



City of Milwaukee

City Hall
200 East Wells Street
Milwaukee, WI 53202

Meeting Agenda JUDICIARY & LEGISLATION COMMITTEE

ALD. ASHANTI HAMILTON, CHAIR
Ald. Terry Witkowski, Vice-Chair
*Ald. James Bohl, Jr., Ald. Joe Davis, Sr., and Ald. Robert
Donovan*
Staff Assistant, Linda Elmer, 286-2232
Fax: 286-3456, lelmer@milwaukee.gov
Legislative Liaison, Richard Withers, 286-8532,
rwithe@milwaukee.gov

Monday, January 31, 2011

1:30 PM

Room 301-B, City Hall

1. [101164](#) Substitute resolution authorizing the return of real estate located at 9285 W. Greenview Court, in the 9th Aldermanic District to its former owner. (Noah Fielder, Agent for CoreLogicTax Services)
Sponsors: THE CHAIR

2. [101189](#) Resolution authorizing an appropriation of \$637,425.53 from the Common Council Contingent Fund to the Remission of Taxes Special Purpose Account and directing payment of a judgment in favor of U.S. Oil against the City in the amount of \$540,191.13 plus simple interest at 1% per month from the date of the judgment until date of payment.
Sponsors: THE CHAIR
---May be referred to Finance and Personnel Committee.

3. [101187](#) Resolution to cancel real estate taxes levied against a certain parcel identified by Tax Key No. 361-0649-100-8, 174-184 W. Wisconsin Avenue, on the 2009 tax roll, plus interest applicable to date of repayment, if appropriate.
Sponsors: THE CHAIR

4. [101191](#) An ordinance relating to approval of the division or combination of land parcels when property taxes owed to the city are unpaid.
Sponsors: THE CHAIR

5. [101174](#) Resolution relative to the cancellation of a special improvement bill placed on the 2009-2010 Tax Rolls.
Sponsors: THE CHAIR

6. [101018](#) Resolution relating to the claim of Diane Williams for property damage. (6th Aldermanic District)
Sponsors: THE CHAIR
---\$5,537.81

7. [101196](#) Resolution relating to the claim of Joyce Robinson for property damage.
Sponsors: THE CHAIR
---\$5,445.10
8. [101163](#) Resolution relating to an appeal from Ryan Hayes for property damage. (11th Aldermanic District)
Sponsors: THE CHAIR
---\$1,179.00
9. [101056](#) Resolution relating to an appeal from Jerome Huiras for property damage. (12th Aldermanic District)
Sponsors: THE CHAIR
---\$1,391.59

2:15 P.M.

10. [100915](#) A substitute ordinance relating to the conveyance of in rem properties.
Sponsors: Ald. Bauman
11. [101117](#) Resolution relative to legislative bills.
Sponsors: THE CHAIR
---SB-6 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, identification cards issued by the Department of Transportation, creating an identification certificate issued by the Department of Transportation, requiring the exercise of rule-making authority, and providing a penalty.
---SB-8 Conforming the state family and medical leave law to the federal family and medical leave law and granting rule-making authority.

This meeting will be webcast live at www.milwaukee.gov/channel25.

Members of the Common Council and its standing committees who are not members of this committee may attend this meeting to participate or to gather information. Notice is given that this meeting may constitute a meeting of the Common Council or any of its standing committees, although they will not take any formal action at this meeting.

Upon reasonable notice, efforts will be made to accommodate the needs of persons with disabilities through sign language interpreters or auxiliary aids. For additional information or to request this service, contact the Council Services Division ADA Coordinator at 286-2998, (FAX)286-3456, (TDD)286-2025 or by writing to the Coordinator at Room 205, City Hall, 200 E. Wells Street, Milwaukee, WI 53202.

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Legislation Details (With Text)

File #: 101164 **Version:** 1

Type: Resolution **Status:** In Committee

File created: 1/19/2011 **In control:** JUDICIARY & LEGISLATION COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Substitute resolution authorizing the return of real estate located at 9285 W. Greenview Court, in the 9th Aldermanic District to its former owner. (Noah Fielder, Agent for CoreLogicTax Services)

Sponsors: THE CHAIR

Indexes: IN REM JUDGMENTS

Attachments: Application, Treasurer's Office, Dept of City Development, Dept of Neighborhood Services, Health Dept, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
1/19/2011	0	COMMON COUNCIL	ASSIGNED TO		
1/24/2011	1	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number

101164

Version

SUBSTITUTE 1

Sponsor

THE CHAIR

Title

Substitute resolution authorizing the return of real estate located at 9285 W. Greenview Court, in the 9th Aldermanic District to its former owner. (Noah Fielder, Agent for CoreLogicTax Services)

Analysis

Permits return of property owned by the City under conditions imposed by s. 304-50, Milw. Code of Ordinances

Body

Whereas, The property located at 9285 W. Greenview Court, previously owned by Noah Fielder, Agent for CoreLogicTax Services, has delinquent taxes for 2006-2010 and was foreclosed upon pursuant to Sec. 75.521, Wis. Stats., and a fee simple absolute was obtained in favor of the City of Milwaukee dated July 26, 2010; and

Whereas, Noah Fielder, Agent for CoreLogicTax Services would like to reclaim said property by paying all City and County real estate taxes, plus accrued interest and penalties to date of payment, and all costs as sustained by the City in the foreclosing and management of said property since July 26; and

Whereas, Noah Fielder, Agent for CoreLogicTax Services has agreed to pay all related city charges up until the point that the property is returned, as well as all charges and conditions which are detailed in the letters submitted by the Department of Neighborhood Services, Department of City Development, the Health Department and the Treasurer's Office, as though set forth in this resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that in order to return the property at 9285 W. Greenview Court, a cashier's check must be submitted in the amount indicated by the City Treasurer within thirty (30) calendar days of the adoption of this resolution; and, be it

Further Resolved, That the City Attorney is then authorized to enter into a stipulation with the former owner to reopen and vacate the City's judgment in Milwaukee County Circuit Court Case No. 10CV013134 known as the 2010-02 In Rem Parcel 1, securing the court's order and recording said order with the Milwaukee County Register of Deeds; and, be it

Further Resolved, That if the above delinquent taxes, interest, and penalties are not paid within thirty (30) calendar days of the adoption of this resolution, this process becomes null and void.

Drafter

CC CC

jp

WAYNE F. WHITTOW
City Treasurer



James L. Hanna
Deputy City Treasurer

James F. Klajbor
Special Deputy City Treasurer

OFFICE OF THE CITY TREASURER
Milwaukee, Wisconsin

December 21, 2010

To: Milwaukee Common Council
City Hall, Room 205

From:  Wayne F. Whittow
City Treasurer

Re: Request for Vacation of Inrem Judgment
Tax Key No.: 072-0691-000-8
Address: 9285 W GREEN VIEW CT
Owner Name: JOHN W SIMS ROSIE M SIMS
Applicant/Requester: CORELOGIC TAX SRVS/GMAC
C/O NOAH FIEDLER
2010-02 Inrem File
Parcel: 1
Case: 10 CV 013134

Attached is a completed application for Vacation of Inrem Judgment and documentation of payment of costs.

The City of Milwaukee acquired this property on 11/22/2010.

WFW/slk

REQUEST FOR VACATION OF IN REM JUDGMENT

FOLLOW THE INSTRUCTIONS LISTED BELOW.

- 1. Type or print firmly with ball point pen.
- 2. Use separate form for each property.
- 3. Check the copy of the attached ordinance for guidelines and eligibility. No written request to proceed under the ordinance may be submitted for consideration to the Common Council where more than 90 days has elapsed from the date of entry of the in rem judgment to the date of receipt of the request by the City Clerk
- 4. Administrative costs totaling \$1,370.00, must be paid by Cashiers Check or cash to the City Treasurer's Office prior to acceptance of this application.
- 5. Complete boxes a, b, c, d, and e.
- 6. Forward completed application to City Treasurer, 200 East Wells Street, Room 103, Milwaukee, WI 53202

APPLICANT INFORMATION:

A. PROPERTY ADDRESS 9285 W. Greenview Ct.
 TAXKEY NUMBER 07206910008
 NAME OF APPLICANT CoreLogic Tax Services/GMAC c/o Noah Fiedler
 MAILING ADDRESS 100 East Wisconsin Ave., Suite 2600
Milwaukee WI 53202 414-225-4805
 CITY STATE ZIP CODE TELEPHONE NUMBER

B. FORMER OWNER YES _____ NO X
 If no, describe interest in this property mortgage holder

C. LIST ALL OTHER REAL PROPERTY IN THE CITY OF MILWAUKEE THAT THE FORMER OWNER HAS AN OWNERSHIP INTEREST IN (If not applicable, write NONE).

(Use reverse side, if additional space is needed)

D. HAVE MONIES FOR ADMINISTRATIVE COSTS BEEN DEPOSITED WITH THE CITY TREASURER'S OFFICE? (Documentation must be attached)

YES X NO _____

E. DEPT OF NEIGHBORHOOD SERVICES FILING

Have applications to record the subject property and any other unrecorded properties in which the former owner has an ownership interest been filed with the Department of Neighborhood Services per s. 200-51.5

YES X NO _____

MILWAUKEE CITY TREASURER RECEIVED ON DEC 20 PM 1:45

Applicant warrants and represents that all of the information provided herein is true and correct and agrees that if title to the property is restored to the former owner, applicant will indemnify and hold City harmless from and against any cost or expense which may be asserted against City as a result of its being in the chain of title to the property. All charges incurred such as water usage, city services, etc. while the City held title to the property are the responsibility of the applicant. If request to vacate is approved. Applicant understands that if this request is withdrawn or denied the City shall retain all of the administrative costs applicant paid.

APPLICANT'S SIGNATURE [Signature] DATE 12/17/10



Payment Receipt

CT-11

Office of the City Treasurer • City Hall, Room 103
200 East Wells Street • Milwaukee, Wisconsin 53202
Telephone: (414) 286-2240

Received of: Core Logic Tx Serv.

Tax Account No.: 072-0691-8

Property Address: 9285 W Greenview
et

Cash \$ _____ Check \$ 1370.00

Installment Payment Bond Payment

Delinquent Tax Payment Year: _____

Current Collection Tax Payment Vacated
judgment

Duplicate Tax Bill Fee Other

Received by: Kelly

Date: 12/20/10

Office of the City Treasurer - Milwaukee, Wisconsin
Administration Division
Cash Deposit of Delinquent Tax Collection

<u>Cashier Category</u>	<u>Cashier Payclass</u>		<u>Dollar Amount</u>
1910		Delinquent Tax Collection	
	1911	City Treasurer Costs	220.00
	1912	DCD Costs	450.00
	1913	City Clerk Costs	200.00
	1914	City Attorney Costs	500.00
		Grand Total	1,370.00

Date 12/20/2010

Comments for Treasurer's Use Only

Administrative Costs - Request for Vacation of Judgment

File Number: 2010 - 02
Taxkey Number: 072-0691-000 - 8
Property Address: 9285 9285 W GREEN VIEW CT
Owner Name ROSIE M SIMS
JOHN W SIMS
Applicant: CORELOGIC TAX SRVS C/O NOAH FIEDLER

Parcel Number: 1
CaseNumber: 10 CV 013134

January 21, 2011

To: Milwaukee Common Council
Room 205, City Hall

From: Wayne F. Whittow, City Treasurer
Office of the City Treasurer

Re: 101164 Reopening and Vacating InRem Judgment
Tax Key No.: 072-0691-000-8
Address: 9285 W GREEN VIEW CT
Owner Name: JOHN W SIMS ROSIE M SIMS
Applicant/Requester: CORELOGIC TAX SRVS GMAC
C/O NOAH FIEDLER
2010-02 in rem, Parcel: 1
Case: 10 CV 013134, Acquired: 11/22/2010

Listed below are the outstanding taxes on the above parcel. Since interest and penalties accrue monthly, figures are listed for two months. The administrative costs in the amount of \$1,370.00 have been paid.

TAX YEARS	IF PAID IN FEB	IF PAID BY MARCH 10, 2011
2006-2010	\$8,967.80	\$8,967.80
Interest	\$1,826.82	\$1,915.16
Penalty	\$913.40	\$957.58
TOTAL*	\$11,708.02	\$11,840.54

***The above figures may change prior to payment due to possible additional costs.**

WFW/slk



Department of City Development

City Plan Commission
Historic Preservation Commission
Neighborhood Improvement
Development Corporation
Redevelopment Authority

Rocky Marcoux
Commissioner

Martha L. Brown
Deputy Commissioner

January 18, 2011

Ms. Linda Elmer, Staff Assistant
Judiciary & Legislation Committee
Room 205, City Hall
City of Milwaukee

Dear Ms. Elmer:

Re: File Number 101164
9285 West Green View Court

The Department of City Development reports that the tax foreclosed property located at 9285 West Green View Court, Tax Key No. 72-0691-000-8 is not suitable for use by a public agency or community based organization. Although the property is in the Northwest Side planning area, the property is not needed for implementation of the plan.

This condominium structure is occupied. Administrative costs incurred by our Department total \$710.05.

If you have any questions, feel free to contact Ms. Karen Taylor at Extension 5738.

Sincerely,

Elaine M. Miller
Manager, Real Estate Services

c: K. Urban, City Treasurer/Customer Service
M. Crump, City Attorney's Office

JL 101164



Department of Neighborhood Services
inspectional services for health, safety and neighborhood improvement

Art Dahlberg
Commissioner

Thomas G. Mishefske
Operations Manager

January 19, 2011

Alderman Ashanti Hamilton, Chair
Judiciary and Legislation Committee
Office of the City Clerk
Room 205, City Hall

Re: File No. 101164
Address 9285 W Green View Ct

Dear Alderman Hamilton:

The owner of the above-referenced property has applied for a Vacation of In Rem Judgment. The Department of Neighborhood Services has no outstanding orders or charges and does not object to the request.

Sincerely,

Lynne Steffen
Business Operations Manager

From: Binder, Rosemary

Sent: Tuesday, January 18, 2011 10:17 AM

To: Elmer, Linda

Subject: RE: Sorry - no rest for the wicked!

I have nothing open on this address so I am good. Hope you had a good day off yesterday.

Rose Binder

Office Assist. III

City of Milwaukee Health Department

Ziedler Municipal Building 1st Fl

841 N Broadway

Milwaukee, WI 53202

phone: 414-286-0387

fax: 414-286-0715

WWW.Milwaukee.gov/health

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From: Elmer, Linda

Sent: Thursday, January 13, 2011 3:29 PM

To: Binder, Rosemary; Koepsel, Sandra; Smith, Mary; Steffen, Lynne; Taylor, Karen; Urban, Kerry

Subject: Sorry - no rest for the wicked!



Legislation Details (With Text)

File #: 101189 **Version:** 0
Type: Resolution **Status:** In Committee
File created: 1/19/2011 **In control:** JUDICIARY & LEGISLATION COMMITTEE
On agenda: **Final action:**
Effective date:

Title: Resolution authorizing an appropriation of \$637,425.53 from the Common Council Contingent Fund to the Remission of Taxes Special Purpose Account and directing payment of a judgment in favor of U.S. Oil against the City in the amount of \$540,191.13 plus simple interest at 1% per month from the date of the judgment until date of payment.

Sponsors: THE CHAIR

Indexes: CONTINGENT FUND, SUITS PAYMENT, SUITS SETTLEMENT, TAX CANCELLATIONS

Attachments: Proposed Sub A, Letter to Common Council, Contingent Fund Form, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
1/19/2011	0	COMMON COUNCIL	ASSIGNED TO		
1/21/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/27/2011	0	FINANCE & PERSONNEL COMMITTEE	HEARING NOTICES SENT		
1/27/2011	0	FINANCE & PERSONNEL COMMITTEE	HEARING NOTICES SENT		

Number
101189
Version
ORIGINAL
Reference

Sponsor
THE CHAIR
Title

Resolution authorizing an appropriation of \$637,425.53 from the Common Council Contingent Fund to the Remission of Taxes Special Purpose Account and directing payment of a judgment in favor of U.S. Oil against the City in the amount of \$540,191.13 plus simple interest at 1% per month from the date of the judgment until date of payment.

Analysis

This resolution authorizes payment of a WI Stat. 74.37 lawsuit judgment against the City for excessive assessments for 3 oil terminal parcels for 2004 and 2005 in the amount of \$424,713.91 plus interest and costs totaling \$540,191.13 as of September 2, 2009 plus simple interest of 1% per month thereafter until payment.

Body

Whereas, U.S. Oil has brought suit against the City for allegedly excessive assessments of the

properties of 3 oil terminals; and

Whereas, A civil judgment has been entered against the City on behalf of U.S. Oil for \$540,191.13 on September 2, 2009 plus simple interest at 1% per month until date of payment; and

Whereas, The Court of Appeals has decided the City's appeal in favor of U.S. Oil and the City Assessor and the City Attorney have determined that a petition to the Supreme Court is not appropriate or in the best interests of the City; and

Whereas, A total amount of \$750,000 has been budgeted in the 2011 Remission of Taxes Special Purpose Account; and

Whereas, \$295,774 plus interest has been encumbered; and

Whereas, There are multiple claims pending seeking remission of taxes alleging excessive assessments under WI Stats. 74.37; and

Whereas, There are 2009 and 2010 cases pending before the Board of Review; and

Whereas, The Common Council of the City of Milwaukee deems it just and expeditious to settle this lawsuit; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that an amount of \$637,425.53 be appropriated from the Common Council Contingent Fund Account No. 0001-9990-C001-006300 and placed within the Remission of Taxes Special Purpose Account, and that the proper City officers are authorized and directed to issue a City check in the amount of \$540,191.13 plus simple interest at 1% per month from September 2, 2009 until date of payment, made payable to the order of U.S. Oil and the law firm of Whyte Hirschboeck Dudek in final settlement of this lawsuit, said amount up to \$637,425.53 be charged to the Remission of Taxes Special Purpose Account No. 001-9990-S163-006300; and, be it

Further Resolved, that for and in consideration of the payment authorized in this resolution, plaintiff and its attorney will provide to the City a satisfaction of judgment of the court action.

Requestor
Assessor's Office
Drafter
MPR/kat
1/12/2011

..Number

101189

..Version

PROPOSED SUBSTITUTE A

..Reference

..Sponsor

THE CHAIR

..Title

Substitute resolution authorizing an appropriation of \$636,626.35 from the Common Council Contingent Fund to the Remission of Taxes Special Purpose Account and directing payment of a judgment in favor of U.S. Venture against the City in the amount of \$540,191.13 plus simple interest at 1% per month from the date of the judgment until date of payment.

..Analysis

This resolution authorizes payment of a WI Stat. 74.37 lawsuit judgment against the City for excessive assessments for three oil terminal parcels for 2004 and 2005 in the amount of \$424,713.91 plus interest and costs totaling \$540,191.13 as of September 2, 2009 plus simple interest of 1% per month thereafter until payment.

..Body

Whereas, U.S. Venture has brought suit against the City for allegedly excessive assessments of the properties of three oil terminals; and

Whereas, A civil judgment has been entered against the City on behalf of U.S. Venture for \$540,191.13 on September 2, 2009 plus simple interest at 1% per month until date of payment; and

Whereas, The Court of Appeals has decided the City's appeal in favor of U.S. Venture and the City Assessor and the City Attorney have determined that a petition to the Supreme Court is not appropriate or in the best interests of the City; and

Whereas, A total amount of \$750,000 has been budgeted in the 2011 Remission of Taxes Special Purpose Account; and

Whereas, \$295,774 plus interest has been encumbered; and

Whereas, There are multiple claims pending seeking remission of taxes alleging excessive assessments under WI Stats. 74.37; and

Whereas, There are 2009 and 2010 cases pending before the Board of Review; and

Whereas, The Common Council of the City of Milwaukee deems it just and expeditious to settle this lawsuit; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that an amount of \$636,626.35 be appropriated from the Common Council Contingent Fund Account No. 0001-9990-C001-006300 and placed within the Remission of Taxes Special Purpose Account, and that the proper City officers are authorized and directed to issue a City check in the amount of \$540,191.13 plus simple interest at 1% per month from September 2, 2009 until date of payment, made payable to the order of U.S. Venture in final settlement of this lawsuit, said amount up to \$636,626.35 be charged to the Remission of Taxes Special Purpose Account No. 001-9990-S163-006300; and, be it

Further Resolved, that for and in consideration of the payment authorized in this resolution, plaintiff and its attorney will provide to the City a satisfaction of judgment of the court action.

..Requestor
Assessor's Office
..Drafter
Jro
01/25/11

January 12, 2011

The Honorable, The Common Council
City of Milwaukee

Dear Members of the Common Council:

Attached is a resolution requesting an appropriation of \$637,425.53 from the 2011 Common Council Contingent Fund to the Remission of Taxes Fund and directing payment of a judgment in favor of U. S. Oil against the City in the amount of \$540,191.13 plus simple interest at 1% per month from date of judgment until date of payment.

Your favorable approval of the attached resolution is respectfully requested.

Yours very truly,

Mary P. Reavey
Assessment Commissioner

pcw/kat

FINANCE & PERSONNEL COMMITTEE
CONTINGENT FUND REQUEST INFORMATION FORM

DEPT.: Assessor CONTACT PERSON & PHONE : Mary Reavey Ext. 3101

A. REASON FOR REQUEST (Refer to File 921360 for definitions)

- CHECK ONE: EMERGENCY CIRCUMSTANCES
 OBLIGATORY CIRCUMSTANCES
 FISCAL ADVANTAGE/COMPLIANCE WITH FISCAL MANAGEMENT PRINCIPALS

B. SUPPORTING INFORMATION

1. State the action requested, including the dollar amount and specific departmental accounts(s) to which the Contingent Fund appropriation would be made.

Request appropriation in the amount of \$637,425.53 from Common Council Contingent Fund to the Remission of Taxes Special Purpose Account 0001 9990 S163.

2. State the purpose of the action requested which includes the program, service or activity to be supported by the funding, as well as the objective(s) to be accomplished.

The purpose is the pay the judgment entered on September 2, 2009 from Circuit Court relating to the appeal involving three properties owned by U. S. Oil. This will settle the matter in accordance with the Court of Appeals decision on December 28, 2010.

3. Describe the circumstances which prompt the request.

Decision of Court of Appeals and decision by City not to appeal that to the Supreme Court.

4. What are the consequences of not providing the program, service, or activity which is funded by this request?

The 2011 Remission of Taxes account would be depleted. Obligations would be moved into 2012.

5. Explain why funds authorized in the Budget are insufficient to provide for the program, service, or activity in question.

When developing the 2011 budget the decision was not anticipated.

- 5a. Are there any unexpended funds in the departmental control account for which this appropriation is requested, that could be used to fund this request? No.

5b. What are the consequences of using budgeted operating funds for this request?

Additional interest on the judgment that would be added to the 2012 levy or taken out in the 2012 contingency fund.

6. State why funding was not included in the Budget.

The outcome of this court case and other litigation matters is not predictable.

7. Will the conditions prompting the request be limited to the current year, or will they continue into the following year?

This appropriation would close this case.

8. Has your department made a similar Contingent Fund request in previous years? YES NO

*If yes, what is the most recent year the request was made? 2009

9. Will this funding be used to implement provisions of a collective bargaining agreement? YES NO

10. Will the funding being requested provide a level of service authorized by the Budget? YES NO

*If yes, why can't your department accomplish the authorized service level with the authorized funding level?

11. Will the requested funding provide a level of service higher than that authorized by the Budget? YES NO

*If yes, why is a higher service level necessary?

*What is the estimated amount of additional service units to be provided if the entire Contingent Fund request is approved?

12. What performance measures and sub-measures are affected by this request, and what are the anticipated changes if the entire Contingent Fund request is approved? None

13. What reductions to performance measures are expected if the request is not approved? None

14. Is any grant funding associated with the program service, or activity pertaining to the request? YES X NO

*If yes, name the grant and current year amount.

15. Will the program, service, or activity affect any electronic data processing system? YES X NO

The following questions only apply to Contingent Fund requests which transfer appropriations into capital purpose accounts:

16. Does this request transfer an appropriation into a capital purpose subaccount? YES NO

*If yes, are similar projects planned and funding available in a capital purpose (parent) account for the current year?

17. Why is the project for which Contingent Funds are requested more important than other similar projects?

18. Does this request fund a project outside the normal order of planned projects of a kind which are funded through a capital purpose (parent) account for the current year? YES NO

*If yes, what is the consequence of deferring the lowest priority planned project until next year?

19. Was this project included in the Department's Budget request? YES NO

*If not, why not?

C. THANK YOU FOR YOUR COOPERATION. PLEASE SEND COPIES OF YOUR RESPONSE TO:

Staff Assistant, Finance & Personnel Committee, Room 205, City Hall (6 COPIES)
Special Assistant, Finance & Personnel Committee, Room 205, City Hall (1 COPY)
Fiscal Research Manager, LRB-Common Council, Room B-11, City Hall (2 COPIES)
Budget & Management Director, DOA, Room 307, City Hall (2 COPIES)

If you have any questions about the completion of this form, you may call the Fiscal Research Manager at extension 8686.



Legislation Details (With Text)

File #: 101187 **Version:** 0
Type: Resolution **Status:** In Committee
File created: 1/19/2011 **In control:** JUDICIARY & LEGISLATION COMMITTEE
On agenda: **Final action:**
Effective date:

Title: Resolution to cancel real estate taxes levied against a certain parcel identified by Tax Key No. 361-0649-100-8, 174-184 W. Wisconsin Avenue, on the 2009 tax roll, plus interest applicable to date of repayment, if appropriate.

Sponsors: THE CHAIR

Indexes: TAX CANCELLATIONS

Attachments: Cover Letter, Claim Form.pdf, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
1/19/2011	0	COMMON COUNCIL	ASSIGNED TO		
1/21/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number
101187
Version
ORIGINAL
Reference

Sponsor
THE CHAIR
Title

Resolution to cancel real estate taxes levied against a certain parcel identified by Tax Key No. 361-0649-100-8, 174-184 W. Wisconsin Avenue, on the 2009 tax roll, plus interest applicable to date of repayment, if appropriate.

Analysis

This resolution requires the cancellation of taxes because of Board of Review reductions in the assessment of Tax Key No. 361-0649-100-8 for 2009, the issuance of checks to the City Treasurer or taxpayer as applicable, and the proper reductions of State Tax Credits by journal entries.

Body

Whereas, An assessment in the amount of \$10,000,000 (Land: \$720,000 - Improvements: \$9,280,000) was made against the real estate property know as Tax Key Number 361-0649-100-8, for the year 2009; and

Whereas, The Board of Review has decreased this assessment to \$9,000,000 for a reduction of \$1,000,000; now, therefore, be it

Resolved, by the Common Council of the City of Milwaukee, that the proper city officers are authorized and directed to issue a city check in the amount of \$25,983.80 payable to the City Treasurer or taxpayer as applicable, to be refunded to the taxpayer where appropriate, plus interest

January 12 2011

The Honorable, The Common Council
City of Milwaukee

Dear Members of the Common Council:

Attached is a resolution to cancel real estate property taxes levied against real estate tax key number 361-0649-100-8 on the 2009 tax roll, plus interest applicable to date of repayment, if appropriate.

A reduction has been made in the real estate assessment of this property by the Board of Review under authority of Section 70.511 (2), Wisconsin Statutes. It is now necessary to accomplish the reduction of taxes by means of the attached resolution.

Your favorable approval of the attached resolution is respectfully requested.

Yours very truly,

Mary P. Reavey
Assessment Commissioner

pcw/kat

TO THE HONORABLE, THE COMMON COUNCIL

City of Milwaukee

Dear Members of the Common Council:

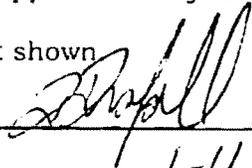
In re: **361-0649-100-8**
 174-184 W. Wisconsin Av.
 HCP OBG Milwaukee Property Co LLC

Year: 2009

Amount of Assessment Reduction: \$1,000,000

Amount of Tax Reduction: \$25,983.80

As the result of action by the Board of Review, the assessment of my property was reduced as indicated above. Under Section 70.511 (2)(b) of the Wisconsin Statutes, I hereby make application to your Honorable Body for a tax refund/reduction in the amount shown

Signed: 

Date: 1-11-11

Federal laws require that Form 1099 be filed by the City Comptroller's Office at the year-end for payment of earned interest. The Tax Equity and Fiscal Responsibility Act of 1982 has increased the penalties for non-compliance.

Therefore, on the enclosed Form W-9, we request that you furnish us with the **Social Security Number** and the **signature** of the person listed first on the name line **OR** the **Employer I.D. Number** of the business and the appropriate person's **signature**.



Legislation Details (With Text)

File #: 101191 **Version:** 0

Type: Ordinance **Status:** In Committee

File created: 1/19/2011 **In control:** JUDICIARY & LEGISLATION COMMITTEE

On agenda: **Final action:**

Effective date:

Title: An ordinance relating to approval of the division or combination of land parcels when property taxes owed to the city are unpaid.

Sponsors: THE CHAIR

Indexes: IN REM JUDGMENTS, PROPERTY TAXES

Attachments: Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
1/19/2011	0	COMMON COUNCIL	ASSIGNED TO		
1/21/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number
101191
Version
ORIGINAL
Reference

Sponsor
THE CHAIR
Title

An ordinance relating to approval of the division or combination of land parcels when property taxes owed to the city are unpaid.

Requestor
City Treasurer
Drafter
LRB122680-1
JDO
01/12/2011



Legislation Details (With Text)

File #: 101174 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 1/19/2011 **In control:** JUDICIARY & LEGISLATION COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution relative to the cancellation of a special improvement bill placed on the 2009-2010 Tax Rolls.

Sponsors: THE CHAIR

Indexes: SPECIAL ASSESSMENTS, TAX CANCELLATIONS

Attachments: Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
1/19/2011	0	COMMON COUNCIL	ASSIGNED TO		
1/21/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number

101174

Version

ORIGINAL

Sponsor

THE CHAIR

Title

Resolution relative to the cancellation of a special improvement bill placed on the 2009-2010 Tax Rolls.

Analysis

This resolution authorizes the cancellation of bond number MF000846, Tax Key 416-9897-120-5.

Body

Whereas, A special improvement bill in the amount of \$4,537.74 was issued to Tax Key 416-9897-120-5, MF000846 and billed on August 1, 2009; and

Whereas, It was recently determined that this property should not have been billed for the special assessments; and

Whereas, This is owned by Milwaukee Water Works; and

Whereas, The bill needs to be cancelled; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the proper City officials are authorized and directed to amend the 2009-2010 tax rolls by canceling \$4,537.74 for a special improvement bill including any accrued interest, bond number, MF000846 issued on Tax Key 416-9897-120-5; and, be it

Further Resolved, That the Resurface/Reconstruct Street Non-Assessable Account (ST211110001)

be charged for this amount.

Requestor
Infrastructure Services Division
Drafter
MLD:dr
01/10/2011



Legislation Details (With Text)

File #: 101018 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 12/21/2010 **In control:** JUDICIARY & LEGISLATION COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution relating to the claim of Diane Williams for property damage. (6th Aldermanic District)

Sponsors: THE CHAIR

Indexes: CLAIMS

Attachments: City Attorney Letter.pdf, Claim, E-Mail from Ms "Williams re the Neighbor's Statement, Notarized Letter from the Neighbor, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
12/21/2010	0	COMMON COUNCIL	ASSIGNED TO		
1/4/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/4/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/10/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	4:0
1/21/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/21/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number

101018

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Resolution relating to the claim of Diane Williams for property damage. (6th Aldermanic District)

Requestor

City Attorney

Drafter

JAS:ms

November 18, 2010

1068-2010-2981:163559

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
CHRISTINE M. QUINN
Assistant City Attorneys

November 18, 2010

To the Honorable Common Council
Of the City of Milwaukee
Room 205 – City Hall

Re: Resolution Relating to the Claim of DIANE E. WILLIAMS
C.I. File No. 10-L-137

Dear Council Members:

We return the enclosed document which has been filed with the City Clerk and ask that it be introduced and referred to the Committee on Judiciary & Legislation with the following recommendation.

Claimant, Diane E. Williams, 408 West Wright Street, Milwaukee, WI 53212, alleges that on October 26, 2010 she sustained damages when a City tree branch broke off and fell onto her vehicle which was parked at the southwest corner of North 4th Street and West Wright Street. She claims damages in the amount of \$5,537.81.

Our investigation reveals that the Forestry Section records indicate that on October 26, 2010, they received and responded to a call of a large, broken branch down on a car at 408 West Wright Street. Upon arrival, their crew found that a 6-inch diameter by 20-foot long branch from an Elm tree located in the City right-of-way had fallen. The tree and branch were alive. There was some associated deadwood with the branch. The tree and branch had no decay evident. The Section also noted that at the time of the loss, the City was experiencing windy conditions with a peak wind speed of 61 mph. In addition, in keeping with the cyclical pruning of all trees in this area, the tree was last pruned in 2005 and no outward signs of decay were evident. Finally, the Section also reviewed their records for the previous 5 years and found only a request in June, 2007 to remove a broken branch hanging from this tree. This was done at that time. There were no other complaints or

To the Honorable Common Council
Of the City of Milwaukee
November 18, 2010
Page 2

service requests for this tree. There is no evidence that the City was negligent in this matter. As such, the City would not be liable. Therefore, we recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:ms
Enclosure
1068-2010-2981:163557

CITY OF MILWAUKEE
10 OCT 27 PM 1:25
RALD D. LEONARD
CITY CLERK

CLAIM AGAINST THE CITY OF MILWAUKEE 10/27/10

CLAIMANT: DIANE E WILLIAMS LOCATION: SW CORNER OF
408 W. WRIGHT ST. N. 4TH & W. WRIGHT STS.
MIL., WI 53212 ON N. 4TH BENEATH A
(414) 264-2060 CITY OF MIL. TREE

AUTO: 2004 GOLD KIA RIO PLATE # 659-FZA

INCIDENT: A CITY OF MILWAUKEE TREE BRANCH FELL ON MY CAR.

AT APPX. 4:30 AM. ON TUESDAY, 10/26/10, MY NEIGHBOR CALLED
TO SAY A TREE BRANCH HAD DAMAGED MY CAR. I
A LARGE TREE BRANCH, LONGER THAN MY CAR, SUBROUNDER MY
CAR. THE REAR WINDOW WAS SMASHED OUT & THERE WAS DAMAGE
THE DRIVER'S SIDE. THERE WAS A HUGE DENT ON THE ROOF,
DENTS & SCRACHES ON THE HOOD AND ALONG THE SIDE FROM
FRONT TO REAR AND THE HEADLIGHT IS OUT.

CITY OF MILWAUKEE
RECEIVED
OCT 29 AM 8:30
OFFICE OF THE
CITY ATTORNEY
JOY ANTHONY

AFTER THIS INCIDENT, MY NEIGHBOR, PAULA GASTON
4 WRIGHT ST. INFORMED ME SHE HAD PREVIOUSLY CONTACTED
THE CITY ABOUT THE SAME TREE AND FALLEN BRANCHES.

I CONTACTED DPW CALL CENTER. THEY MADE A REPORT OF
DAMAGES & REMOVED THE TREE.

I AM SEEKING DAMAGES IN THE AMOUNT OF \$6,243.31
BASED ON THE ESTIMATE FROM DARROW, THE DEALERSHIP WHERE
I PURCHASED THE CAR.

