



## 2021 SENATE BILL 934

February 3, 2022 - Introduced by Senators BERNIER, COWLES, DARLING, STROEBEL, FELZKOWSKI, MARKLEIN and WANGGAARD, cosponsored by Representatives DITTRICH, ALLEN, ARMSTRONG, EDMING, GUNDRUM, KNODL, KRUG, KUGLITSCH, MACCO, MAGNAFICI, MURPHY, MURSAU, PENTERMAN, SCHRAA and SPIROS. Referred to Committee on Elections, Election Process Reform and Ethics.

1     **AN ACT** *to renumber* 5.84 (1) and 7.315 (2); *to renumber and amend* 6.50 (3);  
2           *to amend* 5.056, 5.40 (7), 7.08 (1) (a), 7.08 (1) (c), 7.15 (1m), 85.61 (1) and 301.03  
3           (20m); and *to create* 5.057, 5.058, 5.84 (1) (b), 5.84 (3), 5.84 (4), 6.36 (1) (ae) 3.,  
4           6.50 (3) (b) and (c), 6.50 (4m), 6.78 (5), 7.15 (16), 7.23 (1) (jm), 7.315 (2) (b) and  
5           69.03 (16) of the statutes; **relating to:** maintenance of the voter registration  
6           list, training of municipal clerks, data sharing agreements, pre-election  
7           procedures, lines at the polls on election day, and granting rule-making  
8           authority.

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### *Analysis by the Legislative Reference Bureau*

#### *Electronic Registration Information Center*

Under current law, if a municipal clerk or board of election commissioners receives reliable information that a voter has moved outside of the municipality, the clerk or board of election commissioners must send a letter or postcard to the voter to verify the voter's address and change the voter's status on the registration list from eligible to ineligible if the voter's address has changed. Under this bill, if the Elections Commission receives reliable information that a voter has moved outside of the municipality specified on the voter's registration or to different address within that municipality, the commission must send a letter or postcard to the voter to verify

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the voter's address and change the voter's status on the registration list from eligible to ineligible if the voter's address has changed. Under the bill, if the municipal clerk or board of election commissioners receives reliable information that a voter has moved, neither the clerk nor the board is required to send a letter or postcard to that elector if the commission has also received reliable information that the elector has moved. In that case, the commission must send a letter or postcard to the elector to verify the voter's address.

Under the bill, information received from the Electronic Registration Information Center, Inc., is considered reliable information for purposes of determining whether a voter has moved. In addition, the bill requires the commission to request available information from ERIC at least once every 90 days and to annually request information from ERIC regarding eligible, but unregistered, residents of this state. Furthermore, the commission must, when it becomes available following an election for a national office, request information from ERIC regarding registered voters who may have voted multiple times in the same election.

***Data sharing agreements***

Current law requires the administrator of the Elections Commission to enter into an agreement with the secretary of the Department of Transportation to match personally identifiable information on the official registration list maintained by the commission with personally identifiable information maintained by DOT in vehicle registration and license records. The bill requires the administrator and the secretary to update the agreement at least once every two years. In addition, the bill requires DOT to conduct matching of personally identifiable information maintained by DOT with that on the registration list on a daily basis. Under the bill, if the information on the official registration list for an individual does not match the information for the individual maintained by DOT, DOT must provide to the commission the name and date of birth of the individual and the number of the driver's license or identification card issued by DOT to the individual. The bill also requires DOT to indicate to the commission whether the individual reported a change of address for purposes of updating records regarding a driver's license, identification card, or vehicle registration.

