



## 2009 ASSEMBLY BILL 892

March 24, 2010 – Introduced by Representatives BERCEAU, PARISI, BLACK, SMITH, TURNER, POPE-ROBERTS, ZEPNICK, ROYS and HEBL, cosponsored by Senators RISSER, TAYLOR and MILLER. Referred to Committee on Elections and Campaign Reform.

1     **AN ACT** *to amend* 5.056, 6.275 (1) (b), 6.28 (1), 6.32 (1), 6.33 (1), 6.33 (2) (a), 6.34  
2           (2), 6.35 (1) (intro.), 6.36 (2) (c), 6.40 (1) (a) 1., 6.40 (1) (c), 6.50 (10), 6.86 (3) (c),  
3           6.87 (4) and 85.61 (1); and *to create* 6.30 (5), 6.34 (2m), 6.34 (4), 6.35 (2) and  
4           7.08 (1) (cm) of the statutes; **relating to:** electronic voter registration and proof  
5           of residence for voting in an election and granting rule-making authority.

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### ***Analysis by the Legislative Reference Bureau***

Currently, a qualified elector may register to vote at any election by mail or by completing a registration form with a special registration deputy no later than the 20th day before the election. A qualified elector may also register to vote at an election in person at the office of the municipal clerk or board of election commissioners for the municipality where the elector resides no later than 5 p.m. on the day before the election. In order to register, an elector must provide his or her name and address and certain other information required to ascertain his or her eligibility and must sign the form. With certain exceptions, an elector who registers after the 20th day before an election or an elector who registers by mail and who has not voted before in an election in this state must provide proof of residence prior to voting.

This bill permits a qualified elector who has a current and valid driver's license or identification card issued by the Department of Transportation (DOT) to register to vote at an election electronically on a secure Internet site maintained by the Government Accountability Board (GAB). The bill requires an electronic

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registration to be completed no later than the 20th day before an election in order to be valid for that election. Under the bill, GAB prescribes, by rule, the manner and method of electronic application, together with requirements for affirmation and verification of elector information and the method for receipt of electronic application forms. There is no requirement for a signature. The bill also permits an elector who is currently registered to vote and who has a current and valid driver's license or identification card to electronically enter a change of name or address using a similar procedure. Under the bill, an electronic registration is treated the same as a mail registration. The clerk or board of election commissioners of the elector's municipality of residence must verify the registration by sending a first-class letter or postcard to the registrant at the registrant's address and, if the registrant is voting for the first time in an election in this state, the registrant must provide proof of residence before voting in the election. However, the bill also provides that if an elector who registers electronically provides his or her Wisconsin driver's license number, together with his or her name and date of birth, and GAB is able to instantly verify the information electronically by electronically accessing records of DOT, the elector need not provide proof of residence prior to voting. The bill directs GAB and DOT to enter into an agreement that permits GAB to verify the necessary information instantly by accessing DOT's electronic files.

Currently, each municipal clerk and board of election commissioners must maintain a file of voter registration forms for the electors of the municipality. This bill provides that the clerk or board must maintain registrations that are entered electronically in the manner prescribed by GAB, by rule.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 5.056 of the statutes is amended to read:

2           **5.056 Matching program with secretary of transportation.** The  
3 administrator of the elections division of the board shall enter into the agreement  
4 with the secretary of transportation specified under s. 85.61 (1) to match personally  
5 identifiable information on the official registration list maintained by the board  
6 under s. 6.36 (1) and the information specified in s. 6.34 (2m) with personally  
7 identifiable information maintained by the department of transportation.

8           **SECTION 2.** 6.275 (1) (b) of the statutes is amended to read:

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1           6.275 (1) (b) The total number of electors of the municipality residing in that  
2 county who were preregistered on the deadline specified in s. 6.28 (1), including valid  
3 mail registrations which are postmarked by that day and valid electronic  
4 registrations entered under s. 6.30 (5).

