an indication
16 of whether proof of residence under s. 6.34 is required for the elector to be permitted
17 to vote. If proof of residence is provided, the type of identifying document submitted
18 by the elector and the name of the entity or institution that issued the identifying
19 document, or an indication that the information provided by the elector in lieu of
20 proof of residence was verified under s. 6.34 (2m), shall be entered on the list in the
21 space provided. Except as provided in s. 6.34 (2m), proof of residence is required if
22 the elector is not a military elector or an overseas elector and the elector registers by
23 mail or by electronic application and has not previously voted in an election in this
24 state.

25 **SECTION 16.** 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 proof of residence under s. 6.34. The signing by the elector executing
3 the registration form shall be in the presence of the election registration official or
4 inspector. Upon receipt of the registration form, the official or inspector shall enter
5 both the type of identifying document submitted by the elector as proof of residence
6 and the name of the entity or institution that issued the identifying document, and,
7 if the identifying document includes a number that applies only to the individual
8 holding that document, that number in the space provided on the form. The official
9 or inspector shall then print his or her name on and sign the form, indicating that
10 the official or inspector has accepted the form. Upon compliance with this procedure,
11 the elector shall be permitted to cast his or her vote, if the elector complies with all
12 other requirements for voting at the polling place.

13 **SECTION 17.** 6.55 (2) (c) 1. of the statutes is amended to read:

14 6.55 (2) (c) 1. As an alternative to registration at the polling place under pars.
15 (a) and (b), the board of election commissioners, or the governing body of any
16 municipality, may by resolution require a person who qualifies as an elector and who
17 is not registered and desires to register on the day of an election to do so at another
18 readily accessible location in the same building as the polling place serving the
19 elector's residence or at an alternate polling place assigned under s. 5.25 (5) (b),
20 instead of at the polling place serving the elector's residence. In such case, the
21 municipal clerk shall prominently post a notice of the registration location at the
22 polling place. An eligible elector who desires to register shall execute a registration
23 form as prescribed under par. (a) and provide proof of residence as provided under
24 s. 6.34. The signing by the person executing the registration form shall be in the
25 presence of the municipal clerk, deputy clerk, or election registration official. Upon

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1 receipt of the registration form, the municipal clerk, deputy clerk, or election
2 registration official shall enter the type of identifying document submitted by the
3 elector as proof of residence, the name of the entity or institution that issued the
4 identifying document, and, if the identifying document includes a number that
5 applies only to the individual holding that document, the last 4 digits of that number
6 in the space provided on the form. If the number on the identifying document
7 submitted by the elector has 6 or fewer digits, the clerk shall enter only the last 2
8 digits of that number. The municipal clerk, the deputy clerk, or the election
9 registration official shall then print his or her name and sign the form, indicating
10 that the clerk, deputy clerk, or official has accepted the form. Upon proper
11 completion of registration, the municipal clerk, deputy clerk, or election registration
12 official shall serially number the registration and give one copy to the person for
13 presentation at the polling place serving the person's residence or an alternate
14 polling place assigned under s. 5.25 (5) (b).

15 **SECTION 18.** 6.55 (2) (d) of the statutes is amended to read:

16 6.55 (2) (d) A registered elector who has changed his or her name but resides
17 at the same address, and has not previously provided notice of the change to the
18 municipal clerk, shall notify the inspector of the change before voting. The inspector
19 shall then notify the municipal clerk at the time when materials are returned under
20 s. 6.56 (1). If an elector has changed both a name and address, the elector or address
21 shall register complete a new registration at the polling place or other registration
22 location under pars. (a) and (b).

23 **SECTION 19.** 6.79 (2) (d) of the statutes is amended to read:

24 6.79 (2) (d) If the poll list indicates that proof of residence under s. 6.34 is
25 required and the proof of identification document provided by the elector under par.

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1 (a) does not constitute proof of residence under s. 6.34, the officials shall require the
2 elector to provide proof of residence. If proof of residence is provided, the officials
3 shall enter both the type of ~~identifying~~ document submitted as proof of residence and
4 the name of the entity or institution that issued the ~~identifying~~ document in the
5 space provided on the poll list and shall verify that the name and address on the
6 ~~identifying~~ document is the same as the name and address shown on the registration
7 list. If proof of residence is required and not provided, or if the elector does not
8 present proof of identification under par. (a), whenever required, the officials shall
9 offer the opportunity for the elector to vote under s. 6.97.