Under current law, the municipal clerk must change the registration of deceased electors from eligible to ineligible status by means of checking vital statistics reports. Current law requires the Department of Health Services to establish the Office of Vital Records and to appoint a state registrar to supervise the office. Generally, the Office of Vital Records and the state registrar are responsible for accepting, indexing, and preserving vital records, such as original marriage documents and records of birth, death, and divorce. The bill requires the administrator of the Elections Commission and the state registrar to enter into an agreement to match personally identifiable information from the registration list with the death records maintained by the Office of Vital Records. The administrator and the state registrar must update the agreement at least once every two years. Under the bill, the Office of Vital Records must conduct matching of personally identifiable information on a daily basis and immediately notify the administrator of the Elections Commission of the name, date of birth, date of death, and place of

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death of any person on the official registration list for which the Office of Vital Records has a death record. The commission must then change the registration status of the person from eligible to ineligible.

Under current law, the Department of Corrections must transmit to the commission, on a continuous basis, a list containing the name of each living person who has been convicted of a felony and whose civil rights have not been restored, together with the person's residential address and the date on which DOC expects the person's civil rights to be restored. The bill requires DOC to transmit this information to the commission on a daily basis. In addition, the bill requires the secretary of DOC and the administrator of the Elections Commission to enter into an agreement to match personally identifiable information from the registration list with the personally identifiable information maintained by DOC and update that agreement at least once every two years.

***Electronic voting equipment***

Current law requires the municipal clerk of each municipality that employs an electronic voting system that uses automatic tabulating equipment at a polling place or a central count location to conduct a public test of the equipment not more than 10 days before an election. Under the bill, the municipal clerk is also required to conduct a test of the equipment according to specifications recommended by the equipment manufacturer and to conduct that test prior to the public test of the equipment under current law. In addition, the bill requires the Elections Commission to promulgate rules for training municipal clerks for the testing of automatic tabulating equipment and for the use of tamper-evident seals on all electronic voting equipment. Also, under the bill, no voting machine, electronic voting system, or automatic tabulating equipment, and no component of any such machine, system, or equipment, may be connected to the Internet for any purpose.

Under current law, a municipal clerk must notify, in writing, the county clerk and the administrator of the Elections Commission whenever the municipality adopts and purchases voting machines or an electronic voting system. The bill requires that the municipal clerk notify the county clerk and the administrator also whenever the municipality adopts and rents voting machines or an electronic voting system.

***Training***

Current law requires each municipal clerk to attend training sponsored by the Elections Commission at least once every two years. Current law also requires the commission to prescribe by rule the contents of the training. Under the bill, each municipal clerk is required to complete at least three hours of training prior to conducting an election for the first time. The bill also requires the commission to notify the county clerk, prior to an election, if a municipal clerk in the county fails to attend the required training prior to conducting an election for the first time or fails to attend annual training sponsored by the commission. If a county clerk receives such a notification, the county clerk must facilitate the training of the municipal clerk and may assume the election duties of the municipal clerk for that election. Under the bill, if the county clerk facilitates the training or assumes the election duties of the municipal clerk, the municipality must reimburse the county

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for all reasonable expenses incurred by the county for providing training to the municipal clerk or for assuming the election duties of the municipal clerk.

***Vacancies***

The bill requires a municipality to notify the Elections Commission of a vacancy in the position of municipal clerk and requires the commission to notify the county clerk of that vacancy. Under the bill, if the vacancy occurs within 20 days prior to the date of an election and a deputy municipal clerk has not been appointed prior to that election, the county clerk may assume the duties of the municipal clerk with regard to that election or designate another qualified individual to assume those duties.

***Polling places***

Under current law, the polls are open on election day from 7 a.m. to 8 p.m. If a voter is waiting in line to vote at the time the polls officially close, that voter must be permitted to vote.

Under this bill, on election day, the chief inspector at each polling place in a municipality must complete an incident report documenting each occurrence of voters waiting in line for at least one hour before voting. The bill further provides that, after each election, any municipality in which one or more such incident reports were completed must take all necessary steps, including establishing additional polling places, to ensure that voters do not wait in line for an hour or more at future elections.