5           **SECTION 3.** 6.28 (1) of the statutes is amended to read:

6           6.28 (1) REGISTRATION LOCATIONS; DEADLINE. Except as authorized in ss. 6.29,  
7 6.55 (2), and 6.86 (3) (a) 2., registration in person for any election shall close at 5 p.m.  
8 on the 3rd Wednesday preceding the election. Registrations made by mail under s.  
9 6.30 (4) must be delivered to the office of the municipal clerk or postmarked no later  
10 than the 3rd Wednesday preceding the election. Electronic registrations for an  
11 election under s. 6.30 (5) shall close at midnight on the 3rd Wednesday preceding the  
12 election. All applications for registration corrections and additions may be made  
13 throughout the year at the office of the city board of election commissioners, at the  
14 office of the municipal clerk, at the office of the county clerk, or at other locations  
15 provided by the board of election commissioners or the common council in cities over  
16 500,000 population or by either or both the municipal clerk, or the common council,  
17 village or town board in all other municipalities and may also be made during the  
18 school year at any high school by qualified persons under sub. (2) (a). Other  
19 registration locations may include but are not limited to fire houses, police stations,  
20 public libraries, institutions of higher education, supermarkets, community centers,  
21 plants and factories, banks, savings and loan associations and savings banks.  
22 Special registration deputies shall be appointed for each location unless the location  
23 can be sufficiently staffed by the board of election commissioners or the municipal  
24 clerk or his or her deputies. An elector who wishes to obtain a confidential listing

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1 under s. 6.47 (2) shall register at the office of the municipal clerk of the municipality  
2 where the elector resides.

3 **SECTION 4.** 6.30 (5) of the statutes is created to read:

4 **6.30 (5)** BY ELECTRONIC APPLICATION. Any eligible elector who holds a current  
5 and valid operator's license issued under ch. 343 or a current and valid identification  
6 card issued under s. 343.50 may register electronically in the manner prescribed by  
7 the board. The board shall maintain on the Internet a secure registration form that  
8 enables the elector to enter all required information electronically. The board shall  
9 prescribe, by rule, the manner and method of electronic application under this  
10 subsection, together with requirements for affirmation and verification of elector  
11 information and the method for receipt of electronic registration forms. The elector  
12 information shall include all information specified for the electronic registration  
13 form under s. 6.33 (1). The board shall also permit an elector who has a current and  
14 valid operator's license issued to the elector under ch. 343 or a current and valid  
15 identification card issued under s. 343.50 to make changes in his or her registration  
16 authorized under s. 6.40 (1) at the same Internet site that is used for original  
17 registration.

18 **SECTION 5.** 6.32 (1) of the statutes is amended to read:

19 **6.32 (1)** Upon receipt of a registration form that is submitted by mail under s.  
20 6.30 (4) or by electronic application under s. 6.30 (5) or that is submitted by a special  
21 registration deputy appointed under s. 6.26, the board or municipal clerk shall  
22 examine the form for sufficiency.

23 **SECTION 6.** 6.33 (1) of the statutes is amended to read:

24 **6.33 (1)** The board shall prescribe the format, size, and shape of nonelectronic  
25 registration forms. All nonelectronic forms shall be printed on cards and each item

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1 of information shall be of uniform font size, as prescribed by the board. Except as  
2 provided in this subsection, electronic registration forms shall contain the same  
3 information as the nonelectronic forms, together with any additional information  
4 specified by the board under s. 6.30 (5). The municipal clerk shall supply sufficient  
5 nonelectronic forms to meet voter registration needs. The All registration forms  
6 shall be designed to obtain from each applicant information as to name; date;  
7 residence location; citizenship; date of birth; age; the number of a valid operator's  
8 license issued to the elector under ch. 343 or the last 4 digits of the elector's social  
9 security account number; whether the applicant has resided within the ward or  
10 election district for at least 10 days; whether the applicant has been convicted of a  
11 felony for which he or she has not been pardoned, and if so, whether the applicant  
12 is incarcerated, or on parole, probation, or extended supervision; whether the  
13 applicant is disqualified on any other ground from voting; and whether the applicant  
14 is currently registered to vote at any other location. The Except as authorized by rule  
15 under s. 6.30 (5), the form shall include a space for the applicant's signature and the  
16 signature of any corroborating elector. The nonelectronic form shall include a space  
17 to enter the name of any special registration deputy under s. 6.26 or 6.55 (6) or  
18 inspector, municipal clerk, or deputy clerk under s. 6.55 (2) who obtains the form and  
19 a space for the deputy, inspector, clerk, or deputy clerk to sign his or her name,  
20 affirming that the deputy, inspector, clerk, or deputy clerk has accepted the form.  
21 The form shall include a space for entry of the ward and aldermanic district, if any,  
22 where the elector resides and any other information required to determine the offices  
23 and referenda for which the elector is certified to vote. The form shall also include  
24 a space where the clerk may record an indication of whether the form is received by  
25 mail or by electronic application, a space where the clerk may record an indication

