

Testimony on Assembly Bill 244
W-2 Forms to Register to Vote
Assembly Committee on Campaigns & Elections
300 NE

Good morning, Chairman Tusler and members of the Committee. Thank you for holding a hearing today on Assembly Bill 244, a bill that adds W-2 forms from a private employer to the list of acceptable forms of proof of residence for Wisconsin citizens to use when registering to vote. This is something that is already allowed for public sector employees. We are, with this bill, simply allowing private sector employees use this option as well.

Under current Wisconsin law, there are several acceptable forms of proof of residence for a Wisconsin voter to use when registering to vote. Outside of a few specified items, such as a paystub or utility bill, the statutes only state that the document should be issued by a government unit and include an individual's current name and address.

Because W-2 forms from a private employer are not specifically listed in state statutes as an acceptable form of proof of residence and they are not government documents, W-2s from a private employer are not currently accepted. Yet, they have an individual's current name and address, are very similar to a paystub, and W-2s are acceptable forms of proof of residence for public employees, as they are a government issued document.

Under Assembly Bill 244, W-2 forms from a private employer would be added to the list of acceptable forms of proof of residence for Wisconsin citizens to use when registering to vote. Photo ID will still be required as well.

The rules for registering to vote should be consistent, regardless of whether you are a private or public employee. This bill will provide consistency in the statutes for voters.

This bill passed the Senate Elections committee unanimously this summer. Please join us in supporting this bill.

Thank you.

(4) When an individual's registration is changed from eligible to ineligible status, the municipal clerk or board of election commissioners shall enter the date and reason for change on the registration list.

(5)

(a)

1. Except as provided in par. (b) and this paragraph, whenever a municipal clerk receives a valid registration or valid change of a name or address under an existing registration or changes a registration from eligible to ineligible status the municipal clerk or the clerk's designee shall promptly enter electronically on the list maintained by the commission under s. 6.36 (1) the information required under that subsection.
2. Except as provided in par. (b) and this paragraph, whenever a municipal clerk mails an absentee ballot to an elector or receives an in-person absentee ballot application or an absentee ballot the municipal clerk shall, no later than 48 hours after mailing an absentee ballot or receiving an in-person absentee ballot application or an absentee ballot, enter electronically on the list maintained by the commission under s. 6.36 (1) the information required under that subsection or submit the information to the clerk's designee who shall, no later than 24 hours after receiving the information from the clerk, enter electronically on the list maintained by the commission under s. 6.36 (1) the information required under that subsection. If a deadline under this subdivision falls on a Saturday or Sunday, the deadline is extended to the next business day.
3. Except as provided in par. (b) and this paragraph, the municipal clerk or the clerk's designee shall update any entries that change on the date of an election other than a general election within 30 days after the date of that election, and shall update any entries that change on the date of a general election within 45 days after the date of that election. The commission administrator may, upon request of a municipal clerk permit the clerk to update entries that change on the date of a general election within 60 days after that election.
4. The municipal clerk shall provide to the commission information that is confidential under s. 6.47 (2) in such manner as the commission prescribes.

(b) The municipal clerk of any municipality may, by mutual consent, designate any other municipal clerk or any county clerk as the clerk's agent to carry out the functions of the municipal clerk under this section for that municipality. The municipal clerk shall notify the county clerk of each county in which the municipality is located and the commission of any such designation in writing. The municipal clerk may, by similar notice to the clerk's agent at least 14 days prior to the effective date of any change, discontinue the designation. If the municipal clerk designates another municipal clerk or a county clerk as his or her agent, the municipal clerk shall immediately forward all registration changes filed with the clerk and voting record information obtained by the clerk to the clerk's agent for electronic entry on the registration list.

History: 1971 c. 304 s. 29 (1), (2); 1971 c. 336 s. 37; 1975 c. 85 ss. 15, 16, 17, 66 (3); 1975 c. 94 s. 91; 1977 c. 378, 394, 447; 1979 c. 32; 1981 c. 44 s. 3; 1981 c. 202 s. 23; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1999 a. 49, 182; 2001 a. 51; 2003 a. 265; 2005 a. 451; 2007 a. 96; 2011 a. 23; 2013 a. 182; 2015 a. 118 ss. 72, 266 (10); 2015 a. 261.

Cross-reference: See also s. EL 3.02, Wis. adm. code.

6.34 Proof of residence required.

- (1) In this section, "military elector" means a member of a 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) Except as provided in sub. (2m), upon completion of a registration form prescribed under s. 6.33, each eligible elector who is required to register under s. 6.27, who is not a military elector or an overseas elector, shall provide an identifying document that establishes proof of residence under sub. (3). If the elector registered by mail or by electronic application, the identifying document may not be a residential lease.
- (2m) An elector who registers by electronic application under s. 6.30 (5) is not required to provide proof of residence under sub. (2) if, at the time of registration, the elector provides the number of a current and valid operator's license issued under ch. 343, or the number of a current and valid identification card issued under s. 343.50, together with the elector's name and date of birth and the commission is able to verify the information specified under sub. (3) (b) using the system maintained under sub. (4).