***Default dates***

The bill requires the Elections Commission to remove any default birthdate or registration date in the official registration list and to replace those dates with actual dates. Currently, the registration list contains a number of default dates that resulted from the migration of a past registration system to the current one.

***Reviewing forms***

Finally, the bill requires the Elections Commission to review at least once every four years all forms that the commission provides to the public, including ballot and registration forms. The bill also requires the commission to review the forms for accessibility, usability, clarity, and readability and to update the forms as needed.

For further information see the state and local 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.** 5.056 of the statutes is amended to read:
- 2           **5.056 Matching program with secretary of transportation.** The
- 3           commission administrator shall enter into the agreement with the secretary of

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1 transportation specified under s. 85.61 (1) to match personally identifiable  
2 information on the official registration list maintained by the commission under s.  
3 6.36 (1) and the information specified in s. 6.34 (2m) with personally identifiable  
4 information maintained by the department of transportation. The administrator  
5 and the secretary shall update the agreement at least once every 2 years.

6 **SECTION 2.** 5.057 of the statutes is created to read:

7 **5.057 Matching program with the state registrar.** The commission  
8 administrator shall enter into the agreement specified under s. 69.03 (16) with the  
9 state registrar appointed under s. 69.02 (1) (b) to match personally identifiable  
10 information on the official registration list maintained by the commission under s.  
11 6.36 (1) and the information specified in s. 6.34 (2m) with personally identifiable  
12 information and vital statistics maintained by the state registrar. The administrator  
13 and the registrar shall update the agreement at least once every 2 years.

14 **SECTION 3.** 5.058 of the statutes is created to read:

15 **5.058 Matching program with the department of corrections.** The  
16 commission administrator shall enter into the agreement with the secretary of  
17 corrections specified under s. 301.03 (20m) to match personally identifiable  
18 information on the official registration list maintained by the commission under s.  
19 6.36 (1) and the information specified in s. 6.34 (2m) with the personally identifiable  
20 information provided under s. 301.03 (20m). The administrator and the secretary  
21 shall update the agreement at least once every 2 years.

22 **SECTION 4.** 5.40 (7) of the statutes is amended to read:

23 5.40 (7) Whenever a municipality adopts and purchases or rents voting  
24 machines or an electronic voting system, or adopts and purchases or rents a different  
25 type of voting machine or electronic voting system from the type it was previously

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1 using, the municipal clerk or executive director of the municipal board of election  
2 commissioners shall promptly notify the county clerk or executive director of the  
3 county board of election commissioners and the administrator of the elections  
4 commission in writing.

5 **SECTION 5.** 5.84 (1) of the statutes is renumbered 5.84 (1) (a).

6 **SECTION 6.** 5.84 (1) (b) of the statutes is created to read:

7 5.84 (1) (b) Prior to the test of automatic tabulating equipment open to the  
8 public under par. (a), the municipal clerk shall conduct a test of the equipment  
9 according to specifications recommended by the equipment manufacturer.

10 **SECTION 7.** 5.84 (3) of the statutes is created to read:

11 5.84 (3) No voting machine, electronic voting system, or automatic tabulating  
12 equipment, and no component of any such machine, system, or equipment, may be  
13 connected to the Internet for any purpose. For purposes of this subsection,  
14 “connected to the Internet” does not include a modem receiving wireless  
15 transmissions to establish a transmission control protocol exchange with a county  
16 election server after the close of polls on election day.

17 **SECTION 8.** 5.84 (4) of the statutes is created to read:

18 5.84 (4) The commission shall promulgate rules for training municipal clerks  
19 for the testing of equipment under sub. (1) and for the use of tamper-evident seals  
20 on all electronic voting equipment.

21 **SECTION 9.** 6.36 (1) (ae) 3. of the statutes is created to read:

22 6.36 (1) (ae) 3. If the chief election officer enters into an agreement under subd.  
23 1., the commission shall request available information from the Electronic  
24 Registration Information Center, Inc., at least once every 90 days, except as follows:

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1           a. The commission shall annually request information from the Electronic  
2 Registration Information Center, Inc., regarding eligible, but unregistered residents  
3 of this state.