Diane E. Williams

ENCLOSED: 2 ESTIMATES (DARROW & ANDREW)

		0.6 TWO STAGE SETUP		
		0.6 TWO STAGE		
RI1137	NOZZLE,W/S WASHER	LT	R&I ASSEMBLY	0.1 1
RI1138	NOZZLE,W/S WASHER	RT	R&I ASSEMBLY	0.1 1
E 0103	FENDER,FRONT	LT	66311FD101	113.00 1.4 1
L 0103	FENDER,FRONT	LT	REFINISH	2.2 4
		1.3 SURFACE		
		0.5 EDGE		
		0.4 TWO STAGE		
RI0115	MLDG,FENDER SIDE	LT	R&I ASSEMBLY	0.2 1
RI0143	WINDSHIELD R & I		R&I ASSEMBLY	INC 1
EC0144	SEALANT KIT,W/SHIELD		ECONOMY PART	25.00* INC 1
E 0123	MLDG ASSY,W/S REVEAL		0K30A50600D	31.92 2.4 1
L 0625	PILLAR,WINDSHIELD	LT	REFINISH	0.6 4
		0.5 SURFACE		
		0.1 TWO STAGE		
RI0416	ANTENNA	LT	R&I ASSEMBLY	0.7 1
RI0883	HEADLINER R & I		R&I ASSEMBLY	0.2 1
BR0209	PNL,FRONT DOOR OUTE	LT	BLEND REFINISH	1.0 4
		0.7 BLEND		
		0.3 TWO STAGE		
RI0269	W/STRIP,BELT OUTER	LT	R&I ASSEMBLY	0.2 1
RI0231	PNL,INNER DOOR TRIM	LT	R&I ASSEMBLY	INC 1
RI0249	MLDG,FRONT DOOR SID	LT	R&I ASSEMBLY	0.3 1
RI0229	MIRROR,OUTER STAND	LT	R&I ASSEMBLY	0.3 1
RI0223	CYL,FRONT DOOR LOCK	LT	R&I ASSEMBLY	0.7 1
RI0253	HANDLE,FRONT DOOR O	LT	R&I ASSEMBLY	INC 1
I 0289	PNL,REAR DOOR OUTER	LT	REPAIR	2.0*1
L 0289	PNL,REAR DOOR OUTER	LT	REFINISH	1.9 4
		1.6 SURFACE		
		0.3 TWO STAGE		
RI0273	W/STRIP,BELT OUTER	LT	R&I ASSEMBLY	0.6 1
RI0339	MLDG,REAR DOOR SIDE	LT	R&I ASSEMBLY	0.3 1
RI0307	PNL,INNER DOOR TRIM	LT	R&I ASSEMBLY	0.2 1
RI0299	HANDLE,RR DOOR OUTE	LT	R&I ASSEMBLY	0.2 1
E 0341	PANEL,ROOF		0K30A70601	305.53 13.1 1
L 0341	PANEL,ROOF		REFINISH	3.0 4
		2.6 SURFACE		
		0.4 TWO STAGE		
E 0337	MLDG,ROOF DRIP	LT	0K30A509L0A	24.49 INC 1
E 0338	MLDG,ROOF DRIP	RT	0K30A509H0A	24.49 INC 1
E 0334	REINF,ROOF		0K30A70711	93.61 1.0 1
L 0334	REINF,ROOF		REFINISH	0.4 4
		0.3 SURFACE		
		0.1 TWO STAGE		
E 0331	RAIL,ROOF SIDE	LT	0K30A71050B	75.92 2.5 1
L 0331	RAIL,ROOF SIDE	LT	REFINISH	0.4 4
		0.3 SURFACE		
		0.1 TWO STAGE		
E 0369	BACK GLASS,HEATED		0K30G63930B	287.16 INC 1
EC0370	SEALANT KIT,BACK GLASS		ECONOMY PART	25.00* INC 1
E 0358	MLDG ASSY,BACK GLASS		0K30A50610F	33.07 INC 1

E 0389	PANEL, QUARTER	LT OK3YA71300A	441.15	12.3	1
L 0389	PANEL, QUARTER	LT REFINISH		3.1	4
		1.9 SURFACE			
		1.0 EDGE			
		0.2 TWO STAGE			
I 0479	LID, REAR DECK	REPAIR		4.0	*1
L 0479	LID, REAR DECK	REFINISH		2.2	4
		2.2 SURFACE			
		INC TWO STAGE			
E 0489	N/PLATE, DECK LID	86313FD000	20.62	0.2	1
E 0488	EMBLEM, DECK LID	0K34C51725	11.46	0.2	1
ECM14	CORROSION PROTECTION	ECONOMY PART		0.5	*4*
L M15	COLOR TINT	REFINISH		0.2	*4*
ECM17	COVER CAR EXTERIOR	ECONOMY PART	10.00*		2*
SBM60	HAZARD. WSTE. REM.	SUBLET REPAIR	5.00*		1*

51 ITEMS

MC MESSAGE(S)

13 INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE

FINAL CALCULATIONS & ENTRIES

GROSS PARTS					1,505.43
OTHER PARTS					60.00
PAINT MATERIAL					669.80
PARTS & MATERIAL TOTAL					2,235.23
TAX ON PARTS & MATERIAL @			5.600%		125.17
LABOR	RATE	REPLACE HRS	REPAIR HRS		
1-SHEET METAL	54.00	38.3	10.0		2,608.20
2-MECH/ELEC	103.00				
3-FRAME	54.00				
4-REFINISH	54.00	19.7			1,063.80
5-PAINT MATERIAL	34.00				
LABOR TOTAL					3,672.00
TAX ON LABOR @			5.600%		205.63
SUBLET REPAIRS					5.00
TAX ON SUBLET @			5.600%		0.28
TOWING					
STORAGE					
GROSS TOTAL					6,243.31
NET TOTAL					6,243.31

SHOPLINK U1732 ES CD LOG 20009-1 DATE 10/26/10 03:11:19PM R6.37 CD 09/10

EDU: 1008 HOST LOG

(C) 1998 - 2008 AUDATEX NORTH AMERICA, INC.

3.1 HRS WERE ADDED TO THIS EST. BASED ON AUDATEX TWO-STAGE REFINISH FORMULA.
 AUDATEX TWO-STAGE EXTERIOR THRESHOLD OF 2.5 HOURS WAS CALCULATED IN THIS ESTIMATE.

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF ONE OR MORE REPLACEMENT PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. WARRANTIES APPLICABLE TO THESE REPLACEMENT PARTS ARE PROVIDED BY THE MANUFACTURER OR DISTRIBUTOR OF THE REPLACEMENT PARTS RATHER THAN BY THE MANUFACTURER OF YOUR MOTOR VEHICLE.

NOTICE: WHEN SELECTING A REPAIR FACILITY, THE VEHICLE OWNER SHOULD CONSIDER THAT THE REPAIRS TO THIS VEHICLE MAY REQUIRE SPECIFIC WELDING EQUIPMENT AND THE RESTORATION OF CORROSIVE RESISTANT COATINGS AS RECOMMENDED BY THE MANUFACTURE. FAILURE TO HAVE THE VEHICLE PROPERLY REPAIRED COULD RESULT IN A SAFETY HAZARD



RUSS DARROW CHRYSLER-JEEP-DODGE

7676 N. 76th Street
Milwaukee, Wisconsin 53223
414-354-8338
Direct 414-362-7520
Fax 414-355-6744
chris.marquardt@rusddarrow.com

Chris Marquardt
Assistant Body Shop Manager

1-888-733-6343
rusddarrow.com

CHRYSLER
JEEP
DODGE

			3.0 SURFACE		
			1.2 EDGE		
			0.6 TWO STAGE SETUP		
			0.8 TWO STAGE		
I 0103	FENDER, FRONT	LT REPAIR			3.5*1
L 0103	FENDER, FRONT	LT REFINISH			1.6 4
			1.3 SURFACE		
			0.3 TWO STAGE		
E 0883 01	HEADLINER	0K32A68030GBT	193.16		0.4 1
RI1976 01	LAMP, OVERHEAD	R&I ASSEMBLY			INC 1
IT0640 07	PILLAR, CENTER	RT LABOR/PARTL REPAI			1.0*1
	>> RT SIDE ROOF, OUTSIDE OF DRIP MLDG				
L 0640	PILLAR, CENTER	RT REFINISH			1.2 4
			1.0 SURFACE		
			0.2 TWO STAGE		
BR0287	DOOR SHELL, REAR	LT BLEND REFINISH			1.1 4
			0.7 BLEND		
			0.4 TWO STAGE		
RI0273	W/STRIP, BELT OUTER	LT R&I ASSEMBLY			0.6 1
RI0339	MLDG, REAR DOOR SIDE	LT R&I ASSEMBLY			0.3 1
RI0307	PNL, INNER DOOR TRIM	LT R&I ASSEMBLY			0.2 1
RI0299	HANDLE, RR DOOR OUTE	LT R&I ASSEMBLY			0.2 1
E 0341	PANEL, ROOF	0K30A70601	305.53		17.7 1
L 0341	PANEL, ROOF	REFINISH			3.1 4
			2.6 SURFACE		
			0.5 TWO STAGE		
E 0337	MLDG, ROOF DRIP	LT 0K30A509L0A	24.49		INC 1
E 0338	MLDG, ROOF DRIP	RT 0K30A509H0A	24.49		INC 1
E 1206	CLIP, ROOF MLDG	LT MULTI-PART	2.34		1
E 1207	CLIP, ROOF MLDG	RT MULTI-PART	2.34		1
E 0334	REINF, ROOF	0K30A70711	93.61		1.0 1
L 0334	REINF, ROOF	REFINISH			0.4 4
			0.3 SURFACE		
			0.1 TWO STAGE		
E 0331	RAIL, ROOF SIDE	LT 0K30A71050B	75.92		2.5 1
L 0331	RAIL, ROOF SIDE	LT REFINISH			0.4 4
			0.3 SURFACE		
			0.1 TWO STAGE		
NG0369	BACK GLASS, HEATED	NAGS FB21111-GT	251.75		INC 1
E 0358	MLDG ASSY, BACK GLASS	0K30A50610F	33.07		INC 1
I 0389	PANEL, QUARTER	LT REPAIR			5.0*1
L 0389	PANEL, QUARTER	LT REFINISH			2.0 4
			1.9 SURFACE		
			0.1 TWO STAGE		
BR0390	PANEL, QUARTER	RT BLEND REFINISH			1.1 4
			1.1 BLEND		
			INC TWO STAGE		
BR0397	DOOR, FUEL FILLER	LT BLEND REFINISH			0.2 4
			0.2 BLEND		
			INC TWO STAGE		
EU0479	DECK LID ASSEMBLY	SALVAGE PART	250.00*+25.00		0.7 1
L 0479	LID, REAR DECK	REFINISH			3.2 4

ANDREW AUTOMOTIVE - BODY REPAIR CENTER
 1621 W. LA SALLE ST.
 MILWAUKEE, WI 53209
 PH: 414-540-2559 FX: 414-228-7420

CD LOG NO 30130-1 DATE 10/26/10

SHOP: ANDREW AUTO BODY REPAIR INSP DATE: 10/26/10
 ADDRESS: 1621 W. LASALLE ST. CONTACT: JUSTIN RUPP
 CITY STATE: GLENDALE, WI PHONE 1: (414)540-2559
 ZIP: 53209- FAX: (414)228-7420

OWNER: WILLIAMS, DIANE HOME PHONE: (414)264-2060
 ADDRESS: 408 WEST WRIGHT STREET
 CITY STATE: MILWAUKEE, WI
 ZIP: 53212

POINT OF IMPACT: 0 TYPE OF LOSS: /DRV

RENTAL ASSISTED: NO

LIC#: NOT NOTED STATE: WI VIN: KNADC125546301550
 BODY COLOR: GOLD MILEAGE:
 CONDITION: GOOD ACCTNG CTL#:

DRIVEABLE: YES VEH. INSP#: 3021
 PROD.DATE: 10/03 PAINT CODE: NOT NOTED

*=USER-ENTERED VALUE	E=REPLACE OEM	NG=REPLACE NAGS
EC=REPLACE ECONOMY	UE=REPLACE OE SURPLUS	UC=RECONDITIONED PRT
UM=REMAN/REBUILT PRT	EU=REPLACE SALVAGE	EP=REPLACE PXN
OE=REPLACE PXN OE SRPLS	PC=PXN RECONDITIONED	PM=PXN REMAN/REBUILT
TE=PARTL REPL PRICE	ET=PARTL REPL LABOR	IT=PARTIAL REPAIR
I=REPAIR	L=REFINISH	BR=BLEND REFINISH
TT=TWO-TONE	CG=CHIPGUARD	SB=SUBLET
N=ADDITIONAL LABOR	RI=R&I ASSEMBLY	P=CHECK
AA=APPEAR ALLOWANCE	RP=RELATED PRIOR	UP=UNRELATED PRIOR

THIS IS AN INITIAL QUOTE, NOT A GUARANTEED FINAL PRICE

2004 KIA RIO STD 4DOOR SEDAN 4CYL GASOLINE 1.6
 CODE: KA204A/D OPTNS B/24

OPTIONS:

TWO-STAGE - EXTERIOR SURFACES TWO-STAGE - INTERIOR SURFACES

OP	GDE	MC	DESCRIPTION	MFG.PART NO.	PRICE	AJ%	B%	HOURS	R
N	0006		FRONT BUMPER ASSY R&I	ADDNL LABOR OPERA				1.3	1
E	0053		BULB,HALOGEN HEADLA LT	1864960556	20.42				1
EU	0083		PANEL,HOOD	SALVAGE PART	250.00*+25.00			0.9	1
L	0083	13	PANEL,HOOD	REFINISH				5.6	4

			2.0 SURFACE	
			1.0 EDGE	
			0.2 TWO STAGE	
E 0489	N/PLATE,DECK LID	86313FD000	20.62	0.2 1
RI0483	CYL,DECK LID LOCK	R&I ASSEMBLY		INC 1
I M14	CORROSION PROTECTION	SUBLET REPAIR	5.00*	0.3*1*
ECM17	COVER CAR EXTERIOR	ECONOMY PART	5.00*	0.3*4*
ECM60	HAZARD. WSTE. REM.	ECONOMY PART	3.00*	1*

38 ITEMS

MC MESSAGE(S)

- 01 CALL DEALER FOR EXACT PART NUMBER / PRICE
- 07 STRUCTURAL PART AS IDENTIFIED BY I-CAR
- 13 INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE

FINAL CALCULATIONS & ENTRIES

GROSS PARTS				795.99
OTHER PARTS				759.75
LINE ITEM MARKUP				125.00+
PAINT MATERIAL				646.40
PARTS & MATERIAL TOTAL				2,327.14
TAX ON PARTS & MATERIAL @			5.600%	130.32
LABOR	RATE	REPLACE HRS	REPAIR HRS	
1-SHEET METAL	52.00	24.7	11.1	1,861.60
2-MECH/ELEC	102.00			
3-FRAME	52.00			
4-REFINISH	52.00	20.2		1,050.40
5-PAINT MATERIAL	32.00			
LABOR TOTAL				2,912.00
TAX ON LABOR		@	5.600%	163.07
SUBLET REPAIRS				5.00
TAX ON SUBLET		@	5.600%	0.28
TOWING				
STORAGE				

GROSS TOTAL 5,537.81

NET TOTAL 5,537.81

SHOPLINK UG202 ES CD LOG 30130-1 DATE 10/26/10 02:25:34PM R6.37 CD 08/10

PXN: Y/00/00/00/00/00 CUM 00/00/00/00/00 GEOCODE 53209

HOST LOG

(C) 1998 - 2008 AUDATEX NORTH AMERICA, INC.

3.3 HRS WERE ADDED TO THIS EST. BASED ON AUDATEX TWO-STAGE REFINISH FORMULA.
 AUDATEX TWO-STAGE EXTERIOR THRESHOLD OF 2.5 HOURS WAS CALCULATED IN THIS ESTIMATE.



www.andrewautomotive.com

1621 W. LaSalle St.
Milwaukee, WI 53209

Justin Rupp
Asst. Bodyshop Mgr./Estimator

Phone: (414) 540-2559
Fax: (414) 228-7420

From: pgaston@mhsi.org

Sent: Monday, January 10, 2011 9:57 AM

To: Elmer, Linda

Subject: [FWD: Diane Williams 408 W Wright Street] City Tree Damage

Attachments: [Untitled].pdf

First I apologize that i typed in the incorrect email address as you can see listed below. I hope that this statement is not too late.

----- Original Message -----

Subject: Diane Williams 408 W Wright Street

From: <pgaston@mhsi.org>

Date: Thu, January 06, 2011 5:11 pm

To: LElmermilwaukee.gov@mhsi.org

Mr. Elmer,

I have enclosed a notorized statement on behalf of Ms. Diane Williams of the attempts that i have made to have the "dead" tree removed. I have been in my home for 16 years and have watched this tree deteriorate over the last 3 years. I am also afraid that due to its condition that it will end up on top of my house! I hope nothing tragic has to happen before the city steps up and address this situation.

Thank you for your attention.

Paula Griffin-Gaston

January 3, 2011

To Whom It May Concern:

This letter is to certify that I Paula J Griffin-Gaston residing at 413 W Wright Street, Milwaukee, WI 53212 have called the city of Milwaukee numerous times over the past 3 years with complaints of tree debris coming from the dead tree just east of my home. The last time that I called in with complaints was this past July when we had a severe storm and my husband and I had to clean up "**Large Tree branches**" from our yard. I have called asking if someone could please come out and remove the tree, but instead I've seen the workers just "cut" the tree branches. This tree because of its size and condition is a hazard.

My neighbor Diane Williams has had severe damage caused to her car because of this tree. Again there was a sever wind storm, we were unable to park on Wright street due to construction and parking was prohibited. A large "Tree Trunk" longer than the length of her car fell off of the tree and on top of her vehicle, destroying her windshield and the hood of her car. The loud thump and the noise of glass breaking woke me up so I was the first one on the scene and proceeded to call Ms. Diane to inform her of the damage that was done. At that time pictures of the damage was taken by myself and are available.

Please feel free to contact me if you may have any further questions I can be reached at (414) 690-5775.

Thank you,



Paula J Griffin-Gaston

Subscribed before me
in the County of Milwaukee
State of WI.
Jan 8, 2011
Karin Admon
My Commission is Perpetual





Legislation Details (With Text)

File #: 101196 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 1/19/2011 **In control:** JUDICIARY & LEGISLATION COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution relating to the claim of Joyce Robinson for property damage.

Sponsors: THE CHAIR

Indexes: CLAIMS

Attachments: City Attorney Letter.pdf, Claim, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
1/19/2011	0	COMMON COUNCIL	ASSIGNED TO		
1/24/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number
101196
Version
ORIGINAL
Reference

Sponsor
THE CHAIR
Title
Resolution relating to the claim of Joyce Robinson for property damage.
Requestor
City Attorney
Drafter
JAS:ms
January 11, 2011
1029-2010-3059:165184

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
SUSAN E. LAPPEN
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MIRIAM R. HORWITZ
MARYNELL REGAN
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THOMAS D. MILLER
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
CHRISTINE M. QUINN
Assistant City Attorneys

January 11, 2011

To the Honorable Common Council
Of the City of Milwaukee
Room 205 – City Hall

Re: Resolution Relating to the Claim of Joyce Robinson
C.I. File No. 10-L-144

Dear Council Members:

We return the enclosed document which has been filed with the City Clerk and ask that it be introduced and referred to the Committee on Judiciary & Legislation with the following recommendation.

Claimant, Joyce Robinson, P.O. Box 928, Milwaukee, WI 53201, alleges that on July 7, 2010, her vehicle was damaged when it struck an upside down sewer manhole cover at 3903 North Hopkins Street which she claims was at a Milwaukee Water Works worksite. She claims damages in the amount of \$5,445.10.

Our investigation reveals that the Sewer Maintenance Section (SMS) reviewed their records and found no record of any complaints relative to this incident. After the filing of the claim, the SMS also conducted a site investigation and found all of their facilities were in place and secure at that time.

The Milwaukee Water Works (MWW) also reviewed their records and found they had not performed any work or had any water main breaks in this area in 2010, up through the time of the incident, and was thus not working at the site at the time of the accident. A MWW work crew did, however, come upon Ms. Robinson after the accident had already occurred. The crew found the flipped manhole cover and then returned it to its original position.

To the Honorable Common Council
Of the City of Milwaukee
January 11, 2011
Page 2

As the City had no notice of this condition prior to the accident, it cannot be held liable.
We therefore recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:ms
Enclosure

1029-2010-3059:165183

Joyce M. Robinson
PO Box 928
Milwaukee, Wisconsin 53201

CITY OF MILWAUKEE
RECEIVED
2010 NOV -4 PM 2:05

October 18, 2010

OFFICE OF
CITY ATTORNEY

City Clerk
ATTN: CLAIMS
200 E. Wells Street
Room 205
Milwaukee, Wisconsin 53202-3567

CITY OF MILWAUKEE
10 NOV -3 AM 11:06
RONALD D. LEONHARDT
CITY CLERK

RE: **Claimant** : **Joyce Robinson**
 Date of Accident : **July 7, 2010**
 Location of Accident : **3903 N. Hopkins Street**
 Make/ Year/Model : **Chevrolet / 2006 / Cobalt**
 Vehicle VIN : **1G1AK15F367776973**

Dear Sir or Madam:

Please accept this letter as my official claim with the city of Milwaukee pursuant to Wisconsin State Statutes 893.80(1) a, and within the prescribed 120 days to file this complaint.

On July 7, 2010 at about 5 p.m. on a Wednesday, I was driving north on Hopkins Street in the City of Milwaukee, County of Milwaukee and I all of a sudden I heard a loud sound. After inspecting the area/spot I heard the noise, I noticed that the sound came from a sewer manhole cover, which was turned upside down. There were City of Milwaukee employees performing some work on that spot, as was explained to me by an employee of the Water Works Department for the City of Milwaukee. Needless to say, there were no signs that evidenced this was a work site.

The damage done to my vehicle was extensive. Enclosed Please find a copy of the bill GMAC estimates it is owed due to the accident that took place as a result of manhole cover turned up-side down by city employees. I am asking the City of Milwaukee to pay the highlighted amount so that GMAC's Excess Wear (Damage) fee may be satisfied.

If you should require anything further of me please feel free to contact me at 414-343-9479. Thank you for your time and attention into this matter.

Sincerely,

Joyce Robinson

JMR:amv
C: City Clerk
C: file

P.O. BOX 380902
BLOOMINGTON MN 55438-0902



Joyce M Robinson
PO Box 928
Milwaukee WI 53201

FOR ASSISTANCE CALL: (800) 200-4622
TDD/TTY (HEARING IMPAIRED) : (800) 833-4622



August 18, 2010

Account Number: 154-9085-96336

Dear Joyce M Robinson,

Thank you for leasing your vehicle through your dealer and GMAC SmartLease. We hope you enjoyed your driving experience as much as we enjoyed helping you with your leasing needs.

Account Settlement

Now that your lease has ended, to settle your account and satisfy your obligations, a balance of \$9,643.09 is due from you. The balance consists of the following:

Excess Mileage (10368 @ \$0.20)		\$	2,073.60
Excess Wear		\$	5,445.10
Equipment - Right Side-Collision Damage Crushed	\$ 5,445.10		
Sales/Use Tax on Excess Mileage/Excess Wear Charges		\$	421.04
Past Due Monthly Payments		\$	537.15
Unpaid Late Charges		\$	120.00
Unpaid Fees and Taxes		\$	175.00
Total Daily Extension Charge (33 days @ \$26.40/day)		\$	871.20
Less - Security Deposit		- \$	0.00
Less - Other Funds Received*		- \$	0.00
Balance Due		\$	9,643.09

Please send payment of the balance due and the attached payment coupon in the envelope we have enclosed for your convenience.

* Other funds received can include an additional security deposit you paid during the lease, credits applied to excess mileage, excess wear or any other charges owing, refunds we've received for cancelled optional insurance, service, maintenance or other agreements, and amounts credited to your account for promotional programs, unused extra mileage and amounts you paid that are not yet due.

To view an image of your vehicle inspection report, go to www.gmacinspections.com and enter either the last 9 digits of your GMAC account number or the full 17 digits of your Vehicle Identification Number (VIN).

You are being asked to pay an amount for excess wear and damage to the leased vehicle. If you do not agree with this amount and wish to preserve valuable rights, you must obtain and deliver to us, within 7 days after hand delivery or 9 days after mailing of this bill, an itemized inspection report and estimate of the cost of repairing such excess wear and damage from an appraiser agreed to by us and, if your lease has ended, payment of any charges due under the inspection you obtained. If you properly obtain and deliver such appraisal and tender any amounts due, such appraisal shall be binding on us. If you fail to do so, our inspection shall be conclusive.

Thank You

Thanks again for using GMAC SmartLease. Your business is very important to us and we hope that we exceeded your expectations. We invite you to visit www.gmacfs.com to learn more about GMAC's full line of consumer products and services.



GM Extended Roadside Assistance Rebate Program

Jul 13, 2010
General Motors Divisional

JOYCE ROBINSON
po box 928
milwaukee, WI 53201

Road Service Receipt

Dear Customer,

We are sorry to hear you recently experienced an emergency roadside service event. As a convenience to you, we billed the cost of service to your credit card. The receipt below outlines the information collected from you at the time service was arranged. You are eligible for a \$30 rebate on the cost of this event if you have your vehicle repaired at the participating GM Extended Roadside Assistance Program dealer to which you had your vehicle towed. Please allow up to 30 days for processing your rebate check from the time we receive your request. Please remember to keep your original receipts for your records. Simply mail a copy of this receipt and your repair order from the participating GM Extended Roadside Assistance Program dealer to the following address on or before **Sep 4, 2010 7:56:10 PM**

GM Extended Roadside Assistance Rebate Program

C/O Cross Country Motor Club

P.O Box 9145

Medford, MA-02155

Should you need us in the future please call your roadside assistance number. We are available 24 hours a day, 365 days per year to assist you with your roadside emergencies.

Sincerely,

Cross Country Motor Club

For matters pertaining to your service, please call customer service at: 1-800-528-9416.

Receipt of Service

MA

Customer Name: JOYCE ROBINSON
Billing Address: po box 928
milwaukee, WI 53201
Telephone Number: 4143439479

Vehicle Information

Make / Year / Model: Chevrolet / 2006 / Cobalt
Plate / Color: / Red
VIN: 1G1AK156367776913

Service Details

Towing Destination: ANDREW CHEVROLET, INC.
Problem Type: Tow
Service Date: Jul 7, 2010 7:56:10 PM
Dispatch Reference Number: 2005542768
Rebate Reference Number: 10528

Payment Information

Credit Card: 2308
Cost of Service: \$72.00
Confirmation Number: VSJC5BC6B184

Cross Country Motor Club www.crosscountry-auto.com

Services are performed by and/or through Cross Country Motor Club, Inc., except in Alaska, California, Hawaii, Oregon, Wisconsin and Wyoming, where services are performed by and/or through Cross Country Motor Club of California, Inc.



Legislation Details (With Text)

File #: 101163 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 1/19/2011 **In control:** JUDICIARY & LEGISLATION COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution relating to an appeal from Ryan Hayes for property damage. (11th Aldermanic District)

Sponsors: THE CHAIR

Indexes: CLAIMS APPEAL

Attachments: City Attorney Letter, Appeal, Hearing Notice List

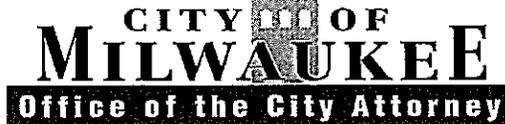
Date	Ver.	Action By	Action	Result	Tally
1/19/2011	0	COMMON COUNCIL	ASSIGNED TO		
1/21/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number
101163
Version
ORIGINAL
Reference

Sponsor
THE CHAIR
Title
Resolution relating to an appeal from Ryan Hayes for property damage. (11th Aldermanic District)
Drafter
CC-CC
dkf
1/11/11

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
SUSAN D. BICKERT
STUART S. MUKAMAL
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THOMAS D. MILLER
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
CHRISTINE M. QUINN
Assistant City Attorneys

November 29, 2010

Ryan Hayes
8322 West Howard Avenue
Milwaukee, WI 53220

RE: Ryan Hayes
C.I. File No.: 10-S-380

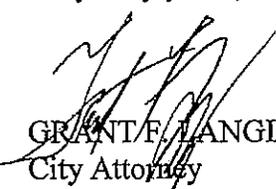
Dear Mr. Hayes:

We have received your claim in the amount of \$1,179.00, relating to damages allegedly sustained to your vehicle when it struck a pothole on September 7, 2010 at South 87th Street and West Warnimont Avenue.

Our investigation reveals that the Infrastructure Services Division reviewed their records and the records of the DPW Call Center and found prior to September 7, 2010, the City had no notice of this hazard in the roadway and because of this lack of notice the City would not be liable. Therefore, we are denying your claim.

If you wish to appeal this decision, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,



GRANT F. LANGLEY
City Attorney



ROBERT OVERHOLT
Investigator Adjuster

RMO:ms
1029-2010-2968:163875

OFFICE OF THE CITY ATTORNEY

MILWAUKEE
2010 DEC 20 PM 3:09
RONALD D. LEON
CITY CLERK

8322 W. Howard Ave.
Milwaukee, WI. 53220
December 10, 2010

City Clerk
ATTN: CLAIMS
200 E. Wells St. Room 205
Milwaukee, WI 53202-3567

To whomever this may concern:

My name is Ryan Hayes. I wrote a letter stating a claim dated 10/13/10. The claim number is C.I. File No.: 10-S-380. I wish to appeal the decision made in a letter dated 11/29/10 for damages to my vehicle. It is hard for me to believe that not one claim was made for this area of road that stretches from 85th street and to the west on Warnimont. The size of the pot hole tells me it has been there for some time without one claim being made against it? More than that, the reason for my appeal and to request a hearing is that, the time between my call and my written letter stating my claim was at least one month, without any repairs being made in that time. I understand that it takes time to schedule work orders for various repairs, but over a month seems a little excessive. I obviously won't be able to prove that not one claim was previously made before I made one, as I have no access to any of that information, and I'm sure that is the reason for the city to easily deny my claim without any consideration. I would however like to think that if a state appointed representative, or anyone that heads up any division of the DPW was driving their vehicle through this area, and it sustained the damage that my vehicle suffered, it would have been taken care of within probably a couple days and he or she would have been reimbursed for the damages. That is if it wasn't a state appointed vehicle being damaged, then the taxpayers would be stuck with it anyways. It is unfortunate that the city doesn't look at each case on an individual basis, and it relies on previous claims. This doesn't make any sense whatsoever besides the fact it is easy for the city to make the same reason for denying any and all claims. I feel most people, if they have suffered the same damage, will not make a claim, as they know it's a waste of time to make a claim and an appeal because they will have to deal with the same run around that I am currently dealing with. This however doesn't make your policy and claims process right, it only makes it one sided. This needs to change. My interpretation has become that of a dishonest person who would sustain damage to a vehicle, and have someone else make a claim prior to theirs to insure a claim approval, while all along a honest person like myself with a valid claim gets denied.

My phone number is 414-899-4931, and my email address is ryanhayes_742@hotmail.com for any questions or clarifications of the above matter.

With sincere concern,

Ryan Hayes

CITY OF MILWAUKEE
RECEIVED
2010 DEC 21 PM 2:45
OFFICE OF
CITY ATTORNEY

CITY OF MILW.
RECEIVED

2010 OCT 27 PM 7:53

CITY OF MILWAUKEE

2010 OCT 27 AM 8:42

OFFICE OF
CITY ATTORNEY

RONALD D. LAURIN
CITY CLERK

8322 W. Howard Ave.
Milwaukee, WI. 53220
October 13, 2010

City Clerk
ATTN: CLAIMS
200 E. Wells St. Room 205
Milwaukee, WI 53202-3567

To whomever this may concern:

My name is Ryan Hayes. I am a current resident of Milwaukee County, a young father, and a young husband. My wife and I have owned our property in the city for the past six years. These past couple years have been pretty rough on all of us and with all the budget cuts, and cuts in pay, layoffs or recent furloughs that we've all been experiencing, I am quite aware that everyone has had to cut back on spending including myself. Unfortunately, Tuesday September 7th at 7:30 a.m., I realized first hand that the city of Milwaukee has had to "cut back" or completely ignore needed repairs to the roads in my area. On my way to work that morning, I was driving on a side street at 87th and Warnimont, and unfortunately hit a pot hole. (pictured) The pot hole is 32" in diameter and 3-1/2 to 4" deep. As you can see in (picture 11), this pothole has very sharp edges. That morning, as I was driving west bound on Warnimont, the (2) passenger side tires of my vehicle went through this pothole only to find out a half block later that two of my newly replaced tires (spring 2010) along with one of my rims (picture 8), and the front end of my car had been badly damaged. In (picture 5) you can see these tires only have a couple hundred miles on them as you can still see the nubs. As you can see in (pictures 6, 7, and 10) these two tires are beyond repair. I unfortunately don't have the money to replace these tires, or the rim that was damaged that won't be able to hold air.

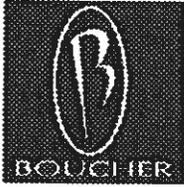
Needless to say, I'm very frustrated at this point because the pothole still has not been repaired. I spoke to my Alderman over a month ago, and he informed me "a crew would be out to repair this road", and he also informed me the road is "slated for replacement in 2011." The entire road from 85th and to the west needs to be replaced immediately. The relief I'm seeking is the cost to replace (1) rim, and (2) tires, and an alignment. The cost to replace all damaged items and perform required work is \$1179.00 (quote included).

Until these repairs to my vehicle are made, I have to drive my 18 month old daughter around in a (2004) vehicle that has two spares, and alignment issues. Safety is my number one concern, and due to the condition of my car as a result of the roads in Milwaukee, I jeopardize the safety of our lives, and the citizens of Wisconsin. I can assure you, that this incident has been fully documented. In the meantime I will have to continue to drive a vehicle that requires immediate repairs. My phone number is 414-899-4931, and my email address is ryanhayes_742@hotmail.com for any questions or clarifications of the above matter.

With sincere concern,

Ryan Hayes





BOUCHER VOLKSWAGEN
6420 S. 108TH STREET
FRANKLIN, WI 53132
414-525-1100

Estimate for Ryan Hayes 2004 Volkswagen GLI

1 rim part number 1J0-601-025-AM-88Z	\$522.00
2 goodyear eagle F1 tires	\$500.00
4 wheel alignment	\$99.95
Tax 5.6%	\$62.83
Total	\$1184.78

Any questions, please call Jason Zakszewski @ 414-525-1100

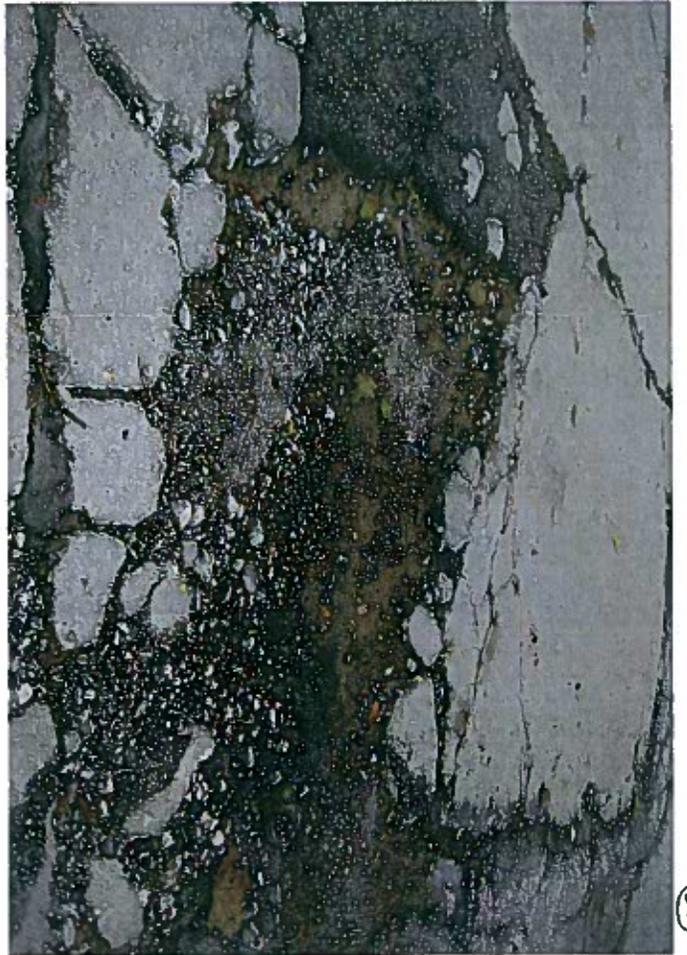
Estimate written 9/20/2010. Prices good for 30 days from time of quote



①



③



②



④



7



5



8



6



11



12



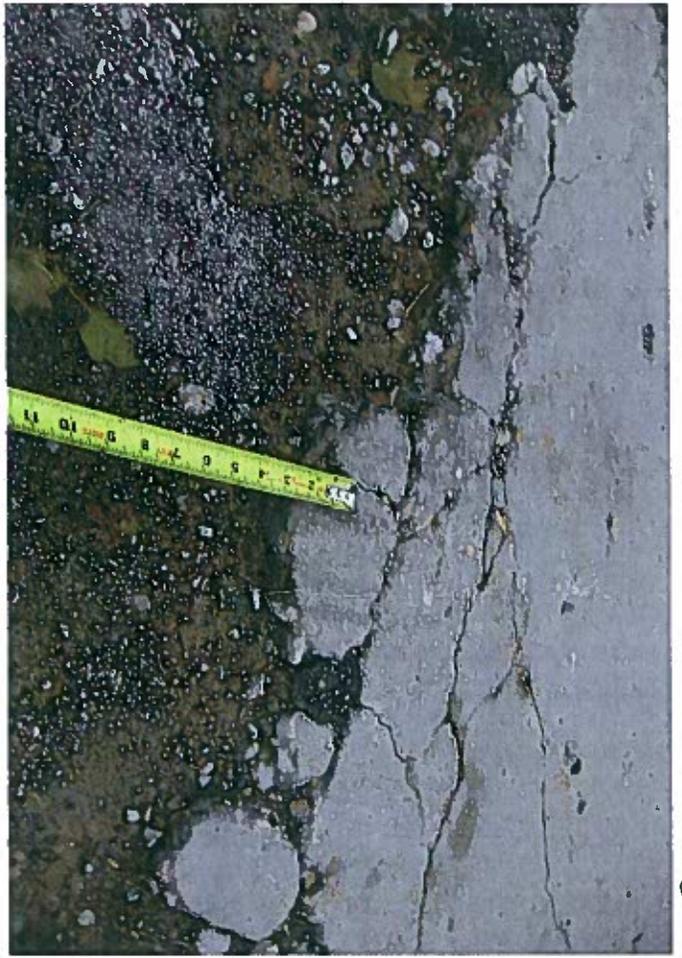
13



14



15



13



16



14



Legislation Details (With Text)

File #: 101056 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 12/21/2010 **In control:** JUDICIARY & LEGISLATION COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution relating to an appeal from Jerome Huiras for property damage. (12th Aldermanic District)

Sponsors: THE CHAIR

Indexes: CLAIMS APPEAL

Attachments: City Attorney Letter, Appeal, Letter from Mr Huiras re His Non-Appearance, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
12/21/2010	0	COMMON COUNCIL	ASSIGNED TO		
1/4/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/10/2011	0	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR DISALLOWANCE & INDEF. POSTPONEMENT	Pass	4:0
1/19/2011	0	COMMON COUNCIL	ASSIGNED TO	Pass	15:0

Number

101056

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Resolution relating to an appeal from Jerome Huiras for property damage. (12th Aldermanic District)

Drafter

CC-CC

dkf

12/7/10

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
DAVID J. STANOSZ
SUSAN E. LAPPEN
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BETH CONRADSON CLEARY
THOMAS D. MILLER
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
CHRISTINE M. QUINN
Assistant City Attorneys

November 9, 2010

Jerome Huiras
4280 South 43rd Street
Greenfield, WI 53220

RE: Jerome Huiras
C.I. File No.: 10-S-374

Dear Mr. Huiras:

We have received your claim in the amount of \$1,391.59, relating to Department of Neighborhood Services (DNS) re-inspection charges and damage to a toilet that allegedly occurred on/about August 15, 2010 at 1539 South 15th Street.