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1 of the type of identifying document submitted by the elector as proof of residence  
2 under s. 6.34 or an indication that the elector's information in lieu of proof of  
3 residence was verified under s. 6.34 (2m), whenever required, and a space where the  
4 clerk, for any applicant who possesses a valid voting identification card issued to the  
5 person under s. 6.47 (3), may record the identification serial number appearing on  
6 the voting identification card. Each county clerk shall obtain sufficient registration  
7 forms for completion by an elector who desires to register to vote at the office of the  
8 county clerk under s. 6.28 (4).

9 **SECTION 7.** 6.33 (2) (a) of the statutes is amended to read:

10 6.33 (2) (a) All information may be recorded by any person, except that the ward  
11 and aldermanic district, if any, other geographic information under sub. (1), the  
12 indication of whether the registration is received by mail or by electronic application,  
13 the type of identifying document submitted by the elector as proof of residence under  
14 s. 6.34 or the indication of verification of information in lieu of proof of residence  
15 under s. 6.34 (2m), whenever required, and any information relating to an applicant's  
16 voting identification card shall be recorded by the clerk. ~~Each~~ Except as authorized  
17 under s. 6.30 (5), each applicant shall sign his or her own name unless the applicant  
18 is unable to sign his or her name due to physical disability. In such case, the applicant  
19 may authorize another elector to sign the form on his or her behalf. If the applicant  
20 so authorizes, the elector signing the form shall attest to a statement that the  
21 application is made upon request and by authorization of a named elector who is  
22 unable to sign the form due to physical disability.

23 **SECTION 8.** 6.34 (2) of the statutes is amended to read:

24 6.34 (2) Except as authorized in ss. 6.29 (2) (a) and 6.86 (3) (a) 2., upon  
25 completion of a registration form prescribed under s. 6.33, each elector who is

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1 required to register under s. 6.27, who is not a military elector or an overseas elector  
2 and who registers after the close of registration under s. 6.29 or 6.86 (3) (a) 2., shall  
3 provide an identifying document that establishes proof of residence under sub. (3).  
4 ~~Each~~ Except as authorized in sub. (2m), each elector who is required to register under  
5 s. 6.27 who is not a military elector or an overseas elector who registers by mail or  
6 by electronic application, and who has not voted in an election in this state shall, if  
7 voting in person, provide an identifying document that establishes proof of residence  
8 under sub. (3) or, if voting by absentee ballot, provide a copy of an identifying  
9 document that establishes proof of residence under sub. (3). If the elector registered  
10 by mail or by electronic application, the identifying document may not be a  
11 residential lease.

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

13 **6.34 (2m)** If an elector who registers by electronic application under s. 6.30 (5)  
14 would otherwise be required to provide proof of residence under sub. (2) but provides,  
15 in lieu of proof of residence, the number of a current and valid operator's license  
16 issued under ch. 343 together with the elector's name and date of birth, and if the  
17 board is able to verify the information provided by the elector electronically at the  
18 time of registration, the elector is not required to provide proof of residence.

19 **SECTION 10.** 6.34 (4) of the statutes is created to read:

20 **6.34 (4)** The board shall maintain a system that electronically verifies, on an  
21 instant basis, the validity of the information specified in sub. (2m) submitted by an  
22 elector who registers electronically with the information maintained by the  
23 department of transportation pursuant to the board's agreement with the secretary  
24 of transportation under s. 5.056.

25 **SECTION 11.** 6.35 (1) (intro.) of the statutes is amended to read:



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1           6.35 (1) (intro.) Under the direction of the municipal clerk or board of election  
2 commissioners, the original registration forms shall be filed in one of the following  
3 ways, except as provided in ~~sub.~~ subs. (1m) and (2):

4           **SECTION 12.** 6.35 (2) of the statutes is created to read:

5           6.35 (2) The board shall prescribe, by rule, the procedure and methods by which  
6 municipal clerks and boards of election commissioners shall maintain records of  
7 registrations that are entered electronically under s. 6.30 (5).

