



## 2011 SENATE BILL 247

October 19, 2011 - Introduced by Senators CARPENTER, HANSEN, C. LARSON, HOLPERIN, T. CULLEN, TAYLOR, S. COGGS and RISSER, cosponsored by Representatives STASKUNAS, YOUNG, DOYLE, MILROY, SINICKI, GRIGSBY, HEBL, BERCEAU, FIELDS, TURNER, PASCH, POCAN and C. TAYLOR. Referred to Committee on Transportation and Elections.

1     **AN ACT to amend** 6.15 (2) (bm), 6.18, 6.36 (1) (a), 6.36 (2) (a), 6.79 (2) (a), 6.79  
2             (3) (b), 6.82 (1) (a), 6.86 (1) (ar), 6.87 (1), 6.87 (2) and 6.87 (4) (b) 1.; and **to create**  
3             6.79 (8) and 6.87 (4) (b) 6. of the statutes; **relating to:** exemption of individuals  
4             who are at least 65 years of age from the requirement to provide proof of  
5             identification for voting.

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### *Analysis by the Legislative Reference Bureau*

Currently, with certain exceptions, an individual who votes in an election must present proof of identification in order to vote. The proof may consist of one of a number of documents specified by law that contains the name of the individual to whom the document was issued, which name conforms to the individual's voter registration, if the individual is registered to vote, and, with limited exceptions, that contains a photograph of the individual. With certain exceptions, an individual who casts an absentee ballot by mail must enclose a copy of his or her proof of identification in the envelope containing his or her ballot.

This bill exempts any individual who registers before the close of registration and whose registration indicates that he or she is at at least 65 years of age from the requirement to present or enclose a copy of his or her proof of identification. Under the bill, information as to whether an elector is at least 65 years of age becomes a part

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of the statewide voter registration list and the poll list that is used to administer elections at each polling place on election day.

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

1           **SECTION 1.** 6.15 (2) (bm) of the statutes, as created by 2011 Wisconsin Act 23,  
2 is amended to read:

3           6.15 (2) (bm) Except as authorized in ~~s. ss.~~ 6.79 (7) and 6.86 (1) (ar), when  
4 making application in person at the office of the municipal clerk, each applicant shall  
5 present proof of identification. If any document presented by the applicant is not  
6 proof of residence under s. 6.34, the applicant shall also present proof of residence  
7 under s. 6.34. The clerk shall verify that the name on the proof of identification  
8 presented by the elector conforms to the name on the elector's application and shall  
9 verify that any photograph appearing on that document reasonably resembles the  
10 elector.

11           **SECTION 2.** 6.18 of the statutes, as affected by 2011 Wisconsin Act 23, is  
12 amended to read:

13           **6.18 Former residents.** If ineligible to qualify as an elector in the state to  
14 which the elector has moved, any former qualified Wisconsin elector may vote an  
15 absentee ballot in the ward of the elector's prior residence in any presidential election  
16 occurring within 24 months after leaving Wisconsin by requesting an application  
17 form and returning it, properly executed, to the municipal clerk of the elector's prior  
18 Wisconsin residence. When requesting an application form for an absentee ballot,  
19 the applicant shall specify the applicant's eligibility for only the presidential ballot.  
20 Unless application is made under s. 6.86 (1) (ac), or the applicant is exempted from  
21 providing proof of identification under s. 6.87 (4) (b) 2. ~~or 3.~~ or 6., or the applicant

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1 is a military or overseas elector, the elector shall enclose a copy of his or her proof of  
2 identification or any authorized substitute document with his or her application.  
3 The municipal clerk shall verify that the name on the proof of identification conforms  
4 to the name on the application. The clerk shall not issue a ballot to an elector who  
5 is required to enclose a copy of proof of identification or an authorized substitute  
6 document with his or her application unless the copy is enclosed and the proof is  
7 verified by the clerk. The application form shall require the following information  
8 and be in substantially the following form:

9 This form shall be returned to the municipal clerk's office. Application must be  
10 received in sufficient time for ballots to be mailed and returned prior to any  
11 presidential election at which applicant wishes to vote. Complete all statements in  
12 full.