Our investigation reveals the DNS records indicate that notices were sent to you and your right to appeal these charges to the Administrative Review Appeals Board (ARAB.) The ARAB records reflect that you appealed said charges on September 20, 2010 and they denied your appeal, as such, the City will not consider these any further.

Our office contacted the DNS regarding your allegation regarding the damage to the toilet. The DNS records reflect that they conducted a re-inspection on August 19, 2010 at your request and regarding the open code violations. The inspector inspected the bathroom. He placed his foot on the toilet and gently pushed it to check if it was properly mounted. The toilet was found to be loose and did not pass the inspection. Since there is no evidence the City was negligent in this matter, we are denying this portion of your claim.

Jerome Huiras
November 9, 2010
Page 2

If you wish to appeal this decision, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,



GRANT F. LANGLEY
City Attorney



ROBERT OVERHOLT
Investigator Adjuster

RMO:ms
1053-2010-2929:163085

11 22 2010

City Of Milwaukee

CITY OF MILWAUKEE

200 East Wells Room 205

2010 NOV 23 PM 12:42

case # 1053-2010-2929:163085

Milwaukee, Wisconsin. 53202 Attention: **ROBERT OVERHOLT (Investigator Adjuster)**
DONALD D. LEONHARDT
CITY CLERK

Gentleman,

This house was built in 1897, That makes this building 113 years old.

At the meeting before the common council the only mention of Mathew was me. The supervisor never said I was wrong and contradict me.

I have owned this building for a number of year's . You do not treat this building rough like Mathew did. You have to treat this building with (Kid Gloves). Mathew Rzerowski Lied ! He only mentioned about treating the building with respect after he read my Reply ! I could have let a plumber replace the stack-pipe . at several thousand dollars cost .(You do have a copy of that receipt) . I WOULD BE HAPPY TO GO BEFORE A JUDGE ON THIS CASE !

It is on record that the tenant Anita walker had a (Pit Bull) in the unit at said time . we had made serveral attempts to go in side this unit to fix this problem and miss. Anita walker had left this dog in her unit Until the day she moved out . Stopping our caretaker from entering this unit at this said time . Miss Anita walker did not move out until June 27th 2010 . And left her dog there in said unit until July 4th 2010 . (Court date may 18. 2010) .

All that was left was to a half turn on the bolts on the toilet at the time. The toilet at the time of questioning did not leak and was not a health hazard .

I had no problem until Mathew Rzekowski kicked the toilet and damaged the stack pipe .

I could sue the city for damage up TO \$ 5000.00 Dollars ~~he~~ . Beatrace Kelly ok the toilet . Aug 17th 2010 was this inspection.

11 22 2010

Jerome F. Huiras

Jerome F Huiras
4280 S 43 ST
MTL WIS
53220

CITY OF MILWAUKEE
RECEIVED
NOV 23 PM 4:15
OFFICE OF
CITY ATTORNEY

City Clerks

Atten: Claims

200 E. Wells Str. Room 205

Milwaukee , Wisconsin 53202-3567

CITY OF MILWAUKEE

2010 OCT 22 PM 2:31

RONALD D. LEONARD
CITY CLERK

Oct , 20 2010

The property at 1539 s. 15th street was built 1897 making this building 113 years old . You must understand that you must treat this property with kid gloves and not kick the toilet . as did inspector (Mathew rzepkowski). I don't know who is this Gerldene Caiahan is ? My tentant at that time was Anita Walker in that unit at that time. Per court papers (enclosed) . She was being evicted at the time and by court order she was to leave the promises on july 4th 2010. But before this date she had kept her dog in the unit so we could not repair any problem's that needed to be corrected at that said time .

Enclosed you will find a letter from the tenant who is currently living there now and saw Mathew Rzepkowski kicked the toilet upon inspection contrary to the instruction's given to him by his supervisor . On 09/24/2010 another inspector came on upon the said property (Beatrice Kelly) and passed the toilet .

I would like you to take these charges off my property tax's of \$ 1,375 dollars.

Thank you ,
Jerome F. Huiras
Jerome F. Huiras

4280 s. 43rd .

Greenfield , Wisconsin 53220

OFFICE OF
CITY ATTORNEY

2010 OCT 25 PM 1:20

CITY OF MILWAUKEE
RECEIVED

I Raymond Chojnacki did witness
on the day of August 15th of 2010
the city building inspector come into
the premises of 1539 So. 15th street
And kick the toilet and then
said - that's not going to pass

Raymond Chojnacki

10-17-2010

MENARDS®

WEST MILWAUKEE
2101 MILLER PARK WAY
WEST MILWAUKEE, WI 53219-
5003



Return Receipt
This is not an original cash
register receipt
Not valid for rebate submissions

Allowable returns for items on this receipt
will be in the form of an in store credit
voucher if the return is done after
12/12/2010

PVC FLANGE FOR CAST IRON
#43539
6896454 1@15.71 15.71
1 Returned on 09/20/2010

Payment Method(s) Used:
Check 16.59

City of Milwaukee Neighborhood Services System

Violation History

Address: 1539 S 15TH ST

Taxkey: 460-1132-000



Curr Distr	Section Code	Record Type	Serial #	# Orig Viols	Original Inspect Date	Compliance Date	Current Status	Final Status	Last Status	Original Inspector
266	Code Enf/Residential /South	Letter	7882681	6	02/03/10	06/01/10	Reinspected periodically	No	05/20/10	KELLEY, BEATRICE
46	Code Enf/Residential /South	Letter	7882631	5	02/03/10	05/17/10	Complete abatement	Yes	05/17/10	KELLEY, BEATRICE
45	Code Enf/Residential /South	Letter	7150162	4	01/07/09	03/16/09	Complete abatement	Yes	03/16/09	RZEPKOWSKI, MATTHEW
45	Code Enf/Residential /South	Letter	7150161	1	01/07/09	03/16/09	Complete abatement	Yes	03/16/09	RZEPKOWSKI, MATTHEW
266	Code Enf/Residential /South	Letter	6761671	26	04/21/08	10/14/08	Complete abatement	Yes	10/14/08	CHALSTROM, STEPHEN
45	Code Enf/Residential /South	Letter	6612881	3	01/24/08	01/28/08	Notice dismissed	Yes	01/28/08	CHALSTROM, STEPHEN
45	Code Enf/Residential /South	Letter	6587341	1	01/09/08	01/24/08	Complete abatement	Yes	01/24/08	CHALSTROM, STEPHEN

Page 1
 City of Milwaukee
 Department of Neighborhood Services
 CHRONOLOGICAL RECORD OF ENFORCEMENT

SERIAL NO. 7882681

DATE OF INSPECTION 2/3/10

1539 S. 15th St

ADDRESS DATE	ACTIVITY AND REMARKS	INITIALS/
2-5-10	ORDERS MAILED FIRST CLASS.	sla
2/10/10	I received a call from Jerome Huiras Phone # 321-4217 OR I called Phone # I Spoke to: If contact is not owner, explain: I Verified the following information: A) Owners name Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> B) Phone number Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> C) Mailing Address Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If no, correct address is Copy mailed to new address Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> D) Receipt of orders Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> E) Explained reinsp. fee policy Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	BK
2/10/10	Spoke w/ owner he said he would get the work done in designated time spoke w/ Tenant Geraldine Calahan - told her that owner is working on it and he has until March 3 Geraldine # 554-7561 Tenant	BK BK
3/26/10	Reinspected - Violations remain \$50 fee Call owner - also rear door of front Apt frame defective	BK
4-7-10	MAILED REINSPECTION LETTER	sla
4/20/10	Owner called left msg that he is paraplegic, + to call back 321-4217	
4/23/10	Called back no answer no msg for AMach	BK
5/4/10	Owner Called said reinspect	BK
5/17/10	Reinspected - Not Done Send to Court \$75 fee	BK

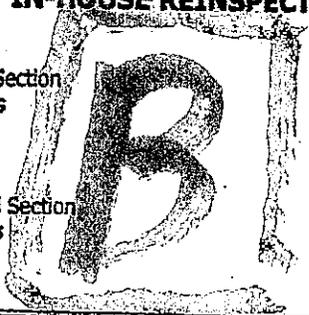
If no compliance, rent withholding app. left with tenant(s)? YES/DATE
 Info letter sent to tenant? Yes/Date
 Unit(s)
 No
 Unit(s)
 No

PLEASE NOTE - THIS FORM IS FOR AN IN-HOUSE DNS REVIEW. IF YOU RECEIVED A LETTER STATING YOU HAVE 30 DAYS TO APPEAL A REINSPECTION FEE, YOU MUST APPEAL TO THE ADMINISTRATIVE REVIEW APPEALS BOARD WITHIN THE 30-DAY TIME LIMIT. PLEASE CONTACT THE CITY CLERK'S OFFICE AT 414-286-2221 FOR MORE INFORMATION. The filing of a request for a review by a supervisor in DNS does NOT put a hold on your requirement to appeal to the A.R.A.B. board within the 30-day time limit.

**CITY OF MILWAUKEE
DEPARTMENT OF NEIGHBORHOOD SERVICES
IN-HOUSE REINSPECTION FEE APPEAL**

Please complete the form and return to:

- Reinspection Fee Appeal - Nuisance Section
Department of Neighborhood Services
4001 S. 6th St.
Milwaukee, WI 53221
- Reinspection Fee Appeal - Residential Section
Department of Neighborhood Services
4001 S. 6th St.
Milwaukee, WI 53221



- Reinspection Fee Appeal - Commercial/Zoning Section
Department of Neighborhood Services
841 N. Broadway, 1st Floor
Milwaukee, WI 53202
- Reinspection Fee Appeal - Trades Section
Department of Neighborhood Services
841 N. Broadway, 10th Floor
Milwaukee, WI 53202

Your appeal will be reviewed by the Supervisor of the section indicated above, who will send you a written decision of their findings and the process for appealing their decision if you choose to do so. Be as specific as possible in explaining why you are appealing the fee.

RE: 1539 S 15 ST. Address of Property Taxkey No. 460 1132 00 Order Serial # 10131 9-20-10

~~I wish to appeal the reinspection fee of \$~~ 350 ~~which has been assessed against the above property.~~ 1025.00 ~~which has been assessed against the above property.~~ TOTAL \$1375.00

I feel that the charges are incorrect for the following reasons:

ORDERS WERE CORRECTED PER LETTER
ORDERS WERE CORRECTED INSPECTOR KICKED
TOILET, CAUSING DAMAGE TO PROPERTY / MATTHEW
RZEROWSKI / INSPECTOR

I ALSO WANT A COPY OF THE STATE OF
WISCONSIN LAW REGARDING THIS INCIDENT.

Name: JEROME F. HUIRAS

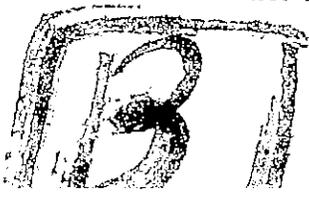
Mailing: 4280 S 43 ST.

Address: Mil, WI, 53220

Daytime Phone: 414 321 4217

Signature: Jerome F. Huiras Date: 9.25.2010

PLEASE NOTE: IF THESE CHARGES APPEARED ON YOUR PROPERTY TAX BILL, YOU ARE RESPONSIBLE FOR THEIR PAYMENT BY JANUARY 31ST OF THE FOLLOWING YEAR. FAILURE TO PAY THE FEES BY THAT DATE MAY SUBJECT YOU TO INTEREST AND PENALTY CHARGES. IF YOUR APPEAL IS GRANTED YOUR PAYMENT WILL BE REFUNDED TO YOU.



STATE OF WISCONSIN : CIRCUIT COURT : MILWAUKEE COUNTY
CIVIL DIVISION—SMALL CLAIMS

JEROME F. HUIRAS,
Plaintiff,

**ANSWER, AFFIRMATIVE
DEFENSES &
COUNTERCLAIMS**

-vs-

ANIKA WALKER,

Defendant.

Case No. 10SC016055

Code: 31004

Defendant, Anika Walker, by her attorney Christopher T. Koehnke of Legal Action of Wisconsin, contests this eviction and for her answer states as to the first cause of action:

1. Defendant denies the allegations contained in Paragraph One of the plaintiff's complaint. On information and belief, throughout the time described in the plaintiff's complaint, Huiras Marital Trust is the owner of 1539 S. 15th St, Milwaukee, WI.
2. Defendant denies the allegations in paragraph 2 of the plaintiff's complaint.
3. Defendant affirmatively states that she was improperly served with a five-day notice at the same time she was served with the Summons and Complaint.
4. Defendant denies that she is unlawfully in possession of the premises, and alleges that she possesses the premises pursuant to a six-month lease which has not been properly terminated by the plaintiff.

Defendant for her answer states as to the second cause of action:

5. The defendant repeats realleges all of the above, as if stated herein.
6. The defendant denies the allegations in paragraphs 1, 2, 3, and 4 of the plaintiff's complaint.

FIRST AFFIRMATIVE DEFENSE – FAILURE TO TERMINATE TENANCY

7. The defendant repeats and realleges all of the above, as if stated herein.
8. The defendant received a five-day Notice to Pay Rent or Vacate at the same time she was served with eviction papers for this action dated May 24, 2010.
9. A five-day Notice to Pay Rent or Vacate requires that a landlord give the tenant five

CITY OF MILWAUKEE
Hearing notice
Judiciary hearing

101056

1/15/11

Chair person

I was there at 1:30 and waited until
1:50 and nobody showed up. The door to the
HEFT was still locked?? When nobody showed up
I went home. I called on Tuesday and was told
that the meeting was held on Monday??
I would like you to reschedule this for another
time.

Jerome F. Huijas
4280 So. 43 St.
Mi Wi. 53220



City of Milwaukee Hearing Notice

JZ 101056

City Hall
200 East Wells Street
Milwaukee, WI 53202

JUDICIARY & LEGISLATION COMMITTEE

Person of Interest

Transmitted: January 04, 2011

You are invited to attend a hearing on January 10, 2011 which shall begin at 1:30 PM in Room 301-B, City Hall, at the request of the chair of:

JUDICIARY & LEGISLATION COMMITTEE

Regarding:

1:45 P.M.

- 101056** Resolution relating to an appeal from Jerome Huiras for property damage. (12th Aldermanic District)
--\$1,391.59
- 100906** Resolution relating to the claim of Starhoneeka Evans for property damage. (7th Aldermanic District)
--\$5,021.10
- 101036** Resolution relating to the claim of Jameliah Trammell for property damage. (1st Aldermanic District)
--\$6,629.08
- 100836** Resolution relating to the claim of Susan Fink for personal injuries.
--\$7,046.34
- 101037** Resolution relating to the claim of Carl Peterson for property damage.
--\$12,967.64
- 101019** Resolution relating to the claim of Clemon Thames for property damage. (15th Aldermanic District)
--\$6,400.00
- 101018** Resolution relating to the claim of Diane Williams for property damage. (6th Aldermanic District)
--\$5,537.81

This meeting will be webcast live at www.milwaukee.gov/channel25.

Members of the Common Council and its standing committees who are not members of this committee may attend this meeting to participate or to gather information. Notice is given that this meeting may constitute a meeting of the Common Council or any of its standing committees, although they will not take any formal action at this meeting.



Legislation Details (With Text)

File #: 100915 **Version:** 1
Type: Ordinance **Status:** In Committee
File created: 11/11/2010 **In control:** JUDICIARY & LEGISLATION COMMITTEE
On agenda: **Final action:**
Effective date:

Title: A substitute ordinance relating to the conveyance of in rem properties.

Sponsors: ALD. BAUMAN

Indexes:

Attachments: Letter from the City Attorney, Hearing Notice List, MCO 304-50 Vacation of In Rem Judgement.pdf, Department of City Development Letter.pdf

Date	Ver.	Action By	Action	Result	Tally
11/11/2010	0	COMMON COUNCIL	ASSIGNED TO		
1/21/2011	1	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/24/2011	1	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/26/2011	1	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		

Number

100915

Version

SUBSTITUTE 1

Reference

Sponsor

ALD. BAUMAN

Title

A substitute ordinance relating to the conveyance of in rem properties.

Sections

304-50-0 am

304-50-14 rc

Analysis

The city grants a 90-day period after obtaining an in rem judgment against a tax-delinquent property during which the previous owner can pay all taxes due and any associated cost and retake possession of the property. This is currently done by the city attorney through the petitioning of the court to vacate the city's judgment. As a result, all liens previously attached to the property are reattached. This ordinance changes the process by which the city returns the property to a conveyance issued by the department of city development for the amount of taxes due and any associated costs. This change results in the previous owner retaking possession of the property without any previously attached liens.

...Body

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 304-50-0 of the code is amended to read:

304-50. ~~[[Vacation of In Rem Judgment]]~~ >>Conveyance of In Rem Property<<. Where the city has obtained an in rem judgment pursuant to s. 75.521, Wis. Stats., the ~~[[city attorney's office shall be directed to petition the court on an ex parte basis to reopen and vacate the city's judgment]]~~ >> commissioner of the department of city development shall convey a property to its previous owner, notwithstanding s. 304-49-8-e, <<only where the following requirements have been complied with:

Part 2. Section 304-50-14 of the code is repealed and recreated to read:

14. If each of the requirements of subs. 1 to 13 has been satisfied, the commissioner of the department of city development is authorized to sign deeds and instruments of conveyance and related documents on behalf of the city with respect to conveyances authorized hereunder. All deeds for conveyances authorized hereunder shall be recorded by the department of city development with the Milwaukee county register of deeds office within 7 business days of closing, and the grantee shall pay the cost of recording. Alternatively, a title insurance company, a lender or the grantor's or grantee's attorney may record the deed so long as the party agrees to meet the time period for recording required hereunder.

LRB

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

Attorney

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

Requestor

Drafter

LRB 124322-2

RTW

12/20/2010

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



Lenka

THOMAS O. GARTNER
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
MIRIAM R. HDRWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
CHRISTINE M. QUINN
Assistant City Attorneys

January 13, 2011

Alderman Ashanti Hamilton
Chair, Committee on Judiciary
and Legislation of the
Common Council
Room 205 -- City Hall

Re: Common Council File No. 100915; In Rem Properties

Dear Chairman Hamilton:

The ordinance amendment proposed by this file is unconstitutional for several reasons, which we now explain.

Milwaukee Code of Ordinance sec. 304-50 provides for a process whereby the prior property owner can request the City to vacate an *in rem* judgment against a property if 13 specified conditions precedent have been satisfied. As presently written, MCO sec. 304-50-14 requires this office to petition the court to vacate an *in rem* judgment when the conditions have been met. The net result of this is that the *status quo ante* is restored. Most importantly for this analysis, all non-City liens against the property, such as mortgages, remain in place when this occurs.

The proposed ordinance would change subsection 14 dramatically. Upon the satisfaction of the 13 conditions precedent, it would require the Commissioner of City Development to deed the property back to the prior owner. This would convey the property back to the prior owner without any liens against it whatsoever. The ordinance would then become a tool to extinguish non-City debts secured by the property.

MCO sec. 50-3-2-b requires the City Attorney to approve all ordinances as to legality and enforceability. Because this proposed ordinance would be patently unconstitutional, we advise you of our opinion in advance of any Committee hearing on this proposal.

The law in this area was first set forth by Chief Justice John Marshall in *Sturges v. Crowninshield*, 17 U.S. 122 (1819). Bankruptcy is the legal process for the discharge of debts. Pursuant to Article I, Section 8, Clause 4 of the U.S. Constitution, Congress has the power to create uniform laws on bankruptcy. It has done so by creating Title 11 of the United States Code. Under the Supremacy Clause, Article VI, Clause 2 of the U.S.

Ald. Ashanti Hamilton
January 13, 2011
Page 2

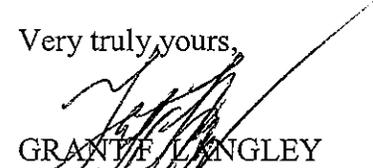
Constitution, when Congress preempts a field, states may only act in limited areas. 11 U.S.C. 522 allows states to exempt some property from execution to pay debts.

Article I, Section 17 of the Wisconsin Constitution requires the Legislature to adopt "wholesome laws" to protect a "reasonable amount" of a debtor's property from sale for the payment of debts. The Legislature has adopted Wis. Stat. § 815.18, which specifically enumerates property exempt from execution for payment of debts. By doing so, it too has preempted the field. Thus, the City has no Home Rule authority to act in this field under Article XI, Section 3 of the Wisconsin Constitution or Wis. Stat. § 66.0101(4).

Because the proposed ordinance would impinge upon the constitutional prerogatives of both Congress and the Wisconsin Legislature to determine which debts may or may not be discharged, it is unconstitutional.

In addition, Article I, Section 10, Clause 3 of the U.S. Constitution and Article I, Section 12 of the Wisconsin Constitution provide that Congress and the State, respectively, shall make no law impairing the obligation of contracts. By eliminating debt outside of the U.S. Bankruptcy Code and the Wisconsin exemption statute, the proposed ordinance would violate contractual obligations of mortgagees and other debt holders. Therefore, it is our duty to advise you that we would not be able to approve the legality and enforceability of this ordinance.

Very truly yours,



GRANT LINGLEY
City Attorney



VINCENT D. MOSCHELLA
Deputy City Attorney

VDM:dms

c: Mayor Tom Barrett
Ronald Leonhardt
Rocky Marcoux
Wayne Whittow

1033-2011-28:165173

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authorized hereby may be to designated persons or entities for adequate fairmarket consideration, which consideration may recognize monetary as well as non-monetary consideration, including, but not limited to, those public policy and other considerations referred to in sub. 4.

8. GENERAL BUYER POLICIES.

Notwithstanding the foregoing, unless otherwise authorized by a vote of the common council, the city shall not convey development property or neighborhood property to any person or entity ("grantee") unless the commissioner determines that the grantee has the skills and financial resources needed to successfully carry out the property rehabilitation or restoration plan required by sub. 2-b-1, if applicable, and without first obtaining such grantee's warranty that neither the grantee nor any principal of the grantee is:

a. Delinquent in the payment of any property tax, special assessment, special charge or special tax to the city.

b. A party against whom the city has an outstanding judgment.

c. A party against whom the city has outstanding health or building code violations or orders from the city's health department or department of neighborhood services that are not actively being abated.

d. A party who has been convicted of violating an order of the health department or department of neighborhood services within the past year.

e. A party who owned property in the city that, at any time within the past 5 years the city acquired by means of property-tax foreclosure.

f. A party who has been convicted of a felony determined by the commissioner to reasonably cause neighborhood or community concern with respect to neighborhood stability, health, safety or welfare. In making this determination, the commissioner may consider factors such as the nature of the crime, the date of conviction and the existence and nature of community impact and complaints.

9. DEED SIGNATURES. The commissioner or designee is authorized to sign deeds and instruments of conveyance and related documents such as, without limitation, a release of deed restriction on behalf of the city with respect to conveyances authorized hereunder.

10. RECORDING OF DEEDS. All deeds for conveyances authorized hereunder shall be recorded by the department of city

development with the Milwaukee county register of deeds office within 7 business days of closing, and the grantee shall pay the cost of recording. Alternatively, a title insurance company, a lender or the grantor's or grantee's attorney may record the deed so long as such party agrees to meet the time period for recording required hereunder.

11. SALE PROCEEDS. The net proceeds from the sale of city-owned real estate acquired through property-tax foreclosure, other than rental proceeds, shall be credited to the reserve for tax deficit fund.

12. NO TAX EXEMPTION. All deeds of conveyance for development property shall contain a permanent restriction prohibiting the grantee and all subsequent owners from applying for an exemption from real estate taxation for such development property pursuant to s. 70.11, Wis. Stats., unless otherwise approved by a two-thirds vote of the common council.

13. PROPERTY NOT AFFECTED. This section does not affect or apply to:

a. Property owned or utilized, at any time, by the Milwaukee board of school directors.

b. Property owned or controlled by the board of harbor commissioners.

c. Leases of neighborhood property pursuant to sub. 6.

304-50. Vacation of In Rem Judgment.

Where the city has obtained an in rem judgment pursuant to s. 75.521, Wis. Stats., the city attorney's office shall be directed to petition the court on an ex parte basis to reopen and vacate the city's judgment only where the following requirements have been complied with:

1. The former owner of record or any person having an interest of record has submitted a written request to the city treasurer on a form provided by the city treasurer to have the in rem judgment vacated. No written request to proceed under this section may be submitted for consideration to the common council where any of the following are true:

a. More than 90 days have elapsed from the date of entry of the in rem judgment to the date of receipt of the request by the city treasurer

b. The city treasurer has determined, based on consultation with the department of city development, that the city has accepted an offer to purchase the property.

c. The requester does not have any interest of record in the property.

2. The written request must identify the property address, the property's tax key number, the name and mailing address of the applicant, and the applicant's interest in the property. It must also include a list of all other real property in the city which the former owner has an ownership interest.

3. Prior to submittal of the written request to the city treasurer, the requester shall have paid to the city treasurer in cash or by cashier's check deposits of administrative costs of the various city departments. The requester, if the former owner of record, shall also have filed an application to record the subject property and any other unrecorded properties with the department of neighborhood services, as required in s. 200-51.5.

4. The former owner of record or person having an interest of record may request not more than once to have the in rem judgment vacated on the subject property.

5. The city treasurer shall date stamp, upon receipt, all written requests to proceed under this section and then forward all requests which are timely received to the city clerk along with a written report which indicates: the amount of unpaid taxes, charges, interest and penalties due on the subject properties; whether the administrative and overhead costs of the various city departments have been paid; and the status of tax payments for all other properties located in the city in which the former property owners have an ownership interest and which identifies any other costs incurred or to be incurred by it with respect to the properties. The city clerk shall, upon receipt of the completed written request forms and the written report from the city treasurer, introduce a common council file no later than the next regular meeting and notify the city attorney's office, city treasurer's office, department of city development, the department of neighborhood services and the health department in writing at the time of such introduction that a request has been made to proceed under this section. Those departments from which reports are due shall provide those reports to the city clerk within 15 working days. An extension of the 15-day period may be granted by the city clerk upon receipt of a written request submitted by the reporting department.

6. The department of neighborhood services has submitted a written report to the city clerk verifying whether any of the properties is subject to raze orders issued pursuant to s. 218-4, indicating what if any orders to correct cashier's check, the city's total costs associated with the property, which shall include: costs

condition of premises have been issued by the department, and listing total costs incurred or to be incurred by it with respect to each property.

7. The department of city development has submitted a report to the city clerk which indicates: whether any of the properties is located in an existing or planned project area; whether any is suitable for any public program or use; whether any is vacant or occupied; and which lists total costs incurred or to be incurred by it with respect to each property, including but not limited to: repair costs, razing charges, expenses associated with environmental matters and property management fees.

8. The health department or the department of neighborhood services has submitted a written report to the city clerk verifying whether any of the properties is subject to a nuisance notice issued by the department, and which lists total costs incurred or to be incurred by it with respect to each property.

9. Upon receipt of all of the required reports, the city clerk shall submit a coordinated report to the appropriate committee of the common council, and the common council shall make the final determination whether any of the properties should be returned to their former owners. The coordinated report shall include, on a per property basis, the total costs and expenses reported by each of the reporting departments, as well as total costs and expenses reported to the city clerk by any other city department or agency concerning the properties.

9.5. The common council reserves the right to disapprove vacation of an in rem judgment if it determines that either of the following is true:

a. The person requesting the vacation is delinquent in the payment of any property tax, special assessment, special charge or special tax to the city.

b. The person requesting the vacation has submitted false or incomplete information, particularly with respect to ownership of, and tax liability for, the subject property.

10. If vacation of the city's foreclosure judgment is approved by the common council, then the requester shall, within 30 days of the date of the resolution of the common council approving the vacation of the judgment and the return of the subject property to the former owner, pay to the city treasurer by cash or reported to the common council; all costs incurred by the city with respect to the property

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through the date of vacation of the city's judgment; all city and county taxes, assessments and charges including interest and penalties through the date of the vacation; and all administrative and overhead costs, including but not limited to, administrative and overhead costs incurred by the reporting departments beyond those costs already paid under sub. 3. This amount shall be the amount needed to redeem the property and may be ascertained by the requester contacting the treasurer's office.

11. Any rental income collected by the city shall not be applied against the total amount due to the city for the redemption of the property.

12. If the requester withdraws the request after submitting it to the city treasurer or if the request is denied, the city may retain all or a portion, as the city determines, of the administrative fees paid under sub. 3 to defray the city's cost of processing the request.

13. If the requester fails to make full payment of the total amount due the city within 30 days of the date of the resolution approving return of the subject property, all deposits made by the requester shall be forfeited, and the common council's approval of the return of the property shall be null and void.

14. If each of the requirements of subs. 1 to 13 has been satisfied, the city attorney's office shall petition the court on an ex parte basis to reopen and vacate the city's judgment with respect to the subject property (on a nunc pro tunc basis to the date of the filing of the petition for foreclosure) so that title to the same may be restored to the former owner, and the city attorney's office shall cause the order from the court so vacating the judgment nunc pro tunc to be filed with the register of deeds office in Milwaukee county.

304-53. City Treasurer to Acquire Tax Certificates. Upon receipt of notification of entry of judgment declaring the city to be the owner in fee simple under tax deed:

1. TO CANCEL CERTIFICATES, ETC. It shall be the duty of the city treasurer to cancel all tax certificates held by the city against the property described in such deed and to charge the amount thereof to a special account to be made and kept of the "tax certificates of the year _____ on property acquired by tax deed" and to credit the amount of such charge to the account kept of the tax certificates in force for such year, so as to segregate the cancelled certificates from the record of certificates in force.

2. TO PAY COUNTY TAXES, ETC. It shall be the duty of the city treasurer, or of any department cooperating with him in the enforcement of delinquent tax certificates, to pay out of any funds theretofore appropriated for such purpose all outstanding county taxes, or redeem outstanding county tax certificates on the property so acquired not theretofore paid or redeemed in connection with the taking of the tax deeds, and the officer or department making such payment shall notify the city real estate agent of the amount thereof.

304-55. Examination of Tax Sale Property.

The commissioner of the department of city development, subject to any resolutions which may be adopted by the common council, shall, from lists furnished by the city treasurer, examine from time to time the improvements upon land as to which the city is owner of tax sale certificates, and report such conditions as may be considered by the commissioner to be unusual, to the city treasurer.

304-57. Tax Deed Property Reserve Deficit Fund.

1. TAXES AND EXPENSES. Whenever a parcel of land acquired by tax deed is subsequently sold by the city, the city comptroller shall first deduct from the said proceeds the fair amount of the cost of acquisition of said tax title, including the costs, disbursements, advertising and all other expenses including expense of drawing and serving papers, commencing suits, entering judgment and an amount equal to the apportioned cost to be determined by the city comptroller of prosecuting such actions, including costs of supplies and clerical support. Said sums shall be credited to the funds as provided in s. 304-63. From the remaining proceeds, the city comptroller shall deduct the statutory share to which a former owner may be entitled, and make disbursements as determined pursuant to s. 75.36(2m)(3), Wis. Stats. The city comptroller, with the advice of the city attorney, shall deposit the balance, if any, in the tax deed property reserve deficit fund to reimburse that fund for the amount of uncollectible tax that has been charged against said parcel of land.

2. ROTARY LEGAL FUND. A rotary legal fund to be administered by the city attorney is established to be known as the delinquent tax litigation fund to defray the cost and expense of all litigation for the acquisition of tax titles by the city growing out of uncollectible taxes.



Department of City Development

City Plan Commission
Neighborhood Improvement
Development Corporation
Redevelopment Authority

Rocky Marcoux
Commissioner

Martha L. Brown
Deputy Commissioner

January 26, 2011

Ald. Ashanti Hamilton
Chair, Committee on Judiciary and Legislation
Milwaukee Common Council
City Hall, Room 205

Dear. Ald. Hamilton:

The Department of City Development has been asked to comment regarding Common Council file #100915, regarding the conveyance of in rem properties.

The significant change contemplated by the proposed ordinance has a number of serious legal ramifications. We defer to the Office of the City Attorney for comment on those issues.

Should the legal problems be overcome and the ordinance be adopted, the department will incorporate its provisions in its procedures regarding tax-foreclosed property.

Sincerely,

Martha L. Brown
Deputy Commissioner

C: Members of the Judiciary and Legislation committee
Ald. Robert Bauman



Legislation Details (With Text)

File #: 101117 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 12/21/2010 **In control:** JUDICIARY & LEGISLATION COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution relative to legislative bills.

Sponsors: THE CHAIR

Indexes: FEDERAL LEGISLATION, STATE LEGISLATION

Attachments: Agenda.pdf, Gov Walker's Priorities, 2011 Senate Bill 6, 2011 Senate Bill 8, Agenda 01-31-11.pdf, Testimony on 2011 SB 8

Date	Ver.	Action By	Action	Result	Tally
12/21/2010	0	COMMON COUNCIL	ASSIGNED TO		
1/10/2011	0	JUDICIARY & LEGISLATION COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	4:0

Number
101117
Version
ORIGINAL
Reference

Sponsor
THE CHAIR
Title
Resolution relative to legislative bills.
Drafter
IRD
Mo
12/20/10

LEGISLATIVE HEARING CALENDAR

COMMITTEE ON JUDICIARY-LEGISLATION

MONDAY, JANUARY 10, 2011 AT 1:30 PM

Room 301-B City Hall

Update on upcoming Special Session.

WHEREAS, the State of Wisconsin is in an economic emergency caused by years of mismanagement;

JK 10117

WHEREAS, the business climate in Wisconsin has for too long been stifled by burdensome regulation, taxes, and costly litigation; and

WHEREAS, the people of Wisconsin elected me Governor to help create a new, healthy, and vibrant climate for private sector job creation;

NOW THEREFORE, I, Scott Walker, Governor of the State of Wisconsin, pursuant to Article IV, Section 11, and Article V, Section 4 of the Wisconsin Constitution, do hereby require the convening of a special session of the Legislature at the Capitol in Madison beginning at 10:00 a.m. on January 4, 2011, solely to consider and act upon legislation relating to the following:

1. Creation of an authority, to be known as the Wisconsin Economic Development Corporation, and making appropriations;
2. An income and franchise tax credit for small businesses;
3. Income and franchise tax exemptions for new businesses, providing an exemption from emergency rule procedures, and granting rule-making authority;
4. Adopting federal law as it relates to health savings accounts for state income and franchise tax purposes and providing a penalty;
5. Requiring a supermajority for passage of tax increase legislation;
6. The authority of a state agency to promulgate rules interpreting the provisions of a statute enforced or administered by the agency and to implement or enforce any standard, requirement, or threshold as a term or condition of a license issued by the state agency; gubernatorial approval of proposed administrative rules; economic impact analyses of proposed rules and emergency rules; and venue in a declaratory judgment action seeking judicial review of the validity of an administrative rule and in an action in which the sole defendant is the state; exemptions from water quality certification and wetland mitigation requirements for certain nonfederal wetlands that are less than two acres in size; requirements for wind energy systems, providing an exemption from emergency rule procedures, and granting rule-making authority; and
7. Limiting noneconomic damages awarded in actions against long-term care providers; actions against manufacturers, distributors, sellers, and promoters of certain products; confidentiality of health care services reviews; use as evidence of information regarding health care providers; reporting of quality indicators identifying individual hospitals; homicide or injury by negligent handling of a dangerous weapon, explosives, or fire; criminal abuse of individuals at risk; criminal abuse and neglect of patients and residents; evidence of lay and expert witnesses; damages for frivolous claims; and punitive damage awards.