8           **SECTION 13.** 6.36 (2) (c) of the statutes is amended to read:

9           6.36 (2) (c) The list shall contain, next to the name of each elector, an indication  
10 of whether proof of residence under s. 6.34 is required for the elector to be permitted  
11 to vote. ~~Proof~~ Except as authorized in s. 6.34 (2m), proof of residence is required if  
12 the elector is not a military elector or an overseas elector and the elector registers by  
13 mail or by electronic application and has not previously voted in an election in this  
14 state.

15           **SECTION 14.** 6.40 (1) (a) 1. of the statutes is amended to read:

16           6.40 (1) (a) 1. Any registered elector shall transfer registration after a change  
17 of residence within the state by filing in person with the municipal clerk or by mailing  
18 to the municipal clerk a signed request stating his or her present address, affirming  
19 that this will be his or her residence for 10 days prior to the election and providing  
20 the address where he or she was last registered. Alternatively, the elector may  
21 transfer his or her registration at the proper polling place or other registration  
22 location under s. 6.02 (2) in accordance with s. 6.55 (2) (a), or, if the elector has a  
23 current and valid operator's license issued to the elector under ch. 343 or a current  
24 and valid identification card issued under s. 343.50, the elector may transfer his or  
25 her registration electronically under s. 6.30 (5). If an elector is voting in the ward



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1 or election district where the elector formerly resided, the change shall be effective  
2 for the next election.

3 **SECTION 15.** 6.40 (1) (c) of the statutes is amended to read:

4 6.40 (1) (c) *Name change.* Whenever an elector's name is legally changed,  
5 including a change by marriage or divorce, the elector shall transfer his or her  
6 registration to his or her legal name by appearing in person or mailing to the  
7 municipal clerk a signed request for a transfer of registration to such name.  
8 Alternatively, a registered elector may make notification of a name change at his or  
9 her polling place under s. 6.55 (2) (d), or, if the elector has a current and valid  
10 operator's license issued to the elector under ch. 343 or a current and valid  
11 identification card issued under s. 343.50, the elector may make notification of a  
12 name change electronically under s. 6.30 (5).

13 **SECTION 16.** 6.50 (10) of the statutes is amended to read:

14 6.50 (10) Any qualified elector whose registration is changed from eligible to  
15 ineligible status under this section may reregister as provided under s. 6.28 (1), 6.29  
16 (2), or 6.55 (2), or, if the elector has a current and valid operator's license issued to  
17 the elector under ch. 343 or a current and valid identification card issued under s.  
18 343.50, may reregister under s. 6.30 (5).

19 **SECTION 17.** 6.86 (3) (c) of the statutes is amended to read:

20 6.86 (3) (c) An application under par. (a) 1. may be made and a registration form  
21 under par. (a) 2. may be filed in person at the office of the municipal clerk not earlier  
22 than 7 days before an election and not later than 5 p.m. on the day of the election.  
23 A list of hospitalized electors applying for ballots under par. (a) 1. shall be made by  
24 the municipal clerk and used to check that the electors vote only once, and by  
25 absentee ballot. If Except as provided in s. 6.34 (2m), if the elector is registering for

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1 the election after the close of registration or if the elector registered by mail or by  
2 electronic application and has not voted in an election in this state, the municipal  
3 clerk shall inform the agent that proof of residence under s. 6.34 is required and the  
4 elector shall enclose proof of residence under s. 6.34 in the envelope with the ballot.  
5 The ballot shall be sealed by the elector and returned to the municipal clerk either  
6 by mail or by personal delivery of the agent; but if the ballot is returned on the day  
7 of the election, the agent shall make personal delivery to the polling place serving the  
8 hospitalized elector's residence before the closing hour or, in municipalities where  
9 absentee ballots are canvassed under s. 7.52, to the municipal clerk no later than 8  
10 p.m. on election day.

