

2005 Assembly Bill 63

Date of enactment:
Date of publication*:

2005 WISCONSIN ACT

AN ACT *to repeal* 6.56 (5) and 12.13 (3) (v); *to renumber* 6.79 (3); *to renumber and amend* 6.87 (4) and 6.97 (3); *to amend* 5.35 (6) (a) 2., 5.35 (6) (a) 4a., 6.15 (2) (d) 1r., 6.15 (3), 6.22 (2) (b), 6.24 (4) (d), 6.29 (1), 6.29 (2) (a), 6.33 (2) (b), 6.55 (2) (b), 6.55 (2) (c) 1., 6.55 (2) (c) 2., 6.55 (3), 6.79 (2) (a) and (d), 6.79 (3) (title), 6.79 (4), 6.79 (6), 6.82 (1) (a), 6.86 (1) (ar), 6.86 (3) (a) 1., 6.86 (3) (a) 2., 6.869, 6.87 (3) (d), 6.875 (title), 6.875 (2) (a), 6.875 (3) and (4), 6.875 (6), 6.88 (3) (a), 6.97 (1) and (2), 7.08 (8) (title), 10.02 (3) (a), 12.13 (2) (b) 6m., 12.13 (4), 343.50 (3), 343.50 (4), 343.50 (5) and 343.50 (6); and *to create* 6.15 (2) (bm), 6.15 (2) (d) 1g., 6.79 (3) (b), 6.79 (7), 6.87 (4) (a), 6.87 (4) (b) 2. to 5., 6.875 (1) (ap) and (asm), 6.875 (2) (d), 6.965, 6.97 (3) (a) and (c) and 343.50 (4g) of the statutes; **relating to:** requiring certain identification in order to vote at a polling place or obtain an absentee ballot, verification of the addresses of electors, absentee voting procedure in certain residential care apartment complexes and adult family homes, and the fee for an identification card issued by the Department of Transportation.

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

SECTION 1g. 5.35 (6) (a) 2. of the statutes is amended to read:

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

SECTION 1r. 5.35 (6) (a) 4a. of the statutes is amended to read:

5.35 (6) (a) 4a. Instructions prescribed by the board for electors for whom a license or identification card is required under s. 6.79 (2) or for whom identification is required under s. 6.36 (2) (c) 2.

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

6.15 (2) (bm) Except as authorized in s. 6.79 (7), when making application in person at the office of the

municipal clerk, each applicant shall present a valid operator's license issued to the person under ch. 343, a valid, current identification card issued to the person by a U.S. uniformed service, or a valid identification card issued to the person under s. 343.50. If any document presented by the applicant is not acceptable proof of residence under s. 6.55 (7), the applicant shall also present acceptable proof of residence under s. 6.55 (7).

SECTION 3. 6.15 (2) (d) 1g. of the statutes is created to read:

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

SECTION 4. 6.15 (2) (d) 1r. of the statutes is amended to read:

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

6.15 (2) (d) 1r. Upon proper completion of the application and cancellation card, the municipal clerk shall ~~require the elector to provide acceptable proof of residence under s. 6.55 (7). If the elector cannot provide acceptable proof of residence, the elector may have his or her residence corroborated in a statement that is signed by another elector of the municipality and that contains the current street address of the corroborating elector. If the residence is corroborated by another elector, that elector shall then provide proof of residence under s. 6.55 (7) permit the elector to cast his or her ballot for president and vice president.~~ The elector shall then mark the ballot in the clerk's presence in a manner that will not disclose his or her vote. The elector shall then fold the ballot so as to conceal his or her vote. The clerk or elector shall then place the ballot in an envelope furnished by the clerk.

SECTION 5. 6.15 (3) of the statutes is amended to read:

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

SECTION 6. 6.22 (2) (b) of the statutes is amended to read:

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

SECTION 7. 6.24 (4) (d) of the statutes is amended to read:

6.24 (4) (d) An overseas elector who is not registered may request both a registration form and an absentee ballot at the same time, and the municipal clerk shall send the ballot automatically if the registration form is received within the time prescribed in s. 6.28 (1). The board shall

prescribe a special certificate form for the envelope in which the absentee ballot for overseas electors is contained, which shall be substantially similar to that provided under s. 6.87 (2). Notwithstanding s. 6.87 (4) (b), an overseas elector shall make and subscribe to the special certificate form before a witness who is an adult U.S. citizen.