IN TESTIMONY WHEREOF, I

WHEREAS, the State of Wisconsin is in an economic emergency caused by years of mismanagement;

WHEREAS, the business climate in Wisconsin has for too long been stifled by burdensome regulation, taxes, and costly litigation; and

WHEREAS, the people of Wisconsin elected me Governor to help create a new, healthy, and vibrant climate for private sector job creation;

NOW THEREFORE, I, Scott Walker, Governor of the State of Wisconsin, pursuant to Article IV, Section 11, and Article V, Section 4 of the Wisconsin Constitution, do hereby require the convening of a special session of the Legislature at the Capitol in Madison beginning at 10:00 a.m. on January 4, 2011, solely to consider and act upon legislation relating to the following:

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3. Income and franchise tax exemptions for new businesses, providing an exemption from emergency rule procedures, and granting rule-making authority;
4. Adopting federal law as it relates to health savings accounts for state income and franchise tax purposes and providing a penalty;
5. Requiring a supermajority for passage of tax increase legislation;
6. The authority of a state agency to promulgate rules interpreting the provisions of a statute enforced or administered by the agency and to implement or enforce any standard, requirement, or threshold as a term or condition of a license issued by the state agency; gubernatorial approval of proposed administrative rules; economic impact analyses of proposed rules and emergency rules; and venue in a declaratory judgment action seeking judicial review of the validity of an administrative rule and in an action in which the sole defendant is the state; exemptions from water quality certification and wetland mitigation requirements for certain nonfederal wetlands that are less than two acres in size; requirements for wind energy systems, providing an exemption from emergency rule procedures, and granting rule-making authority; and
7. Limiting noneconomic damages awarded in actions against long-term care providers; actions against manufacturers, distributors, sellers, and promoters of certain products; confidentiality of health care services reviews; use as evidence of information regarding health care providers; reporting of quality indicators identifying individual hospitals; homicide or injury by negligent handling of a dangerous weapon, explosives, or fire; criminal abuse of individuals at risk; criminal abuse and neglect of patients and residents; evidence of lay and expert witnesses; damages for frivolous claims; and punitive damage awards.

IN TESTIMONY WHEREOF, I



State of Wisconsin
2011 – 2012 LEGISLATURE



LRB-0493/1
JTK&ARG:cjs:ph

2011 SENATE BILL 6

January 14, 2011 – Introduced by Senators LEIBHAM, LAZICH, VUKMIR, KAPANKE, GROTHMAN, DARLING, GALLOWAY, WANGGAARD, KEDZIE, ELLIS, ZIPPERER, OLSEN, SCHULTZ, MOULTON, LASEE, COWLES, HOPPER, HARSDFORF, S. FITZGERALD and CARPENTER, cosponsored by Representatives STONE, TAUCHEN, HONADEL, J. OTT, VOS, PRIDEMORE, BERNIER, LEMAHIEU, AUGUST, SPANBAUER, KRAMER, PETERSEN, ZIEGELBAUER, KESTELL, RIPP, VAN ROY, KERKMAN, JACQUE, LITJENS, NASS, KAUFERT, STRACHOTA, STEINEKE, KAPENGA, KRUG, FARROW, KNODL, KLEEFISCH, KOOYENGA, BALLWEG, ENDSLEY, RIVARD, THIESFELDT, A. OTT, PETRYK, WILLIAMS, SEVERSON, WYNN, KNUDSON, KUGLITSCH, PETROWSKI, NYGREN, MEYER, BIES and TIFFANY. Referred to Committee on Transportation and Elections.

1 **AN ACT** *to repeal* 6.56 (5), 12.13 (3) (v) and 343.50 (4g); *to renumber* 6.79 (3);
2 *to renumber and amend* 6.87 (4) and 6.97 (3); *to amend* 5.35 (6) (a) 2., 5.35
3 (6) (a) 4a., 5.35 (6) (a) 4a., 6.15 (1), 6.15 (2) (bm), 6.15 (2) (d) 1g., 6.15 (2) (d) 1r.,
4 6.15 (3), 6.15 (3), 6.29 (1), 6.29 (2) (a), 6.33 (1), 6.33 (2) (b), 6.34 (2), 6.55 (2) (b),
5 6.55 (2) (b), 6.55 (2) (c) 1., 6.55 (2) (c) 1., 6.55 (2) (c) 2., 6.79 (2) (a), 6.79 (2) (a),
6 6.79 (2) (d), 6.79 (2) (d), 6.79 (3) (title), 6.79 (3) (title), 6.79 (3) (b), 6.79 (4), 6.79
7 (6), 6.79 (6), 6.82 (1) (a), 6.82 (1) (a), 6.86 (1) (ac), 6.86 (1) (ar), 6.86 (1) (ar), 6.86
8 (3) (a) 1., 6.86 (3) (a) 1., 6.86 (3) (a) 2., 6.869, 6.869, 6.87 (3) (d), 6.87 (4) (b) 1.,
9 6.87 (4) (b) 2., 6.87 (4) (b) 3., 6.87 (4) (b) 5., 6.875 (title), 6.875 (2) (a), 6.875 (3)
10 and (4), 6.875 (6) (a) and (b), 6.875 (6) (c) 1., 6.875 (6) (c) 1., 6.875 (6) (c) 2., 6.875
11 (6) (e), 6.875 (7), 6.88 (3) (a), 6.88 (3) (a), 6.97 (title), 6.97 (1), 6.97 (1), 6.97 (2),
12 6.97 (2), 6.97 (3) (a), 6.97 (3) (b), 6.97 (3) (c), 7.08 (8) (title), 7.08 (12), 7.52 (3) (a),
13 7.52 (3) (a), 10.02 (3) (form) (a), 10.02 (3) (form) (a), 12.03 (2) (b) 3., 12.13 (2) (b)
14 6m., 85.103 (2), 134.71 (8) (a) 2., 139.30 (4n), 165.8287 (2), 165.8287 (3) (d),

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1 343.19 (title), 343.19 (2) (intro.), 343.235 (title), 343.237 (title), 343.237 (6),
2 343.43 (2), subchapter V (title) of chapter 343 [precedes 343.50], 343.50 (3),
3 343.50 (4), 343.50 (5) (a) 1. and 343.50 (6); **to repeal and recreate** 343.19 (1),
4 343.22 (2), 343.22 (2m), 343.22 (3), 343.237 (2), 343.237 (3) (intro.), 343.50 (3),
5 343.50 (4), 343.50 (5) (a) 1. and 343.50 (6); and **to create** 6.15 (2) (bm), 6.15 (2)
6 (d) 1g., 6.79 (3) (b), 6.79 (7), 6.87 (4) (a), 6.87 (4) (b) 2., 6.87 (4) (b) 3., 6.87 (4) (b)
7 4., 6.87 (4) (b) 5., 6.875 (1) (ap) and (asm), 6.875 (2) (d), 6.965, 6.97 (3) (a), 6.97
8 (3) (c), 7.08 (12), 125.085 (1) (f), 343.19 (2) (c), 343.50 (4g) and 343.505 of the
9 statutes; **relating to:** requiring certain identification in order to vote at a
10 polling place or obtain an absentee ballot, verification of the addresses of
11 electors, absentee voting procedure in certain residential care apartment
12 complexes and adult family homes, identification cards issued by the
13 Department of Transportation, creating an identification certificate issued by
14 the Department of Transportation, requiring the exercise of rule-making
15 authority, and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, any person who is a U.S. citizen, who is at least 18 years of age, and who has resided in a ward or election district in this state for at least ten days before the election at which the person is voting may vote in that ward or election district at that election unless the person is disqualified from voting, in certain cases specified by law, as the result of a felony conviction or an adjudication of incompetency. With limited exceptions, a person must register before voting and in certain cases must provide proof of residence. With certain limited exceptions, before being permitted to vote at any polling place, an eligible elector currently must provide his or her name and address. If the elector is not registered, the elector must provide a specified form of proof of residence in order to register. If an elector is not able to present any required proof of residence, as an alternative, current law permits an elector's registration information to be corroborated by another qualified elector who resides in the same municipality. In addition, an elector other than a military elector or an overseas elector, as defined by federal law, who registers by mail and who has not voted in an election in this state must provide one of the forms

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of identification specified by federal law, or a copy thereof if voting by absentee ballot, in order to be permitted to vote. Corroboration may not be substituted for this identification requirement, but an elector who cannot provide the required identification may cast a provisional ballot. The municipal clerk or board of election commissioners must determine whether electors casting provisional ballots are qualified to vote by 4 p.m. on the day after an election.

With certain limited exceptions, this bill requires each eligible elector who attempts to register or to vote at the polls on election day to present a valid Wisconsin driver's license issued to the person by the Department of Transportation (DOT), a valid, current identification card issued to the person by a U.S. uniformed service, or a valid Wisconsin identification card issued to the person by DOT or, if DOT implements the provisions of the federal REAL ID Act, an identification certificate issued to the person by DOT (see below). A person whose address is confidential as a result of domestic abuse, sexual assault, or stalking or in certain cases a person who has been required by a law enforcement officer to surrender his or her license (see below) is exempted from the requirement. Under the bill, any person who applies for an absentee ballot, except a military or overseas elector, as defined by federal law, or a person whose address is confidential as a result of domestic abuse, sexual assault, or stalking, must also provide a copy of the license or identification card, unless: 1) the person has already provided a copy of his or her license or identification card in connection with an absentee ballot cast at a previous election and has not changed his or her name or address since that election; 2) the person has been required by a law enforcement officer to surrender his or her license (see below); 3) the person is indefinitely confined, in which case the person may submit a statement signed by the person who witnesses his or her absentee ballot verifying his or her identity; or 4) the person is an occupant of any nursing home, or is an occupant of a community-based residential facility, retirement home, adult family home, or residential care apartment complex where a municipality sends special voting deputies, in which case the person may submit a statement signed by the deputies verifying his or her identity. The bill continues current requirements for certain electors to provide proof of residence in order to register or to vote, but discontinues the use of corroborating electors to verify residence. Under the bill, if a person who votes at a polling place fails to provide a license or identification card, the person may vote provisionally. If a person votes by absentee ballot and fails to provide a copy of the license or identification card, unless exempted from the requirement, the ballot is treated as a provisional ballot. A provisional ballot is marked by the poll workers, who immediately contact the municipal clerk or board of election commissioners. The person may then provide the required identification either at the polling place before the closing hour or at the office of the clerk or board. If the person does not provide the required identification to the clerk or board by 4 p.m. on the day following the election, the person's vote is not counted. If a person receives a citation 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 Wisconsin operator's license at the time the citation is issued, the elector may present an original copy of the citation or notice of intent to revoke or suspend the elector's operator's license in lieu of his

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or her operator's license or, if the elector is voting an absentee ballot by mail, may enclose a copy of the citation or notice in lieu of a copy of his or her operator's license. In this case, the bill provides that the elector's ballot is received and counted if otherwise valid, but the ballot is marked so it can be identified during the canvassing and recount process if the validity of the ballot is questioned.

The bill also directs the Government Accountability Board, in conjunction with the first regularly scheduled primary and election at which the voter identification requirements created by the bill initially apply, to conduct a public informational campaign for the purpose of informing prospective voters of the voter identification requirements created by the bill. In addition, the bill directs the board to conduct an ongoing outreach effort to identify and contact groups of electors who may need assistance in obtaining or renewing licenses or identification cards for voting purposes and to provide assistance in obtaining or renewing those licenses or identification cards.

The bill also permits an elector who is eligible to obtain a Wisconsin identification card to obtain the card from DOT free of charge, if the elector specifically requests not to be charged. The bill permits an applicant to receive a Wisconsin identification card without a photograph being taken, as currently required, if the applicant provides an affidavit stating that he or she has sincerely held religious beliefs against being photographed, that he or she is a member of a religious organization or identifies with the tenets of a religious organization and names that organization, that the religious tenets of that organization prohibit such photographing, and that he or she requests the identification card for the purpose of voting.

Under 2007 Wisconsin Act 20 (the biennial budget act), certain provisions specified in the federal REAL ID Act are incorporated into state law when DOT provides notice that it is ready to implement the federal REAL ID Act. Among these provisions is the requirement that each operator's license and identification card include a photograph.

This bill creates an identification certificate to be issued by DOT beginning at the time that DOT implements the provisions of the federal REAL ID Act. A person is eligible for an identification certificate if the person provides the same information that an elector is required to provide in order to register to vote and signs a statement affirming that the information is correct. Identification certificates must be the same size as an operator's license but must be of a design that is readily distinguishable from the design of operator's licenses and identification cards. Each identification certificate must bear the words "IDENTIFICATION CERTIFICATE." As required by the federal REAL ID Act, identification certificates must clearly state on their face that they may not be accepted by any federal agency for federal identification or any other official purpose and must use a unique design or color indicator to alert federal agency and other law enforcement personnel that they may not be accepted for any such purpose. Each identification certificate must include a color photograph unless the identification certificate applicant provides an affidavit containing specified information, including that the applicant has a sincerely held religious belief against being photographed. An identification certificate is valid for eight years and the fee

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for an identification certificate is \$18 unless the applicant requests that the identification certificate be issued without charge.

The bill treats an identification certificate similarly to an identification card for some purposes and differently from an identification card for other purposes. The security standards for issuance of an identification certificate are not as strict as the standards applicable to an identification card after implementation of the federal REAL ID Act. However, when used for purposes of voting, an identification certificate has the same status as an identification card, as described above. Upon implementation of the provisions of the federal REAL ID Act, DOT may no longer issue an identification card without a photograph and a person may no longer obtain an identification card from DOT free of charge.

Currently, municipalities must send two special voting deputies (one designated by each major political party if the party wishes) to conduct absentee voting in nursing homes. Municipalities may also send the deputies to conduct absentee voting in community-based residential facilities and retirement homes that qualify for the service in accordance with standards prescribed by law. This bill permits municipal clerks and boards of election commissioners to send two special voting deputies to conduct absentee voting in adult family homes and residential care apartment complexes that qualify for the service in accordance with similar standards prescribed by law.

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

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

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

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

5 **SECTION 2.** 5.35 (6) (a) 4a. of the statutes is amended to read:

6 5.35 **(6)** (a) 4a. Instructions prescribed by the board for electors for whom a
7 license or identification card is required under s. 6.79 (2) or for whom proof of
8 residence under s. 6.34 is required under s. 6.55 (2).

9 **SECTION 3.** 5.35 (6) (a) 4a. of the statutes, as affected by 2011 Wisconsin Act
10 (this act), is amended to read:

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1 5.35 (6) (a) 4a. Instructions prescribed by the board for electors for whom a
2 license ~~or~~ identification card, or identification certificate is required under s. 6.79 (2)
3 or for whom proof of residence under s. 6.34 is required under s. 6.55 (2).

4 **SECTION 4.** 6.15 (1) of the statutes is amended to read:

5 6.15 (1) QUALIFICATIONS. Any person who was or who is ~~a qualified~~ an eligible
6 elector under ss. 6.02 and 6.03, except that he or she has been a resident of this state
7 for less than 10 days prior to the date of the presidential election, is entitled to vote
8 for the president and vice president but for no other offices. The fact that the person
9 was not registered to vote in the state from which he or she moved does not prevent
10 voting in this state if the elector is otherwise qualified.

11 **SECTION 5.** 6.15 (2) (bm) of the statutes is created to read:

12 6.15 (2) (bm) Except as authorized in s. 6.79 (7), when making application in
13 person at the office of the municipal clerk, each applicant shall present a valid
14 operator's license issued to the person under ch. 343, a valid, current identification
15 card issued to the person by a U.S. uniformed service, or a valid identification card
16 issued to the person under s. 343.50. If any document presented by the applicant is
17 not proof of residence under s. 6.34, the applicant shall also present proof of residence
18 under s. 6.34.

19 **SECTION 6.** 6.15 (2) (bm) of the statutes, as created by 2011 Wisconsin Act ...
20 (this act), is amended to read:

21 6.15 (2) (bm) Except as authorized in s. 6.79 (7), when making application in
22 person at the office of the municipal clerk, each applicant shall present a valid
23 operator's license issued to the person under ch. 343, a valid, current identification
24 card issued to the person by a U.S. uniformed service, ~~or~~ a valid identification card
25 issued to the person under s. 343.50, or a valid identification certificate issued to the

SENATE BILL 6

1 person under s. 343.505. If any document presented by the applicant is not proof of
2 residence under s. 6.34, the applicant shall also present proof of residence under s.
3 6.34.

4 **SECTION 7.** 6.15 (2) (d) 1g. of the statutes is created to read:

5 6.15 (2) (d) 1g. If the elector makes application in person at the office of the
6 municipal clerk, the clerk shall verify that the name on the license or identification
7 card provided by the elector under par. (bm) is the same as the name on the elector's
8 application and shall verify that any photograph appearing on that document
9 reasonably resembles the elector.

10 **SECTION 8.** 6.15 (2) (d) 1g. of the statutes, as created by 2011 Wisconsin Act ...
11 (this act), is amended to read:

12 6.15 (2) (d) 1g. If the elector makes application in person at the office of the
13 municipal clerk, the clerk shall verify that the name on the license or identification
14 card, or identification certificate provided by the elector under par. (bm) is the same
15 as the name on the elector's application and shall verify that any photograph
16 appearing on that document reasonably resembles the elector.

17 **SECTION 9.** 6.15 (2) (d) 1r. of the statutes is amended to read:

18 6.15 (2) (d) 1r. Upon proper completion of the application and cancellation card,
19 the municipal clerk shall ~~require the elector to provide proof of residence under s.~~
20 ~~6.34. If the elector cannot provide proof of residence, the elector may have his or her~~
21 ~~residence corroborated in a statement that is signed by another elector of the~~
22 ~~municipality and that contains the current street address of the corroborating~~
23 ~~elector. If the residence is corroborated by another elector, that elector shall then~~
24 ~~provide proof of residence under s. 6.34~~ permit the elector to cast his or her ballot for
25 president and vice president. The elector shall then mark the ballot in the clerk's

SENATE BILL 6

1 presence in a manner that will not disclose his or her vote. The elector shall then fold
2 the ballot so as to conceal his or her vote. The clerk or elector shall then place the
3 ballot in an envelope furnished by the clerk.

4 **SECTION 10.** 6.15 (3) of the statutes is amended to read:

5 6.15 (3) PROCEDURE AT POLLING PLACE. An eligible elector may appear at the
6 polling place for the ward or election district where he or she resides and make
7 application for a ballot under sub. (2). Except as otherwise provided in this
8 subsection, an elector who casts a ballot under this subsection shall follow the same
9 procedure required for casting a ballot at the municipal clerk's office under sub. (2).
10 The inspectors shall perform the duties of the municipal clerk, except that the
11 inspectors shall return the cancellation card under sub. (2) (b) to the municipal clerk
12 and the clerk shall forward the card as provided in sub. (2) (c) if required. Upon
13 proper completion of the application and cancellation card and ~~submittal of proof of~~
14 ~~residence under s. 6.34 or providing corroboration of residence~~ verification of the
15 elector's license or identification card as provided in sub. (2) (d) 1g., the inspectors
16 shall permit the elector to cast his or her ballot for president and vice president. The
17 elector shall mark the ballot and, unless the ballot is utilized with an electronic
18 voting system, the elector shall fold the ballot, and deposit the ballot into the ballot
19 box or give it to the inspector. The inspector shall deposit it directly into the ballot
20 box. Voting machines or ballots utilized with electronic voting systems may only be
21 used by electors voting under this section if they permit voting for president and vice
22 president only.

23 **SECTION 11.** 6.15 (3) of the statutes, as affected by 2011 Wisconsin Act (this
24 act), is amended to read:

SENATE BILL 6

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

18 **SECTION 12.** 6.29 (1) of the statutes is amended to read:

19 **6.29 (1)** No names may be added to a registration list for any election after the
20 close of registration, except as authorized under this section or s. 6.55 (2) or 6.86 (3)
21 (a) 2. Any person whose name is not on the registration list but who is otherwise a
22 qualified elector is entitled to vote at the election upon compliance with this section,
23 if the person complies with all other requirements for voting at the polling place.

24 **SECTION 13.** 6.29 (2) (a) of the statutes is amended to read:

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1 6.29 (2) (a) Any qualified elector of a municipality who has not previously filed
2 a registration form or whose name does not appear on the registration list of the
3 municipality may register after the close of registration but not later than 5 p.m. or
4 the close of business, whichever is later, on the day before an election at the office of
5 the municipal clerk and at the office of the clerk's agent if the clerk delegates
6 responsibility for electronic maintenance of the registration list to an agent under
7 s. 6.33 (5) (b). The elector shall complete, in the manner provided under s. 6.33 (2),
8 a registration form containing all information required under s. 6.33 (1). The
9 registration form shall also contain the following certification: "I, ..., hereby certify
10 that, to the best of my knowledge, I am a qualified elector, having resided at ... for
11 at least 10 days immediately preceding this election, and I have not voted at this
12 election". The elector shall also provide proof of residence under s. 6.34.
13 ~~Alternatively, if the elector is unable to provide proof of residence under s. 6.34, the~~
14 ~~information contained in the registration form shall be corroborated in a statement~~
15 ~~that is signed by any other elector of the municipality and that contains the current~~
16 ~~street address of the corroborating elector. The corroborating elector shall then~~
17 ~~provide proof of residence under s. 6.34.~~ If the elector is registering after the close
18 of registration for the general election and the elector presents a valid driver's license
19 issued by another state, the municipal clerk or agent shall record on a separate list
20 the name and address of the elector, the name of the state, and the license number
21 and expiration date of the license.

22 **SECTION 14.** 6.33 (1) of the statutes is amended to read:

23 6.33 (1) The board shall prescribe the format, size, and shape of registration
24 forms. All forms shall be printed on cards and each item of information shall be of
25 uniform font size, as prescribed by the board. The municipal clerk shall supply

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1 sufficient forms to meet voter registration needs. The forms shall be designed to
2 obtain from each applicant information as to name; date; residence location;
3 citizenship; date of birth; age; the number of a valid operator's license issued to the
4 elector under ch. 343 or the last 4 digits of the elector's social security account
5 number; whether the applicant has resided within the ward or election district for
6 at least 10 days; whether the applicant has been convicted of a felony for which he
7 or she has not been pardoned, and if so, whether the applicant is incarcerated, or on
8 parole, probation, or extended supervision; whether the applicant is disqualified on
9 any other ground from voting; and whether the applicant is currently registered to
10 vote at any other location. The form shall include a space for the applicant's
11 signature ~~and the signature of any corroborating elector~~. The form shall include a
12 space to enter the name of any special registration deputy under s. 6.26 or 6.55 (6)
13 or inspector, municipal clerk, or deputy clerk under s. 6.55 (2) who obtains the form
14 and a space for the deputy, inspector, clerk, or deputy clerk to sign his or her name,
15 affirming that the deputy, inspector, clerk, or deputy clerk has accepted the form.
16 The form shall include a space for entry of the ward and aldermanic district, if any,
17 where the elector resides and any other information required to determine the offices
18 and referenda for which the elector is certified to vote. The form shall also include
19 a space where the clerk may record an indication of whether the form is received by
20 mail, a space where the clerk may record an indication of the type of identifying
21 document submitted by the elector as proof of residence under s. 6.34, whenever
22 required, and a space where the clerk, for any applicant who possesses a valid voting
23 identification card issued to the person under s. 6.47 (3), may record the
24 identification serial number appearing on the voting identification card. Each

SENATE BILL 6**SECTION 14**

1 county clerk shall obtain sufficient registration forms for completion by an elector
2 who desires to register to vote at the office of the county clerk under s. 6.28 (4).

3 **SECTION 15.** 6.33 (2) (b) of the statutes is amended to read:

4 6.33 (2) (b) Except as provided in s. 6.86 (3) (a) 2., the registration form shall
5 be signed by the registering elector and any corroborating elector under s. 6.29 (2)
6 (a) or 6.55 (2) before the clerk, issuing officer or registration deputy. The form shall
7 contain a certification by the registering elector that all statements are true and
8 correct.

9 **SECTION 16.** 6.34 (2) of the statutes is amended to read:

10 6.34 (2) ~~Except as authorized in ss. 6.29 (2) (a) and 6.86 (3) (a) 2., upon~~ Upon
11 completion of a registration form prescribed under s. 6.33, each eligible elector who
12 is required to register under s. 6.27, who is not a military elector or an overseas
13 elector, and who registers after the close of registration under s. 6.29 or 6.86 (3) (a)
14 2., shall provide an identifying document that establishes proof of residence under
15 sub. (3). Each eligible elector who is required to register under s. 6.27, who is not a
16 military elector or an overseas elector, who registers by mail, and who has not voted
17 in an election in this state shall, if voting in person, provide an identifying document
18 that establishes proof of residence under sub. (3) or, if voting by absentee ballot,
19 provide a copy of an identifying document that establishes proof of residence under
20 sub. (3). If the elector registered by mail, the identifying document may not be a
21 residential lease.

22 **SECTION 17.** 6.55 (2) (b) of the statutes is amended to read:

23 6.55 (2) (b) Upon executing the registration form under par. (a), ~~the~~ except as
24 authorized under s. 6.79 (7), each elector shall be required by a special registration
25 deputy or inspector to present a valid operator's license issued to the elector under

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1 ch. 343, a valid, current identification card issued to the elector by a U.S. uniformed
2 service, or a valid identification card issued to the elector under s. 343.50. If any
3 document presented is not proof of residence under s. 6.34, the elector shall also
4 provide proof of residence under s. 6.34. ~~If the elector cannot provide proof of~~
5 ~~residence, the information contained in the registration form shall be corroborated~~
6 ~~in a statement that is signed by any elector who resides in the same municipality as~~
7 ~~the registering elector and that contains the current street address of the~~
8 ~~corroborating elector. The corroborator shall then provide proof of residence as~~
9 ~~provided in s. 6.34.~~ If the elector is registering to vote in the general election and the
10 elector presents a valid driver's license issued by another state, the inspector or
11 deputy shall record on a separate list the name and address of the elector, the name
12 of the state, and the license number and expiration date of the license. The signing
13 by the elector executing the registration form and by any corroborator shall be in the
14 presence of the special registration deputy or inspector who shall then print his or
15 her name on and sign the form, indicating that the deputy or inspector has accepted
16 the form. Upon compliance with this procedure, the elector shall be permitted to cast
17 his or her vote, if the elector complies with all other requirements for voting at the
18 polling place.

19 **SECTION 18.** 6.55 (2) (b) of the statutes, as affected by 2011 Wisconsin Act
20 (this act), is amended to read:

21 6.55 **(2)** (b) Upon executing the registration form under par. (a), except as
22 authorized under s. 6.79 (7), each elector shall be required by a special registration
23 deputy or inspector to present a valid operator's license issued to the elector under
24 ch. 343, a valid, current identification card issued to the elector by a U.S. uniformed
25 service, ~~or~~ a valid identification card issued to the elector under s. 343.50, or a valid

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1 identification certificate issued to the elector under s. 343.505. If any document
2 presented is not proof of residence under s. 6.34, the elector shall also provide proof
3 of residence under s. 6.34. If the elector is registering to vote in the general election
4 and the elector presents a valid driver's license issued by another state, the inspector
5 or deputy shall record on a separate list the name and address of the elector, the name
6 of the state, and the license number and expiration date of the license. The signing
7 by the elector executing the registration form and by any corroborator shall be in the
8 presence of the special registration deputy or inspector who shall then print his or
9 her name on and sign the form, indicating that the deputy or inspector has accepted
10 the form. Upon compliance with this procedure, the elector shall be permitted to cast
11 his or her vote, if the elector complies with all other requirements for voting at the
12 polling place.

13 **SECTION 19.** 6.55 (2) (c) 1. of the statutes is amended to read:

14 6.55 (2) (c) 1. As an alternative to registration at the polling place under pars.
15 (a) and (b), the board of election commissioners, or the governing body of any
16 municipality may by resolution require a person who qualifies as an elector and who
17 is not registered and desires to register on the day of an election to do so at another
18 readily accessible location in the same building as the polling place serving the
19 elector's residence or at an alternate polling place assigned under s. 5.25 (5) (b),
20 instead of at the polling place serving the elector's residence. In such case, the
21 municipal clerk shall prominently post a notice of the registration location at the
22 polling place. The An eligible elector who desires to register shall execute a
23 registration form as prescribed under par. (a) and, except as authorized in s. 6.79 (7),
24 present a valid operator's license issued to the person under ch. 343, a valid, current
25 identification card issued to the person by a U.S. uniformed service, or a valid

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1 identification card issued to the person under s. 343.50. If any document presented
2 by the person is not acceptable proof of residence under s. 6.34, the person shall also
3 provide proof of residence as provided under s. 6.34. ~~If the elector cannot provide~~
4 ~~proof of residence, the information contained in the registration form shall be~~
5 ~~corroborated in the manner provided in par. (b).~~ If the elector a person is registering
6 to vote in the general election and the elector person presents a valid driver's license
7 issued by another state, the municipal clerk, deputy clerk, or special registration
8 deputy shall record on a separate list the name and address of the elector person, the
9 name of the state, and the license number and expiration date of the license. The
10 signing by the elector person executing the registration form ~~and by any corroborator~~
11 shall be in the presence of the municipal clerk, deputy clerk or special registration
12 deputy. The municipal clerk, the deputy clerk, or the special registration deputy
13 shall then print his or her name and sign the form, indicating that the clerk, deputy
14 clerk, or deputy has accepted the form. Upon proper completion of registration, the
15 municipal clerk, deputy clerk or special registration deputy shall serially number the
16 registration and give one copy to the elector person for presentation at the polling
17 place serving the elector's person's residence or an alternate polling place assigned
18 under s. 5.25 (5) (b).

19 **SECTION 20.** 6.55 (2) (c) 1. of the statutes, as affected by 2011 Wisconsin Act
20 (this act), is amended to read:

21 6.55 **(2)** (c) 1. As an alternative to registration at the polling place under pars.
22 (a) and (b), the board of election commissioners, or the governing body of any
23 municipality may by resolution require a person who qualifies as an elector and who
24 is not registered and desires to register on the day of an election to do so at another
25 readily accessible location in the same building as the polling place serving the

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1 elector's residence or at an alternate polling place assigned under s. 5.25 (5) (b),
2 instead of at the polling place serving the elector's residence. In such case, the
3 municipal clerk shall prominently post a notice of the registration location at the
4 polling place. An eligible elector who desires to register shall execute a registration
5 form as prescribed under par. (a) and, except as authorized in s. 6.79 (7), present a
6 valid operator's license issued to the person under ch. 343, a valid, current
7 identification card issued to the person by a U.S. uniformed service, ~~or~~ a valid
8 identification card issued to the person under s. 343.50, or a valid identification
9 certificate issued to the person under s. 343.505. If any document presented by the
10 person is not acceptable proof of residence under s. 6.34, the person shall also provide
11 proof of residence as provided under s. 6.34. If a person is registering to vote in the
12 general election and the person presents a valid driver's license issued by another
13 state, the municipal clerk, deputy clerk, or special registration deputy shall record
14 on a separate list the name and address of the person, the name of the state, and the
15 license number and expiration date of the license. The signing by the person
16 executing the registration form shall be in the presence of the municipal clerk,
17 deputy clerk or special registration deputy. The municipal clerk, the deputy clerk,
18 or the special registration deputy shall then print his or her name and sign the form,
19 indicating that the clerk, deputy clerk, or deputy has accepted the form. Upon proper
20 completion of registration, the municipal clerk, deputy clerk or special registration
21 deputy shall serially number the registration and give one copy to the person for
22 presentation at the polling place serving the person's residence or an alternate
23 polling place assigned under s. 5.25 (5) (b).

24 **SECTION 21.** 6.55 (2) (c) 2. of the statutes is amended to read:

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

10 **SECTION 22.** 6.56 (5) of the statutes is repealed.

11 **SECTION 23.** 6.79 (2) (a) of the statutes is amended to read:

12 6.79 **(2)** (a) Unless information on the poll list is entered electronically, the
13 municipal clerk shall supply the inspectors with 2 copies of the most current official
14 registration list or lists prepared under s. 6.36 (2) (a) for use as poll lists at the polling
15 place. Except as provided in sub. ~~subs.~~ (6) and (7), each person eligible elector, before
16 receiving a serial number, shall state his or her full name and address and present
17 to the officials a valid operator's license issued to the elector under ch. 343, a valid,
18 current identification card issued to the elector by a U.S. uniformed service, or a valid
19 identification card issued to the elector under s. 343.50. The officials shall verify that
20 the name and address ~~provided~~ stated by the ~~person~~ elector are the same as the
21 ~~person's~~ elector's name and address on the poll list.

22 **SECTION 24.** 6.79 (2) (a) of the statutes, as affected by 2011 Wisconsin Act ...
23 (this act), is amended to read:

24 6.79 **(2)** (a) Unless information on the poll list is entered electronically, the
25 municipal clerk shall supply the inspectors with 2 copies of the most current official

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1 registration list or lists prepared under s. 6.36 (2) (a) for use as poll lists at the polling
2 place. Except as provided in subs. (6) and (7), each eligible elector, before receiving
3 a serial number, shall state his or her full name and address and present to the
4 officials a valid operator's license issued to the elector under ch. 343, a valid, current
5 identification card issued to the elector by a U.S. uniformed service, ~~or~~ a valid
6 identification card issued to the elector under s. 343.50, or a valid identification
7 certificate issued to the elector under s. 343.505. The officials shall verify that the
8 name and address stated by the elector are the same as the elector's name and
9 address on the poll list.

10 **SECTION 25.** 6.79 (2) (d) of the statutes is amended to read:

11 6.79 (2) (d) If the poll list indicates that proof of residence under s. 6.34 is
12 required and the document provided by the elector under par. (a) does not constitute
13 proof of residence under s. 6.34, the officials shall require the elector to provide proof
14 of residence. If proof of residence is provided, the officials shall verify that the name
15 and address on the identification document submitted as proof of residence provided
16 is the same as the name and address shown on the registration list. If proof of
17 residence is required and not provided, or if the elector does not present a license or
18 identification card under par. (a), whenever required, the officials shall offer the
19 opportunity for the elector to vote under s. 6.97.

20 **SECTION 26.** 6.79 (2) (d) of the statutes, as affected by 2011 Wisconsin Act ...
21 (this act), is amended to read:

22 6.79 (2) (d) If the poll list indicates that proof of residence under s. 6.34 is
23 required and the document provided by the elector under par. (a) does not constitute
24 proof of residence under s. 6.34, the officials shall require the elector to provide proof
25 of residence. If proof of residence is provided, the officials shall verify that the name

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1 and address on the document submitted as proof of residence provided is the same
2 as the name and address shown on the registration list. If proof of residence is
3 required and not provided, or if the elector does not present a license or identification
4 card, or identification certificate under par. (a), whenever required, the officials shall
5 offer the opportunity for the elector to vote under s. 6.97.

6 **SECTION 27.** 6.79 (3) (title) of the statutes is amended to read:

7 6.79 (3) (title) ~~REFUSAL TO GIVE NAME AND ADDRESS~~ PROVIDE NAME, ADDRESS,
8 LICENSE, OR IDENTIFICATION CARD.

9 **SECTION 28.** 6.79 (3) (title) of the statutes, as affected by 2011 Wisconsin Act
10 (this act), is amended to read:

11 6.79 (3) (title) ~~REFUSAL TO PROVIDE NAME, ADDRESS, LICENSE, OR IDENTIFICATION~~
12 ~~CARD~~ OR CERTIFICATE.

13 **SECTION 29.** 6.79 (3) of the statutes is renumbered 6.79 (3) (a).

14 **SECTION 30.** 6.79 (3) (b) of the statutes is created to read:

15 6.79 (3) (b) If a license or identification card under sub. (2) is not provided by
16 the elector or if the name or any photograph appearing on the document that is
17 provided cannot be verified by the officials, the elector shall not be permitted to vote,
18 except as authorized under sub. (6) or (7), but if the elector is entitled to cast a
19 provisional ballot under s. 6.97, the officials shall offer the opportunity for the elector
20 to vote under s. 6.97.