10 **SECTION 20.** 6.79 (4) of the statutes is amended to read:

11 6.79 (4) SUPPLEMENTAL INFORMATION. When any elector provides proof of
12 residence under s. 6.15, 6.29 or 6.55 (2), the election officials shall enter both the type
13 of ~~identifying~~ document provided and the name of the entity or institution that
14 issued the ~~identifying~~ document on the poll list, or separate list maintained under
15 sub. (2) (c). When any person offering to vote has been challenged and taken the oath,
16 following the person's name on the poll list, the officials shall enter the word "Sworn".

17 **SECTION 21.** 6.82 (1) (a) of the statutes is amended to read:

18 6.82 (1) (a) When any inspectors are informed that an eligible elector is at the
19 entrance to the polling place who as a result of disability is unable to enter the polling
20 place, they shall permit the elector to be assisted in marking a ballot by any
21 individual selected by the elector, except the elector's employer or an agent of that
22 employer or an officer or agent of a labor organization which represents the elector.
23 Except as authorized in s. 6.79 (6) and (7), the individual selected by the elector shall
24 present to the inspectors proof of identification and, if the proof of identification does
25 not constitute proof of residence under s. 6.34, shall also provide proof of residence

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1 under s. 6.34 for the assisted elector and all other information necessary for the
2 elector to obtain a ballot under s. 6.79 (2). The inspectors shall verify that the name
3 on the proof of identification presented by the person assisting the elector conforms
4 to the elector's name on the poll list or separate list, shall verify that any photograph
5 appearing on that document reasonably resembles the elector, and shall enter both
6 the type of identifying document submitted by the assisted elector as proof of
7 residence and the name of the entity or institution that issued the identifying
8 document in the space provided on the poll list or separate list. The inspectors shall
9 then issue a ballot to the individual selected by the elector and shall accompany the
10 individual to the polling place entrance where the assistance is to be given. If the
11 ballot is a paper ballot, the assisting individual shall fold the ballot after the ballot
12 is marked by the assisting individual. The assisting individual shall then
13 immediately take the ballot into the polling place and give the ballot to an inspector.
14 The inspector shall distinctly announce that he or she has "a ballot offered by ...
15 (stating person's name), an elector who, as a result of disability, is unable to enter the
16 polling place without assistance". The inspector shall then ask, "Does anyone object
17 to the reception of this ballot?" If no objection is made, the inspectors shall record
18 the elector's name under s. 6.79 and deposit the ballot in the ballot box, and shall
19 make a notation on the poll list: "Ballot received at poll entrance".

20 **SECTION 22.** 6.88 (3) (a) of the statutes is amended to read:

21 6.88 (3) (a) Except in municipalities where absentee ballots are canvassed
22 under s. 7.52, at any time between the opening and closing of the polls on election day,
23 the inspectors shall, in the same room where votes are being cast, in such a manner
24 that members of the public can hear and see the procedures, open the carrier
25 envelope only, and announce the name of the absent elector or the identification

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1 serial number of the absent elector if the elector has a confidential listing under s.
2 6.47 (2). When the inspectors find that the certification has been properly executed,
3 the applicant is a qualified elector of the ward or election district, and the applicant
4 has not voted in the election, they shall enter an indication on the poll list next to the
5 applicant's name indicating an absentee ballot is cast by the elector. They shall then
6 open the envelope containing the ballot in a manner so as not to deface or destroy the
7 certification thereon. The inspectors shall take out the ballot without unfolding it
8 or permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95,
9 the inspectors shall verify that the ballot has been endorsed by the issuing clerk. If
10 the poll list indicates that proof of residence under s. 6.34 is required and proof of
11 residence is enclosed, the inspectors shall enter both the type of identifying
12 document submitted by the absent elector and the name of the entity or institution
13 that issued the identifying document on the poll list in the space provided. If the poll
14 list indicates that proof of residence under s. 6.34 is required and no proof of
15 residence is enclosed or the name or address on the document that is provided is not
16 the same as the name and address shown on the poll list, the inspectors shall proceed
17 as provided under s. 6.97 (2). The inspectors shall then deposit the ballot into the
18 proper ballot box and enter the absent elector's name or voting number after his or
19 her name on the poll list in the same manner as if the elector had been present and
20 voted in person.

21 (END)