4           b. The commission shall, when it becomes available following an election for  
5 a national office, request information from the Electronic Registration Information  
6 Center, Inc., regarding registered voters who may have voted multiple times in the  
7 same election.

8           **SECTION 10.** 6.50 (3) of the statutes is renumbered 6.50 (3) (a) and amended to  
9 read:

10           6.50 (3) (a) Upon receipt of reliable information that a registered elector has  
11 changed his or her residence to a location outside of the municipality, the municipal  
12 clerk or board of election commissioners shall notify the elector by mailing a notice  
13 by 1st class mail to the elector's registration address stating the source of the  
14 information. All municipal departments and agencies receiving information that a  
15 registered elector has changed his or her residence shall notify the clerk or board of  
16 election commissioners. If the elector no longer resides in the municipality or fails  
17 to apply for continuation of registration within 30 days of the date the notice is  
18 mailed, the clerk or board of election commissioners shall change the elector's  
19 registration from eligible to ineligible status. Upon receipt of reliable information  
20 that a registered elector has changed his or her residence within the municipality,  
21 the municipal clerk or board of election commissioners shall change the elector's  
22 registration and mail the elector a notice of the change. This subsection paragraph  
23 does not restrict the right of an elector to challenge any registration under s. 6.325,  
24 6.48, 6.925, 6.93, or 7.52 (5). This paragraph does not apply if the commission also  
25 receives reliable information that the registered elector has changed his or her

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1 residence to a location outside of the municipality and sends notice to the elector  
2 under par. (b).

3 **SECTION 11.** 6.50 (3) (b) and (c) of the statutes are created to read:

4 6.50 (3) (b) If the commission receives reliable information that a registered  
5 elector has changed his or her residence to a location outside of the municipality  
6 specified on the elector's registration or to a different address within the  
7 municipality specified on the elector's registration, the commission shall notify the  
8 elector by mailing a notice by 1st class mail to the elector's registration address  
9 stating the source of the information. If the elector no longer resides in the  
10 municipality specified on the elector's registration, resides at a different address  
11 within that municipality, or fails to apply for continuation of registration within 30  
12 days of the date the notice is mailed, the commission shall change the elector's  
13 registration from eligible to ineligible status. This paragraph does not restrict the  
14 right of an elector to challenge any registration under s. 6.325, 6.48, 6.925, 6.93, or  
15 7.52 (5).

16 (c) Information received from the Electronic Registration Information Center,  
17 Inc., is reliable information for purposes of this subsection. If a municipal clerk or  
18 board of election commissioners receives information from the Electronic  
19 Registration Information Center, Inc., that a voter has changed residence, the clerk  
20 or board shall comply with the requirements under par. (a). If the commission  
21 receives such information, the commission shall comply with the requirements  
22 under par. (b).

23 **SECTION 12.** 6.50 (4m) of the statutes is created to read:

24 6.50 (4m) If the commission determines, on the basis of the information  
25 received under s. 69.03 (16), 85.61 (1), or 301.03 (20m), that a person on the official



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1 registration list maintained by the commission under s. 6.36 (1) is deceased or not  
2 otherwise an eligible elector, the commission shall change the status of the person's  
3 registration from eligible to ineligible. No notice need be sent of registration changes  
4 made under this subsection with regard to a deceased elector. This subsection does  
5 not relieve a municipal clerk or board of election commissioners from the  
6 responsibility for changing the status of registered electors as otherwise provided  
7 under this chapter.

8 **SECTION 13.** 6.78 (5) of the statutes is created to read:

9 6.78 (5) (a) On election day, the chief inspector at each polling place shall  
10 complete and submit to the municipal clerk or board of election commissioners an  
11 incident report documenting each occurrence of electors waiting in line for at least  
12 one hour before voting.