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

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

SECTION 8g. 6.29 (2) (a) of the statutes is amended to read:

6.29 (2) (a) Any qualified elector of a municipality who has not previously filed a registration form or whose name does not appear on the registration list of the municipality may register after the close of registration but not later than 5 p.m. or the close of business, whichever is later, on the day before an election at the office of the municipal clerk and at the office of the clerk's agent if the clerk delegates responsibility for electronic maintenance of the registration list to an agent under s. 6.33 (5) (b). The elector shall complete, in the manner provided under s. 6.33 (2), a registration form containing all information required under s. 6.33 (1). The elector shall also provide acceptable proof of residence under s. 6.55 (7). ~~Alternatively, if the elector is unable to provide acceptable proof of residence under s. 6.55 (7), the information contained in the registration form shall be corroborated in a statement that is signed by any other elector of the municipality and that contains the current street address of the corroborating elector. The corroborating elector shall then provide acceptable proof of residence under s. 6.55 (7).~~

SECTION 8r. 6.33 (2) (b) of the statutes is amended to read:

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

SECTION 9. 6.55 (2) (b) of the statutes is amended to read:

6.55 (2) (b) Upon executing the registration form under par. (a), except as authorized under s. 6.79 (7), the elector shall be required by a special registration deputy or inspector to present a valid operator's license issued to the elector under ch. 343, a valid, current identification card issued to the elector by a U.S. uniformed service, or a valid identification card issued to the elector under s.

~~343.50. If any document presented is not acceptable proof of residence under sub. (7), the elector shall also provide acceptable proof of residence under sub. (7). If the elector cannot provide acceptable proof of residence, the information contained in the registration form shall be corroborated in a statement that is signed by any elector who resides in the same municipality as the registering elector and that contains the current street address of the corroborating elector. The corroborator shall then provide acceptable proof of residence as provided in sub. (7). The signing by the elector executing the registration form and by any corroborator shall be in the presence of the special registration deputy or inspector. Upon compliance with this procedure, the elector shall be permitted to cast his or her vote, if the elector complies with all other requirements for voting at the polling place.~~

SECTION 10. 6.55 (2) (c) 1. of the statutes is amended to read:

6.55 (2) (c) 1. As an alternative to registration at the polling place under pars. (a) and (b), the board of election commissioners, or the governing body of any municipality may by resolution require a person who qualifies as an elector and who is not registered and desires to register on the day of an election to do so at another readily accessible location in the same building as the polling place serving the elector's residence or at an alternate polling place assigned under s. 5.25 (5) (b), instead of at the polling place serving the elector's residence. In such case, the municipal clerk shall prominently post a notice of the registration location at the polling place. The municipal clerk, deputy clerk or special registration deputy at the registration location shall require such person to execute a registration form as prescribed under par. (a) and, except as authorized in s. 6.79 (7), to present a valid operator's license issued to the person under ch. 343, a valid, current identification card issued to the person by a U.S. uniformed service, or a valid identification card issued to the person under s. 343.50. If any document presented by the person is not acceptable proof of residence under sub. (7), the person shall also provide acceptable proof of residence as provided under sub. (7). ~~If the elector cannot provide acceptable proof of residence, the information contained in the registration form shall be corroborated in the manner provided in par. (b).~~ The signing by the elector person executing the registration form ~~and by any corroborator, except as provided under par. (a)~~ shall be in the presence of the municipal clerk, deputy clerk, or special registration deputy. Upon proper completion of registration, the municipal clerk, deputy clerk, or special registration deputy shall serially number the registration and give one copy to the elector person for presentation at the polling place serving the elector's person's residence or an alternate polling place assigned under s. 5.25 (5) (b).

SECTION 11. 6.55 (2) (c) 2. of the statutes is amended to read:

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

SECTION 12. 6.55 (3) of the statutes is amended to read:

6.55 (3) Any qualified elector in the ward or election district where the elector desires to vote whose name does not appear on the registration list but who claims to be registered to vote in the election may request permission to vote at the polling place for that ward or election district. When the request is made, the inspector shall require the ~~person~~ elector to give his or her name and address. If the elector is not at the polling place which serves the ward or election district where the elector resides, the inspector shall provide the elector with directions to the correct polling place. If the elector is at the correct polling place, the elector shall then execute the following written statement: "I,, hereby certify that to the best of my knowledge, I am a qualified elector, having resided at for at least 10 days immediately preceding this election, and that I am not disqualified on any ground from voting, and I have not voted at this election and am properly registered to vote in this election." ~~The person~~ Except as authorized in s. 6.79 (7), the elector shall be required to provide present a valid operator's license issued to the elector under ch. 343, a valid, current identification card issued to the elector by a U.S. uniformed service, or a valid identification card issued to the elector under s. 343.50. If any document presented by the elector is not acceptable proof of residence, the elector shall also present acceptable proof of residence as provided under sub. (7) and shall then be given the right to vote. ~~If the elector cannot provide acceptable proof of residence, the statement shall be certified by the elector and shall be corroborated in a statement that is signed by any other elector who resides in the municipality and that contains the current street address of the corroborating elector. The corroborator shall then provide acceptable proof of residence as provided in sub. (7).~~ Whenever the question of identity or residence cannot be satisfactorily resolved and the elector cannot be permitted to vote, an inspector shall

telephone the office of the municipal clerk to reconcile the records at the polling place with those at the office.

SECTION 13. 6.56 (5) of the statutes is repealed.