21 **SECTION 31.** 6.79 (3) (b) of the statutes, as created by 2011 Wisconsin Act
22 (this act), is amended to read:

23 6.79 (3) (b) If a license or identification card, or identification certificate under
24 sub. (2) is not provided by the elector or if the name or any photograph appearing on
25 the document that is provided cannot be verified by the officials, the elector shall not

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

4 **SECTION 32.** 6.79 (4) of the statutes is amended to read:

5 6.79 (4) SUPPLEMENTAL INFORMATION. When any elector provides proof of
6 residence under s. 6.15, 6.29 or 6.55 (2), the election officials shall enter the type of
7 identifying document provided on the poll list, or separate list maintained under sub.
8 (2) (c). If the document submitted as proof of identity or residence includes a number
9 which applies only to the individual holding that document, the election officials
10 shall also enter that number on the list. ~~When any elector corroborates the~~
11 ~~registration identity or residence of any person offering to vote under s. 6.55 (2) (b)~~
12 ~~or (c), or the registration identity or residence of any person registering on election~~
13 ~~day under s. 6.86 (3) (a) 2., the election officials shall also enter the name and address~~
14 ~~of the corroborator next to the name of the elector whose information is being~~
15 ~~corroborated on the poll list, or the separate list maintained under sub. (2) (c).~~ When
16 any person offering to vote has been challenged and taken the oath, following the
17 person's name on the poll list, the officials shall enter the word "Sworn".

18 **SECTION 33.** 6.79 (6) of the statutes is amended to read:

19 6.79 (6) CONFIDENTIAL NAMES AND ADDRESSES. An elector who has a confidential
20 listing under s. 6.47 (2) may present his or her identification card issued under s. 6.47
21 (3), or give his or her name and identification serial number issued under s. 6.47 (3),
22 in lieu of stating his or her name and address and presenting a license or
23 identification card under sub. (2). If the elector's name and identification serial
24 number appear on the confidential portion of the list, the inspectors shall issue a

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1 voting serial number to the elector, record that number on the poll list and permit
2 the elector to vote.

3 **SECTION 34.** 6.79 (6) of the statutes, as affected by 2011 Wisconsin Act (this
4 act), is amended to read:

5 6.79 (6) CONFIDENTIAL NAMES AND ADDRESSES. An elector who has a confidential
6 listing under s. 6.47 (2) may present his or her identification card issued under s. 6.47
7 (3), or give his or her name and identification serial number issued under s. 6.47 (3),
8 in lieu of stating his or her name and address and presenting a license or
9 identification card, or identification certificate under sub. (2). If the elector's name
10 and identification serial number appear on the confidential portion of the list, the
11 inspectors shall issue a voting serial number to the elector, record that number on
12 the poll list and permit the elector to vote.

13 **SECTION 35.** 6.79 (7) of the statutes is created to read:

14 6.79 (7) LICENSE SURRENDER. If an elector receives a citation or notice of intent
15 to revoke or suspend an operator's license from a law enforcement officer in any
16 jurisdiction that is dated within 60 days of the date of an election and is required to
17 surrender his or her operator's license issued to the elector under ch. 343 at the time
18 the citation or notice is issued, the elector may present an original copy of the citation
19 or notice in lieu of an operator's license under ch. 343. In such case, the elector shall
20 cast his or her ballot under s. 6.965.

21 **SECTION 36.** 6.82 (1) (a) of the statutes is amended to read:

22 6.82 (1) (a) When any inspectors are informed that an eligible elector is at the
23 entrance to the polling place who as a result of disability is unable to enter the polling
24 place, they shall permit the elector to be assisted in marking a ballot by any
25 individual selected by the elector, except the elector's employer or an agent of that

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1 employer or an officer or agent of a labor organization which represents the elector.
2 The Except as authorized in s. 6.79 (6) and (7), the individual selected by the elector
3 shall present to the inspectors a valid operator's license issued to the elector under
4 ch. 343, a valid, current identification card issued to the elector by a U.S. uniformed
5 service, or a valid identification card issued to the elector under s. 343.50 and, if the
6 license or identification card does not constitute proof of residence under s. 6.34, shall
7 also provide proof of residence under s. 6.34 for the assisted elector, whenever
8 required, and all other information necessary for the elector to obtain a ballot under
9 s. 6.79 (2). The inspectors shall issue a ballot to the individual selected by the elector
10 and shall accompany the individual to the polling place entrance where the
11 assistance is to be given. If the ballot is a paper ballot, the assisting individual shall
12 fold the ballot after the ballot is marked by the assisting individual. The assisting
13 individual shall then immediately take the ballot into the polling place and give the
14 ballot to an inspector. The inspector shall distinctly announce that he or she has “a
15 ballot offered by (stating person's name), an elector who, as a result of disability,
16 is unable to enter the polling place without assistance”. The inspector shall then ask,
17 “Does anyone object to the reception of this ballot?” If no objection is made, the
18 inspectors shall record the elector's name under s. 6.79 and deposit the ballot in the
19 ballot box, and shall make a notation on the poll list: “Ballot received at poll
20 entrance”.

21 **SECTION 37.** 6.82 (1) (a) of the statutes, as affected by 2011 Wisconsin Act
22 (this act), is amended to read:

23 **6.82 (1) (a)** When any inspectors are informed that an eligible elector is at the
24 entrance to the polling place who as a result of disability is unable to enter the polling
25 place, they shall permit the elector to be assisted in marking a ballot by any

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1 individual selected by the elector, except the elector’s employer or an agent of that
2 employer or an officer or agent of a labor organization which represents the elector.
3 Except as authorized in s. 6.79 (6) and (7), the individual selected by the elector shall
4 present to the inspectors a valid operator’s license issued to the elector under ch. 343,
5 a valid, current identification card issued to the elector by a U.S. uniformed service,
6 ~~or~~ a valid identification card issued to the elector under s. 343.50, or a valid
7 identification certificate issued to the elector under s. 343.505 and, if the license ~~or~~,
8 identification card, or identification certificate does not constitute proof of residence
9 under s. 6.34, shall also provide proof of residence under s. 6.34 for the assisted
10 elector, whenever required, and all other information necessary for the elector to
11 obtain a ballot under s. 6.79 (2). The inspectors shall issue a ballot to the individual
12 selected by the elector and shall accompany the individual to the polling place
13 entrance where the assistance is to be given. If the ballot is a paper ballot, the
14 assisting individual shall fold the ballot after the ballot is marked by the assisting
15 individual. The assisting individual shall then immediately take the ballot into the
16 polling place and give the ballot to an inspector. The inspector shall distinctly
17 announce that he or she has “a ballot offered by (stating person’s name), an elector
18 who, as a result of disability, is unable to enter the polling place without assistance”.
19 The inspector shall then ask, “Does anyone object to the reception of this ballot?” If
20 no objection is made, the inspectors shall record the elector’s name under s. 6.79 and
21 deposit the ballot in the ballot box, and shall make a notation on the poll list: “Ballot
22 received at poll entrance”.

23 **SECTION 38.** 6.86 (1) (ac) of the statutes is amended to read:

24 6.86 (1) (ac) Any elector qualifying under par. (a) may make written application
25 to the municipal clerk for an official ballot by means of facsimile transmission or

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1 electronic mail. Any application under this paragraph shall contain a copy of the
2 applicant's original signature. An elector requesting a ballot under this paragraph
3 shall return with the voted ballot a copy of the request bearing an original signature
4 of the elector as provided in s. 6.87 (4) (b).

5 **SECTION 39.** 6.86 (1) (ar) of the statutes is amended to read:

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

17 **SECTION 40.** 6.86 (1) (ar) of the statutes, as affected by 2011 Wisconsin Act
18 (this act), is amended to read:

19 6.86 (1) (ar) Except as authorized in s. 6.875 (6), the municipal clerk shall not
20 issue an absentee ballot unless the clerk receives a written application therefor from
21 a qualified elector of the municipality. The clerk shall retain each absentee ballot
22 application until destruction is authorized under s. 7.23 (1). Except as authorized
23 in s. 6.79 (6) and (7), if a qualified elector applies for an absentee ballot in person at
24 the clerk's office, the clerk shall not issue the elector an absentee ballot unless the
25 elector presents a valid operator's license issued to the elector under ch. 343, a valid,

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1 current identification card issued to the elector by a U.S. uniformed service, or a valid
2 identification card issued to the elector under s. 343.50, or a valid identification
3 certificate issued to the elector under s. 343.505. The clerk shall make a copy of the
4 document presented by the elector and shall enclose the copy in the certificate
5 envelope.

6 **SECTION 41.** 6.86 (3) (a) 1. of the statutes is amended to read:

7 6.86 (3) (a) 1. Any elector who is registered and who is hospitalized, may apply
8 for and obtain an official ballot by agent. The agent may apply for and obtain a ballot
9 for the hospitalized absent elector by presenting a form prescribed by the board and
10 containing the required information supplied by the hospitalized elector and signed
11 by that elector ~~and any other elector residing in the same municipality as the~~
12 ~~hospitalized elector, corroborating the information contained therein. The~~
13 ~~corroborating elector shall state on the form his or her full name and address. Except~~
14 as authorized for an elector who has a confidential listing under s. 6.47 (2) or as
15 authorized in s. 6.87 (4) (b) 4., the agent shall present the license or identification
16 card required under sub. (1) (ar). The clerk shall make a copy of the document
17 presented by the agent and shall enclose the copy in the certificate envelope.

18 **SECTION 42.** 6.86 (3) (a) 1. of the statutes, as affected by 2011 Wisconsin Act ...
19 (this act), is amended to read:

20 6.86 (3) (a) 1. Any elector who is registered and who is hospitalized, may apply
21 for and obtain an official ballot by agent. The agent may apply for and obtain a ballot
22 for the hospitalized absent elector by presenting a form prescribed by the board and
23 containing the required information supplied by the hospitalized elector and signed
24 by that elector. Except as authorized for an elector who has a confidential listing
25 under s. 6.47 (2) or as authorized in s. 6.87 (4) (b) 4., the agent shall present the

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1 license ~~or~~ identification card, or identification certificate required under sub. (1) (ar).
2 The clerk shall make a copy of the document presented by the agent and shall enclose
3 the copy in the certificate envelope.

4 **SECTION 43.** 6.86 (3) (a) 2. of the statutes is amended to read:

5 6.86 (3) (a) 2. If a hospitalized elector is not registered, the elector may register
6 by agent under this subdivision at the same time that the elector applies for an
7 official ballot by agent under subd. 1. To register the elector under this subdivision,
8 the agent shall present a completed registration form that contains the required
9 information supplied by the elector and the elector's signature, unless the elector is
10 unable to sign due to physical disability. In this case, the elector may authorize
11 another elector to sign on his or her behalf. Any elector signing a form on another
12 elector's behalf shall attest to a statement that the application is made on request
13 and by authorization of the named elector, who is unable to sign the form due to
14 physical disability. The agent shall present this statement along with all other
15 information required under this subdivision. ~~Except as otherwise provided in this~~
16 ~~subdivision, the~~ The agent shall ~~in every case~~ provide proof of the elector's residence
17 under s. 6.34. If the elector is registering to vote in the general election and the agent
18 presents a valid driver's license issued to the elector by another state, the municipal
19 clerk shall record on a separate list the name and address of the elector, the name
20 of the state, and the license number and expiration date of the license. ~~If the agent~~
21 ~~cannot present proof of residence, the registration form shall be signed and~~
22 ~~substantiated by another elector residing in the elector's municipality of residence,~~
23 ~~corroborating the information in the form. The form shall contain the full name and~~
24 ~~address of the corroborating elector. The agent shall then present proof of the~~
25 ~~corroborating elector's residence under s. 6.34.~~

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1 **SECTION 44.** 6.869 of the statutes is amended to read:

2 **6.869 Uniform instructions.** The board shall prescribe uniform instructions
3 for absentee voters. The instructions shall include information concerning whether
4 a copy of a license or identification card is required under s. 6.86 (1) (ar) or 6.87 (4)
5 (b) and information concerning the procedure for correcting errors in marking a
6 ballot and obtaining a replacement for a spoiled ballot. The procedure shall, to the
7 extent possible, respect the privacy of each elector and preserve the confidentiality
8 of each elector's vote.

9 **SECTION 45.** 6.869 of the statutes, as affected by 2011 Wisconsin Act ...(this
10 act), is amended to read:

11 **6.869 Uniform instructions.** The board shall prescribe uniform instructions
12 for absentee voters. The instructions shall include information concerning whether
13 a copy of a license ~~or~~ identification card, or identification certificate is required under
14 s. 6.86 (1) (ar) or 6.87 (4) (b) and information concerning the procedure for correcting
15 errors in marking a ballot and obtaining a replacement for a spoiled ballot. The
16 procedure shall, to the extent possible, respect the privacy of each elector and
17 preserve the confidentiality of each elector's vote.

18 **SECTION 46.** 6.87 (3) (d) of the statutes is amended to read:

19 **6.87 (3) (d)** A municipal clerk may, if the clerk is reliably informed by an absent
20 elector of a facsimile transmission number or electronic mail address where the
21 elector can receive an absentee ballot, transmit a facsimile or electronic copy of the
22 absent elector's ballot to that elector in lieu of mailing under this subsection if, in the
23 judgment of the clerk, the time required to send the ballot through the mail may not
24 be sufficient to enable return of the ballot by the time provided under sub. (6). An
25 elector may receive an absentee ballot under this subsection only if the elector has

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1 filed a valid application for the ballot under s. 6.86 (1). If the clerk transmits an
2 absentee ballot under this paragraph, the clerk shall also transmit a facsimile or
3 electronic copy of the text of the material that appears on the certificate envelope
4 prescribed in sub. (2), together with instructions prescribed by the board. The
5 instructions shall require the absent elector to make and subscribe to the
6 certification as required under sub. (4) (b) and to enclose the absentee ballot in a
7 separate envelope contained within a larger envelope, that shall include the
8 completed certificate. The elector shall then affix sufficient postage unless the
9 absentee ballot qualifies for mailing free of postage under federal free postage laws
10 and shall mail the absentee ballot to the municipal clerk. Except as authorized in
11 s. 6.97 (2), an absentee ballot received under this paragraph shall not be counted
12 unless it is cast in the manner prescribed in this paragraph and in accordance with
13 the instructions provided by the board.

14 **SECTION 47.** 6.87 (4) of the statutes is renumbered 6.87 (4) (b) 1. and amended
15 to read:

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

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1 a copy of the license or identification card required under s. 6.86 (1) (ar) in the
2 envelope, unless the elector is a military elector or an overseas elector or the elector
3 has a confidential listing under s. 6.47 (2). If proof of residence under s. 6.34 is
4 required and the document enclosed by the elector under this subdivision does not
5 constitute proof of residence under s. 6.34, the elector shall also enclose proof of
6 residence under s. 6.34 in the envelope. Proof of residence is required if the elector
7 is not a military elector or an overseas elector, ~~as defined in s. 6.34 (1),~~ and the elector
8 registered by mail and has not voted in an election in this state. If the elector
9 requested a ballot by means of facsimile transmission or electronic mail under s. 6.86
10 (1) (ac), the elector shall enclose in the envelope a copy of the request which bears an
11 original signature of the elector. The elector may receive assistance under sub. (5).
12 The return envelope shall then be sealed. The witness may not be a candidate. The
13 envelope shall be mailed by the elector, or delivered in person, to the municipal clerk
14 issuing the ballot or ballots. If the envelope is mailed from a location outside the
15 United States, the elector shall affix sufficient postage unless the ballot qualifies for
16 delivery free of postage under federal law. Failure to return an unused ballot in a
17 primary does not invalidate the ballot on which the elector's votes are cast. Return
18 of more than one marked ballot in a primary or return of a ballot prepared under s.
19 5.655 or a ballot used with an electronic voting system in a primary which is marked
20 for candidates of more than one party invalidates all votes cast by the elector for
21 candidates in the primary.

22 **SECTION 48.** 6.87 (4) (a) of the statutes is created to read:

23 **6.87 (4) (a)** In this subsection:

24 1. "Military elector" has the meaning given in s. 6.34 (1) (a).

25 2. "Overseas elector" has the meaning given in s. 6.34 (1) (b).

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1 **SECTION 49.** 6.87 (4) (b) 1. of the statutes, as affected by 2011 Wisconsin Act ...
2 (this act), is amended to read:

3 **6.87 (4) (b) 1.** Except as otherwise provided in s. 6.875, the elector voting
4 absentee shall make and subscribe to the certification before one witness who is an
5 adult U.S. citizen. The absent elector, in the presence of the witness, shall mark the
6 ballot in a manner that will not disclose how the elector's vote is cast. The elector
7 shall then, still in the presence of the witness, fold the ballots so each is separate and
8 so that the elector conceals the markings thereon and deposit them in the proper
9 envelope. If a consolidated ballot under s. 5.655 is used, the elector shall fold the
10 ballot so that the elector conceals the markings thereon and deposit the ballot in the
11 proper envelope. Except as authorized in subds. 2. to 5. and s. 6.875 (6) and
12 notwithstanding s. 343.43 (1) (f), the elector shall enclose a copy of the license or
13 identification card, or identification certificate required under s. 6.86 (1) (ar) in the
14 envelope, unless the elector is a military elector or an overseas elector or the elector
15 has a confidential listing under s. 6.47 (2). If proof of residence under s. 6.34 is
16 required and the document enclosed by the elector under this subdivision does not
17 constitute proof of residence under s. 6.34, the elector shall also enclose proof of
18 residence under s. 6.34 in the envelope. Proof of residence is required if the elector
19 is not a military elector or an overseas elector and the elector registered by mail and
20 has not voted in an election in this state. If the elector requested a ballot by means
21 of facsimile transmission or electronic mail under s. 6.86 (1) (ac), the elector shall
22 enclose in the envelope a copy of the request which bears an original signature of the
23 elector. The elector may receive assistance under sub. (5). The return envelope shall
24 then be sealed. The witness may not be a candidate. The envelope shall be mailed
25 by the elector, or delivered in person, to the municipal clerk issuing the ballot or

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1 ballots. If the envelope is mailed from a location outside the United States, the
2 elector shall affix sufficient postage unless the ballot qualifies for delivery free of
3 postage under federal law. Failure to return an unused ballot in a primary does not
4 invalidate the ballot on which the elector's votes are cast. Return of more than one
5 marked ballot in a primary or return of a ballot prepared under s. 5.655 or a ballot
6 used with an electronic voting system in a primary which is marked for candidates
7 of more than one party invalidates all votes cast by the elector for candidates in the
8 primary.

9 **SECTION 50.** 6.87 (4) (b) 2. of the statutes is created to read:

10 6.87 (4) (b) 2. Unless subd. 3. applies, if the absentee elector has applied for and
11 qualified to receive absentee ballots automatically under s. 6.86 (2) (a), the elector
12 may, in lieu of providing a copy of a license or identification card required under s.
13 6.86 (1) (ar), submit with his or her absentee ballot a statement signed by the same
14 individual who witnesses voting of the ballot which contains the name and address
15 of the elector and verifies that the name and address are correct.

16 **SECTION 51.** 6.87 (4) (b) 2. of the statutes, as created by 2011 Wisconsin Act ...
17 (this act), is amended to read:

18 6.87 (4) (b) 2. Unless subd. 3. applies, if the absentee elector has applied for and
19 qualified to receive absentee ballots automatically under s. 6.86 (2) (a), the elector
20 may, in lieu of providing a copy of a license or identification card, or identification
21 certificate required under s. 6.86 (1) (ar), submit with his or her absentee ballot a
22 statement signed by the same individual who witnesses voting of the ballot which
23 contains the name and address of the elector and verifies that the name and address
24 are correct.

25 **SECTION 52.** 6.87 (4) (b) 3. of the statutes is created to read:

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1 6.87 (4) (b) 3. If the absentee elector has received an absentee ballot from the
2 municipal clerk by mail for a previous election, has provided a copy of a license or
3 identification card required under s. 6.86 (1) (ar) with that ballot, and has not
4 changed his or her name or address since providing that identification, the elector
5 is not required to provide a copy of the identification required under s. 6.86 (1) (ar).

6 **SECTION 53.** 6.87 (4) (b) 3. of the statutes, as created by 2011 Wisconsin Act ...
7 (this act), is amended to read:

8 6.87 (4) (b) 3. If the absentee elector has received an absentee ballot from the
9 municipal clerk by mail for a previous election, has provided a copy of a license or
10 identification card, or identification certificate required under s. 6.86 (1) (ar) with
11 that ballot, and has not changed his or her name or address since providing that
12 identification, the elector is not required to provide a copy of the identification
13 required under s. 6.86 (1) (ar).

14 **SECTION 54.** 6.87 (4) (b) 4. of the statutes is created to read:

15 6.87 (4) (b) 4. If the absentee elector has received a citation or notice of intent
16 to revoke or suspend an operator's license from a law enforcement officer in any
17 jurisdiction that is dated within 60 days of the date of the election and is required
18 to surrender his or her operator's license issued to the elector under ch. 343 at the
19 time the citation or notice is issued, the elector may enclose a copy of the citation or
20 notice in lieu of a copy of an operator's license under ch. 343 if the elector is voting
21 by mail, or may present an original copy of the citation or notice in lieu of an
22 operator's license under ch. 343 if the elector is voting at the office of the municipal
23 clerk.

24 **SECTION 55.** 6.87 (4) (b) 5. of the statutes is created to read:

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1 6.87 (4) (b) 5. Unless subd. 3. or 4. applies, if the absentee elector resides in a
2 qualified retirement home, as defined in s. 6.875 (1) (at), a qualified
3 community-based residential facility, as defined in s. 6.875 (1) (as), a residential care
4 apartment complex that is certified or registered under s. 50.034 (1), or an adult
5 family home that is certified under s. 50.032 or licensed under s. 50.033 and the
6 municipal clerk or board of election commissioners of the municipality where the
7 complex, facility, or home is located does not send special voting deputies to visit the
8 complex, facility, or home at the election under s. 6.875, the elector may, in lieu of
9 providing a copy of a license or identification card required under s. 6.86 (1) (ar),
10 submit with his or her absentee ballot a statement signed by the same individual who
11 witnesses voting of the ballot that contains the certification of the manager of the
12 complex, facility, or home that the elector resides in the complex, facility, or home and
13 the complex, facility, or home is certified or registered as required by law, that
14 contains the name and address of the elector, and that verifies that the name and
15 address are correct.

16 **SECTION 56.** 6.87 (4) (b) 5. of the statutes, as created by 2011 Wisconsin Act ...
17 (this act), is amended to read:

18 6.87 (4) (b) 5. Unless subd. 3. or 4. applies, if the absentee elector resides in a
19 residential care apartment complex that is certified or registered under s. 50.034 (1)
20 or an adult family home that is certified under s. 50.032 or licensed under s. 50.033
21 and the municipal clerk or board of election commissioners of the municipality where
22 the complex or home is located does not send special voting deputies to visit the
23 complex or home at the election under s. 6.875, the elector may, in lieu of providing
24 a copy of a license or identification card, or identification certificate required under
25 s. 6.86 (1) (ar), submit with his or her absentee ballot a statement signed by the same

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1 individual who witnesses voting of the ballot that contains the certification of the
2 manager of the complex or home that the elector resides in the complex or home and
3 the complex or home is certified or registered as required by law, that contains the
4 name and address of the elector, and that verifies that the name and address are
5 correct.

6 **SECTION 57.** 6.875 (title) of the statutes is amended to read:

7 **6.875 (title) Absentee voting in nursing and retirement certain homes**
8 **and certain community-based residential, facilities, and complexes.**

9 **SECTION 58.** 6.875 (1) (ap) and (asm) of the statutes are created to read:

10 6.875 (1) (ap) “Qualified adult family home” means a facility that is certified
11 or licensed to operate as an adult family home under s. 50.032 or 50.033 that qualifies
12 under sub. (2) (d) to utilize the procedures under this section.

13 (asm) “Qualified residential care apartment complex” means a facility that is
14 certified or registered to operate as a residential care apartment complex under s.
15 50.034 (1) that qualifies under sub. (2) (d) to utilize the procedures under this section.

16 **SECTION 59.** 6.875 (2) (a) of the statutes is amended to read:

17 6.875 (2) (a) The procedures prescribed in this section are the exclusive means
18 of absentee voting for electors who are occupants of nursing homes, qualified
19 community-based residential facilities ~~or~~, qualified retirement homes, qualified
20 residential care apartment complexes, and qualified adult family homes.

21 **SECTION 60.** 6.875 (2) (d) of the statutes is created to read:

22 6.875 (2) (d) The municipal clerk or board of election commissioners of any
23 municipality where a residential care apartment complex certified or registered
24 under s. 50.034 (1) or an adult family home certified under s. 50.032 or licensed under
25 s. 50.033 is located may adopt the procedures under this section for absentee voting

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1 in any such residential care apartment complex or adult family home located in the
2 municipality if the municipal clerk or board of election commissioners finds that
3 there are a significant number of the occupants of the complex or home who lack
4 adequate transportation to the appropriate polling place, a significant number of the
5 occupants of the complex or home may need assistance in voting, there are a
6 significant number of the occupants of the complex or home aged 60 or over, or there
7 are a significant number of indefinitely confined electors who are occupants of the
8 complex or home.

9 **SECTION 61.** 6.875 (3) and (4) of the statutes are amended to read:

10 6.875 (3) An occupant of a nursing home or qualified retirement home ~~or,~~
11 qualified community-based residential facility, qualified residential care apartment
12 complex, or qualified adult family home who qualifies as an absent elector and
13 desires to receive an absentee ballot shall make application under s. 6.86 (1), (2), or
14 (2m) with the municipal clerk or board of election commissioners of the municipality
15 in which the elector is a resident. The clerk or board of election commissioners of a
16 municipality receiving an application from an elector who is an occupant of a nursing
17 home or qualified retirement home ~~or,~~ qualified community-based residential
18 facility, qualified residential care apartment complex, or qualified adult family home
19 located in a different municipality shall, as soon as possible, notify and transmit an
20 absentee ballot for the elector to the clerk or board of election commissioners of the
21 municipality in which the home ~~or qualified community-based residential,~~ facility
22 or complex is located. The clerk or board of election commissioners of a municipality
23 receiving an application from an elector who is an occupant of a nursing home or
24 qualified retirement home ~~or,~~ qualified community-based residential facility,
25 qualified residential care apartment complex, or qualified adult family home located

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1 in the municipality but who is a resident of a different municipality shall, as soon as
2 possible, notify and request transmission of an absentee ballot from the clerk or
3 board of election commissioners of the municipality in which the elector is a resident.
4 The clerk or board of election commissioners shall make a record of all absentee
5 ballots to be transmitted, delivered, and voted under this section.

6 (4) (a) For the purpose of absentee voting in nursing homes ~~and~~, qualified
7 retirement homes ~~and~~, qualified community-based residential facilities, qualified
8 residential care apartment complexes, and qualified adult family homes, the
9 municipal clerk or board of election commissioners of each municipality in which one
10 or more nursing homes ~~or~~, qualified retirement homes ~~or~~, qualified
11 community-based residential facilities, qualified residential care apartment
12 complexes, or qualified adult family homes are located shall appoint at least 2 special
13 voting deputies for the municipality. Upon application under s. 6.86 (1), (2), or (2m)
14 by one or more qualified electors who are occupants of a ~~nursing home or qualified~~
15 ~~retirement home or qualified community-based residential~~, facility, or complex, the
16 municipal clerk or board of election commissioners of the municipality in which the
17 ~~home or~~, facility, or complex is located shall dispatch 2 special voting deputies to visit
18 the ~~home or qualified community-based residential~~, facility, or complex for the
19 purpose of supervising absentee voting procedure by occupants of the ~~home or~~
20 ~~qualified community-based residential~~, facility, or complex. The clerk shall
21 maintain a list, available to the public upon request, of each ~~nursing home or~~
22 ~~qualified retirement home or qualified community-based residential~~, facility, or
23 complex where an elector has requested an absentee ballot. The list shall include the
24 date and time the deputies intend to visit each ~~home or~~, facility, or complex. The 2
25 deputies designated to visit each ~~nursing home or~~, qualified retirement home or

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1 qualified community-based residential facility, qualified residential care apartment
2 complex, and qualified adult family home shall be affiliated with different political
3 parties whenever deputies representing different parties are available.

4 (b) Nominations for the special voting deputy positions described in par. (a)
5 may be submitted by the 2 recognized political parties whose candidates for governor
6 or president received the greatest numbers of votes in the municipality at the most
7 recent general election. The deputies shall be specially appointed to carry out the
8 duties under par. (a) for the period specified in s. 7.30 (6) (a). The clerk or board of
9 election commissioners may revoke an appointment at any time. No individual who
10 is employed or retained, or within the 2 years preceding appointment has been
11 employed or retained, at a nursing home ~~or~~, qualified retirement home ~~or~~, qualified
12 community-based residential facility, qualified residential care apartment complex,
13 or qualified adult family home in the municipality, or any member of the individual's
14 immediate family, as defined in s. 19.42 (7), may be appointed to serve as a deputy.

15 **SECTION 62.** 6.875 (6) (a) and (b) of the statutes are amended to read:

16 6.875 (6) (a) Special voting deputies in each municipality shall, not later than
17 5 p.m. on the Friday preceding an election, arrange one or more convenient times
18 with the administrator of each nursing home, qualified retirement home, and
19 qualified community-based residential facility, qualified residential care apartment
20 complex, and qualified adult family home in the municipality from which one or more
21 occupants have filed an application under s. 6.86 to conduct absentee voting for the
22 election. The time may be no earlier than the 4th Monday preceding the election and
23 no later than 5 p.m. on the Monday preceding the election. The municipal clerk shall
24 post a notice at the home ~~or~~, facility, or complex indicating the date and time that
25 absentee voting will take place at that home ~~or~~, facility, or complex. The notice shall

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1 be posted as soon as practicable after arranging the visit but in no case less than 24
2 hours before the visit. At the designated time, 2 deputies appointed under sub. (4)
3 shall visit the home ~~or~~ facility, or complex.

4 (b) The municipal clerk or executive director of the board of election
5 commissioners shall issue a supply of absentee ballots to the deputies sufficient to
6 provide for the number of valid applications for an absentee ballot received by the
7 clerk, and a reasonable additional number of ballots. The deputies may exercise the
8 authority granted to the chief inspector under s. 7.41 to regulate the conduct of
9 observers. For purposes of the application of s. 7.41, the home ~~or~~ facility, or complex
10 shall be treated as a polling place. The municipal clerk or executive director shall
11 keep a careful record of all ballots issued to the deputies and shall require the
12 deputies to return every ballot issued to them.

13 **SECTION 63.** 6.875 (6) (c) 1. of the statutes is amended to read:

14 6.875 **(6)** (c) 1. Upon their visit to the home ~~or~~ facility, or complex under par.
15 (a), the deputies shall personally offer each elector who has filed a proper application
16 for an absentee ballot the opportunity to cast his or her absentee ballot. In lieu of
17 providing a copy of a license or identification card under s. 6.87 (4) (b) 1. with his or
18 her absentee ballot, the elector may submit with his or her ballot a statement signed
19 by both deputies that contains the name and address of the elector and verifies that
20 the name and address are correct. The deputies shall enclose the statement in the
21 certificate envelope. If an elector presents a license or identification card under s.
22 6.87 (4) (b) 1., the deputies shall make a copy of the document presented by the elector
23 and shall enclose the copy in the certificate envelope. If an elector is present who has
24 not filed a proper application for an absentee ballot, the 2 deputies may accept an
25 application from the elector and shall issue a ballot to the elector if the elector is

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1 qualified, the elector presents a license or identification card, whenever required, or
2 submits a statement containing his or her name and address under this subdivision,
3 and the application is proper. The deputies shall each witness the certification and
4 may, upon request of the elector, assist the elector in marking the elector's ballot. All
5 voting shall be conducted in the presence of the deputies. Upon request of the elector,
6 a relative of the elector who is present in the room may assist the elector in marking
7 the elector's ballot. No individual other than a deputy may witness the certification
8 and no individual other than a deputy or relative of an elector may render voting
9 assistance to the elector.

10 **SECTION 64.** 6.875 (6) (c) 1. of the statutes, as affected by 2011 Wisconsin Act
11 (this act), is amended to read:

12 6.875 (6) (c) 1. Upon their visit to the home, facility, or complex under par. (a),
13 the deputies shall personally offer each elector who has filed a proper application for
14 an absentee ballot the opportunity to cast his or her absentee ballot. In lieu of
15 providing a copy of a license or, identification card, or identification certificate under
16 s. 6.87 (4) (b) 1. with his or her absentee ballot, the elector may submit with his or
17 her ballot a statement signed by both deputies that contains the name and address
18 of the elector and verifies that the name and address are correct. The deputies shall
19 enclose the statement in the certificate envelope. If an elector presents a license or,
20 identification card, or identification certificate under s. 6.87 (4) (b) 1., the deputies
21 shall make a copy of the document presented by the elector and shall enclose the copy
22 in the certificate envelope. If an elector is present who has not filed a proper
23 application for an absentee ballot, the 2 deputies may accept an application from the
24 elector and shall issue a ballot to the elector if the elector is qualified, the elector
25 presents a license or, identification card, or identification certificate, whenever

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1 required, or submits a statement containing his or her name and address under this
2 subsection, and the application is proper. The deputies shall each witness the
3 certification and may, upon request of the elector, assist the elector in marking the
4 elector's ballot. All voting shall be conducted in the presence of the deputies. Upon
5 request of the elector, a relative of the elector who is present in the room may assist
6 the elector in marking the elector's ballot. No individual other than a deputy may
7 witness the certification and no individual other than a deputy or relative of an
8 elector may render voting assistance to the elector.

9 **SECTION 65.** 6.875 (6) (c) 2. of the statutes is amended to read:

10 6.875 (6) (c) 2. Upon the request of a relative of an occupant of a nursing home
11 ~~or~~ qualified retirement home ~~or~~ qualified community-based residential facility,
12 qualified residential care apartment complex, or qualified adult family home, the
13 administrator of the home ~~or~~ facility, or complex may notify the relative of the time
14 or times at which special voting deputies will conduct absentee voting at the home
15 ~~or~~ facility, or complex and permit the relative to be present in the room where the
16 voting is conducted.

17 **SECTION 66.** 6.875 (6) (e) of the statutes is amended to read:

18 6.875 (6) (e) If a qualified elector is not able to cast his or her ballot on 2 separate
19 visits by the deputies to the home ~~or~~ facility, or complex, the deputies shall so inform
20 the municipal clerk or executive director of the board of election commissioners, who
21 may then send the ballot to the elector no later than 5 p.m. on the Friday preceding
22 the election.

23 **SECTION 67.** 6.875 (7) of the statutes is amended to read:

24 6.875 (7) One observer from each of the 2 recognized political parties whose
25 candidate for governor or president received the greatest number of votes in the

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1 municipality at the most recent general election may accompany the deputies to each
2 home ~~or~~ facility, or complex where absentee voting will take place under this section.
3 The observers may observe the process of absentee ballot distribution in the common
4 areas of the home ~~or~~ facility, or complex. Each party wishing to have an observer
5 present shall submit the name of the observer to the clerk or board of election
6 commissioners no later than the close of business on the last business day prior to
7 the visit.

8 **SECTION 68.** 6.88 (3) (a) of the statutes is amended to read:

9 6.88 (3) (a) Except in municipalities where absentee ballots are canvassed
10 under s. 7.52, at any time between the opening and closing of the polls on election day,
11 the inspectors shall, in the same room where votes are being cast, in such a manner
12 that members of the public can hear and see the procedures, open the carrier
13 envelope only, and announce the name of the absent elector or the identification
14 serial number of the absent elector if the elector has a confidential listing under s.
15 6.47 (2). When the inspectors find that the certification has been properly executed,
16 the applicant is a qualified elector of the ward or election district, and the applicant
17 has not voted in the election, they shall enter an indication on the poll list next to the
18 applicant's name indicating an absentee ballot is cast by the elector. They shall then
19 open the envelope containing the ballot in a manner so as not to deface or destroy the
20 certification thereon. The inspectors shall take out the ballot without unfolding it
21 or permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95,
22 the inspectors shall verify that the ballot has been endorsed by the issuing clerk. If
23 the poll list indicates that proof of residence under s. 6.34 is required and no proof
24 of residence is enclosed or the name or address on the document that is provided is
25 not the same as the name and address shown on the poll list, or if the elector is not

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1 a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, as defined in s.
2 6.34 (1) (b), and the elector is required to provide, or to provide a copy of, a license
3 or identification card under s. 6.86 (1) (ar) or 6.87 (4) (b) 1. and no copy of the license
4 or identification card is enclosed or the name on the document cannot be verified by
5 the inspectors, the inspectors shall proceed as provided under s. 6.97 (2). The
6 inspectors shall then deposit the ballot into the proper ballot box and enter the
7 absent elector's name or voting number after his or her name on the poll list in the
8 same manner as if the elector had been present and voted in person.