## 13 APPLICATION FOR PRESIDENTIAL

## 14 ELECTOR'S ABSENTEE BALLOT

15 (To be voted at the Presidential Election

16 on November ....., .... (year)

17 I, .... hereby swear or affirm that I am a citizen of the United States, formerly  
18 residing at .... in the .... ward .... aldermanic district (city, town, village) of ....., County  
19 of .... for 28 consecutive days prior to leaving the State of Wisconsin. I, .... do solemnly  
20 swear or affirm that I do not qualify to register or vote under the laws of the State  
21 of ....(State you now reside in) where I am presently residing. A citizen must be a  
22 resident of: State ....(Insert time) County ....(Insert time) City, Town or Village  
23 ....(Insert time), in order to be eligible to register or vote therein. I further swear or  
24 affirm that my legal residence was established in the State of ....(the State where you  
25 now reside) on .... Month .... Day .... Year.

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1 Signed ....

2 Address ....(Present address)

3 ....(City) ....(State)

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

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

6 ....(County)

7 My Commission expires

8 MAIL BALLOT TO:

9 NAME ....

10 ADDRESS ....

11 CITY .... STATE .... ZIP CODE ....

12 *Penalties for Violations.* Whoever swears falsely to any absent elector affidavit  
13 under this section may be fined not more than \$1,000 or imprisoned for not more than  
14 6 months or both. Whoever intentionally votes more than once in an election may  
15 be fined not more than \$10,000 or imprisoned for not more than 3 years and 6 months  
16 or both.

17 ....(Municipal Clerk)

18 ....(Municipality)

19 **SECTION 3.** 6.36 (1) (a) of the statutes is amended to read:

20 6.36 (1) (a) The board shall compile and maintain electronically an official  
21 registration list. The list shall contain the name and address of each registered  
22 elector in the state, the date of birth of the elector, an indication as to whether the  
23 elector is at least 65 years of age, the ward and aldermanic district of the elector, if  
24 any, and, for each elector, a unique registration identification number assigned by  
25 the board, the number of a valid operator’s license issued to the elector under ch. 343,

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1 if any, or the last 4 digits of the elector's social security account number, if any, any  
2 identification serial number issued to the elector under s. 6.47 (3), the date of any  
3 election in which the elector votes, an indication of whether the elector is a military  
4 elector, as defined in sub. (2) (c), who has so certified under s. 6.865 (3m), an  
5 indication of whether the elector is an overseas elector, as defined in s. 6.24 (1), any  
6 information relating to the elector that appears on the current list transmitted to the  
7 board by the department of corrections under s. 301.03 (20m), an indication of any  
8 accommodation required under s. 5.25 (4) (a) to permit voting by the elector, an  
9 indication of the method by which the elector's registration form was received, and  
10 such other information as may be determined by the board to facilitate  
11 administration of elector registration requirements.

12 **SECTION 4.** 6.36 (2) (a) of the statutes, as affected by 2011 Wisconsin Act 23, is  
13 amended to read:

14 6.36 (2) (a) Except as provided in par. (b), each registration list prepared for use  
15 as a poll list at a polling place or for purposes of canvassing absentee ballots at an  
16 election shall contain the full name and address of each registered elector; a blank  
17 column for the entry of the serial number of the electors when they vote or the poll  
18 list number used by the municipal board of absentee ballot canvassers in canvassing  
19 absentee ballots; an indication next to the name of each elector as to whether the  
20 elector is at least 65 years of age; an indication next to the name of each elector for  
21 whom proof of residence under s. 6.34 is required; a space for entry of the elector's  
22 signature, or if another person signed the elector's registration form for the elector  
23 by reason of the elector's physical disability, the word "exempt"; and a form of  
24 certificate bearing the certification of the administrator of the elections division of  
25 the board stating that the list is a true and complete registration list of the

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1 municipality or the ward or wards for which the list is prepared. The board shall,  
2 by rule, prescribe the space and location for entry of each elector's signature on the  
3 poll list which shall provide for entry of the signature without changing the  
4 orientation of the poll list from the orientation used by the election officials.