SECTION 14. 6.79 (2) (a) and (d) of the statutes, as affected by 2003 Wisconsin Act 265, section 96, are amended to read:

6.79 (2) VOTING PROCEDURE. (a) Unless information on the poll list is entered electronically, the municipal clerk shall supply the inspectors with 2 copies of the most current official registration list or lists prepared under s. 6.36 (2) (a) for use as poll lists at the polling place. Except as provided in ~~sub. subs. (6) and (7)~~, each ~~person~~ elector, before receiving a serial number, shall state his or her full name and address and present to the officials a valid operator's license issued to the elector under ch. 343, a valid, current identification card issued to the elector by a U.S. uniformed service, or a valid identification card issued to the elector under s. 343.50. The officials shall verify that the name and address ~~provided~~ stated by the ~~person~~ elector are the same as the ~~person's~~ elector's name and address on the poll list.

(d) If the poll list indicates that identification is required and the document provided by the elector under par. (a) does not constitute identification, the officials shall require the elector to provide identification. If identification is provided, the officials shall verify that the name and address on the identification provided is the same as the name and address shown on the registration list. If identification is required and not provided, or if the elector does not present a license or identification card under par. (a), whenever required, the officials shall offer the opportunity for the elector to vote under s. 6.97.

SECTION 15. 6.79 (3) (title) of the statutes is amended to read:

6.79 (3) (title) REFUSAL TO GIVE NAME AND ADDRESS PROVIDE NAME, ADDRESS, LICENSE, OR IDENTIFICATION CARD.

SECTION 16. 6.79 (3) of the statutes is renumbered 6.79 (3) (a).

SECTION 17. 6.79 (3) (b) of the statutes is created to read:

6.79 (3) (b) If a license or identification card under sub. (2) is not provided by the elector or if the name or any photograph appearing on the document that is provided cannot be verified by the officials, the elector shall not be permitted to vote, except as authorized under sub. (6) or (7) and except that if the elector is entitled to cast a provisional ballot under s. 6.97, the officials shall offer the opportunity for the elector to vote under s. 6.97.

SECTION 18. 6.79 (4) of the statutes is amended to read:

6.79 (4) SUPPLEMENTAL INFORMATION. ~~When any elector provides acceptable proof of residence under s. 6.15, 6.29 or 6.55 (2) or (3), the election officials shall enter the type of identifying document provided on the poll list, or separate list maintained under sub. (2) (c). If~~

~~the document submitted as proof of identity or residence includes a number which applies only to the individual holding that document, the election officials shall also enter that number on the list. When any elector corroborates the registration identity or residence of any person offering to vote under s. 6.55 (2) (b) or (c) or (3), or the registration identity or residence of any person registering on election day under s. 6.86 (3) (a) 2., the election officials shall also enter the name and address of the corroborator next to the name of the elector whose information is being corroborated on the poll list, or the separate list maintained under sub. (2) (c). When any person offering to vote has been challenged and taken the oath, following the person's name on the poll list, the officials shall enter the word "Sworn".~~

SECTION 19. 6.79 (6) of the statutes is amended to read:

6.79 (6) CONFIDENTIAL NAMES AND ADDRESSES. An elector who has a confidential listing under s. 6.47 (2) may present his or her identification card issued under s. 6.47 (3), or give his or her name and identification serial number issued under s. 6.47 (3), in lieu of stating his or her name and address and presenting a license or identification card under sub. (2). If the elector's name and identification serial number appear on the confidential portion of the list, the inspectors shall issue a voting serial number to the elector, record that number on the poll list and permit the elector to vote.

SECTION 20. 6.79 (7) of the statutes is created to read:

6.79 (7) LICENSE SURRENDER. If an elector receives a citation or notice of intent to revoke or suspend an operator's license from a law enforcement officer in any jurisdiction that is dated within 60 days of the date of an election and is required to surrender his or her operator's license issued to the elector under ch. 343 at the time the citation or notice is issued, the elector may present an original copy of the citation or notice in lieu of an operator's license under ch. 343. In such case, the elector shall cast his or her ballot under s. 6.965.

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

6.82 (1) (a) When any inspectors are informed that an elector is at the entrance to the polling place who as a result of disability is unable to enter the polling place, they shall permit the elector to be assisted in marking a ballot by any individual selected by the elector, except the elector's employer or an agent of that employer or an officer or agent of a labor organization which represents the elector. The Except as authorized in s. 6.79 (6) and (7), the individual selected by the elector shall present to the inspectors a valid operator's license issued to the elector under ch. 343, a valid, current identification card issued to the elector by a U.S. uniformed service, or a valid identification card issued to the elector under s. 343.50 and, if the license or identification card does not constitute identification, shall also provide identification for the

assisted elector, whenever required, and all other information necessary for the elector to obtain a ballot under s. 6.79 (2). The inspectors shall issue a ballot to the individual selected by the elector and shall accompany the individual to the polling place entrance where the assistance is to be given. If the ballot is a paper ballot, the assisting individual shall fold the ballot after the ballot is marked by the assisting individual. The assisting individual shall then immediately take the ballot into the polling place and give the ballot to an inspector. The inspector shall distinctly announce that he or she has “a ballot offered by ... (stating person’s name), an elector who, as a result of disability, is unable to enter the polling place without assistance”. The inspector shall then ask, “Does anyone object to the reception of this ballot?” If no objection is made, the inspectors shall record the elector’s name under s. 6.79 and deposit the ballot in the ballot box, and shall make a notation on the poll list: “Ballot received at poll entrance”.