13 (b) After each election, the governing body or board of election commissioners  
14 of a municipality in which one or more incident reports under par. (b) were completed  
15 at the election shall take all necessary steps, including establishing additional  
16 polling places, to ensure that electors do not wait in line for an hour or more at  
17 succeeding elections.

18 **SECTION 14.** 7.08 (1) (a) of the statutes is amended to read:

19 7.08 (1) (a) Prescribe all official ballot forms necessary under chs. 5 to 10 and  
20 12 and revise the official ballot forms to harmonize with legislation and the current  
21 official status of the political parties whenever necessary. The commission shall  
22 include on each ballot form, in the space for official endorsement, markings or spaces  
23 for identifying a ballot as an overvoted ballot, a duplicate overvoted ballot, a  
24 damaged ballot, or a duplicate damaged ballot, and for writing an identifying serial  
25 number. The commission shall provide one copy of each ballot form without charge

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1 to each county and municipal clerk and board of election commissioners. The  
2 commission shall distribute or arrange for distribution of additional copies. The  
3 prescribed forms shall be substantially followed in all elections under chs. 5 to 10 and  
4 12. The commission shall review the ballot forms prescribed under this paragraph  
5 at least once every 4 years and update the forms as needed. The commission shall  
6 review the forms for accessibility, usability, clarity, and readability.

7 **SECTION 15.** 7.08 (1) (c) of the statutes is amended to read:

8 7.08 (1) (c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (4) and (5), 6.33  
9 (1), 6.47 (1) (am) 2. and (3), 6.55 (2), and 6.86 (2) to (3). All such forms shall contain  
10 a statement of the penalty applicable to false or fraudulent registration or voting  
11 through use of the form. Forms are not required to be furnished by the commission.  
12 The commission shall review all forms prescribed under this paragraph and all other  
13 forms created, maintained, and distributed by the commission, at least once every  
14 4 years and shall update the forms as needed. The commission shall review the forms  
15 for accessibility, usability, clarity, and readability.

16 **SECTION 16.** 7.15 (1m) of the statutes is amended to read:

17 7.15 (1m) ATTEND TRAINING. Each municipal clerk shall, at least once every 2  
18 years during the period beginning on January 1 of each even-numbered year and  
19 ending on December 31 of the following year, attend a training program sponsored  
20 by the commission under ss. 7.31 and 7.315. Each municipal clerk shall attend at  
21 least 3 hours of training before conducting an election for the first time.

22 **SECTION 17.** 7.15 (16) of the statutes is created to read:

23 7.15 (16) VACANCIES. The governing body of a municipality shall notify the  
24 commission of a vacancy in the position of municipal clerk no later than 30 days after  
25 the date on which the vacancy occurs and shall notify the commission when a vacancy

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1 in the office of the municipal clerk is filled no later than 30 days after the date on  
2 which the clerk assumes his or her duties. The commission shall notify the county  
3 clerk of any notice it receives under this subsection from a municipality in the county.  
4 If a vacancy in the office of the municipal clerk occurs within 20 days prior to the date  
5 of an election and a deputy municipal clerk has not been appointed prior to that  
6 election, the county clerk may, as prescribed by rule under s. 7.315 (2) (b), assume  
7 the duties under s. 7.15 (1) of the municipal clerk with regard to that election or  
8 designate another qualified individual to assume those duties.

9 **SECTION 18.** 7.23 (1) (jm) of the statutes is created to read:

10 7.23 (1) (jm) Materials related to the tests conducted under s. 5.84 (1) may be  
11 destroyed 22 months after the election for which the municipal clerk conducted the  
12 tests.

13 **SECTION 19.** 7.315 (2) of the statutes is renumbered 7.315 (2) (a).