9 **SECTION 69.** 6.88 (3) (a) of the statutes, as affected by 2011 Wisconsin Act
10 (this act), is amended to read:

11 6.88 (3) (a) Except in municipalities where absentee ballots are canvassed
12 under s. 7.52, at any time between the opening and closing of the polls on election day,
13 the inspectors shall, in the same room where votes are being cast, in such a manner
14 that members of the public can hear and see the procedures, open the carrier
15 envelope only, and announce the name of the absent elector or the identification
16 serial number of the absent elector if the elector has a confidential listing under s.
17 6.47 (2). When the inspectors find that the certification has been properly executed,
18 the applicant is a qualified elector of the ward or election district, and the applicant
19 has not voted in the election, they shall enter an indication on the poll list next to the
20 applicant's name indicating an absentee ballot is cast by the elector. They shall then
21 open the envelope containing the ballot in a manner so as not to deface or destroy the
22 certification thereon. The inspectors shall take out the ballot without unfolding it
23 or permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95,
24 the inspectors shall verify that the ballot has been endorsed by the issuing clerk. If
25 the poll list indicates that proof of residence under s. 6.34 is required and no proof

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1 of residence is enclosed or the name or address on the document that is provided is
2 not the same as the name and address shown on the poll list, or if the elector is not
3 a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, as defined in s.
4 6.34 (1) (b), and the elector is required to provide, or to provide a copy of, a license
5 ~~or~~ identification card, or identification certificate under s. 6.86 (1) (ar) or 6.87 (4) (b)
6 1. and no copy of the license ~~or~~ identification card, or identification certificate is
7 enclosed or the name on the document cannot be verified by the inspectors, the
8 inspectors shall proceed as provided under s. 6.97 (2). The inspectors shall then
9 deposit the ballot into the proper ballot box and enter the absent elector's name or
10 voting number after his or her name on the poll list in the same manner as if the
11 elector had been present and voted in person.

12 **SECTION 70.** 6.965 of the statutes is created to read:

13 **6.965 Voting procedure for electors presenting citation or notice in**
14 **lieu of license.** Whenever any elector is allowed to vote at a polling place under s.
15 6.79 (7) by presenting a citation or notice of intent to revoke or suspend an operator's
16 license in lieu of an operator's license issued to the elector under ch. 343, the
17 inspectors shall, before giving the elector a ballot, write on the back of the ballot the
18 serial number of the elector corresponding to the number kept at the election on the
19 poll list or other list maintained under s. 6.79 and the notation "s. 6.965." If voting
20 machines are used in the municipality where the elector is voting, the elector's vote
21 may be received only upon an absentee ballot furnished by the municipal clerk which
22 shall have the notation "s. 6.965" written on the back of the ballot by the inspectors
23 before the ballot is given to the elector. If the municipal clerk receives an absentee
24 ballot from an elector who presents a citation or notice, or copy thereof, under s. 6.87
25 (4) (b) 4., the clerk shall enter a notation on the certificate envelope "Ballot under s.

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1 6.965, stats.” Upon receiving the envelope, the inspectors shall open and write on
2 the back of the ballot the serial number of the elector corresponding to the number
3 kept at the election on the poll list or other list maintained under s. 6.79 and the
4 notation “s. 6.965.” The inspectors shall indicate on the poll list or other list
5 maintained under s. 6.79 the fact that the elector is voting by using a citation or
6 notice in lieu of a license. The inspectors shall then deposit the ballot. The ballot
7 shall then be counted under s. 5.85, or under s. 7.51 or 7.52.

8 **SECTION 71.** 6.97 (title) of the statutes is amended to read:

9 **6.97 (title) Voting procedure for individuals not providing required**
10 **proof of residence or identification.**

11 **SECTION 72.** 6.97 (1) of the statutes is amended to read:

12 6.97 (1) Whenever any individual who is required to provide proof of residence
13 under s. 6.34 in order to be permitted to vote appears to vote at a polling place and
14 cannot provide the required proof of residence, the inspectors shall offer the
15 opportunity for the individual to vote under this section. Whenever any individual,
16 other than a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, as
17 defined in s. 6.34 (1) (b), or an elector who has a confidential listing under s. 6.47 (2),
18 appears to vote at a polling place and does not present a license or identification card
19 under s. 6.79 (2), whenever required, the inspectors or the municipal clerk shall
20 similarly offer the opportunity for the individual to vote under this section. If the
21 individual wishes to vote, the inspectors shall provide the elector with an envelope
22 marked “Ballot under s. 6.97, stats.” on which the serial number of the elector is
23 entered and shall require the individual to execute on the envelope a written
24 affirmation stating that the individual is a qualified elector of the ward or election
25 district where he or she offers to vote and is eligible to vote in the election. The

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1 inspectors shall, before giving the elector a ballot, write on the back of the ballot the
2 serial number of the individual corresponding to the number kept at the election on
3 the poll list or other list maintained under s. 6.79 and the notation “s. 6.97”. If voting
4 machines are used in the municipality where the individual is voting, the
5 individual’s vote may be received only upon an absentee ballot furnished by the
6 municipal clerk which shall have the corresponding number from the poll list or
7 other list maintained under s. 6.79 and the notation “s. 6.97” written on the back of
8 the ballot by the inspectors before the ballot is given to the elector. When receiving
9 the individual’s ballot, the inspectors shall provide the individual with written
10 voting information prescribed by the board under s. 7.08 (8). The inspectors shall
11 indicate on the list the fact that the individual is required to provide proof of
12 residence or a license or identification card under s. 6.79 (2) but did not do so. The
13 inspectors shall notify the individual that he or she may provide proof of residence
14 or a license or identification card to the municipal clerk or executive director of the
15 municipal board of election commissioners. The inspectors shall also promptly notify
16 the municipal clerk or executive director of the name, address, and serial number of
17 the individual. The inspectors shall then place the ballot inside the envelope and
18 place the envelope in a separate carrier envelope.

19 **SECTION 73.** 6.97 (1) of the statutes, as affected by 2011 Wisconsin Act (this
20 act), is amended to read:

21 6.97 (1) Whenever any individual who is required to provide proof of residence
22 under s. 6.34 in order to be permitted to vote appears to vote at a polling place and
23 cannot provide the required proof of residence, the inspectors shall offer the
24 opportunity for the individual to vote under this section. Whenever any individual,
25 other than a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, as

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1 defined in s. 6.34 (1) (b), or an elector who has a confidential listing under s. 6.47 (2),
2 appears to vote at a polling place and does not present a license or identification card,
3 or identification certificate under s. 6.79 (2), whenever required, the inspectors or the
4 municipal clerk shall similarly offer the opportunity for the individual to vote under
5 this section. If the individual wishes to vote, the inspectors shall provide the elector
6 with an envelope marked “Ballot under s. 6.97, stats.” on which the serial number
7 of the elector is entered and shall require the individual to execute on the envelope
8 a written affirmation stating that the individual is a qualified elector of the ward or
9 election district where he or she offers to vote and is eligible to vote in the election.
10 The inspectors shall, before giving the elector a ballot, write on the back of the ballot
11 the serial number of the individual corresponding to the number kept at the election
12 on the poll list or other list maintained under s. 6.79 and the notation “s. 6.97”. If
13 voting machines are used in the municipality where the individual is voting, the
14 individual’s vote may be received only upon an absentee ballot furnished by the
15 municipal clerk which shall have the corresponding number from the poll list or
16 other list maintained under s. 6.79 and the notation “s. 6.97” written on the back of
17 the ballot by the inspectors before the ballot is given to the elector. When receiving
18 the individual’s ballot, the inspectors shall provide the individual with written
19 voting information prescribed by the board under s. 7.08 (8). The inspectors shall
20 indicate on the list the fact that the individual is required to provide proof of
21 residence or a license or identification card, or identification certificate under s. 6.79
22 (2) but did not do so. The inspectors shall notify the individual that he or she may
23 provide proof of residence or a license or identification card, or identification
24 certificate to the municipal clerk or executive director of the municipal board of
25 election commissioners. The inspectors shall also promptly notify the municipal

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1 clerk or executive director of the name, address, and serial number of the individual.

2 The inspectors shall then place the ballot inside the envelope and place the envelope
3 in a separate carrier envelope.

4 **SECTION 74.** 6.97 (2) of the statutes is amended to read:

5 6.97 (2) Whenever any individual who votes by absentee ballot is required to
6 provide proof of residence in order to be permitted to vote and does not provide the
7 required proof of residence under s. 6.34, the inspectors shall treat the ballot as a
8 provisional ballot under this section. Whenever any individual, other than a military
9 elector, as defined in s. 6.34 (1) (a), or an overseas elector, as defined in s. 6.34 (1) (b),
10 an individual who has a confidential listing under s. 6.47 (2), or an individual who
11 is exempted under s. 6.87 (4) or s. 6.875 (6), votes by absentee ballot and does not
12 enclose a copy of the license or identification card required under s. 6.86 (1) (ar), the
13 inspectors shall similarly treat the ballot as a provisional ballot under this section.
14 Upon removing the ballot from the envelope, the inspectors shall write on the back
15 of the absentee ballot the serial number of the individual corresponding to the
16 number kept at the election on the poll list or other list maintained under s. 6.79 and
17 the notation “s. 6.97”. The inspectors shall indicate on the list the fact that the
18 individual is required to provide proof of residence or to provide, or provide a copy
19 of, a license or identification card required under s. 6.86 (1) (ar) or 6.87 (4) (b) 1. but
20 did not do so. The inspectors shall promptly notify the municipal clerk or executive
21 director of the municipal board of election commissioners of the name, address, and
22 serial number of the individual. The inspectors shall then place the ballot inside an
23 envelope on which the name and serial number of the elector is entered and shall
24 place the envelope in a separate carrier envelope.

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1 **SECTION 75.** 6.97 (2) of the statutes, as affected by 2011 Wisconsin Act (this
2 act), is amended to read:

3 **6.97 (2)** Whenever any individual who votes by absentee ballot is required to
4 provide proof of residence in order to be permitted to vote and does not provide the
5 required proof of residence under s. 6.34, the inspectors shall treat the ballot as a
6 provisional ballot under this section. Whenever any individual, other than a military
7 elector, as defined in s. 6.34 (1) (a), or an overseas elector, as defined in s. 6.34 (1) (b),
8 an individual who has a confidential listing under s. 6.47 (2), or an individual who
9 is exempted under s. 6.87 (4) or s. 6.875 (6), votes by absentee ballot and does not
10 enclose a copy of the license or identification card, or identification certificate
11 required under s. 6.86 (1) (ar), the inspectors shall similarly treat the ballot as a
12 provisional ballot under this section. Upon removing the ballot from the envelope,
13 the inspectors shall write on the back of the ballot the serial number of the individual
14 corresponding to the number kept at the election on the poll list or other list
15 maintained under s. 6.79 and the notation “s. 6.97”. The inspectors shall indicate on
16 the list the fact that the individual is required to provide proof of residence or to
17 provide, or provide a copy of, a license or identification card, or identification
18 certificate required under s. 6.86 (1) (ar) or 6.87 (4) (b) 1. but did not do so. The
19 inspectors shall promptly notify the municipal clerk or executive director of the
20 municipal board of election commissioners of the name, address, and serial number
21 of the individual. The inspectors shall then place the ballot inside an envelope on
22 which the name and serial number of the elector is entered and shall place the
23 envelope in a separate carrier envelope.

24 **SECTION 76.** 6.97 (3) of the statutes is renumbered 6.97 (3) (b) and amended to
25 read:

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

21 **SECTION 77.** 6.97 (3) (a) of the statutes is created to read:

22 6.97 (3) (a) Whenever an elector who votes by provisional ballot under sub. (1)
23 or (2) because the elector does not provide a license or identification card or copy
24 thereof under s. 6.79 (2) or 6.86 (1) (ar) later appears at the polling place where the
25 ballot is cast before the closing hour and provides the license or identification card

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1 or copy thereof, the inspectors shall remove the elector's ballot from the separate
2 carrier envelope, shall note on the poll list that the elector's provisional ballot is
3 withdrawn, and shall deposit the elector's ballot in the ballot box. If the inspectors
4 have notified the municipal clerk or executive director of the board of election
5 commissioners that the elector's ballot was cast under this section, the inspectors
6 shall notify the clerk or executive director that the elector's provisional ballot is
7 withdrawn.

8 **SECTION 78.** 6.97 (3) (a) of the statutes, as created by 2011 Wisconsin Act
9 (this act), is amended to read:

10 6.97 (3) (a) Whenever an elector who votes by provisional ballot under sub. (1)
11 or (2) because the elector does not provide a license ~~or~~ identification card, or
12 identification certificate or copy thereof under s. 6.79 (2) or 6.86 (1) (ar) later appears
13 at the polling place where the ballot is cast before the closing hour and provides the
14 license ~~or~~ identification card, or identification certificate or copy thereof, the
15 inspectors shall remove the elector's ballot from the separate carrier envelope, shall
16 note on the poll list that the elector's provisional ballot is withdrawn, and shall
17 deposit the elector's ballot in the ballot box. If the inspectors have notified the
18 municipal clerk or executive director of the board of election commissioners that the
19 elector's ballot was cast under this section, the inspectors shall notify the clerk or
20 executive director that the elector's provisional ballot is withdrawn.

21 **SECTION 79.** 6.97 (3) (b) of the statutes, as affected by 2011 Wisconsin Act
22 (this act), is amended to read:

23 6.97 (3) (b) Whenever the municipal clerk or executive director of the municipal
24 board of election commissioners is informed by the inspectors that a ballot has been
25 cast under this section, the clerk or executive director shall promptly provide written

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

19 **SECTION 80.** 6.97 (3) (c) of the statutes is created to read:

20 6.97 (3) (c) A ballot cast under this section by an elector for whom a valid license
21 or identification card or copy thereof is required under s. 6.79 (2) or 6.86 (1) (ar) shall
22 not be counted unless the municipal clerk or executive director of the board of
23 election commissioners provides timely notification that the elector has provided a
24 valid license or identification card or copy thereof under this section.

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1 **SECTION 81.** 6.97 (3) (c) of the statutes, as created by 2011 Wisconsin Act (this
2 act), is amended to read:

3 6.97 **(3)** (c) A ballot cast under this section by an elector for whom a valid license
4 ~~or~~ identification card, or identification certificate or copy thereof is required under
5 s. 6.79 (2) or 6.86 (1) (ar) shall not be counted unless the municipal clerk or executive
6 director of the board of election commissioners provides timely notification that the
7 elector has provided a valid license ~~or~~ identification card, or identification certificate
8 or copy thereof under this section.

9 **SECTION 82.** 7.08 (8) (title) of the statutes is amended to read:

10 7.08 **(8)** (title) ELECTORS VOTING WITHOUT PROOF OF RESIDENCE OR IDENTIFICATION
11 OR PURSUANT TO COURT ORDER.

12 **SECTION 83.** 7.08 (12) of the statutes is created to read:

13 7.08 **(12)** ASSISTANCE IN OBTAINING LICENSES OR IDENTIFICATION CARDS. Engage
14 in outreach to identify and contact groups of electors who may need assistance in
15 obtaining or renewing a license or identification card for voting under s. 6.79 (2) (a),
16 6.86 (1) (ar), or 6.87 (4) (b), and provide assistance to the electors in obtaining or
17 renewing a license or identification card.

18 **SECTION 84.** 7.08 (12) of the statutes, as created by 2011 Wisconsin Act (this
19 act), is amended to read:

20 7.08 **(12)** ASSISTANCE IN OBTAINING LICENSES OR IDENTIFICATION CARDS OR
21 CERTIFICATES. Engage in outreach to identify and contact groups of electors who may
22 need assistance in obtaining or renewing a license ~~or~~ identification card, or
23 identification certificate for voting under s. 6.79 (2) (a), 6.86 (1) (ar), or 6.87 (4) (b),
24 and provide assistance to the electors in obtaining or renewing a license ~~or~~ or
25 identification card, or identification certificate.

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1 **SECTION 85.** 7.52 (3) (a) of the statutes is amended to read:

2 7.52 (3) (a) The board of absentee ballot canvassers shall first open the carrier
3 envelope only, and, in such a manner that a member of the public, if he or she desired,
4 could hear, announce the name of the absent elector or the identification serial
5 number of the absent elector if the elector has a confidential listing under s. 6.47 (2).
6 When the board of absentee ballot canvassers finds that the certification has been
7 properly executed and the applicant is a qualified elector of the ward or election
8 district, the board of absentee ballot canvassers shall enter an indication on the poll
9 list next to the applicant's name indicating an absentee ballot is cast by the elector.
10 The board of absentee ballot canvassers shall then open the envelope containing the
11 ballot in a manner so as not to deface or destroy the certification thereon. The board
12 of absentee ballot canvassers shall take out the ballot without unfolding it or
13 permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95, the
14 board of absentee ballot canvassers shall verify that the ballot has been endorsed by
15 the issuing clerk. If the poll list indicates that proof of residence is required and no
16 proof of residence is enclosed or the name or address on the document that is provided
17 is not the same as the name and address shown on the poll list, or if the elector is not
18 a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, as defined in s.
19 6.34 (1) (b), and the elector is required to provide, or to provide a copy of, a license
20 or identification card required under s. 6.86 (1) (ar) or 6.87 (4) (b) 1. and no copy of
21 the license or identification card is enclosed or the name on the document cannot be
22 verified by the canvassers, the board of absentee ballot canvassers shall proceed as
23 provided under s. 6.97 (2). The board of absentee ballot canvassers shall mark the
24 poll list number of each elector who casts an absentee ballot on the back of the
25 elector's ballot. The board of absentee ballot canvassers shall then deposit the ballot

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1 into the proper ballot box and enter the absent elector's name or poll list number after
2 his or her name on the poll list.

3 **SECTION 86.** 7.52 (3) (a) of the statutes, as affected by 2011 Wisconsin Act ...
4 (this act), is amended to read:

5 7.52 (3) (a) The board of absentee ballot canvassers shall first open the carrier
6 envelope only, and, in such a manner that a member of the public, if he or she desired,
7 could hear, announce the name of the absent elector or the identification serial
8 number of the absent elector if the elector has a confidential listing under s. 6.47 (2).
9 When the board of absentee ballot canvassers finds that the certification has been
10 properly executed and the applicant is a qualified elector of the ward or election
11 district, the board of absentee ballot canvassers shall enter an indication on the poll
12 list next to the applicant's name indicating an absentee ballot is cast by the elector.
13 The board of absentee ballot canvassers shall then open the envelope containing the
14 ballot in a manner so as not to deface or destroy the certification thereon. The board
15 of absentee ballot canvassers shall take out the ballot without unfolding it or
16 permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95, the
17 board of absentee ballot canvassers shall verify that the ballot has been endorsed by
18 the issuing clerk. If the poll list indicates that proof of residence is required and no
19 proof of residence is enclosed or the name or address on the document that is provided
20 is not the same as the name and address shown on the poll list, or if the elector is not
21 a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, as defined in s.
22 6.34 (1) (b), and the elector is required to provide, or to provide a copy of, a license
23 ~~or~~ identification card, or identification certificate required under s. 6.86 (1) (ar) or
24 6.87 (4) (b) 1. and no copy of the license ~~or~~ identification card, or identification
25 certificate is enclosed or the name on the document cannot be verified by the

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1 canvassers, the board of absentee ballot canvassers shall proceed as provided under
2 s. 6.97 (2). The board of absentee ballot canvassers shall mark the poll list number
3 of each elector who casts an absentee ballot on the back of the elector's ballot. The
4 board of absentee ballot canvassers shall then deposit the ballot into the proper
5 ballot box and enter the absent elector's name or poll list number after his or her
6 name on the poll list.

7 **SECTION 87.** 10.02 (3) (form) (a) of the statutes is amended to read:

8 10.02 (3) (form) (a) Upon entering the polling place and before being permitted
9 to vote, an elector shall state his or her name and address. If an elector is not
10 registered to vote, an elector may register to vote at the polling place serving his or
11 her residence if the elector ~~provides proof of residence or the elector's registration is~~
12 ~~verified by another elector of the same municipality where the elector resides~~
13 presents a valid Wisconsin operator's license, a valid, current identification card
14 issued to the elector by a U.S. uniformed service, or a valid Wisconsin identification
15 card unless the elector is exempted from this requirement, and, if the document
16 presented does not constitute proof of residence, if the elector provides proof of
17 residence. Where ballots are distributed to electors, the initials of 2 inspectors must
18 appear on the ballot. Upon being permitted to vote, the elector shall retire alone to
19 a voting booth or machine and cast his or her ballot, except that an elector who is a
20 parent or guardian may be accompanied by the elector's minor child or minor ward.
21 An election official may inform the elector of the proper manner for casting a vote,
22 but the official may not in any manner advise or indicate a particular voting choice.

23 **SECTION 88.** 10.02 (3) (form) (a) of the statutes, as affected by 2011 Wisconsin
24 Act (this act), is amended to read:

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1 10.02 (3) (form) (a) Upon entering the polling place and before being permitted
2 to vote, an elector shall state his or her name and address. If an elector is not
3 registered to vote, an elector may register to vote at the polling place serving his or
4 her residence if the elector presents a valid Wisconsin operator's license, a valid,
5 current identification card issued to the elector by a U.S. uniformed service, ~~or~~ a valid
6 Wisconsin identification card, or a valid Wisconsin identification certificate unless
7 the elector is exempted from this requirement, and, if the document presented does
8 not constitute proof of residence, if the elector provides proof of residence. Where
9 ballots are distributed to electors, the initials of 2 inspectors must appear on the
10 ballot. Upon being permitted to vote, the elector shall retire alone to a voting booth
11 or machine and cast his or her ballot, except that an elector who is a parent or
12 guardian may be accompanied by the elector's minor child or minor ward. An
13 election official may inform the elector of the proper manner for casting a vote, but
14 the official may not in any manner advise or indicate a particular voting choice.

15 **SECTION 89.** 12.03 (2) (b) 3. of the statutes is amended to read:

16 12.03 (2) (b) 3. No person may engage in electioneering within 100 feet of an
17 entrance to or within a nursing home ~~or~~, qualified retirement home ~~or~~, qualified
18 community-based residential facility, qualified residential care apartment complex,
19 or qualified adult family home while special voting deputies are present at the home
20 or facility.

21 **SECTION 90.** 12.13 (2) (b) 6m. of the statutes is amended to read:

22 12.13 (2) (b) 6m. Obtain an absentee ballot for voting in a nursing home or
23 qualified retirement home ~~or~~, qualified community-based residential facility,
24 qualified residential care apartment complex, or qualified adult family home under
25 s. 6.875 (6) and fail to return the ballot to the issuing officer.

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1 **SECTION 91.** 12.13 (3) (v) of the statutes is repealed.

2 **SECTION 92.** 85.103 (2) of the statutes is amended to read:

3 85.103 **(2)** The department shall include on any form for application for original
4 registration under s. 341.08, for application for renewal of registration under s.
5 341.08, for application for a certificate of title under s. 342.06, for application for a
6 license or identification card or renewal of a license or identification card under s.
7 343.14, for application for an identification certificate or renewal of an identification
8 certificate under s. 343.505 (2). and for application for a special identification card
9 under s. 343.51, a place for the individual to designate that the individual's personal
10 identifiers may not be disclosed in information compiled or maintained by the
11 department that contains the personal identifiers of 10 or more individuals, a
12 statement indicating the effect of making such a designation and a place for an
13 applicant or registrant who has made a designation under this subsection or sub. (3)
14 to reverse the designation.

15 **SECTION 93.** 125.085 (1) (f) of the statutes is created to read:

16 125.085 **(1)** (f) An identification certificate issued under s. 343.505.

17 **SECTION 94.** 134.71 (8) (a) 2. of the statutes is amended to read:

18 134.71 **(8)** (a) 2. A state identification card or identification certificate.

19 **SECTION 95.** 139.30 (4n) of the statutes is amended to read:

20 139.30 **(4n)** "Government issued identification" includes a valid driver's
21 license, state identification card or identification certificate, passport, or military
22 identification.

23 **SECTION 96.** 165.8287 (2) of the statutes, as created by 2009 Wisconsin Act 167,
24 is amended to read:

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1 165.8287 (2) Upon electronic request, the department of transportation shall
2 make available to the department of justice, in a digital format, any photograph
3 taken of an applicant under s. 343.14 (3) ~~or~~, 343.50 (4), or 343.505 (2) (b) that is
4 maintained by the department of transportation. Updated photographs shall be
5 available to the department of justice within 30 days of photograph capture.

6 **SECTION 97.** 165.8287 (3) (d) of the statutes, as created by 2009 Wisconsin Act
7 167, is amended to read:

8 165.8287 (3) (d) The department of justice shall maintain a record, which may
9 be electronic, of each request by a law enforcement agency for a photograph under
10 this subsection and of the response to the request. Except as provided in s. 343.237
11 (9), the department of justice may not disclose any record or other information
12 concerning or relating to the request to any person other than a court, district
13 attorney, county corporation counsel, city, village, or town attorney, law enforcement
14 agency, the applicant under s. 343.14 (3) ~~or~~, 343.50 (4), or 343.505 (2) (b), or, if the
15 applicant is under 18 years of age, his or her parent or guardian. Records maintained
16 under this paragraph shall be maintained for at least 12 months.

17 **SECTION 98.** 343.19 (title) of the statutes is amended to read:

18 **343.19 (title) Duplicate licenses or identification cards or certificates.**

19 **SECTION 99.** 343.19 (1) of the statutes, as affected by 2007 Wisconsin Act 20,
20 is repealed and recreated to read:

21 343.19 (1) If a license issued under this chapter, an identification card issued
22 under s. 343.50, or an identification certificate issued under s. 343.505 is lost or
23 destroyed or the name or address named in the license, identification card, or
24 identification certificate is changed or the condition specified in s. 343.17 (3) (a) 12.
25 or 13. or s. 343.505 (3) (b) 9. no longer applies, the person to whom the license,

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1 identification card, or identification certificate was issued may obtain a duplicate
2 thereof or substitute therefor upon furnishing proof satisfactory to the department
3 of full legal name and date of birth and that the license, identification card, or
4 identification certificate has been lost or destroyed or that application for a duplicate
5 license, identification card, or identification certificate is being made for a change of
6 address or name or because the condition specified in s. 343.17 (3) (a) 12. or 13. or s.
7 343.505 (3) (b) 9. no longer applies. If the applicant is a male who is at least 18 years
8 of age but less than 26 years of age and is applying for a duplicate license or
9 identification card, the application shall include the information required under s.
10 343.14 (2) (em). If the original license, identification card, or identification certificate
11 is found it shall immediately be transmitted to the department.

12 **SECTION 100.** 343.19 (2) (intro.) of the statutes is amended to read:

13 343.19 (2) (intro.) No person may knowingly make a false statement or fail to
14 return the original license ~~or~~, identification card, or identification certificate to the
15 department upon finding it or fail to comply with any other requirement of this
16 section relating to an application for any of the following:

17 **SECTION 101.** 343.19 (2) (c) of the statutes is created to read:

18 343.19 (2) (c) A duplicate identification certificate.

19 **SECTION 102.** 343.22 (2) of the statutes, as affected by 2007 Wisconsin Act 20,
20 is repealed and recreated to read:

21 343.22 (2) Whenever any person, after applying for or receiving a license under
22 this chapter, an identification card under s. 343.50, or an identification certificate
23 under s. 343.505, moves from the address named in the application or in the license,
24 identification card, or identification certificate issued to him or her or is notified by

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1 the local authorities or by the postal authorities that the address so named has been
2 changed, the person shall, within 30 days thereafter, do one of the following:

3 (a) Apply for a duplicate license, identification card, or identification certificate
4 showing on the application the correct full legal name and address. The licensee,
5 identification card holder, or identification certificate holder shall return the current
6 license, identification card, or identification certificate to the department along with
7 the application for duplicate.

8 (b) In lieu of applying for a duplicate license, identification card, or
9 identification certificate, notify the department in writing of his or her change of
10 address. This paragraph does not apply to persons issued a commercial driver
11 license.

12 **SECTION 103.** 343.22 (2m) of the statutes, as affected by 2007 Wisconsin Act 20,
13 section 3274, is repealed and recreated to read:

14 **343.22 (2m)** Whenever any person, after applying for or receiving a license
15 under this chapter, an identification card under s. 343.50, or an identification
16 certificate under s. 343.505, is notified by the local authorities or by the postal
17 authorities that the address named in the application or in the license, identification
18 card, or identification certificate issued to him or her has been changed and the
19 person applies for a duplicate license, identification card, or identification certificate
20 under sub. (2), no fees shall be charged under s. 343.21 (1) (L) and (n), 343.50 (5m)
21 and (7), or s. 343.505 (4) (a) 2. for the duplicate license, identification card, or
22 identification certificate.

23 **SECTION 104.** 343.22 (3) of the statutes, as affected by 2007 Wisconsin Act 20,
24 section 3276, is repealed and recreated to read:

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1 343.22 (3) When the name of a licensee, identification card holder, or
2 identification certificate holder is changed, such person shall, within 30 days
3 thereafter, apply for a duplicate license, identification card, or identification
4 certificate showing the correct full legal name and address. The licensee,
5 identification card holder, or identification certificate holder shall return the current
6 license, identification card, or identification certificate to the department along with
7 the application for a duplicate. If the licensee holds more than one type of license
8 under this chapter, the licensee shall return all such licenses to the department along
9 with one application and fees for a duplicate license for which the licensee may be
10 issued a duplicate of each such license.

11 **SECTION 105.** 343.235 (title) of the statutes is amended to read:

12 **343.235 (title) Access to license and identification card and certificate**
13 **records.**

14 **SECTION 106.** 343.237 (title) of the statutes is amended to read:

15 **343.237 (title) Access to license and identification card and certificate**
16 **photographs and fingerprints.**

17 **SECTION 107.** 343.237 (2) of the statutes, as affected by 2009 Wisconsin Act 167,
18 section 3, is repealed and recreated to read:

19 343.237 (2) Any photograph taken of an applicant under s. 343.14 (3), 343.50
20 (4), or 343.505 (2) (b), and any fingerprint taken of an applicant under s. 343.12 (6)
21 (b), may be maintained by the department and, except as provided in this section and
22 s. 165.8287, shall be kept confidential. Except as provided in this section and s.
23 165.8287, the department may release a photograph or fingerprint only to the person
24 whose photograph or fingerprint was taken or to the driver licensing agency of
25 another jurisdiction.

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1 **SECTION 108.** 343.237 (3) (intro.) of the statutes, as affected by 2007 Wisconsin
2 Act 20, is repealed and recreated to read:

3 343.237 **(3)** (intro.) The department shall provide a Wisconsin law enforcement
4 agency or a federal law enforcement agency with a print or electronic copy of a
5 photograph taken on or after September 1, 1997, of an applicant under s. 343.14 (3),
6 343.50 (4), or 343.505 (2) (b), or a printed or electronic copy of a fingerprint taken of
7 an applicant under s. 343.12 (6) (b), if the department receives a written request on
8 the law enforcement agency's letterhead that contains all of the following:

9 **SECTION 109.** 343.237 (6) of the statutes is amended to read:

10 343.237 **(6)** For each copy of a photograph or fingerprint provided under sub.
11 (3) or (4), the department shall record and maintain the written request for the copy
12 of the photograph or fingerprint and may not disclose any record or other information
13 concerning or relating to the written request to any person other than a court, district
14 attorney, county corporation counsel, city, village, or town attorney, law enforcement
15 agency, driver licensing agency of another jurisdiction, the applicant, licensee, or
16 identification card or identification certificate holder or, if the applicant, licensee, or
17 identification card holder is under 18 years of age, his or her parent or guardian.

18 **SECTION 110.** 343.43 (2) of the statutes is amended to read:

19 343.43 **(2)** Whenever a license ~~or~~ identification card which, or identification
20 certificate that appears to be altered is displayed to a law enforcement officer, agent
21 of the secretary or the court, that person shall take possession of the license ~~or~~
22 identification card, or identification certificate and return it to the department for
23 cancellation. A notation of change of address properly endorsed on the license under
24 s. 343.22 shall not of itself be reason to consider the license altered.

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1 temporary. The card shall contain physical security features consistent with any
2 requirement under federal law. The card may serve as a record of gift under s. 157.06
3 (2) (t) and the holder may affix a sticker thereto as provided in s. 343.175 (3). The
4 card may also serve as a record of refusal under s. 157.06 (2) (u). The card shall
5 contain the holder's photograph and, if applicable, shall be of the design specified
6 under s. 343.17 (3) (a) 12.

7 **SECTION 114.** 343.50 (4) of the statutes is amended to read:

8 343.50 (4) APPLICATION. The application for an identification card shall include
9 any information required under ss. 85.103 (2) and 343.14 (2) (a), (b), (bm), (br), (em),
10 and (er), and such further information as the department may reasonably require to
11 enable it to determine whether the applicant is entitled by law to an identification
12 card. The Except as provided in sub. (4g), the department shall, as part of the
13 application process, take a photograph of the applicant to comply with sub. (3). ~~No~~
14 Except as provided in sub. (4g), no application may be processed without the
15 photograph being taken. Misrepresentations in violation of s. 343.14 (5) are
16 punishable as provided in s. 343.14 (9).

17 **SECTION 115.** 343.50 (4) of the statutes, as affected by 2007 Wisconsin Act 20
18 and 2011 Wisconsin Act (this act), is repealed and recreated to read:

19 343.50 (4) APPLICATION. The application for an identification card shall include
20 any information required under ss. 85.103 (2) and 343.14 (2) (a), (b), (bm), (br), (em),
21 and (es), and such further information as the department may reasonably require to
22 enable it to determine whether the applicant is entitled by law to an identification
23 card. Except with respect to renewals described in s. 343.165 (4) (d), the department
24 shall, as part of the application process, take a digital photograph including facial
25 image capture of the applicant to comply with sub. (3). Except with respect to

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1 renewals described in s. 343.165 (4) (d), no application may be processed without the
2 photograph being taken. Misrepresentations in violation of s. 343.14 (5) are
3 punishable as provided in s. 343.14 (9).

4 **SECTION 116.** 343.50 (4g) of the statutes is created to read:

5 343.50 (4g) PHOTOGRAPH REQUIREMENT; EXCEPTION. An application may be
6 processed and an original or renewal identification card issued under this section
7 without a photograph being taken to comply with subs. (3) and (4) to an applicant
8 who requests the identification card without charge under sub. (5) or (6) and who
9 provides to the department an affidavit stating that the applicant has a sincerely
10 held religious belief against being photographed; identifying the religion to which he
11 or she belongs or the tenets of which he or she adheres to; stating that the tenets of
12 the religion prohibit him or her from being photographed; and stating that he or she
13 requests the identification card for the purpose of voting.

14 **SECTION 117.** 343.50 (4g) of the statutes, as created by 2011 Wisconsin Act
15 (this act), is repealed.

16 **SECTION 118.** 343.50 (5) (a) 1. of the statutes is amended to read:

17 343.50 (5) (a) 1. Except as provided in subd. 2., the fee for an original card and
18 for the reinstatement of an identification card after cancellation under sub. (10) shall
19 be \$18 or, upon request of the applicant, without charge.

20 **SECTION 119.** 343.50 (5) (a) 1. of the statutes, as affected by 2009 Wisconsin Act
21 28, section 2958, and 2011 Wisconsin Act (this act), is repealed and recreated to
22 read:

23 343.50 (5) (a) 1. Except as provided in subd. 2., the fee for an original card, for
24 renewal of a card, and for the reinstatement of an identification card after
25 cancellation under sub. (10) shall be \$18.

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1 **SECTION 120.** 343.50 (6) of the statutes is amended to read:

2 343.50 **(6)** RENEWAL. At least 30 days prior to the expiration of the card, the
3 department shall mail a renewal application to the last-known address of each
4 identification card holder. The department shall include with the application
5 information, as developed by all organ procurement organizations in cooperation
6 with the department, that promotes anatomical donations and which relates to the
7 anatomical donation opportunity available under s. 343.175. The fee for a renewal
8 identification card shall be \$18, which or, upon request of the identification card
9 holder, without charge. The renewal identification card shall be valid for 8 years,
10 except that a card that is issued to a person who is not a United States citizen and
11 who provides documentary proof of legal status as provided under s. 343.14 (2) (er)
12 shall expire on the date that the person's legal presence in the United States is no
13 longer authorized. If the documentary proof as provided under s. 343.14 (2) (er) does
14 not state the date that the person's legal presence in the United States is no longer
15 authorized, then the card shall be valid for 8 years.

16 **SECTION 121.** 343.50 (6) of the statutes, as affected by 2007 Wisconsin Act 20,
17 section 3383, and 2011 Wisconsin Act (this act), is repealed and recreated to read:

18 343.50 **(6)** RENEWAL NOTICE. At least 30 days prior to the expiration of an
19 identification card, the department shall mail a renewal application to the
20 last-known address of the card holder. If the card was issued or last renewed based
21 upon the person's presenting of any documentary proof specified in s. 343.14 (2) (es)
22 4. to 7., the notice shall inform the card holder of the requirement under s. 343.165
23 (4) (c). The department shall include with the application information, as developed
24 by all organ procurement organizations in cooperation with the department, that

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1 promotes anatomical donations and which relates to the anatomical donation
2 opportunity available under s. 343.175.

3 **SECTION 122.** 343.505 of the statutes is created to read:

4 **343.505 Identification certificates. (1) ISSUANCE.** (a) The department shall
5 issue, as provided in this section, identification certificates to eligible applicants
6 upon proper application and payment of all required fees.