SECTION 22. 6.86 (1) (ar) of the statutes is amended to read:

6.86 (1) (ar) Except as authorized in s. 6.875 (6), the municipal clerk shall not issue an absentee ballot unless the clerk receives a written application therefor from a qualified elector of the municipality. The clerk shall retain each absentee ballot application until destruction is authorized under s. 7.23 (1). Except as authorized in s. 6.79 (6) and (7), if an elector applies for an absentee ballot in person at the clerk’s office, the clerk shall not issue the elector an absentee ballot unless the elector presents a valid operator’s license issued to the elector under ch. 343, a valid, current identification card issued to the elector by a U.S. uniformed service, or a valid identification card issued to the elector under s. 343.50. The clerk shall make a copy of the document presented by the elector and shall enclose the copy in the certificate envelope.

SECTION 23. 6.86 (3) (a) 1. of the statutes is amended to read:

6.86 (3) (a) 1. Any elector who is registered and who is hospitalized, may apply for and obtain an official ballot by agent. The agent may apply for and obtain a ballot for the hospitalized absent elector by presenting a form prescribed by the board and containing the required information supplied by the hospitalized elector and signed by that elector ~~and any other elector residing in the same municipality as the hospitalized elector, corroborating the information contained therein. The corroborating elector shall state on the form his or her full name and address. Except as authorized for an elector who has a confidential listing under s. 6.47 (2) or as authorized in s. 6.87 (4) (b) 4., the agent shall present the license or identification card required under sub. (1) (ar). The clerk shall make a copy of the document presented by the agent and shall enclose the copy in the certificate envelope.~~

SECTION 24. 6.86 (3) (a) 2. of the statutes is amended to read:

6.86 (3) (a) 2. If a hospitalized elector is not registered, the elector may register by agent under this subdivision at the same time that the elector applies for an official ballot by agent under subd. 1. To register the elector under this subdivision, the agent shall present a completed registration form that contains the required information supplied by the elector and the elector’s signature, unless the elector is unable to sign due to physical disability. In this case, the elector may authorize another elector to sign on his or her behalf. Any elector signing a form on another elector’s behalf shall attest to a statement that the application is made on request and by authorization of the named elector, who is unable to sign the form due to physical disability. The agent shall present this statement along with all other information required under this subdivision. ~~Except as otherwise provided in this subdivision, the~~ The agent shall in every case provide acceptable proof of the elector’s residence under s. 6.55 (7). If the agent cannot present this proof, the registration form shall be signed and substantiated by another elector residing in the elector’s municipality of residence, corroborating the information in the form. The form shall contain the full name and address of the corroborating elector. The agent shall then present acceptable proof of the corroborating elector’s residence under s. 6.55 (7).

SECTION 25. 6.869 of the statutes, as created by 2003 Wisconsin Act 265, is amended to read:

6.869 Uniform instructions. The board shall prescribe uniform instructions for absentee voters. The instructions shall include information concerning whether identification is required under s. 6.87 (4) or a copy of a license or identification card is required under s. 6.86 (1) (ar) and information concerning whether a copy of identification is required to be submitted and, if so, the form of identification that is required.

SECTION 26. 6.87 (3) (d) of the statutes is amended to read:

6.87 (3) (d) A municipal clerk of a municipality may, if the clerk is reliably informed by an absent elector of a facsimile transmission number or electronic mail address where the elector can receive an absentee ballot, transmit a facsimile or electronic copy of the absent elector’s ballot to that elector in lieu of mailing under this subsection if, in the judgment of the clerk, the time required to send the ballot through the mail may not be sufficient to enable return of the ballot by the time provided under sub. (6). An elector may receive an absentee ballot under this subsection only if the elector has filed a valid application for the ballot under sub. (1). If the clerk transmits an absentee ballot under this paragraph, the clerk shall also transmit a facsimile or electronic copy of the text of the material that appears on the certificate envelope prescribed in sub. (2), together with instructions prescribed by the

board. The instructions shall require the absent elector to make and subscribe to the certification as required under sub. (4) (b) and to enclose the absentee ballot in a separate envelope contained within a larger envelope, that shall include the completed certificate. The elector shall then mail the absentee ballot with postage prepaid to the municipal clerk. Except as authorized in s. 6.97 (2), an absentee ballot received under this paragraph shall not be counted unless it is cast in the manner prescribed in this paragraph and in accordance with the instructions provided by the board.