5 **SECTION 5.** 6.79 (2) (a) of the statutes, as affected by 2011 Wisconsin Act 23, is  
6 amended to read:

7 6.79 (2) (a) Unless information on the poll list is entered electronically, the  
8 municipal clerk shall supply the inspectors with 2 copies of the most current official  
9 registration list or lists prepared under s. 6.36 (2) (a) for use as poll lists at the polling  
10 place. Except as provided in subs. (6) and ~~(7)~~ to (8), each eligible elector, before  
11 receiving a serial number, shall state his or her full name and address and present  
12 to the officials proof of identification. The officials shall verify that the name on the  
13 proof of identification presented by the elector conforms to the name on the poll list  
14 or separate list and shall verify that any photograph appearing on that document  
15 reasonably resembles the elector. The officials shall then require the elector to enter  
16 his or her signature on the poll list, supplemental list, or separate list maintained  
17 under par. (c) unless the elector is exempt from the signature requirement under s.  
18 6.36 (2) (a). The officials shall verify that the name and address stated by the elector  
19 conform to the elector's name and address on the poll list.

20 **SECTION 6.** 6.79 (3) (b) of the statutes, as created by 2011 Wisconsin Act 23, is  
21 amended to read:

22 6.79 (3) (b) If proof of identification under sub. (2) is not presented by the  
23 elector, if the name appearing on the document presented does not conform to the  
24 name on the poll list or separate list, or if any photograph appearing on the document  
25 does not reasonably resemble the elector, the elector shall not be permitted to vote,

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1       except as authorized under ~~sub. subs. (6) or (7) to (8)~~, but if the elector is entitled to  
2       cast a provisional ballot under s. 6.97, the officials shall offer the opportunity for the  
3       elector to vote under s. 6.97.

4               **SECTION 7.** 6.79 (8) of the statutes is created to read:

5               **6.79 (8) ELECTORS WHO ARE AT LEAST 65 YEARS OF AGE.** If the poll list indicates that  
6       an elector is at least 65 years of age, the elector is exempt from the requirement to  
7       present proof of identification.

8               **SECTION 8.** 6.82 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 23, is  
9       amended to read:

10              **6.82 (1) (a)** When any inspectors are informed that an eligible elector is at the  
11       entrance to the polling place who as a result of disability is unable to enter the polling  
12       place, they shall permit the elector to be assisted in marking a ballot by any  
13       individual selected by the elector, except the elector's employer or an agent of that  
14       employer or an officer or agent of a labor organization which represents the elector.  
15       Except as authorized in s. 6.79 (6) and ~~(7) to (8)~~, the individual selected by the elector  
16       shall present to the inspectors proof of identification and, if the proof of identification  
17       does not constitute proof of residence under s. 6.34, shall also provide proof of  
18       residence under s. 6.34 for the assisted elector, whenever required, and all other  
19       information necessary for the elector to obtain a ballot under s. 6.79 (2). The  
20       inspectors shall verify that the name on the proof of identification presented by the  
21       person assisting the elector conforms to the elector's name on the poll list or separate  
22       list and shall verify that any photograph appearing on that document reasonably  
23       resembles the elector. The inspectors shall then issue a ballot to the individual  
24       selected by the elector and shall accompany the individual to the polling place  
25       entrance where the assistance is to be given. If the ballot is a paper ballot, the

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1 assisting individual shall fold the ballot after the ballot is marked by the assisting  
2 individual. The assisting individual shall then immediately take the ballot into the  
3 polling place and give the ballot to an inspector. The inspector shall distinctly  
4 announce that he or she has “a ballot offered by ... (stating person’s name), an elector  
5 who, as a result of disability, is unable to enter the polling place without assistance”.  
6 The inspector shall then ask, “Does anyone object to the reception of this ballot?” If  
7 no objection is made, the inspectors shall record the elector’s name under s. 6.79 and  
8 deposit the ballot in the ballot box, and shall make a notation on the poll list: “Ballot  
9 received at poll entrance”.