11 **SECTION 18.** 6.87 (4) of the statutes is amended to read:

12 6.87 (4) Except as otherwise provided in s. 6.875, the elector voting absentee  
13 shall make and subscribe to the certification before one witness who is an adult U.S.  
14 citizen. The absent elector, in the presence of the witness, shall mark the ballot in  
15 a manner that will not disclose how the elector's vote is cast. The elector shall then,  
16 still in the presence of the witness, fold the ballots so each is separate and so that the  
17 elector conceals the markings thereon and deposit them in the proper envelope. If  
18 a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot so that  
19 the elector conceals the markings thereon and deposit the ballot in the proper  
20 envelope. If proof of residence is required, the elector shall enclose proof of residence  
21 under s. 6.34 in the envelope. ~~Proof~~ Except as authorized in s. 6.34 (2m), proof of  
22 residence is required if the elector is not a military elector or an overseas elector, as  
23 defined in s. 6.34 (1), and the elector registered by mail or by electronic application  
24 and has not voted in an election in this state. If the elector requested a ballot by  
25 means of facsimile transmission or electronic mail under s. 6.86 (1) (ac), the elector

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1 shall enclose in the envelope a copy of the request which bears an original signature  
2 of the elector. The elector may receive assistance under sub. (5). The return envelope  
3 shall then be sealed. The witness may not be a candidate. The envelope shall be  
4 mailed by the elector, or delivered in person, to the municipal clerk issuing the ballot  
5 or ballots. If the envelope is mailed from a location outside the United States, the  
6 elector shall affix sufficient postage unless the ballot qualifies for delivery free of  
7 postage under federal law. Failure to return an unused ballot in a primary does not  
8 invalidate the ballot on which the elector's votes are cast. Return of more than one  
9 marked ballot in a primary or return of a ballot prepared under s. 5.655 or a ballot  
10 used with an electronic voting system in a primary which is marked for candidates  
11 of more than one party invalidates all votes cast by the elector for candidates in the  
12 primary.

13 **SECTION 19.** 7.08 (1) (cm) of the statutes is created to read:

14 7.08 (1) (cm) Prescribe the form required by s. 6.30 (5). The form shall contain  
15 a statement of the penalty applicable to false or fraudulent registration or voting  
16 through use of the form.

17 **SECTION 20.** 85.61 (1) of the statutes is amended to read:

18 85.61 (1) The secretary of transportation and the administrator of the elections  
19 division of the government accountability board shall enter into an agreement to  
20 match personally identifiable information on the official registration list maintained  
21 by the government accountability board under s. 6.36 (1) and the information  
22 specified in s. 6.34 (2m) with personally identifiable information in the operating  
23 record file database under ch. 343 and vehicle registration records under ch. 341 to  
24 the extent required to enable the secretary of transportation and the administrator

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1 of the elections division of the government accountability board to verify the accuracy  
2 of the information provided for the purpose of voter registration.

**SECTION 21. Nonstatutory provisions.**

3  
4 (1) No later than the 20th day following the end of each calendar quarter, the  
5 government accountability board and the department of transportation shall each  
6 report to the appropriate standing committees of the legislature in the manner  
7 provided in section 13.172 (3) of the statutes concerning its progress in implementing  
8 an electronic voter registration system. The board and department shall continue  
9 to file reports under this subsection until the board determines that implementation  
10 is complete and the performance of the system is satisfactory.

**SECTION 22. Fiscal changes.**

11  
12 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation  
13 to the government accountability board under section 20.511 (1) (a) of the statutes,  
14 as affected by the acts of 2009, the dollar amount is increased by \$-0- for the first  
15 fiscal year of the fiscal biennium in which this subsection takes effect to implement  
16 the provisions of this act. In the schedule under section 20.005 (3) of the statutes for  
17 the appropriation to the government accountability board under section 20.511 (1)  
18 (a) of the statutes, as affected by the acts of 2009, the dollar amount is increased by  
19 \$-0- for the second fiscal year of the fiscal biennium in which this subsection takes  
20 effect to implement the provisions of this act.

21 (2) In the schedule under section 20.005 (3) of the statutes for the appropriation  
22 to the department of transportation under section 20.395 (4) (aq) of the statutes, as  
23 affected by the acts of 2009, the dollar amount is increased by \$-0- for the first fiscal  
24 year of the fiscal biennium in which this subsection takes effect to implement the  
25 provisions of this act. In the schedule under section 20.005 (3) of the statutes for the

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1 appropriation to the department of transportation under section 20.395 (4) (aq) of the  
2 statutes, as affected by the acts of 2009, the dollar amount is increased by \$-0- for  
3 the second fiscal year of the fiscal biennium in which this subsection takes effect to  
4 implement the provisions of this act.

5 **SECTION 23. Initial applicability.**

6 (1) This act first applies with respect to registration for voting at the 2012  
7 spring primary election.

8 (END)