SECTION 27. 6.87 (4) of the statutes, as affected by 2003 Wisconsin Act 265, section 112a, is renumbered 6.87 (4) (b) 1. and amended to read:

6.87 (4) (b) 1. Except as otherwise provided in s. 6.875, the elector voting absentee shall make and subscribe to the certification before one witness. The absent elector, in the presence of the witness, shall mark the ballot in a manner that will not disclose how the elector's vote is cast. The elector shall then, still in the presence of the witness, fold the ballots so each is separate and so that the elector conceals the markings thereon and deposit them in the proper envelope. If a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot so that the elector conceals the markings thereon and deposit the ballot in the proper envelope. Except as authorized in subds. 2. to 5. and s. 6.875 (6) notwithstanding s. 343.43 (1) (f), the elector shall enclose a copy of the license or identification card required under s. 6.86 (1) (ar) in the envelope, unless the elector is a military elector or an overseas elector or the elector has a confidential listing under s. 6.47 (2). If the elector has registered by mail and has not, or is not certain whether the elector has, previously voted in an election for national office in this state identification is required and the document enclosed by the elector under this subdivision does not constitute identification, the elector shall also enclose identification in the envelope. Identification is required if the elector is not a military elector or an overseas elector, ~~as defined in s. 6.36 (2) (c)~~, and the elector registered by mail and has not voted in an election for national office in this state. The elector may receive assistance under sub. (5). The return envelope shall then be sealed. The witness may not be a candidate. The envelope shall be mailed by the elector, postage prepaid, or delivered in person, to the municipal clerk issuing the ballot or ballots. Failure to return an unused ballot in a primary does not invalidate the ballot on which the elector's votes are cast. Return of more than one marked ballot in a primary or return of a ballot prepared under s. 5.655 or a ballot used with an electronic voting system in a primary which is marked for candidates of more than one party invalidates all votes cast by the elector for candidates in the primary.

SECTION 28. 6.87 (4) (a) of the statutes is created to read:

6.87 (4) (a) In this subsection:

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

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

SECTION 29. 6.87 (4) (b) 2. to 5. of the statutes are created to read:

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

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

4. If the absentee elector has received a citation or notice of intent to revoke or suspend an operator's license from a law enforcement officer in any jurisdiction that is dated within 60 days of the date of the election and is required to surrender his or her operator's license issued to the elector under ch. 343 at the time the citation or notice is issued, the elector may enclose a copy of the citation or notice in lieu of an operator's license under ch. 343 if the elector is voting by mail, or may present an original copy of the citation or notice in lieu of an operator's license under ch. 343 if the elector is voting at the office of the municipal clerk.

5. Unless subd. 3. or 4. applies, if the absentee elector resides in a residential care apartment complex that is certified or registered under s. 50.034 (1) or an adult family home that is certified under s. 50.032 and the municipal clerk or board of election commissioners of the municipality where the complex or home is located does not send special voting deputies to visit the complex or home at the election under s. 6.875, the elector may, in

lieu of providing a copy of a license or identification card required under s. 6.86 (1) (ar), submit with his or her absentee ballot a statement signed by the same individual who witnesses voting of the ballot that contains the certification of the manager that the elector resides in the complex or home and the complex or home is certified or registered as required by law, that contains the name and address of the elector, and that verifies that the name and address are correct.

SECTION 29c. 6.875 (title) of the statutes is amended to read:

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

SECTION 29m. 6.875 (1) (ap) and (asm) of the statutes are created to read:

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

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

SECTION 29p. 6.875 (2) (a) of the statutes is amended to read:

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

SECTION 29r. 6.875 (2) (d) of the statutes is created to read:

6.875 (2) (d) The municipal clerk or board of election commissioners of any municipality where a residential care apartment complex certified or registered under s. 50.034 (1) or an adult family home certified under s. 50.032 is located may adopt the procedures under this section for absentee voting in any residential care apartment complex or adult family home located in the municipality if the municipal clerk or board of election commissioners finds that there are a significant number of the occupants of the complex or home who lack adequate transportation to the appropriate polling place, a significant number of the occupants of the complex or home may need assistance in voting, there are a significant number of the occupants of the complex or home aged 60 or over, or there are a significant number of indefinitely confined electors who are occupants of the complex or home.

SECTION 29t. 6.875 (3) and (4) of the statutes are amended to read:

6.875 (3) An occupant of a nursing home or a qualified retirement home ~~or~~ qualified community-based res-

idential facility, qualified residential care apartment complex, or qualified adult family home who qualifies as an absent elector and desires to receive an absentee ballot shall make application under s. 6.86 (1) or (2) with the municipal clerk or board of election commissioners of the municipality in which the elector is a resident. The clerk or board of election commissioners of a municipality receiving an application from an elector who is an occupant of a nursing home or qualified retirement home ~~or~~ qualified community-based residential facility, qualified residential care apartment complex, or qualified adult family home located in a different municipality shall, as soon as possible, notify and transmit an absentee ballot for the elector to the clerk or board of election commissioners of the municipality in which the home ~~or~~ qualified community-based residential facility, or complex is located. The clerk or board of election commissioners of a municipality receiving an application from an elector who is an occupant of a nursing home ~~or~~ qualified retirement home or qualified community-based residential facility, qualified residential care apartment complex, or qualified adult family home located in the municipality but who is a resident of a different municipality shall, as soon as possible, notify and request transmission of an absentee ballot from the clerk or board of election commissioners of the municipality in which the elector is a resident. The clerk or board of election commissioners shall make a record of all absentee ballots to be transmitted, delivered and voted under this section.