(3)

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

1. A current and valid operator's license issued under ch. 343.
2. A current and valid identification card issued under s. 343.50.
3. Subject to s. 66.0438, any other official identification card or license issued by a Wisconsin governmental body or unit.
4. An official identification card or license issued by an employer in the normal course of business that contains a photograph of the cardholder or license holder, but not including a business card.
5. A real property tax bill or receipt for the current year or the year preceding the date of the election.
6. Except as provided in sub. (2), a residential lease.
7. Any of the following documents without the address specified in par. (b):
 - a. A university, college, or technical college identification card that contains a photograph of the cardholder together with a fee payment receipt issued to the cardholder by the university, college, or technical college dated no earlier than 9 months before the date of the election at which the receipt is presented.
 - b. An identification card issued by a university, college, or technical college that contains a photograph of the cardholder if the university, college, or technical college that issued the card provides a certified and current list of students who reside in housing sponsored by the university, college, or technical college and who are U.S. citizens to the municipal clerk prior to the election showing the current address of the students and if the municipal clerk, election registration official, or inspector verifies that the student presenting the card is included on the list.

NOTE: In *One Wisconsin Institute, Inc. et al. v. Thomsen et al*, 15-cv-324, 198 F. Supp. 3d 896, the United States District Court, Western District of Wisconsin ordered that "the requirement that "dorm lists" to be used as proof of residence include citizenship information is unconstitutional."

8. A utility bill for the period commencing not earlier than 90 days before the day registration is made.
9. A bank statement.
10. A paycheck.
- ~~11. A check or other document issued by a unit of government.~~
12. For an occupant of a residential care facility, as defined in s. 6.875 (1) (bm), for the purpose of registering at the facility, a contract or intake document prepared by the residential care facility that specifies that the occupant currently resides in the facility. The contract or intake document may also identify the room or unit in which the occupant resides.

13. An identification card issued by a federally recognized Indian tribe in this state.

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

1. A current and complete name, including both the given and family name.
2. A current and complete residential address, including a numbered street address, if any, and the name of a municipality.

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

(4) The commission shall maintain a system that electronically verifies, on an instant basis, information specified under sub. (3) (b) from the information submitted in lieu of proof of residence under sub. (2m), using the information maintained by the department of transportation pursuant to the commission's agreement with the secretary of transportation under s. 85.61 (1). If a prospective elector enters information specified under sub. (3) (b) 2. into the system that does not match such information maintained by the department of transportation, the system shall redirect the elector to the department of transportation's Internet site so that the elector may update his or her information with the department of transportation.

History: 2005 a. 451 ss. 40, 43, 44; 2011 a. 23; 2013 a. 182; 2015 a. 261, 374; 2017 a. 226; 2017 a. 365 s. 111; 2017 a. 369.

6.35 Filing registration forms.

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Assembly Committee on Campaigns and Elections
Testimony on Assembly Bill 244
September 10, 2019

Members of the Committee,

Thank you for the opportunity to testify on Assembly Bill 244, which would add a current W-2 form to the list of identifying documents that someone can use to prove their residence when they are registering to vote. Adding this readily available document to the list of documents that a voter can use to prove their residence will make registering to vote even easier for citizens who are otherwise eligible to vote.

Currently, someone registering to vote can use any number of documents to prove where they live. The document must contain their name and address and is part of several documents they need to prove they are an eligible voter in the area where they are trying to register. Most W-2's meet this requirement and since they are a document required by the federal government, there is no reason that it should not be included if it meets the criteria. The bill specifically allows for W-2s for the current year or the year preceding the election to be used to avoid outdated information being used when registering to vote.

I hope you will support this common sense change to the laws governing our elections and help provide ballot access to as many eligible and legal voters as possible across Wisconsin. I would be happy to answer any questions that you may have about this bill.

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September 10, 2019

To: Assembly Committee on Campaigns and Elections

Re: Support for AB 244 - allowing an elector to use a W-2 form to establish residence

The League of Women Voters of Wisconsin believes that voting is a fundamental citizen right that must be guaranteed. To that end we believe that Wisconsin election laws should provide citizens with maximum opportunity for registration, including allowing a variety of forms to serve as Proof of Residence.

Currently the list of eligible forms includes a check or other document issued by a unit of government. The list also includes a paycheck or paycheck stub issued by an employer, regardless of whether the employer is a government unit or a private entity.

The W-2 form itself is not a government-issued form, but it is an official IRS form that is used by employers to report wages for tax filing purposes. If the employer is a government unit, then the W-2 is considered a government-issued document and is acceptable as Proof of Residence. However, a W-2 from a private employer currently is not acceptable.

A W-2 form from a private employer is every bit as "official" as a paycheck or paycheck stub issued by that same employer. By adding a W-2 from a private employer to the list of eligible Proof of Residence documents, you will make the requirements for voter registration more uniform.