7 (b) A person is eligible for an identification certificate under this section if the
8 person provides the information that is required to be provided by an elector under
9 s. 6.33 (1) and signs a statement affirming that the information is correct.

10 **(2) APPLICATION.** (a) Every application to the department for an identification
11 certificate or for renewal of an identification certificate shall be made upon the
12 appropriate form furnished by the department and shall be accompanied by all
13 required fees. The application for an identification certificate shall include all of the
14 following:

15 1. The information required to be provided under sub. (1) (b), with a signed
16 statement affirming that the information is correct.

17 2. The applicant's color of eyes, color of hair, sex, height, weight, and race.

18 3. a. Except as provided in subd. 3. b., the applicant's social security number.

19 b. If the applicant does not have a social security number, a statement made
20 or subscribed under oath or affirmation, on a form prescribed by the department,
21 that the applicant does not have a social security number. An identification
22 certificate issued or renewed in reliance on a statement submitted under this subd.

23 3. b. is invalid if the statement is false.

24 4. A statement as to whether the applicant holds any valid operator's license
25 or identification card issued by this state or any other jurisdiction.

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1 5. A designation or reversal of a designation under s. 85.103 (2), if the applicant
2 chooses to make such designation or reversal.

3 6. Satisfactory proof of the applicant's name and date of birth.

4 7. Documentary proof that the applicant is a citizen of the United States.

5 8. Such further information as the department may reasonably require to
6 enable it to identify the applicant and to determine whether the applicant is entitled
7 by law to an identification certificate.

8 (b) 1. Except as provided in subd 2., the department shall, as part of the
9 application process, take a photograph of the applicant, which shall appear on the
10 identification certificate as provided in sub. (3). Except as provided in subd. 2., no
11 application may be processed without the photograph being taken.

12 2. An application for an identification certificate may be processed and an
13 original or renewal identification certificate issued under this section without a
14 photograph being taken if the applicant requests an identification certificate without
15 charge and provides to the department an affidavit stating that the applicant has a
16 sincerely held religious belief against being photographed; identifying the religion
17 to which he or she belongs or the tenets of which he or she adheres to; stating that
18 the tenets of the religion prohibit him or her from being photographed; and stating
19 that he or she requests the identification certificate for the purpose of voting.

20 (c) Names, addresses, and social security numbers obtained by the department
21 under this subsection shall be provided to the department of revenue for the purpose
22 of administering ss. 71.93 and 71.935 and state taxes.

23 **(3) DESIGN AND CONTENTS OF IDENTIFICATION CERTIFICATES.** (a) Identification
24 certificates shall be the same size as an operator's license but shall be of a design that
25 is readily distinguishable from the design of operator's licenses and identification

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1 cards. Each identification certificate shall bear upon it the words
2 “IDENTIFICATION CERTIFICATE.” Identification certificates shall clearly state
3 on their face that they may not be accepted by any federal agency for federal
4 identification or any other official purpose and shall use a unique design or color
5 indicator to alert federal agency and other law enforcement personnel that they may
6 not be accepted for any such purpose.

7 (b) The front side of the identification certificate shall include all of the
8 following:

- 9 1. The name, date of birth, and residence address of the person.
- 10 2. Except as provided in sub. (2) (b) 2., a color photograph of the person.
- 11 3. A physical description of the person, including sex, height, weight, and hair
12 and eye color, but excluding any mention of race.
- 13 4. The person’s signature.
- 14 5. The name of this state.
- 15 6. A unique identifying identification certificate number assigned by the
16 department.
- 17 7. The date of issuance of the identification certificate.
- 18 8. The date of expiration of the identification certificate.
- 19 9. If the person has not attained the legal drinking age, as defined in s. 125.02
20 (8m), at the time of issuance of the identification certificate, a distinctive appearance
21 specified by the department that clearly identifies to the public that the person had
22 not attained the legal drinking age at the time of issuance of the identification
23 certificate.

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1 **(4) VALID PERIOD; FEES.** (a) 1. Except as provided in subd. 3., the fee for an
2 original identification certificate, for renewal of an identification certificate, and for
3 reinstatement of an identification certificate after cancellation is \$18.

4 2. Except as provided in subd. 3., the fee for a duplicate identification certificate
5 is \$6.

6 3. If the applicant requests that the identification certificate be issued,
7 renewed, or reinstated, or a duplicate identification certificate be issued, without
8 charge, the department may not charge any fee for the identification certificate.

9 (b) An original or reinstated identification certificate shall be valid for the
10 succeeding period of 8 years from the applicant's next birthday after the date of
11 issuance, and a renewed identification certificate shall be valid for the succeeding
12 period of 8 years from the certificate's last expiration date.

13 (c) At least 30 days prior to the expiration of an identification certificate, the
14 department shall mail a renewal application to the last-known address of the
15 certificate holder.

16 **(5) RECORDS AND OTHER INFORMATION.** (a) The department shall maintain
17 records of all identification certificate holders under this section in a manner
18 prescribed by the department by rule.

19 (b) The department may not disclose any record or other information
20 concerning or relating to an applicant or identification certificate holder to any
21 person other than a court, district attorney, county corporation counsel, city, village,
22 or town attorney, law enforcement agency, driver licensing agency of another
23 jurisdiction, or the applicant or identification certificate holder. Except for
24 photographs for which disclosure is authorized under s. 343.237, persons entitled to
25 receive any record or other information under this paragraph shall not disclose the

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1 record or other information to other persons or agencies. This paragraph does not
2 prohibit the disclosure of a person's name or address, of the name or address of a
3 person's employer, or of financial information that relates to a person when
4 requested under s. 49.22 (2m) by the department of children and families or a county
5 child support agency under s. 59.53 (5).

6 **(6) CANCELLATION.** (a) The department shall cancel an identification certificate
7 under any of the following circumstances:

8 1. Whenever the department determines that the identification certificate was
9 issued upon an application that contains a false statement as to any material matter.

10 2. Whenever the department determines that an identification certificate has
11 been altered and returned for cancellation under s. 343.43 (2).

12 (b) The department may order any person whose identification certificate has
13 been canceled to surrender the certificate to the department. The department may
14 take possession of any identification certificate required to be canceled or may direct
15 any traffic officer to take possession of the identification certificate and return it to
16 the department.

17 **(7) UNLAWFUL USE.** No person may do any of the following:

18 (a) Represent as valid any canceled, fictitious, or fraudulently altered
19 identification certificate.

20 (b) Sell or lend his or her identification certificate to any other person or
21 knowingly permit the use of his or her identification certificate by another.

22 (c) Represent as one's own, any identification certificate not issued to him or
23 her.

24 (d) Permit any unlawful use of an identification certificate issued to him or her.

25 (e) Reproduce by any means whatever an identification certificate.

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1 (f) Deface or alter an identification certificate.

2 **(8) PENALTY.** Any person who fails to comply with an order under sub. (6) (b)
3 or who violates sub. (7) may be required to forfeit not more than \$1,000.

4 **(9) RULES.** The department shall promulgate rules to administer and enforce
5 this section. Subject to subs. (2) and (3), these rules shall prescribe the form of the
6 application for an identification certificate and specify the form and contents of the
7 identification certificate. These rules shall also provide a procedure under which
8 identification certificates are generally issued over the counter to an applicant on the
9 same day that the department receives an application. The rules shall require the
10 design of identification certificates to be resistant to tampering and forgery. The
11 rules shall also incorporate the requirements under sub. (5) (a). The department
12 shall attempt to ensure that these rules become effective at the same time as the
13 provisions of this section other than this subsection.

14 **SECTION 123. Nonstatutory provisions.**

15 (1) In conjunction with the first regularly scheduled primary and election at
16 which the voter identification requirements of this act initially apply, the
17 government accountability board shall conduct a public informational campaign for
18 the purpose of informing prospective voters of the voter identification requirements
19 of this act.

20 **SECTION 124. Initial applicability.**

21 (1) This act first applies with respect to voting at the first spring or September
22 primary election that follows the effective date of this subsection by at least 60 days.

23 **SECTION 125. Effective dates.** This act takes effect on the day after
24 publication, except as follows:



State of Wisconsin
2011 – 2012 LEGISLATURE



LRB-0678/2
GMM:jld:jf

2011 SENATE BILL 8

January 21, 2011 – Introduced by Senators OLSEN, DARLING, GROTHMAN and SCHULTZ, cosponsored by Representatives KESTELL, BERNIER, SPANBAUER, STRACHOTA and STONE. Referred to Committee on Labor, Public Safety, and Urban Affairs.

1 **AN ACT** *to repeal* 103.10 (3) (a) 2., 103.10 (3) (a) 3., 103.10 (3) (b) (intro.), 103.10
2 (3) (c), 103.10 (3) (d), 103.10 (4) (title), 103.10 (4) (b), 103.10 (4) (c), 103.10 (8)
3 (c), 103.10 (12) (c), 103.10 (14) (b), 252.17 (3) (i) and 252.17 (4) (c); **to renumber**
4 103.10 (3) (b) 3.; **to renumber and amend** 103.10 (1) (c), 103.10 (3) (a) 1.,
5 103.10 (3) (b) 1., 103.10 (3) (b) 2., 103.10 (4) (a) and 103.10 (14) (a); **to amend**
6 103.10 (title), 103.10 (1) (a) (intro.), 103.10 (1) (a) 2., 103.10 (1) (b), 103.10 (1)
7 (d), 103.10 (1) (f), 103.10 (1) (g) (intro.), 103.10 (1) (g) 2., 103.10 (1) (h), 103.10
8 (2) (a), 103.10 (2) (c), 103.10 (5) (a), 103.10 (5) (b), 103.10 (6) (a), 103.10 (6) (b)
9 (intro.), 103.10 (6) (b) 1., 103.10 (6) (b) 2., 103.10 (7) (a), 103.10 (7) (b) 4., 103.10
10 (7) (c), 103.10 (8) (a) (intro.), 103.10 (8) (a) 1., 103.10 (8) (a) 2., 103.10 (8) (b),
11 103.10 (9) (a), 103.10 (9) (b), 103.10 (12) (b), 103.10 (12) (d), 103.10 (13) (a),
12 111.322 (2m) (a), 111.322 (2m) (b), 111.91 (2) (f), 111.998 (2) (c), 230.35 (2m),
13 252.17 (4) (a), 253.10 (3) (d) 1., 632.897 (6) and 893.96 (title); **to repeal and**
14 **recreate** 103.10 (3) (title), 103.10 (9) (c), 103.10 (9) (d), 103.10 (10), 103.10 (11)

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1 (c) and 103.10 (13) (b) 2.; and **to create** 103.10 (1) (ap), 103.10 (1) (aq), 103.10
2 (1) (c) 2., 103.10 (1) (er), 103.10 (1) (et), 103.10 (1) (fm), 103.10 (1) (gd), 103.10
3 (1) (i), 103.10 (2) (am), 103.10 (3) (a) 5., 103.10 (3) (am), 103.10 (3) (cm), 103.10
4 (3) (dm), 103.10 (5) (c), 103.10 (5) (d), 103.10 (6) (c), 103.10 (7) (b) 3m., 103.10
5 (7) (b) 5., 103.10 (7) (b) 6., 103.10 (7) (b) 7., 103.10 (7) (d), 103.10 (7) (e), 103.10
6 (7) (f), 103.10 (8) (d), 103.10 (8) (e), 103.10 (8) (f), 103.10 (12) (e), 103.10 (12) (f),
7 103.10 (12) (g), 103.10 (13) (c), 103.10 (15) and 103.10 (16) of the statutes;
8 **relating to:** conforming the state family and medical leave law to the federal
9 family and medical leave law and granting rule-making authority.

Analysis by the Legislative Reference Bureau***Introduction***

This bill makes various changes to the Wisconsin family and medical leave law to conform that law to the federal family and medical leave law.

Leave requirement

Coverage of leave requirement. Under current law, an employer, including the state, that employs at least 50 individuals on a permanent basis in this state must permit an employee who has been employed by the employer for more than 52 consecutive weeks and who has worked for the employer for at least 1,000 hours during the preceding 52 weeks to take six weeks of family leave in a 12-month period for the birth or adoptive placement of a child or to care for a child, spouse, parent, or domestic partner of the employee or a parent of the spouse of the employee who has a serious health condition; and two weeks of medical leave in a 12-month period when the employee has a serious health condition that makes the employee unable to perform the employee's employment duties.

This bill requires an employer that employs at least 50 individuals for each working day for 20 or more weeks in the current or preceding year and the state or a political subdivision of the state, regardless of the number of employees employed, (employer) to permit an employee who has been employed by the employer for at least 12 months and who has worked at least 1,250 hours for that employer during the preceding 12-months (employee) to take 12 weeks of family or medical leave in a 12-month period. The bill, however, excludes from coverage under the family or medical leave law an employee who works at a worksite with fewer than 50 employees if the employer employs fewer than 50 employees within 75 miles of the worksite.

Service member family leave. The bill requires an employer to permit an employee who is the spouse, child, parent, domestic partner, or next of kin of a

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member of the U.S. armed forces or veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness that was incurred or aggravated in the line of duty (covered service member) to take 26 weeks of leave in a single 12-month period to care for the covered service member (service member family leave).

Family leave for active duty of family member. The bill also requires an employer to permit an employee to take family leave because of any qualifying exigency, as determined by the Department of Workforce Development (DWD) by rule, arising out of the fact that the spouse, child, domestic partner, or parent of the employee is on deployment with the U.S. armed forces to a foreign country (covered active duty) or has been notified of an impending call or order to covered active duty (family leave for the active duty of a family member).

Family leave for birth or placement of child. Under current law, family leave for the birth or adoptive placement of a child must begin within 16 weeks after the birth or placement of the child. This bill eliminates the requirement as to when family leave for that purpose must begin and instead requires family leave for that purpose to end within 12 months after the birth or placement of a child. The bill also permits family leave for a foster care placement of a child and requires family leave for the birth of a child to be taken to care for the child.

Family or medical leave for serious health condition. This bill permits family leave to care for an individual for whom the employee stands in the place of a parent or an individual who stood in the place of a parent of the employee when the employee was a child, without the employee having formally adopted or assumed guardianship of that individual or the individual having formally adopted or assumed guardianship of the employee. The bill also permits an employee to take medical leave when the employee has a serious health condition that makes the employee unable to perform the *functions* of his or her employment rather than the *duties* of that employment as under current law.

Intermittent leave or leave on reduced schedule. Under current law, an employee may take family leave as partial absence from employment, but must schedule that leave so that it does not unduly disrupt the employer's operations. This bill permits an employee to take family leave intermittently or on a reduced-leave schedule, that is, a schedule under which the employee's hours per day or per week are reduced, for the birth or adoptive placement of a child only if agreed to by the employer. The bill also permits an employee to take family, medical, or service member family leave intermittently or on a reduced-leave schedule when medically necessary due to a serious health condition of the employee or of a child, spouse, domestic partner, parent, or spouse's parent or due to a serious injury or illness of a covered service member. In addition, the bill permits an employee to take family leave for the active duty of a family member intermittently or on a reduced-leave schedule.

Under current law, an employee with a serious health condition and the employer may agree to alternative employment for the employee while that condition lasts. This bill permits an employer to require an employee who requests intermittent leave or leave on a reduced-leave schedule that is foreseeable for

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planned medical treatment for the employee or for a child, spouse, domestic partner, parent, spouse's parent, or covered service member to transfer temporarily to an alternative position that has equivalent pay and benefits and that better accommodates the employee's intermittent leave or leave on a reduced-leave schedule.

Substitution of leave. Under current law, an employee is not entitled to pay while on family or medical leave, but may substitute paid or unpaid leave of other types provided by the employer. This bill specifies that an employee may elect, or an employer may require the employee, to substitute leave of other types for family, medical, or service member family leave as follows:

1. For family leave for the birth or placement of a child or to care for a child, spouse, domestic partner, parent, or spouse's parent who has a serious health condition and for family leave for the active duty of a family member, paid vacation, personal, or family leave provided by the employer that the employee has accrued.

2. For family leave to care for a child, spouse, domestic partner, parent, or spouse's parent who has a serious health condition or for medical leave, paid vacation, personal, or sick leave provided by the employer that the employee has accrued, except that the employer is not required to provide paid sick leave when the employer does not normally provide that leave.

3. For service member family leave, paid vacation, personal, family, or sick leave provided by the employer that the employee has accrued, except that the employer is not required to provide paid sick leave when the employer does not normally provide that leave.

Notification and certification

Notice to employer. Under current law, an employee who intends to take family or medical leave for the birth or placement of a child or for planned medical treatment must give the employer advance notice of the birth or placement or planned medical treatment in a manner that is reasonable and practicable. This bill requires an employee to give the employer notice of the employee's intent to take that leave not less than 30 days before the leave is to begin in those situations that are foreseeable, except that, if the date of the birth or placement or the planned medical treatment requires the leave to begin in less than 30 days, the employee must provide notice to the employer in a reasonable and practicable manner.

Certification. Under current law, if an employee requests leave due to a serious health condition of the employee, of a child, spouse, parent, or domestic partner of the employee, or of a parent of the spouse of the employee, the employer may require certification from a health care provider or a Christian Science practitioner stating that: 1) the child, spouse, parent, domestic partner, or employee has a serious health condition; 2) the date on which the serious health conditions commenced and its probable duration; 3) the medical facts regarding the serious health condition; and 4) if applicable, the extent to which the employee is unable to perform his or her employment duties. The employer may also require an employee to obtain a second opinion, at the employer's expense, concerning the certification provided by the employee's health care provider.

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This bill permits a certification to state, in addition to the information permitted under current law, all of the following:

1. If the employee requests leave to care for a child, spouse, domestic partner, parent, or spouse's parent who has a serious health condition, that the employee is needed to care for the child, spouse, domestic partner, parent, or spouse's parent and an estimate of the amount of time that the employee is needed to provide that care.

2. If the employee requests intermittent leave or leave on a reduced-leave schedule for planned medical treatment of the employee, or of a child, spouse, domestic partner, parent, or spouse's parent, the dates on which that treatment is expected to be given and the duration of that treatment.

3. If the employee requests intermittent leave or leave on a reduced-leave schedule to care for a child, spouse, domestic partner, parent, or spouse's parent who has a serious health condition, that such leave is necessary for that care or will assist in the recovery of the child, spouse, domestic partner, parent, or spouse's parent and the expected duration and schedule of that leave.

4. If the employee requests intermittent leave or leave on a reduced-leave schedule for the employee's serious health condition, the medical necessity for that leave and the expected duration of that leave.

5. If the employee requests medical leave for the employee's serious health condition, that the employee is unable to perform the *functions* of the employee's position, rather than a statement of the extent to which the employee is unable to perform his or her employment *duties* as under current law.

The bill also specifies that a health care provider or Christian Science practitioner designated to provide a second opinion may not be employed on a regular basis by the employer. In addition, the bill permits the employer to require the employee to obtain the opinion of a third health care provider or Christian Science practitioner, designated or approved by the employee and employer jointly and paid for by the employer, if the original certification and second opinion differ, and to obtain recertifications on a reasonable basis. The employer and employee must accept the third opinion as binding upon them.

Finally, with respect to certification, the bill permits an employer to require an employee who requests family leave for the active duty of a family member to provide certification that the family member is on covered active duty at such time and in such manner as DWD may prescribe by rule.

Employment and benefits protection

Position on return to employment. Under current law, when an employee returns from family or medical leave, the employer must place the employee in the position the employee held immediately before that leave began, if the position is vacant, or, if the position is not vacant, in an equivalent employment position having equivalent pay, benefits, and other terms and conditions of employment.

This bill permits an employer to place a returning employee either in the employee's old position or in an equivalent position without regard to whether the old position is vacant. The bill specifies that to be reinstated, the employee must have actually taken the leave for the purpose for which it was intended. The bill also permits an employer to require an employee who is on leave to report to the employer

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periodically on the employee's status and intention of returning to work and to adopt a uniform policy requiring an employee who is returning from medical leave to obtain a certification from the employee's health care provider or Christian Science practitioner that the employee is able to return to work.

Maintenance of health care coverage. Under current law, an employer must maintain for an employee who is on family or medical leave group health insurance coverage under the conditions that applied immediately before the leave began. This bill requires an employer to maintain that coverage at the level and under the conditions that the employer would have provided coverage if the employee had continued in employment.

Under current law, an employer may require an employee to place in escrow with the employer the premium for eight weeks of group health insurance coverage and the employer may keep from that escrow account the amount that the employer paid for that coverage if the employee does not return from leave. This bill eliminates the escrow requirement, but permits an employer to recover those premiums if an employee does not return to work for reasons other than the recurrence, onset, or continuation of a serious health condition of the employee or of a child, spouse, or parent of the employee, a serious injury or illness of a covered service member, or other circumstances beyond the employee's control.

Enforcement

Administrative proceedings. Under current law, an employee who believes that his or her employer has denied any right provided under the family or medical leave law or has retaliated against the employee for opposing a practice prohibited under that law may file a complaint with DWD within 30 days after the employee knew or should have known of the violation, and an employee who believes that his or her employer has retaliated against the employee for initiating, testifying in, or assisting in a proceeding under that law may file a complaint with DWD within 300 days after the alleged retaliation occurred. This bill extends those time limits to two years after the date of the last event constituting the alleged violation or, if the violation was willful, to three years after that event.

Under current law, if DWD finds that an employer has violated the family or medical leave law, DWD may order the employer to take action to remedy the violation, including providing the requested leave, reinstating the employee, providing back pay accrued not more than two years before the complaint was filed, and paying reasonable actual attorney fees. This bill eliminates that two-year limit on back pay and includes among the remedies that DWD may order promotion of the employee and the provision of benefits to the employee.

Under current law, a determination by DWD on the issue of whether an employee has been denied any right provided under the family and medical leave law or has been retaliated against for opposing a practice prohibited under that law may be appealed directly to the circuit court (judicial review), while a determination by DWD on the issue of whether an employee has been retaliated against for initiating, testifying in, or assisting in a proceeding under that law must be appealed to the Labor and Industry Review Commission (LIRC) prior to judicial review. This bill permits a determination by DWD on the issue of whether an employee has been

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denied any right provided under the family and medical leave law or has been retaliated against for opposing a practice prohibited under that law to be appealed to LIRC in the same manner as an appeal of a determination by DWD on the issue of whether an employee has been retaliated against for initiating, testifying in, or assisting in a proceeding under the family and medical leave law.

Civil action for damages. Under current law, an employee or DWD may bring a civil action in circuit court against an employer to recover damages caused by a violation of the family or medical leave law. Currently, a civil action under the family or medical leave law is barred unless commenced within the later of 60 days after the completion of an administrative proceeding, including judicial review, for the violation or 12 months after the violation occurred or the employee or DWD reasonably should have known that the violation occurred.

This bill permits an employee or DWD to bring an action for damages on behalf of the employee, or on behalf of the employee and other employees similarly situated. The bill also permits an action to be commenced within 60 days after the completion of administrative proceedings or within two years after the date of the last event constituting the alleged violation or, if the violation was willful, within three years after that event, whichever is later. Finally, the bill specifies that the circuit court may award damages, plus costs and reasonable attorney fees, for a violation in the following amounts:

1. An amount equal to the amount of compensation that the employee lost because of the violation or, if the employee did not lose any compensation, any actual monetary loss sustained as a direct result of the violation up to a sum equal to 12 weeks of wages or salary or, in a case involving service member family leave, 26 weeks of wages or salary.

2. As liquidated damages, an amount equal to the damages awarded for lost compensation or other monetary loss, except that the court may reduce the amount of damages to the amount awarded for lost compensation or other monetary loss if the court finds that the violation was committed in good faith and that the employer had reasonable grounds to believe that his or her act or omission was not a violation of the law.

Special provisions

Finally, the bill makes special provisions for certain classes of employees. Specifically:

1. If a husband and wife both work for the same employer, the employer may limit their combined family leave for the birth or placement of a child or to care for a child, spouse, or parent to 12 weeks in a 12-month period and their combined service member family leave to 26 weeks in a 12-month period.

2. If a teacher requests intermittent leave or leave on a reduce-leave schedule that is foreseeable for planned medical treatment and would be on leave for greater than 20 percent of the working days during the leave, the educational agency employing the teacher (educational agency) may require the teacher to take leave for period of a particular duration or to transfer temporarily to an alternative employment position. An educational agency may also require a teacher to continue

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taking leave until the end of the semester under certain circumstances, depending on the duration of the leave and how close to the end of the semester the leave ends.

3. If an employee is among the highest-paid 10 percent of the employer's employees, if denying reinstatement of the employee is necessary to prevent substantial and grievous economic injury to the employer, and if the employer so notifies the employee at the time the employer determines that the injury will occur, the employer may deny reinstatement of the employee following leave, except that, if the employee receives that notice during the leave, the employee must agree not to return to employment with the employer.

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

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

1 **SECTION 1.** 103.10 (title) of the statutes is amended to read:

2 **103.10** (title) **Family or, medical, or service member family leave.**

3 **SECTION 2.** 103.10 (1) (a) (intro.) of the statutes is amended to read:

4 103.10 **(1)** (a) (intro.) “Child” means a natural biological, adopted, or foster
5 child, a stepchild, or a legal ward, or an individual for whom an employee stands in
6 the place of a parent, to whom any of the following applies:

7 **SECTION 3.** 103.10 (1) (a) 2. of the statutes is amended to read:

8 103.10 **(1)** (a) 2. The individual is 18 years of age or older and ~~cannot care for~~
9 ~~himself or herself~~ is incapable of self-care because of a ~~serious health condition~~
10 mental or physical disability.

11 **SECTION 4.** 103.10 (1) (ap) of the statutes is created to read:

12 103.10 **(1)** (ap) “Covered active duty” means any of the following:

13 1. In the case of a member of a regular component of the U.S. armed forces, duty
14 during the deployment of the member with the U.S. armed forces to a foreign country.

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1 2. In the case of a member of a reserve component of the U.S. armed forces, duty
2 during the deployment of the member with the U.S. armed forces to a foreign country
3 under a call or order to active duty under a provision of law specified in 10 USC 101
4 (a) (13) (B).

5 **SECTION 5.** 103.10 (1) (aq) of the statutes is created to read:

6 103.10 (1) (aq) “Covered service member” means any of the following:

7 1. A member of the U.S. armed forces, including a member of the national guard
8 or a reserve component of the U.S. armed forces, who is undergoing medical
9 treatment, recuperation, or therapy, who is otherwise in outpatient status, or who
10 is otherwise on the temporary disability retired list maintained under 10 USC 1376,
11 for a serious injury or illness.

12 2. A veteran who is undergoing medical treatment, recuperation, or therapy,
13 for a serious injury or illness and who was a member of the U.S. armed forces,
14 including a member of the national guard or a reserve component of the U.S. armed
15 forces, at any time during the 5 years preceding the date on which the veteran
16 undergoes that medical treatment, recuperation, or therapy.

17 **SECTION 6.** 103.10 (1) (b) of the statutes is amended to read:

18 103.10 (1) (b) “Employee” means an individual employed, or suffered or
19 permitted to work, in this state by an employer, ~~except other than~~ the employer’s
20 parent, spouse, domestic partner, or child or an individual described in 29 USC 203
21 (e) (2) (C) (i) and (ii), (4), or (5), as amended to August 7, 1998.

22 **SECTION 7.** 103.10 (1) (c) of the statutes is renumbered 103.10 (1) (c) (intro.) and
23 amended to read:

24 103.10 (1) (c) (intro.) ~~Except as provided in sub. (14) (b), “employer”~~ “Employer”
25 means a person engaging in any activity, enterprise, or business in this state

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1 employing at least 50 individuals on a permanent basis for each working day during
2 each of 20 or more calendar weeks in the current or preceding year. “Employer”
3 includes any person who acts, directly or indirectly, in the interest of an employer
4 with respect to an employee and any successor in interest of an employer. “Employer”
5 also includes the, without regard to the number of employees employed by the
6 employer, all of the following:

7 1. The state and any office, department, independent agency, authority,
8 institution, association, society, or other body in state government created or
9 authorized to be created by the constitution or any law, including the legislature and
10 the courts.

11 **SECTION 8.** 103.10 (1) (c) 2. of the statutes is created to read:

12 103.10 (1) (c) 2. A political subdivision of this state, a special purpose district
13 in this state, an instrumentality or corporation of such a political subdivision or
14 special purpose district, a combination or subunit of any of the foregoing or an
15 instrumentality of the state and any of the foregoing.

16 **SECTION 9.** 103.10 (1) (d) of the statutes is amended to read:

17 103.10 (1) (d) “Employment benefit” means ~~an insurance, leave or retirement~~
18 a benefit which that an employer makes available to an employee, including group
19 life insurance, health insurance, disability insurance, sick leave, annual leave,
20 educational benefits, and pensions, regardless of whether those benefits are
21 provided by a practice or policy of the employer or through an employee benefit plan.

22 **SECTION 10.** 103.10 (1) (er) of the statutes is created to read:

23 103.10 (1) (er) “Next of kin” means the closest blood relative of an individual.

24 **SECTION 11.** 103.10 (1) (et) of the statutes is created to read:

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1 103.10 (1) (et) “Outpatient status” means the status of a covered service
2 member who is a member of the U.S. armed forces being assigned to a military
3 medical treatment facility as an outpatient or to a unit established for the purpose
4 of providing command and control of members of the U.S. armed forces receiving
5 medical care as outpatients.

6 **SECTION 12.** 103.10 (1) (f) of the statutes is amended to read:

7 103.10 (1) (f) “Parent” means a ~~natural~~ biological parent, foster parent,
8 adoptive parent, stepparent, or legal guardian of an employee or of an employee’s
9 spouse or domestic partner or a person who stood in the place of a parent of the
10 employee when the employee was a child.

11 **SECTION 13.** 103.10 (1) (fm) of the statutes is created to read:

12 103.10 (1) (fm) “Reduced–leave schedule” means a leave schedule that reduces
13 the usual number of hours that an employee works per day or per week.

14 **SECTION 14.** 103.10 (1) (g) (intro.) of the statutes is amended to read:

15 103.10 (1) (g) (intro.) “Serious health condition” means ~~a disabling physical or~~
16 ~~mental~~ an illness, injury, impairment, or physical or mental condition involving any
17 of the following:

18 **SECTION 15.** 103.10 (1) (g) 2. of the statutes is amended to read:

19 103.10 (1) (g) 2. ~~Outpatient care that requires continuing~~ Continuing
20 ~~treatment or supervision~~ by a health care provider.

21 **SECTION 16.** 103.10 (1) (gd) of the statutes is created to read:

22 103.10 (1) (gd) “Serious injury or illness” means any of the following:

23 1. In the case of a member of the U.S. armed forces, including a member of the
24 national guard or a reserve component of the U.S. armed forces, an injury or illness
25 that was incurred by the member in the line of duty while on active duty in the U.S.

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1 armed forces, or that existed before the beginning of the member's active duty and
2 was aggravated by service in the line of duty while on active duty in the U.S. armed
3 forces, and that may render the member medically unfit to perform the duties of the
4 member's office, grade, rank, or rating.

5 2. In the case of a veteran who was a member of the U.S. armed forces, including
6 a member of the national guard or a reserve component of the U.S. armed forces, at
7 any time during the 5 years preceding the date on which the veteran undergoes
8 medical treatment, recuperation, or therapy for an injury or illness that was incurred
9 by the veteran in the line of duty while on active duty in the U.S. armed forces, or
10 that existed before the beginning of the veteran's active duty and was aggravated by
11 service in the line of duty while on active duty in the U.S. armed forces, a qualifying
12 illness or injury, as determined by the department, that was so incurred or
13 aggravated, whether the illness or injury manifested itself before or after the end of
14 the veteran's active duty.

15 **SECTION 17.** 103.10 (1) (h) of the statutes is amended to read:

16 103.10 (1) (h) "Spouse" means an employee's legal husband or wife.

17 **SECTION 18.** 103.10 (1) (i) of the statutes is created to read:

18 103.10 (1) (i) "Veteran" has the meaning given in 38 USC 101 (2).

19 **SECTION 19.** 103.10 (2) (a) of the statutes is amended to read:

20 103.10 (2) (a) Nothing in this section prohibits an employer from providing
21 employees with rights to family leave or, medical leave ~~which~~, or service member
22 family leave that are more generous to the employee than the rights provided under
23 this section.

24 **SECTION 20.** 103.10 (2) (am) of the statutes is created to read:

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1 103.10 (2) (am) 1. Nothing in this section diminishes the obligation of an
2 employer to comply with a collective bargaining agreement or employee benefit
3 program or plan under which the employer provides employees with rights to family
4 leave, medical leave, or service member family leave that are more generous to the
5 employee than the rights provided under this section.

6 2. A collective bargaining agreement or employee benefit program or plan may
7 not limit or diminish any rights to family leave, medical leave, or service member
8 family leave provided under this section.

9 **SECTION 21.** 103.10 (2) (c) of the statutes is amended to read:

10 103.10 (2) (c) This section only applies to an employee who has been employed
11 for at least 12 months by the same employer for more than 52 consecutive weeks from
12 which leave under sub. (3) is requested and who worked for the that employer for at
13 least ~~1,000~~ 1,250 hours during the preceding ~~52-week~~ 12-month period. This section
14 does not apply to an employee who is employed at a worksite at which the employer
15 employs less than 50 employees if the total number of employees employed by the
16 employer within 75 miles of that worksite is less than 50.

17 **SECTION 22.** 103.10 (3) (title) of the statutes is repealed and recreated to read:

18 103.10 (3) (title) LEAVE REQUIREMENT.

19 **SECTION 23.** 103.10 (3) (a) 1. of the statutes is renumbered 103.10 (3) (a) (intro.)
20 and amended to read:

21 103.10 (3) (a) (intro.) In a 12-month period ~~no~~ an employee may take ~~more than~~
22 6 12 weeks of family leave ~~under par. (b) 1. and 2.~~ for any one or more of the following
23 reasons:

24 **SECTION 24.** 103.10 (3) (a) 2. of the statutes is repealed.

25 **SECTION 25.** 103.10 (3) (a) 3. of the statutes is repealed.

SENATE BILL 8**SECTION 26**

1 **SECTION 26.** 103.10 (3) (a) 5. of the statutes is created to read:

2 103.10 **(3)** (a) 5. Because of any qualifying exigency, as determined by the
3 department by rule, arising out of the fact that the spouse, child, domestic partner,
4 or parent of the employee is on covered active duty or has been notified of an
5 impending call or order to covered active duty.

6 **SECTION 27.** 103.10 (3) (am) of the statutes is created to read:

7 103.10 **(3)** (am) In a 12–month period an employee who is the spouse, child,
8 parent, domestic partner, or next of kin of a covered service member may take 26
9 weeks of leave to care for the covered service member. Leave under this paragraph
10 may be taken only during a single 12–month period. In a 12–month period in which
11 leave is taken under this paragraph, an employee may take a combined total of 26
12 weeks of leave under this paragraph and par. (a). This paragraph does not limit the
13 amount of leave that an employee may take under par. (a) in any other 12–month
14 period.

15 **SECTION 28.** 103.10 (3) (b) (intro.) of the statutes is repealed.

16 **SECTION 29.** 103.10 (3) (b) 1. of the statutes is renumbered 103.10 (3) (a) 1m.
17 and amended to read:

18 103.10 **(3)** (a) 1m. ~~The Because of the birth of the employee’s natural biological~~
19 ~~child, if the leave begins is taken to care for the child and the leave ends within 16~~
20 ~~weeks of 12 months after the child’s birth.~~

21 **SECTION 30.** 103.10 (3) (b) 2. of the statutes is renumbered 103.10 (3) (a) 2m.
22 and amended to read:

23 103.10 **(3)** (a) 2m. ~~The Because of the placement of a child with the employee~~
24 ~~for adoption or as a precondition to adoption under s. 48.90 (2), but not both, or for~~

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1 foster care, if the leave ~~begins~~ ends within ~~16 weeks of~~ 12 months after the child's
2 placement.

3 **SECTION 31.** 103.10 (3) (b) 3. of the statutes is renumbered 103.10 (3) (a) 3m.

4 **SECTION 32.** 103.10 (3) (c) of the statutes is repealed.

5 **SECTION 33.** 103.10 (3) (cm) of the statutes is created to read:

6 103.10 **(3)** (cm) 1. If a husband and wife are entitled to leave under par. (a) and
7 are employed by the same employer, the employer may limit the aggregate number
8 of weeks of leave that the husband and wife may take for the birth or placement of
9 a child under par. (a) 1m. or 2m. or to care for a parent who has a serious health
10 condition under par. (a) 3m. to 12 weeks during any 12-month period.

11 2. If a husband and wife are entitled to leave under par. (am) and are employed
12 by the same employer, the employer may limit the aggregate number of weeks of
13 leave that the husband and wife may take under par. (am), or under par. (am) and
14 under par. (a) for the reasons specified in subd. 1. combined, to 26 weeks during the
15 12-month period in which the leave under par. (am) is taken. If the leave taken by
16 a husband and wife includes leave under par. (a) for the reasons specified in subd.
17 1., the limitation under subd. 1. applies to that leave.