(4) For the purpose of absentee voting in nursing homes ~~and~~ qualified retirement homes and qualified community-based residential facilities, qualified residential care apartment complexes, and qualified adult family homes the municipal clerk or board of election commissioners of each municipality in which one or more nursing homes ~~or~~ qualified retirement homes or qualified community-based residential facilities, qualified residential care apartment complexes, and qualified adult family homes are located shall appoint at least 2 special voting deputies for the municipality. Upon application under s. 6.86 (1) or (2) by one or more qualified electors who are occupants of such a ~~nursing home or~~ qualified retirement home or qualified community-based residential facility, or complex the clerk or board of election commissioners shall dispatch 2 special voting deputies to visit the home ~~or~~ qualified community-based residential facility or complex for the purpose of supervising absentee voting procedure by occupants of the home ~~or~~ qualified community-based residential facility or complex. The 2 deputies designated to visit each nursing home ~~or~~ qualified retirement home and qualified community-based residential facility, qualified residential care apartment complex, and qualified adult family home shall be affiliated with different political parties whenever deputies representing different parties are available. Nominations for deputy positions may be sub-

mitted by the 2 recognized political parties whose candidates for governor or president received the greatest numbers of votes in the municipality at the most recent general election. The deputies shall be specially appointed to carry out duties under this section for the period specified in s. 7.30 (6) (a). The clerk or board of election commissioners may revoke an appointment at any time. No individual who is employed or retained, or within the 2 years preceding appointment has been employed or retained at a nursing home ~~or~~ qualified retirement home ~~or~~ qualified community-based residential facility, qualified residential care apartment complex, and qualified adult family home in the municipality, or any member of the immediate family of such an individual as defined in s. 19.42 (7), may be appointed to serve as a deputy.

SECTION 30. 6.875 (6) of the statutes is amended to read:

6.875 (6) Special voting deputies in each municipality shall, not later than 5 p.m. on the Friday preceding an election, arrange one or more convenient times with the administrator of each nursing home, qualified retirement home, ~~and~~ qualified community-based residential facility, qualified residential care apartment complex, and qualified adult family home in the municipality from which one or more occupants have filed an application under s. 6.86 to conduct absentee voting for the election. The time may be no earlier than the 4th Monday preceding the election and no later than 5 p.m. on the Monday preceding the election. Upon request of a relative of an occupant of a nursing home ~~or~~ qualified retirement home ~~or~~ qualified retirement home, qualified community-based residential facility, qualified residential care apartment complex, or qualified adult family home, the administrator may notify the relative of the time or times at which special voting deputies will conduct absentee voting at the home ~~or~~ facility, or complex, and permit the relative to be present in the room where the voting is conducted. At the designated time, 2 deputies appointed under sub. (4) shall visit the home ~~or~~ facility, or complex. The municipal clerk or executive director of the board of election commissioners shall issue a supply of absentee ballots to the deputies sufficient to provide for the number of valid applications received by the clerk, and a reasonable additional number of ballots. The municipal clerk or executive director shall keep a careful record of all ballots issued to the deputies and shall require the deputies to return every ballot issued to them. The deputies shall personally offer each elector who has filed a proper application the opportunity to cast his or her absentee ballot. In lieu of providing a copy of a license or identification card under s. 6.87 (4) (b) 1. with his or her absentee ballot, the elector may submit with his or her ballot a statement signed by both deputies that contains the name and address of the elector and verifies that the name and address are correct. The deputies shall enclose

the statement in the certificate envelope. If an elector presents a license or identification card under s. 6.87 (4) (b) 1., the deputies shall make a copy of the document presented by the elector and shall enclose the copy in the certificate envelope. If an elector is present who has not filed a proper application, the 2 deputies may accept an application from the elector and shall issue a ballot to the elector if the elector is qualified, the elector presents a license or identification card, whenever required, or submits a statement containing his or her name and address under this subsection, and the application is proper. The deputies shall each witness the certification and may, upon request of the elector, assist the elector in marking the elector's ballot. Upon request of the elector, a relative of the elector who is present in the room may assist the elector in marking the elector's ballot. All voting shall be conducted in the presence of the deputies. No individual other than a deputy may witness the certification and no individual other than a deputy or relative of an elector may render voting assistance to the elector. Upon completion of the voting, the deputies shall promptly deliver, either personally or by 1st class mail, any absentee ballot applications and the sealed certificate envelope containing each ballot to the clerk or board of election commissioners of the municipality in which the elector casting the ballot resides, within such time as will permit delivery to the polling place serving the elector's residence on election day. Personal delivery may be made by the deputies no later than noon on election day. If a qualified elector is not able to cast his or her ballot on 2 separate visits by the deputies to the home ~~or~~ facility, or complex, they shall so inform the municipal clerk or executive director of the board of election commissioners, who may then send the ballot to the elector no later than 5 p.m. on the Friday preceding the election.