14 **SECTION 20.** 7.315 (2) (b) of the statutes is created to read:

15 7.315 (2) (b) The commission shall, as prescribed by rule of the commission,  
16 notify the county clerk if a municipal clerk in the county fails to attend the required  
17 3 hours of training prior to conducting an election for the first time or fails to complete  
18 the annual training conducted by the commission. The commission shall provide the  
19 notice under this paragraph no less than 20 days prior to an election being held in  
20 the municipality. If the county clerk receives a notice under this paragraph, the  
21 county clerk shall, as prescribed by rule of the commission, facilitate the training of  
22 the municipal clerk and may, as prescribed by rule of the commission, assume the  
23 duties under s. 7.15 (1) of the municipal clerk for that election or designate another  
24 qualified individual to assume those duties. The municipality shall reimburse the

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1 county for all reasonable expenses incurred by the county for providing training to  
2 the municipal clerk or for assuming the election duties of the municipal clerk.

3 **SECTION 21.** 69.03 (16) of the statutes is created to read:

4 69.03 (16) Enter into an agreement with the administrator of the elections  
5 commission to match personally identifiable information on the official registration  
6 list maintained by the commission under s. 6.36 (1) and the information specified in  
7 s. 6.34 (2m) with personally identifiable information and the death records  
8 maintained by the office of vital records established under s. 69.02 (1) (a) to the extent  
9 required to enable the state registrar and the administrator of the elections  
10 commission to verify the accuracy of the information provided for the purpose of voter  
11 registration and changing registration status as provided under s. 6.50 (4) and (4m).  
12 The registrar and the administrator shall update the agreement at least once every  
13 2 years. The office of vital records shall conduct matching of personally identifiable  
14 information as described in this subsection on a daily basis and shall immediately  
15 notify the administrator of the elections commission of the name, date of birth, date  
16 of death, and place of death of any person on the official registration list maintained  
17 by the commission under s. 6.36 (1) for which the office of vital records has a death  
18 record.

19 **SECTION 22.** 85.61 (1) of the statutes is amended to read:

20 85.61 (1) The secretary of transportation and the administrator of the elections  
21 commission shall enter into an agreement to match personally identifiable  
22 information on the official registration list maintained by the commission under s.  
23 6.36 (1) and the information specified in s. 6.34 (2m) with personally identifiable  
24 information in the operating record file database under ch. 343 and vehicle  
25 registration records under ch. 341 to the extent required to enable the secretary of

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1 transportation and the administrator of the elections commission to verify the  
2 accuracy of the information provided for the purpose of voter registration. The  
3 secretary and the administrator shall update the agreement at least once every 2  
4 years. The department shall conduct matching of personally identifiable  
5 information as described in this subsection on a daily basis. If the information on the  
6 official registration list for an individual does not match the information for the  
7 individual maintained by the department, the department shall provide to the  
8 administrator of the elections commission the name and date of birth of the  
9 individual and the number of the operator's license issued under ch. 343 to the  
10 individual or the number of the identification card issued under s. 343.50 to the  
11 individual. The department shall also indicate to the administrator whether the  
12 individual reported a change of address for purposes of updating records regarding  
13 an operator's license, identification card, or vehicle registration.

14 **SECTION 23.** 301.03 (20m) of the statutes is amended to read:

15 301.03 **(20m)** Transmit to the elections commission, on a continuous daily  
16 basis, a list containing the name of each living person who has been convicted of a  
17 felony under the laws of this state and whose civil rights have not been restored,  
18 together with his or her residential address and the date on which the department  
19 expects his or her civil rights to be restored. The secretary and the administrator of  
20 the elections commission shall enter into an agreement to match personally  
21 identifiable information on the official registration list maintained by the  
22 commission under s. 6.36 (1) and the information specified in s. 6.34 (2m) with the  
23 personally identifiable information provided under this subsection. The secretary  
24 and the administrator shall update the agreement at least once every 2 years.

25 **SECTION 24. Nonstatutory provisions.**