10 **SECTION 9.** 6.86 (1) (ar) of the statutes, as affected by 2011 Wisconsin Act 23,  
11 is amended to read:

12 6.86 (1) (ar) Except as authorized in s. 6.875 (6), the municipal clerk shall not  
13 issue an absentee ballot unless the clerk receives a written application therefor from  
14 a qualified elector of the municipality. The clerk shall retain each absentee ballot  
15 application until destruction is authorized under s. 7.23 (1). Except as authorized  
16 in this paragraph and s. 6.79 (6) and (7), if a qualified elector applies for an absentee  
17 ballot in person at the clerk’s office, the clerk shall not issue the elector an absentee  
18 ballot unless the elector presents proof of identification. The clerk shall verify that  
19 the name on the proof of identification presented by the elector conforms to the name  
20 on the elector’s application and shall verify that any photograph appearing on that  
21 document reasonably resembles the elector. The clerk shall then enter his or her  
22 initials on the certificate envelope indicating that the absentee elector presented  
23 proof of identification to the clerk. If the registration poll list indicates that an elector  
24 is at least 65 years of age, the elector is exempt from the requirement to present proof  
25 of identification.



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1           **SECTION 10.** 6.87 (1) of the statutes, as affected by 2011 Wisconsin Act 23, is  
2 amended to read:

3           6.87 (1) Upon proper request made within the period prescribed in s. 6.86, the  
4 municipal clerk or a deputy clerk authorized by the municipal clerk shall write on  
5 the official ballot, in the space for official endorsement, the clerk's initials and official  
6 title. Unless application is made under s. 6.86 (1) (ac) or in person under s. 6.86 (1)  
7 (ar), the absent elector is exempted from providing proof of identification under sub.  
8 (4) (b) ~~2. or 3. or 6.~~, or the applicant is a military or overseas elector, the absent elector  
9 shall enclose a copy of his or her proof of identification or any authorized substitute  
10 document with his or her application. The municipal clerk shall verify that the name  
11 on the proof of identification conforms to the name on the application. The clerk shall  
12 not issue an absentee ballot to an elector who is required to enclose a copy of proof  
13 of identification or an authorized substitute document with his or her application  
14 unless the copy is enclosed and the proof is verified by the clerk.

15           **SECTION 11.** 6.87 (2) of the statutes, as affected by 2011 Wisconsin Act 23, is  
16 amended to read:

17           6.87 (2) Except as authorized under sub. (3) (d), the municipal clerk shall place  
18 the ballot in an unsealed envelope furnished by the clerk. The envelope shall have  
19 the name, official title and post-office address of the clerk upon its face. The other  
20 side of the envelope shall have a printed certificate which shall include a space for  
21 the municipal clerk or deputy clerk to enter his or her initials indicating that if the  
22 absentee elector voted in person under s. 6.86 (1) (ar), the elector presented proof of  
23 identification to the clerk and the clerk verified the proof presented. The certificate  
24 shall also include a space for the municipal clerk or deputy clerk to enter his or her  
25 initials indicating that the elector is exempt from providing proof of identification

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1 because the individual is a military or overseas elector or is exempted from providing  
2 proof of identification under sub. (4) (b) 2. ~~or~~ 3, or 6. or s. 6.86 (1) (ar). The certificate  
3 shall be in substantially the following form:

4 [STATE OF ....

5 County of ....]

6 or

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

8 I, ..., certify subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false  
9 statements, that I am a resident of the [... ward of the] (town) (village) of ..., or of  
10 the ... aldermanic district in the city of ..., residing at ...\* in said city, the county  
11 of ..., state of Wisconsin, and am entitled to vote in the (ward) (election district) at  
12 the election to be held on ...; that I am not voting at any other location in this election;  
13 that I am unable or unwilling to appear at the polling place in the (ward) (election  
14 district) on election day or have changed my residence within the state from one ward  
15 or election district to another later than 28 days before the election. I certify that I  
16 exhibited the enclosed ballot unmarked to the witness, that I then in (his) (her)  
17 presence and in the presence of no other person marked the ballot and enclosed and  
18 sealed the same in this envelope in such a manner that no one but myself and any  
19 person rendering assistance under s. 6.87 (5), Wis. Stats., if I requested assistance,  
20 could know how I voted.