SECTION 31. 6.88 (3) (a) of the statutes is amended to read:

6.88 (3) (a) Any time between the opening and closing of the polls on election day, the inspectors shall open the carrier envelope only, and announce the name of the absent elector or the identification serial number of the absent elector if the elector has a confidential listing under s. 6.47 (2). When the inspectors find that the certification has been properly executed, the applicant is a qualified elector of the ward or election district, and the applicant has not voted in the election, they shall enter an indication on the poll list next to the applicant's name indicating an absentee ballot is cast by the elector. They shall then open the envelope containing the ballot in a manner so as not to deface or destroy the certification thereon. The inspectors shall take out the ballot without unfolding it or permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95, the inspectors shall verify that the ballot has been endorsed by the issuing clerk. If the poll list indicates that identification is required and no identification is enclosed or the name or

address on the document that is provided is not the same as the name and address shown on the poll list, or if the elector is not a military elector or an overseas elector, as defined in s. 6.36 (2) (c), and the elector is required to provide a copy of a license or identification card under s. 6.86 (1) (ar) and no copy of the license or identification card is enclosed or the name on the document cannot be verified by the inspectors, the inspectors shall proceed as provided under s. 6.97 (2). The inspectors shall then deposit the ballot into the proper ballot box and enter the absent elector's name or voting number after his or her name on the poll list in the same manner as if the elector had been present and voted in person.

SECTION 32. 6.965 of the statutes is created to read:

6.965 Voting procedure for electors presenting citation or notice in lieu of license. Whenever any elector is allowed to vote at a polling place under s. 6.79 (7) by presenting a citation or notice of intent to revoke or suspend an operator's license in lieu of an operator's license issued to the elector under ch. 343, the inspectors shall, before giving the elector a ballot, write on the back of the ballot the serial number of the elector corresponding to the number kept at the election on the poll list or other list maintained under s. 6.79 and the notation "s. 6.965." If voting machines are used in the municipality where the elector is voting, the elector's vote may be received only upon an absentee ballot furnished by the municipal clerk which shall have the notation "s. 6.965" written on the back of the ballot by the inspectors before the ballot is given to the elector. If the municipal clerk receives an absentee ballot from an elector who presents a citation or notice, or copy thereof, under s. 6.87 (4) (b) 4., the clerk shall enter a notation on the certificate envelope "Ballot under s. 6.965, stats." Upon receiving the envelope, the inspectors shall open and write on the back of the ballot the serial number of the elector corresponding to the number kept at the election on the poll list or other list maintained under s. 6.79 and the notation "s. 6.965." The inspectors shall indicate on the poll list or other list maintained under s. 6.79 the fact that the elector is voting by using a citation or notice in lieu of a license. The inspectors shall then deposit the ballot. The ballot shall then be counted under s. 5.85 or 7.51.

SECTION 33. 6.97 (1) and (2) of the statutes are amended to read:

6.97 (1) Whenever any individual who is required to provide identification in order to be permitted to vote appears to vote at a polling place and cannot provide the required identification, the inspectors shall offer the opportunity for the individual to vote under this section. Whenever any individual, other than a military elector or an overseas elector, as defined in s. 6.36 (2) (c), or an elector who has a confidential listing under s. 6.47 (2), appears to vote at a polling place and does not present a license or identification card under s. 6.79 (2), whenever required, the inspectors or the municipal clerk shall simi-

larly offer the opportunity for the individual to vote under this section. If the individual wishes to vote, the inspectors shall provide the elector with an envelope marked "Ballot under s. 6.97, stats." on which the serial number of the elector is entered and shall require the individual to execute on the envelope a written affirmation stating that the individual is a qualified elector of the ward or election district where he or she offers to vote and is eligible to vote in the election. The inspectors shall, before giving the elector a ballot, write on the back of the ballot the serial number of the individual corresponding to the number kept at the election on the poll list or other list maintained under s. 6.79 and the notation "s. 6.97". If voting machines are used in the municipality where the individual is voting, the individual's vote may be received only upon an absentee ballot furnished by the municipal clerk which shall have the corresponding number from the poll list or other list maintained under s. 6.79 and the notation "s. 6.97" written on the back of the ballot by the inspectors before the ballot is given to the elector. When receiving the individual's ballot, the inspectors shall provide the individual with written voting information prescribed by the board under s. 7.08 (8). The inspectors shall indicate on the list the fact that the individual is required to provide identification or a license or identification card under s. 6.79 (2) but did not do so. The inspectors shall notify the individual that he or she may provide the identification, license, or identification card to the municipal clerk or executive director of the municipal board of election commissioners. The inspectors shall also promptly notify the municipal clerk or executive director of the name, address, and serial number of the individual. The inspectors shall then place the ballot inside the envelope and place the envelope in a separate carrier envelope.