AB 244 will help more citizens register to vote in Wisconsin, in particular those private-sector employees who have direct deposit of their wages and are not issued a paycheck. We urge you to support this sensible legislation.

Thank you.

Testimony of Meagan Wolfe
Administrator
Wisconsin Elections Commission

Assembly Committee on Campaigns and Elections
September 10, 2019

Room 300 Northeast, State Capitol
Public Hearing

Chairperson Tusler and Committee Members:

Thank you for the invitation to provide testimony on behalf of the Wisconsin Elections Commission (WEC) regarding the three bills up for a hearing today. I am providing written testimony for information only regarding Assembly Bills 89 and 244, and in will be testifying in support of Assembly Bill 342 which addresses items identified in the legislative agenda adopted by the Commission.

Assembly Bill 89

2019 Senate Bill 108 attempts to simplify and clarify statutory provisions related to filling vacancies in city and village offices. Local clerks and municipal attorneys often ask the Commission to help determine when a special election is to be held. The Substitute Amendment addresses some questions and issues we raised in testimony regarding the Senate version of the bill. We appreciate the author's efforts to consider the input of our office to clarify the current statutory language which can be a bit challenging to follow.

Current statutes list several default dates for a special election to be called by a city's common council depending upon when a vacancy occurs. Historically those dates have been interpreted as only suggested dates because Wis. Stat. § 17.23(1)(a) includes the phrase "Unless otherwise ordered by the common council..." The bill eliminates the suggested default dates to clarify the flexibility which already exists in the statutes to set special election dates in cities, and also clarifies that villages have the same flexibility.

As a result, the bill would permit cities and villages to schedule a special election for local office simply by complying with the notice provisions of Wis. Stat. § 8.50. For all cases, Wis. Stat. § 8.50 states that no special election may be held after February 1 until the date of Spring Election, nor after August 1 until the General Election. An order for a special election must be issued between 62 and 77 days of the special election date if it is not held on the same date as a regularly-scheduled election. If a special election is to

held on the same date as the Spring Election, it must be ordered between 49 and 92 days before the Spring Primary. And if the special election is to be held on the same date as the General Election, it must be ordered between 92 and 122 days prior to the Partisan Primary. Those schedules are designed to accommodate the timeline for preparing ballots and complying with federal law related to ballots for federal offices on the ballot.

The bill also clarifies that city councils and village boards have the option to appoint an individual to fill a vacancy for the remainder of the term or to leave the office vacant until an election is held. This has been our interpretation of the law because of the use of the term "may" in several sections of the statute, but it is helpful that the original bill and the Substitute Amendment specifically authorize each option.

While the Elections Commission has not reviewed or weighed in on AB 89, the consensus of Commission staff is that, while it will retain the substance of current law, the Substitute Amendment will reduce confusion for local clerks in scheduling special elections, and will therefore assist our efforts in training local election officials.

Assembly Bill 244

Wis. Stat. § 6.34 currently allows 13 documents or types of documents that an individual may use as proof of their residence when registering to vote, including a driver license or State ID, property tax bill, lease, bank statement, paycheck or official identification card issued by an employer which contains a photograph. The proof of residence document is required during the voter registration process, which is different from the photo ID requirement to obtain a ballot. The common element of proof of residence documents is that they must include the individual's current name and current address.

AB 244 would add a W-2 form for the current or preceding year as a document that could be used as a valid proof of residence document. Because W-2 forms are issued by the employers and are used as part of the income tax filing process, they would seem to provide comparable evidence of an individual's residence as other documents that are currently acceptable.

Assembly Bill 342

The Elections Commission adopted the proposed changes in Assembly Bill 342 as part of its legislative agenda earlier this year and so I am testifying in support of that bill.

Following the completion of the official canvass at the local, county, and state levels, the appropriate filing officer issues a certificate of election to the winning candidates. Whether at the municipal, county or state level, the filing officer currently may not issue the certificate of election until the expiration of the time for filing a recount, which is three days after the official canvass is completed. When a recount petition is filed, the

certificate of election is not issued until the completion of the recount or any court action resulting from the recount.

Legislation was enacted in 2017 to limit the right to request a recount to an “aggrieved party,” which is defined as a candidate who lost by no more than 40 votes when the total votes cast for the office was 4,000 or fewer, or a candidate who lost by no more than one percent of the total votes cast for the office when that total exceeds 4,000. That legislation did not amend the timeline for issuing a certificate of election when the initial canvass results indicate there is no aggrieved party that may request a recount.

AB 342 would allow the WEC and local election officials to expedite the certification of election results when no candidate is eligible to request a recount. This is especially useful after primary elections when there is a tight timeline to prepare ballots for the spring election or general election. It is also helpful after special elections to fill a vacancy in a state or local office where there is no legal reason to delay an individual from taking office. For example, occasionally the Assembly or Senate Chief Clerk has requested that we issue a certificate of election sooner than allowed under the current statutes to allow the winner of a special election to participate in a legislative session.

Thank you for the opportunity to testify before this committee on these bills. I will be happy to respond to your questions.

Respectfully submitted,

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