21 Signed ....

22 Identification serial number, if any: ....

23 The witness shall execute the following:

24 I, the undersigned witness, subject to the penalties of s. 12.60 (1) (b), Wis.  
25 Stats., for false statements, certify that I am an adult U.S. citizen and that the above

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1 statements are true and the voting procedure was executed as there stated. I am not  
2 a candidate for any office on the enclosed ballot (except in the case of an incumbent  
3 municipal clerk). I did not solicit or advise the elector to vote for or against any  
4 candidate or measure.

5 ....(Name)

6 ....(Address)\*\*

7 \* — An elector who provides an identification serial number issued under s.  
8 6.47 (3), Wis. Stats., need not provide a street address.

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

11 **SECTION 12.** 6.87 (4) (b) 1. of the statutes, as affected by 2011 Wisconsin Act 23,  
12 is amended to read:

13 6.87 (4) (b) 1. Except as otherwise provided in s. 6.875, the elector voting  
14 absentee shall make and subscribe to the certification before one witness who is an  
15 adult U.S. citizen. The absent elector, in the presence of the witness, shall mark the  
16 ballot in a manner that will not disclose how the elector's vote is cast. The elector  
17 shall then, still in the presence of the witness, fold the ballots so each is separate and  
18 so that the elector conceals the markings thereon and deposit them in the proper  
19 envelope. If a consolidated ballot under s. 5.655 is used, the elector shall fold the  
20 ballot so that the elector conceals the markings thereon and deposit the ballot in the  
21 proper envelope. Except as authorized in subds. 2. to ~~5.~~ 6. and s. 6.875 (6) and  
22 notwithstanding s. 343.43 (1) (f), if the elector has not enclosed a copy of his or her  
23 proof of identification with his or her application, the elector shall enclose a copy of  
24 the proof of identification in the manner provided in sub. (1) in the envelope, unless  
25 the elector is a military elector or an overseas elector or the elector has a confidential

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1 listing under s. 6.47 (2). If proof of residence under s. 6.34 is required and the  
2 document enclosed by the elector under this subdivision does not constitute proof of  
3 residence under s. 6.34, the elector shall also enclose proof of residence under s. 6.34  
4 in the envelope. Proof of residence is required if the elector is not a military elector  
5 or an overseas elector and the elector registered by mail and has not voted in an  
6 election in this state. If the elector requested a ballot by means of facsimile  
7 transmission or electronic mail under s. 6.86 (1) (ac), the elector shall enclose in the  
8 envelope a copy of the request which bears an original signature of the elector. The  
9 elector may receive assistance under sub. (5). The return envelope shall then be  
10 sealed. The witness may not be a candidate. The envelope shall be mailed by the  
11 elector, or delivered in person, to the municipal clerk issuing the ballot or ballots.  
12 If the envelope is mailed from a location outside the United States, the elector shall  
13 affix sufficient postage unless the ballot qualifies for delivery free of postage under  
14 federal law. Failure to return an unused ballot in a primary does not invalidate the  
15 ballot on which the elector's votes are cast. Return of more than one marked ballot  
16 in a primary or return of a ballot prepared under s. 5.655 or a ballot used with an  
17 electronic voting system in a primary which is marked for candidates of more than  
18 one party invalidates all votes cast by the elector for candidates in the primary.

19 **SECTION 13.** 6.87 (4) (b) 6. of the statutes is created to read:

20 6.87 (4) (b) 6. If the registration list indicates that an absentee elector is at least  
21 65 years of age, the elector is exempt from the requirement to present proof of  
22 identification.

23 **SECTION 14. Initial applicability.**

24 (1) This act first applies with respect to voting at the 2012 spring primary or  
25 if this act takes effect after January 10, 2012, at the first election thereafter for which