(2) Whenever any individual who votes by absentee ballot is required to provide identification in order to be permitted to vote and does not provide the required identification, the inspectors shall treat the ballot as a provisional ballot under this section. Whenever any individual, other than a military elector or an overseas elector, as defined in s. 6.36 (2) (c), an individual who has a confidential listing under s. 6.47 (2), or an individual who is exempted under s. 6.87 (4) or s. 6.875 (6), votes by absentee ballot and does not enclose a copy of the license or identification card required under s. 6.86 (1) (ar), the inspectors shall similarly treat the ballot as a provisional ballot under this section. Upon removing the ballot from the envelope, the inspectors shall write on the back of the absentee ballot the serial number of the individual corresponding to the number kept at the election on the poll list or other list maintained under s. 6.79 and the notation "s. 6.97". The inspectors shall indicate on the list the fact that the individual is required to provide identification or a copy of a license or identification card under s. 6.86 (1) (ar) but did not do so. The inspectors shall promptly

notify the municipal clerk or executive director of the municipal board of election commissioners of the name, address, and serial number of the individual. The inspectors shall then place the ballot inside an envelope on which the name and serial number of the elector is entered and shall place the envelope in a separate carrier envelope.

SECTION 34. 6.97 (3) of the statutes is renumbered 6.97 (3) (b) and amended to read:

6.97 (3) (b) Whenever the municipal clerk or executive director of the municipal board of election commissioners is informed by the inspectors that a ballot has been cast under this section, the clerk or executive director shall promptly provide written notice to the board of canvassers of each municipality, special purpose district, and county that is responsible for canvassing the election of the number of ballots cast under this section in each ward or election district. The municipal clerk or executive director then shall determine whether each individual voting under this section is qualified to vote in the ward or election district where the individual's ballot is cast. If the elector is required to provide a license or identification card or copy thereof under s. 6.79 (2) or 6.86 (1) (ar) and fails to do so, the elector bears the burden of correcting the omission by providing the license or identification card or copy thereof at the polling place before the closing hour or at the office of the municipal clerk or board of election commissioners no later than 4 p.m. on the day after the election. The municipal clerk or executive director shall make a record of the procedure used to determine the validity of each ballot cast under this section. If, prior to 4 p.m. on the day after the election, the municipal clerk or executive director determines that the individual is qualified to vote in the ward or election district where the individual's ballot is cast, the municipal clerk or executive director shall notify the board of canvassers for each municipality, special purpose district and county that is responsible for canvassing the election of that fact.

SECTION 35. 6.97 (3) (a) and (c) of the statutes are created to read:

6.97 (3) (a) Whenever an elector who votes by provisional ballot under sub. (2) because the elector does not provide a license or identification card or copy thereof under s. 6.79 (2) or 6.86 (1) (ar) later appears at the polling place where the ballot is cast before the closing hour and provides the license or identification card or copy thereof, the inspectors shall remove the elector's ballot from the separate carrier envelope, shall note on the poll list that the elector's provisional ballot is withdrawn, and shall deposit the elector's ballot in the ballot box. If the inspectors have notified the municipal clerk or executive director of the board of election commissioners that the elector's ballot was cast under this section, the inspectors shall notify the clerk or executive director that the elector's provisional ballot is withdrawn.

(c) A ballot cast under this section by an elector for whom a valid license or identification card or copy thereof is required under s. 6.79 (2) or 6.86 (1) (ar) shall not be counted unless the municipal clerk or executive director of the board of election commissioners provides timely notification that the elector has provided a valid license or identification card or copy thereof under this section.

SECTION 36. 7.08 (8) (title) of the statutes is amended to read:

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

SECTION 37. 10.02 (3) (a) of the statutes is amended to read:

10.02 (3) (a) Upon entering the polling place and before being permitted to vote, an elector shall state his or her name and address and shall provide identification if required by federal law, and shall present a valid Wisconsin operator's license, a valid, current identification card issued to the elector by a U.S. uniformed service, or a Wisconsin identification card unless the elector is exempted from this requirement. Where ballots are distributed to electors, the initials of 2 inspectors must appear on the ballot. Upon being permitted to vote, the elector shall retire alone to a voting booth or machine and cast his or her ballot, except that an elector who is a parent or guardian may be accompanied by the elector's minor child or minor ward. An election official may inform the elector of the proper manner for casting a vote, but the official may not in any manner advise or indicate a particular voting choice.

SECTION 37g. 12.13 (2) (b) 6m. of the statutes is amended to read:

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

SECTION 37m. 12.13 (3) (v) of the statutes is repealed.

SECTION 37r. 12.13 (4) of the statutes is amended to read:

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

SECTION 38. 343.50 (3) of the statutes is amended to read:

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

SECTION 39. 343.50 (4) of the statutes is amended to read:

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

SECTION 40. 343.50 (4g) of the statutes is created to read:

343.50 (4g) **PHOTOGRAPH REQUIREMENT; EXCEPTION.** An application may be processed and an original or renewal identification card issued under this section without a photograph being taken to comply with subs. (3) and (4) to an applicant who requests the identification card without charge under sub. (5) or (6) and who pro-

vides to the department an affidavit stating that the applicant has a sincerely held religious belief against being photographed; identifying the religion to which he or she belongs or the tenets of which he or she adheres to; and stating that the tenets of the religion prohibit him or her from being photographed.

SECTION 41. 343.50 (5) of the statutes is amended to read:

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

SECTION 42. 343.50 (6) of the statutes is amended to read:

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

SECTION 43. Initial applicability.

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

SECTION 44. Effective date.

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