18 **SECTION 34.** 103.10 (3) (d) of the statutes is repealed.

19 **SECTION 35.** 103.10 (3) (dm) of the statutes is created to read:

20 103.10 **(3)** (dm) 1. An employee may not take leave under par. (a) 1m. or 2m.
21 intermittently or on a reduced-leave schedule unless agreed to by the employer.
22 Subject to subd. 2. and subs. (6) (b) and (7) (b) 5. or 7., whichever is applicable, an
23 employee may take leave under par. (a) 3m. or 4. or (am) intermittently or on a
24 reduced-leave schedule when medically necessary. Subject to sub. (6) (c) and (7) (f),
25 an employee may take leave under par. (a) 5. intermittently or on a reduced-leave

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1 schedule. If an employee takes leave intermittently or on a reduced-leave schedule,
2 the employee's employer may not reduce the amount of leave under par. (a) to which
3 the employee is entitled by an amount that is beyond the amount of leave actually
4 taken.

5 2. If an employee requests intermittent leave or leave on a reduced-work
6 schedule under par. (a) 3m. or 4. or (am) that is foreseeable for planned medical
7 treatment, the employer may require the employee to transfer temporarily to an
8 alternative position offered by the employer for which the employee is qualified if
9 that alternative position has equivalent pay and employment benefits and if that
10 alternative position accommodates intermittent periods of leave or leave on a
11 reduced-leave schedule better than the employee's regular position does.

12 **SECTION 36.** 103.10 (4) (title) of the statutes is repealed.

13 **SECTION 37.** 103.10 (4) (a) of the statutes is renumbered 103.10 (3) (a) 4. and
14 amended to read:

15 103.10 (3) (a) 4. ~~Subject to pars. (b) and (c), an employee who has Because of~~
16 ~~a serious health condition which that makes the employee unable to perform his or~~
17 ~~her employment duties may take medical leave for the period during which he or she~~
18 ~~is unable to perform those duties the functions of the employee's position.~~

19 **SECTION 38.** 103.10 (4) (b) of the statutes is repealed.

20 **SECTION 39.** 103.10 (4) (c) of the statutes is repealed.

21 **SECTION 40.** 103.10 (5) (a) of the statutes is amended to read:

22 103.10 (5) (a) ~~This Except as provided in pars. (b) to (d), this section does not~~
23 ~~entitle an employee to receive wages or salary while taking family leave or medical~~
24 ~~leave under sub. (3) (a) or (am).~~

25 **SECTION 41.** 103.10 (5) (b) of the statutes is amended to read:

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1 103.10 (5) (b) An employee may elect, or an employer may require an employee,
2 to substitute, for portions of family leave or medical leave, paid or unpaid leave of any
3 other type for any part of the leave provided under sub. (3) (a) 1m., 2m., 3m., or 5.,
4 any paid vacation leave, paid personal leave, or paid family leave provided by the
5 employer that the employee has accrued.

6 **SECTION 42.** 103.10 (5) (c) of the statutes is created to read:

7 103.10 (5) (c) An employee may elect, or an employer may require an employee,
8 to substitute, for any part of the leave provided under sub. (3) (a) 3m. or 4., any paid
9 vacation leave, paid personal leave, or paid sick leave provided by the employer that
10 the employee has accrued, except that an employer is not required to provide paid
11 sick leave in any situation in which the employer would not normally provide paid
12 sick leave.

13 **SECTION 43.** 103.10 (5) (d) of the statutes is created to read:

14 103.10 (5) (d) An employee may elect, or an employer may require an employee,
15 to substitute, for any part of the leave provided under sub. (3) (am), any paid vacation
16 leave, paid personal leave, paid family leave, or paid sick leave provided by the
17 employer that the employee has accrued, except that an employer is not required to
18 provide paid sick leave in any situation in which the employer would not normally
19 provide paid sick leave.

20 **SECTION 44.** 103.10 (6) (a) of the statutes is amended to read:

21 103.10 (6) (a) If an employee intends to take family leave ~~for the reasons in~~
22 under sub. (3) (b) 1. or 2. (a) 1m. or 2m. that is foreseeable because of the expected
23 birth or placement of a child, the employee shall, ~~in a reasonable and practicable~~
24 ~~manner,~~ give the employer advance notice of the expected ~~birth or placement~~
25 employee's intention to take that leave not less than 30 days before the date on which

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1 the leave is to begin, except that, if the date of the birth or placement requires the
2 leave to begin in less than 30 days, the employee shall provide that notice to the
3 employer in a reasonable and practicable manner.

4 **SECTION 45.** 103.10 (6) (b) (intro.) of the statutes is amended to read:

5 103.10 (6) (b) (intro.) If an employee intends to take family leave under sub.
6 (3) (a) 3m. or 4. or (am) that is foreseeable because of the planned medical treatment
7 ~~or supervision of the employee or of a child, spouse, domestic partner, or parent, or~~
8 ~~intends to take medical leave because of the planned medical treatment or~~
9 ~~supervision~~ covered service member of the employee, the employee shall do all of the
10 following:

11 **SECTION 46.** 103.10 (6) (b) 1. of the statutes is amended to read:

12 103.10 (6) (b) 1. Make a reasonable effort to schedule the medical treatment
13 ~~or supervision~~ so that it does not unduly disrupt the employer's operations, subject
14 to the approval of the health care provider of the child, spouse, domestic partner,
15 parent, covered service member, or employee.

16 **SECTION 47.** 103.10 (6) (b) 2. of the statutes is amended to read:

17 103.10 (6) (b) 2. Give the employer ~~advance~~ notice of the ~~medical treatment or~~
18 ~~supervision~~ employee's intention to take that leave not less than 30 days before the
19 leave is to begin, except that, if the date of the treatment requires the leave to begin
20 in less than 30 days, the employee shall provide that notice to the employer in a
21 reasonable and practicable manner.

22 **SECTION 48.** 103.10 (6) (c) of the statutes is created to read:

23 103.10 (6) (c) If the employee intends to take leave under sub. (3) (a) 5., that
24 is foreseeable because the spouse, child, domestic partner, or parent of the employee
25 is on covered active duty or has been notified of an impending call or order to covered

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1 active duty, the employee shall provide notice of that intention to the employer in a
2 reasonable and practicable manner.

3 **SECTION 49.** 103.10 (7) (a) of the statutes is amended to read:

4 103.10 (7) (a) If an employee requests family leave for a reason described in
5 under sub. (3) (b) 3. or requests medical leave (a) 3m. or 4. or (am), the employer may
6 require the employee to provide certification, as described in par. (b), issued by the
7 health care provider or Christian Science practitioner of the child, spouse, domestic
8 partner, parent, covered service member, or employee, whichever is appropriate, and
9 the employee shall provide a copy of that certification to the employer in a timely
10 manner.

11 **SECTION 50.** 103.10 (7) (b) 3m. of the statutes is created to read:

12 103.10 (7) (b) 3m. If the employee requests leave under sub. (3) (a) 3m., a
13 statement that the employee is needed to care for a child, spouse, domestic partner,
14 or parent who has a serious health condition and an estimate of the amount of time
15 that the employee is needed to care for the child, spouse, domestic partner, or parent.

16 **SECTION 51.** 103.10 (7) (b) 4. of the statutes is amended to read:

17 103.10 (7) (b) 4. If the employee requests medical leave, ~~an explanation of the~~
18 ~~extent to which~~ under sub. (3) (a) 4., a statement that the employee is unable to
19 perform ~~his or her employment duties~~ the functions of the employee's position.

20 **SECTION 52.** 103.10 (7) (b) 5. of the statutes is created to read:

21 103.10 (7) (b) 5. If the employee requests intermittent leave or leave on a
22 reduced-leave schedule under sub. (3) (a) 3m. or 4. for planned medical treatment,
23 the dates on which that treatment is expected to be given and the duration of that
24 treatment.

25 **SECTION 53.** 103.10 (7) (b) 6. of the statutes is created to read:

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1 103.10 (7) (b) 6. If the employee requests intermittent leave or leave on a
2 reduced–leave schedule under sub. (3) (a) 3m., a statement that the intermittent
3 leave or leave on a reduced–leave schedule is necessary for the care of a child, spouse,
4 domestic partner, or parent who has a serious health condition or will assist in the
5 recovery of the child, spouse, domestic partner, or parent, and the expected duration
6 and schedule of the intermittent leave or leave on a reduced–leave schedule.

7 **SECTION 54.** 103.10 (7) (b) 7. of the statutes is created to read:

8 103.10 (7) (b) 7. If the employee requests intermittent leave or leave on a
9 reduced–leave schedule under sub. (3) (a) 4., a statement of the medical necessity for
10 the intermittent leave or leave on a reduced–leave schedule, and the expected
11 duration of the intermittent leave or leave on a reduced–leave schedule.

12 **SECTION 55.** 103.10 (7) (c) of the statutes is amended to read:

13 103.10 (7) (c) The If the employer has reason to doubt the validity of a
14 certification provided under par. (a) for leave under sub. (3) (a) 3m. or 4., the employer
15 may require the employee to obtain the opinion of a 2nd health care provider, chosen
16 or Christian Science practitioner, designated or approved and paid for by the
17 employer, concerning any information certified under par. (b). A health care provider
18 or Christian Science practitioner designated or approved under this paragraph may
19 not be employed on a regular basis by the employer.

20 **SECTION 56.** 103.10 (7) (d) of the statutes is created to read:

21 103.10 (7) (d) If a 2nd opinion obtained under par. (c) differs from the opinion
22 in the certification provided under par. (a), the employer may require the employee
23 to obtain the opinion of a 3rd health care provider or Christian Science practitioner,
24 designated or approved by the employer and employee jointly and paid for by the
25 employer, concerning any information certified under par. (b). The employer and

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1 employee shall accept the 3rd opinion obtained under this paragraph as final and
2 binding upon them.

3 **SECTION 57.** 103.10 (7) (e) of the statutes is created to read:

4 103.10 (7) (e) The employer may require that an employee obtain
5 recertifications after the original certification under par. (b) on a reasonable basis.

6 **SECTION 58.** 103.10 (7) (f) of the statutes is created to read:

7 103.10 (7) (f) If an employee requests leave under sub. (3) (a) 5., the employer
8 may require the employee to provide certification that the spouse, child, domestic
9 partner, or parent of the employee is on covered active duty or has been notified of
10 an impending call or order to covered active duty issued at such time and in such
11 manner as the department may prescribe by rule, and the employee shall provide a
12 copy of that certification to the employer in a timely manner.

13 **SECTION 59.** 103.10 (8) (a) (intro.) of the statutes is amended to read:

14 103.10 (8) (a) (intro.) ~~Subject to~~ Except as provided in par. (e) (e), when an
15 employee returns from family leave or medical leave who takes leave under sub. (3)
16 (a) or (am) for the purpose for which that leave is intended returns from that leave,
17 his or her employer shall immediately place the employee in an employment position
18 as follows:

19 **SECTION 60.** 103.10 (8) (a) 1. of the statutes is amended to read:

20 103.10 (8) (a) 1. ~~If~~ In the employment position which that the employee held
21 ~~immediately before~~ when the family leave or medical leave began is vacant when the
22 employee returns, in that position.

23 **SECTION 61.** 103.10 (8) (a) 2. of the statutes is amended to read:

24 103.10 (8) (a) 2. ~~If the employment position which the employee held~~
25 ~~immediately before the family leave or medical leave began is not vacant when the~~

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1 ~~employee returns, in~~ In an equivalent employment position having equivalent
2 compensation, employment benefits, ~~working shift, hours of employment and other~~
3 terms and conditions of employment.

4 **SECTION 62.** 103.10 (8) (b) of the statutes is amended to read:

5 103.10 **(8)** (b) No employer may, because an employee received ~~family leave or~~
6 ~~medical leave~~ under sub. (3) (a) or (am), reduce or deny an employment benefit ~~which~~
7 that accrued to the employee before ~~his or her~~ the leave began ~~or, consistent with sub.~~
8 ~~(9), accrued after his or her leave began.~~

9 **SECTION 63.** 103.10 (8) (c) of the statutes is repealed.

10 **SECTION 64.** 103.10 (8) (d) of the statutes is created to read:

11 103.10 **(8)** (d) An employer may require an employee who is on leave under sub.
12 (3) (a) or (am) to report periodically to the employer on the employee's status and
13 intention of returning to work.

14 **SECTION 65.** 103.10 (8) (e) of the statutes is created to read:

15 103.10 **(8)** (e) Subject to any collective bargaining agreement that governs the
16 return to work of an employee who has taken leave under sub. (3) (a) 4., an employer
17 may adopt a uniformly applied practice or policy that requires an employee who is
18 returning from leave under sub. (3) (a) 4. to obtain a certification from the employee's
19 health care provider or Christian Science practitioner that the employee is able to
20 return to work.

21 **SECTION 66.** 103.10 (8) (f) of the statutes is created to read:

22 103.10 **(8)** (f) An employer may deny placement in an employment position
23 described in par. (a) 1. and 2. to an employee who returns from leave under sub. (3)
24 (a) or (am) if all of the following apply:

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1 1. The employee is a salaried employee who before the leave was among the
2 highest-paid 10 percent of the employees employed by the employer within 75 miles
3 of the worksite at which the employee is employed.

4 2. That denial is necessary to prevent substantial and grievous economic injury
5 to the operations of the employer.

6 3. The employer notifies the employee of the employer's intent to deny that
7 placement based on the conditions specified in subds. 1. and 2. at the time the
8 employer determines that the injury described in subd. 2. would occur.

9 4. In the case of an employee who receives the notice under subd. 3. after the
10 leave has begun, the employee elects not to return to employment with the employer.

11 **SECTION 67.** 103.10 (9) (a) of the statutes is amended to read:

12 103.10 (9) (a) Except as provided in par. (b), nothing in this section entitles ~~a~~
13 ~~returning~~ an employee to a right, employment benefit, or employment position to
14 which the employee would not have been entitled had he or she not taken ~~family~~
15 ~~leave or medical leave~~ under sub. (3) (a) or (am) or to the accrual of any seniority or
16 employment benefit during a period of ~~family leave or medical~~ such leave.

17 **SECTION 68.** 103.10 (9) (b) of the statutes is amended to read:

18 103.10 (9) (b) Subject to par. (c), during a period that an employee takes ~~family~~
19 ~~leave or medical leave~~ under sub. (3) (a) or (am), his or her employer shall maintain
20 group health insurance coverage at the level and under the conditions that ~~applied~~
21 ~~immediately before the family leave or medical leave began.~~ If the employee
22 ~~continues making any contribution required for participation in the group health~~
23 ~~insurance plan, the employer shall continue making group health insurance~~
24 ~~premium contributions as if the employee had not taken the family leave or medical~~

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1 the employer would have provided coverage if the employee had continued in
2 employment continuously during that leave.

3 **SECTION 69.** 103.10 (9) (c) of the statutes is repealed and recreated to read:

4 103.10 (9) (c) An employer may recover from an employee the premium paid
5 by the employer to maintain group health insurance coverage for the employee
6 during a period of unpaid leave under sub. (3) (a) or (am) if the employee fails to
7 return from that leave after the period of leave to which the employee is entitled has
8 expired for a reason other than the continuation, recurrence, or onset of a serious
9 health condition that entitles the employee to leave under sub. (3) (a) 3m. or 4. or of
10 a serious injury or illness that entitles the employee to leave under sub. (3) (am) or
11 other circumstances beyond the control of the employee.

12 **SECTION 70.** 103.10 (9) (d) of the statutes is repealed and recreated to read:

13 103.10 (9) (d) If an employee claims that he or she is unable to return to work
14 because of the continuation, recurrence, or onset of a serious health condition or
15 serious injury or illness as described in par. (c), the employer may require the
16 employee to provide in a timely manner one of the following:

17 1. Certification issued by the health care provider or Christian Science
18 practitioner of the child, spouse, domestic partner, or parent being cared for by the
19 employee that the employee was needed to care for that child, spouse, domestic
20 partner, or parent on the day on which the employee's leave under sub. (3) (a) 3m.
21 expired.

22 2. Certification issued by the health care provider or Christian Science
23 practitioner of the employee that a serious health condition prevented the employee
24 from being able to perform the functions of the employee's position on the day on
25 which the employee's leave under sub. (3) (a) 4. expired.

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1 3. Certification issued by the health care provider or Christian Science
2 practitioner of the covered service member being cared for by the employee that the
3 employee was needed to care for that covered service member on the day on which
4 the employee's leave under sub. (3) (am) expired.

5 **SECTION 71.** 103.10 (10) of the statutes is repealed and recreated to read:

6 **103.10 (10) INSTRUCTIONAL EMPLOYEES.** (a) In this subsection, "educational
7 agency" means a local educational agency, as defined in 20 USC 7801 (26), or a
8 private elementary or secondary school.

9 (b) If an employee who is employed principally in an instructional capacity by
10 an educational agency requests intermittent leave or leave on a reduced-leave
11 schedule under sub. (3) (a) 3m. or 4. or (am) that is foreseeable for planned medical
12 treatment, complies with the requirements under sub. (6) (b) and would be on leave
13 for greater than 20 percent of the total number of working days during the period in
14 which the leave would extend, the educational agency may require that employee to
15 elect to do one of the following:

16 1. To take leave for periods of a particular duration, not to exceed the duration
17 of the planned medical treatment.

18 2. To transfer temporarily to an alternative employment position offered by the
19 educational agency for which the employee is qualified if that alternative position
20 has equivalent pay and employment benefits and if that alternative position
21 accommodates intermittent periods of leave or leave on a reduced-leave schedule
22 better than the employee's regular position does.

23 (c) 1. If an employee who is employed principally in an instructional capacity
24 by an educational agency begins leave under sub. (3) (a) or (am) more than 5 weeks
25 before the end of a semester, the educational agency may require the employee to

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1 continue taking leave until the end of the semester if the leave is for at least 3 weeks
2 in duration and the return to employment would occur during the 3 weeks before the
3 end of the semester.

4 2. Subject to subd. 3., if an employee who is employed principally in an
5 instructional capacity by an educational agency begins leave under sub. (3) (a) 1m.,
6 2m., or 3m. or (am) during the period that begins 5 weeks before the end of a semester,
7 the educational agency may require the employee to continue taking leave until the
8 end of the semester if the leave is for more than 2 weeks in duration and the return
9 to employment would occur during the 2 weeks before the end of the semester.

10 3. If an employee who is employed principally in an instructional capacity by
11 an educational agency begins leave under sub. (3) (a) 1m., 2m., or 3m. or (am) during
12 the period that begins 3 weeks before the end of a semester and the leave is for more
13 than 5 working days, the educational agency may require the employee to continue
14 taking leave until the end of the semester.

15 (d) An educational agency shall determine what is an equivalent employment
16 position under sub. (8) (a) 2. based on policies and practices established by the
17 educational agency and on any applicable collective bargaining agreement to which
18 the educational agency is a party.

19 **SECTION 72.** 103.10 (11) (c) of the statutes is repealed and recreated to read:

20 103.10 (11) (c) 1. No person may discharge or in any manner discriminate
21 against any individual for filing a complaint or attempting to enforce any right under
22 this section or for testifying or assisting in any action or proceeding to enforce any
23 right under this section.

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1 2. No person may discharge or in any manner discriminate against any
2 individual because that person believes that the individual has engaged or may
3 engage in an activity described in subd. 1.

4 **SECTION 73.** 103.10 (12) (b) of the statutes is amended to read:

5 103.10 **(12)** (b) An employee who believes his or her employer has violated sub.
6 (11) ~~(a) or (b)~~ may, ~~within 30 days after the violation occurs or the employee should~~
7 ~~reasonably have known that the violation occurred, whichever is later, on his or her~~
8 ~~own behalf and on behalf of other employees similarly situated,~~ file a complaint with
9 the department alleging the violation. A complaint under this paragraph may be
10 filed no later than 2 years after the date of the last event constituting the alleged
11 violation for which the complaint is brought, unless the violation is alleged to be
12 willful, in which case the complaint may be filed no later than 3 years after the date
13 of the last event constituting the alleged violation. Except as provided in s. 230.45
14 (1m), the department shall investigate the complaint and shall attempt to resolve the
15 complaint by conference, conciliation, or persuasion. If the complaint is not resolved
16 and the department finds probable cause to believe a violation has occurred, the
17 department shall proceed with notice and a hearing on the complaint as provided in
18 ch. 227. The hearing shall be held within 60 days after the department receives the
19 complaint.

20 **SECTION 74.** 103.10 (12) (c) of the statutes is repealed.

21 **SECTION 75.** 103.10 (12) (d) of the statutes is amended to read:

22 103.10 **(12)** (d) The department shall issue its decision and order within 30 days
23 after the hearing. If the department finds that an employer violated sub. (11) ~~(a) or~~
24 ~~(b)~~, it may order the employer to take action to remedy the violation, including
25 providing the requested family leave or medical leave, reinstating an employee,

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1 ~~promoting an employee, providing back pay accrued not more than 2 years before the~~
2 ~~complaint was filed and paying reasonable actual attorney fees to the complainant.~~

3 **SECTION 76.** 103.10 (12) (e) of the statutes is created to read:

4 103.10 (12) (e) Any respondent or complainant who is dissatisfied with the
5 findings and order of the examiner may file a written petition with the department
6 for review by the commission of the findings and order.

7 **SECTION 77.** 103.10 (12) (f) of the statutes is created to read:

8 103.10 (12) (f) If no petition is filed within 21 days after the date on which a
9 copy of the findings and order of the examiner is mailed to the last-known address
10 of the respondent, the findings and order shall be considered final. If a timely
11 petition is filed, the commission, on review, may either affirm, reverse, or modify the
12 findings or order in whole or in part, or set aside the findings and order and remand
13 to the department for further proceedings. Such actions shall be based on a review
14 of the evidence submitted. If the commission is satisfied that a respondent or
15 complainant has been prejudiced because of exceptional delay in the receipt of a copy
16 of any findings and orders it may extend the time another 21 days for filing the
17 petition with the department.

18 **SECTION 78.** 103.10 (12) (g) of the statutes is created to read:

19 103.10 (12) (g) On motion, the commission may set aside, modify, or change any
20 decision made by the commission, at any time within 28 days after the date of the
21 decision if the commission discovers any mistake in the decision, or upon the grounds
22 of newly discovered evidence. The commission may on its own motion, for reasons
23 it considers sufficient, set aside any final decision of the commission within one year
24 after the date of the decision upon grounds of mistake or newly discovered evidence,
25 and remand the case to the department for further proceedings.

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1 **SECTION 79.** 103.10 (13) (a) of the statutes is amended to read:

2 103.10 **(13)** (a) An employee or the department may bring an action in circuit
3 court against an employer, on behalf of the employee or on behalf of the employee and
4 other employees similarly situated, to recover damages, as specified under par. (c),
5 caused by a violation of sub. (11) after the completion of an administrative
6 proceeding, including judicial review, concerning the same violation.

7 **SECTION 80.** 103.10 (13) (b) 2. of the statutes is repealed and recreated to read:

8 103.10 **(13)** (b) 2. Within 2 years after the date of the last event constituting
9 the alleged violation, unless the violation is alleged to be willful, in which case the
10 action must be brought no later than 3 years after the date of the last event
11 constituting the alleged violation.

12 **SECTION 81.** 103.10 (13) (c) of the statutes is created to read:

13 103.10 **(13)** (c) If a circuit court finds that an employer has violated sub. (11),
14 it may order the employer to pay to the affected employee all of the following:

15 1. Damages equal to the amount of any wages, salary, employment benefits, or
16 other compensation that was denied to or lost by the employee because of the
17 violation or, if the employee has not lost or been denied any wages, salary,
18 employment benefits, or other compensation, any actual monetary losses sustained
19 by the employee as a direct result of the violation up to a sum equal to 12 weeks or,
20 in a case involving leave under sub. (3) (am), 26 weeks of wages or salary for the
21 employee, plus interest on the amount of those damages.

22 2. As liquidated damages, an amount equal to the damages and interest
23 described in subd. 1., except that the court may reduce the amount of damages and
24 interest for which the employer is liable to the amount described in subd. 1. if the
25 employer shows that the act or omission that was in violation of sub. (11) was in good

SENATE BILL 8**SECTION 81**

1 faith and that the employer had reasonable grounds to believe that the act or
2 omission was not a violation of sub. (11).

3 3. Costs and, notwithstanding s. 814.04 (1), reasonable actual attorney fees.

4 **SECTION 82.** 103.10 (14) (a) of the statutes is renumbered 103.10 (14) and
5 amended to read:

6 103.10 (14) NOTICE POSTED. Each employer shall post, in ~~one or more~~
7 conspicuous places on the employer's premises where notices to employees and
8 applicants for employment are customarily posted, a notice in a form prepared or
9 approved by the department setting forth employees' rights under this section
10 excerpted from, or summaries of, the pertinent provisions of this section and
11 information relating to the filing of a complaint under sub. (12). Any employer who
12 willfully violates this subsection shall forfeit not more than \$100 for each offense.

13 **SECTION 83.** 103.10 (14) (b) of the statutes is repealed.

14 **SECTION 84.** 103.10 (15) of the statutes is created to read:

15 103.10 (15) LOCAL ORDINANCES. A county, city, village, or town may enact an
16 ordinance that provides employees with rights to family, medical, or service member
17 family leave that are more generous to the employee than the rights provided under
18 this section.

19 **SECTION 85.** 103.10 (16) of the statutes is created to read:

20 103.10 (16) RULES. The department shall promulgate rules to implement this
21 section. Those rules shall substantially conform to 29 CFR 825.

22 **SECTION 86.** 111.322 (2m) (a) of the statutes is amended to read:

23 111.322 (2m) (a) The individual files a complaint or attempts to enforce any
24 right under s. 103.02, ~~103.10~~, 103.13, 103.28, 103.32, 103.34, 103.455, 103.50,

SENATE BILL 8

1 104.12, 106.04, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to 101.599 or 103.64
2 to 103.82.

3 **SECTION 87.** 111.322 (2m) (b) of the statutes is amended to read:

4 111.322 **(2m)** (b) The individual testifies or assists in any action or proceeding
5 held under or to enforce any right under s. 103.02, ~~103.10~~, 103.13, 103.28, 103.32,
6 103.34, 103.455, 103.50, 104.12, 106.04, 109.03, 109.07, 109.075, or 146.997 or ss.
7 101.58 to 101.599 or 103.64 to 103.82.

8 **SECTION 88.** 111.91 (2) (f) of the statutes is amended to read:

9 111.91 **(2)** (f) Family leave and, medical, and service member family leave
10 rights below the minimum afforded under s. 103.10. Nothing in this paragraph
11 prohibits the employer from bargaining on rights to family leave ~~or, medical, or~~
12 service member family leave ~~which~~ that are more generous to the employee than the
13 rights provided under s. 103.10.

14 **SECTION 89.** 111.998 (2) (c) of the statutes is amended to read:

15 111.998 **(2)** (c) Family leave and, medical, and service member family leave
16 rights below the minimum afforded under s. 103.10. Nothing in this paragraph
17 prohibits the board from bargaining on rights to family leave ~~or, medical, or service~~
18 member family leave ~~which~~ that are more generous to the employee than the rights
19 provided under s. 103.10.

20 **SECTION 90.** 230.35 (2m) of the statutes is amended to read:

21 230.35 **(2m)** An employee shall be eligible for medical or family leave under s.
22 103.10 upon the expiration, extension, or renewal of any collective bargaining
23 agreement in effect on April 26, 1988, which covers the employee. An employee shall
24 be eligible for service member family leave under s. 103.10 upon the expiration.

SENATE BILL 8**SECTION 90**

1 extension, or renewal of any collective bargaining agreement in effect on the effective
2 date of this subsection ... [LRB inserts date].

3 **SECTION 91.** 252.17 (3) (i) of the statutes is repealed.

4 **SECTION 92.** 252.17 (4) (a) of the statutes is amended to read:

5 252.17 **(4)** (a) Except as provided in pars. (b), ~~(e)~~, and (d), if an individual
6 satisfies sub. (3), the department shall pay the amount of each premium payment for
7 coverage under the group health plan under sub. (3) (d) that is due from the
8 individual on or after the date on which the individual becomes eligible for a subsidy
9 under sub. (3). The department may not refuse to pay the full amount of the
10 individual's contribution to each premium payment because the coverage that is
11 provided to the individual who satisfies sub. (3) includes coverage of the individual's
12 spouse or domestic partner under ch. 770 and dependents. Except as provided in par.
13 (b), the department shall terminate the payments under this section when the
14 individual's unpaid medical leave ends, when the individual no longer satisfies sub.
15 (3) or upon the expiration of 29 months after the unpaid medical leave began,
16 whichever occurs first.

17 **SECTION 93.** 252.17 (4) (c) of the statutes is repealed.

18 **SECTION 94.** 253.10 (3) (d) 1. of the statutes is amended to read:

19 253.10 **(3)** (d) 1. Geographically indexed materials that are designed to inform
20 a woman about public and private agencies, including adoption agencies, and
21 services that are available to provide information on family planning, as defined in
22 s. 253.07 (1) (a), including natural family planning information, to provide
23 ultrasound imaging services, to assist her if she has received a diagnosis that her
24 unborn child has a disability or if her pregnancy is the result of sexual assault or
25 incest and to assist her through pregnancy, upon childbirth and while the child is

SENATE BILL 8

1 dependent. The materials shall include a comprehensive list of the agencies
2 available, a description of the services that they offer and a description of the manner
3 in which they may be contacted, including telephone numbers and addresses, or, at
4 the option of the department, the materials shall include a toll-free, 24-hour
5 telephone number that may be called to obtain an oral listing of available agencies
6 and services in the locality of the caller and a description of the services that the
7 agencies offer and the manner in which they may be contacted. The materials shall
8 provide information on the availability of governmentally funded programs that
9 serve pregnant women and children. Services identified for the woman shall include
10 medical assistance for pregnant women and children under s. 49.47 (4) (am) and
11 49.471, the availability of family ~~or~~, medical, or service member family leave under
12 s. 103.10, the Wisconsin works program under ss. 49.141 to 49.161, child care
13 services, child support laws and programs and the credit for expenses for household
14 and dependent care and services necessary for gainful employment under section 21
15 of the internal revenue code. The materials shall state that it is unlawful to perform
16 an abortion for which consent has been coerced, that any physician who performs or
17 induces an abortion without obtaining the woman's voluntary and informed consent
18 is liable to her for damages in a civil action and is subject to a civil penalty, that the
19 father of a child is liable for assistance in the support of the child, even in instances
20 in which the father has offered to pay for an abortion, and that adoptive parents may
21 pay the costs of prenatal care, childbirth and neonatal care. The materials shall
22 include information, for a woman whose pregnancy is the result of sexual assault or
23 incest, on legal protections available to the woman and her child if she wishes to
24 oppose establishment of paternity or to terminate the father's parental rights. The
25 materials shall state that fetal ultrasound imaging and auscultation of fetal heart

SENATE BILL 8**SECTION 94**

1 tone services are obtainable by pregnant women who wish to use them and shall
2 describe the services.

3 **SECTION 95.** 632.897 (6) of the statutes is amended to read:

4 632.897 (6) If the terminated insured elects to continue group coverage as
5 provided in this section, the insurer may require conversion to individual coverage
6 by the terminated insured and his or her spouse and dependents 18 months after the
7 terminated insured elects the group coverage ~~except as provided in s. 103.10 (9) (d).~~
8 The conditions, rights and procedures governing conversion under sub. (4) (a) apply
9 to this conversion.

10 **SECTION 96.** 893.96 (title) of the statutes is amended to read:

11 **893.96 (title) Family leave and, medical, and service member family**
12 **leave; civil remedies.**

13 **SECTION 97. Initial applicability.**

14 (1) FAMILY, MEDICAL, AND SERVICE MEMBER FAMILY LEAVE. This act first applies to
15 an employee who is affected by a collective bargaining agreement that contains
16 provisions inconsistent with this act on the day on which the collective bargaining
17 agreement expires or is extended, modified, or renewed, whichever occurs first.

18 **SECTION 98. Effective date.**

19 (1) FAMILY, MEDICAL, AND SERVICE MEMBER FAMILY LEAVE. This act takes effect on
20 the first day of the 6th month beginning after publication.

21 (END)

LEGISLATIVE HEARING CALENDAR

COMMITTEE ON JUDICIARY-LEGISLATION

MONDAY, JANUARY 31, 2011 AT 2:15 PM

Room 301-B City Hall

- SB-6** 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, identification cards issued by the Department of Transportation, creating an identification certificate issued by the Department of Transportation, requiring the exercise of rule-making authority, and providing a penalty.

- SB-8** Conforming the state family and medical leave law to the federal family and medical leave law and granting rule-making authority.



Board of Election Commissioners

Commissioners
Stephanie Findley
David H. Redemann
Robert F. Spindell, Jr.

Executive Director
Susan M. Edman

January 25, 2011

Senator Mary Lazich
Members of the Senate Committee on Transportation and Elections
Wisconsin State Legislature

Re: Testimony on 2011 SB 8

Chair Lazich and Honorable Committee Members, thank you for the opportunity to testify on this matter today

As the Executive Director of the City of Milwaukee's Election Commission, it is my responsibility to administrator elections that are well-managed, free, and fair. Elections that are free and fair require both ballot security and full access to voting. I believe that we are all in pursuit of the same goal and that is ensuring that only those individuals who are eligible to vote are allowed to vote while encouraging overwhelming participation in the democratic process. I am here today to encourage you to revise Senate Bill 6 for the purpose of promoting greater access to voting

As you are all well aware, the City of Milwaukee is home to Marquette University, Milwaukee School of Engineering, the University of Wisconsin Milwaukee, Alverno College, and Wisconsin Lutheran College. Over 41,000 students attend these five universities. Many of these students are from other municipalities around the state and beyond and live on campus during the school year. Many do not possess a Wisconsin driver's license, a Wisconsin state identification card or a military identification card yet are eligible to vote. The polling sites serving our college campuses have always been some our busiest sites. It would be an injustice to reduce the ability of transient college students to vote. Therefore, I encourage you to include student photo identification cards in conjunction with student housing documents as an acceptable form of identification. The City of Milwaukee Election Commission has been working with the aforementioned colleges and universities in securing student housing lists for several years. This practice has served us well and has encouraged voter participation.

I also encourage you to include passports as an acceptable form of identification. Today, more and more U. S. residents maintain valid passports. I also encourage you to include a provision in the bill to allow for the signing of an affidavit in lieu of identification and

in place of the provisional ballot requirement. Five of the other nine states with photo ID requirements currently offer both of these options.

Regarding Absentee Ballots, the City of Milwaukee Election Commission mails ballots to approximately 6,000 permanent absentee ballot recipients. Depending upon the election, the Election Commission may mail out another 2,000 – 9,000 more ballots as requested. Requiring absentee ballot recipients to provide proper identification with their absentee ballot would create an administrative nightmare for the City of Milwaukee on Election Day as it would simply add another step to an already very labor intensive process. It would be more efficient to require the identification upon request of the ballot.

The Election Commission has been processing absentee ballots at a central location since February of 2008. This practice is much more efficient and effective, yet as I mentioned, very labor intensive. Thousands of ballots are opened by hand, voter numbers are documented in multiple locations, ballots have to be reconstructed, and the integrity of the records maintained. Attempting to reach electors on Election Day when many are away on vacation and business is senseless and would greatly increase our staffing requirements.

If you are going to keep this requirement in this bill, I highly recommend that the identification requirement be satisfied when the absentee ballot application is submitted. This will afford ample time to follow-up with those who fail to comply. Additionally, completing the required provisional ballot envelope would create an enormous amount of work and should be eliminated.

I encourage you to proceed cautiously and in a manner that will encourage voter participation and streamline the administration of elections. I would also encourage you to continue your examination of Wisconsin Election Law. Slight changes in various deadlines would significantly reduce the enormous pressure placed on election administrators while making final preparations for Election Day. Placing restrictions on voter registration programs would eliminate the need to spend hundreds of hours and thousands of dollars processing incomplete voter registration applications. And, allowing municipalities to draw their poll workers from the county would benefit those of us who have difficulty staffing our polling sites.

Thank you for your consideration of these comments. Feel free to contact me at (414) 286-6119 or sedman@milwaukee.gov for further discussion of Wisconsin's election process.

Sincerely,



Sue Edman
Executive Director

State of Wisconsin\Government Accountability Board

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JUDGE THOMAS H. BARLAND
Chair

KEVIN J. KENNEDY
Director and General Counsel

Remarks by
Kevin J. Kennedy
Director and General Counsel
Wisconsin Government Accountability Board

Presented to the

Wisconsin Senate Committee on Transportation and Elections

The Honorable Mary Lazich, Chairperson

Room 411 South, State Capitol
Wednesday, January 26, 2011
10:00 a.m.

Chairperson Lazich and Committee Members:

Thank you for the opportunity to appear before the Committee to provide information on 2011 Senate Bill 6 relating to requiring certain identification in order to vote. Versions of this legislation have been deliberated in the Legislature over the course of several sessions. In anticipation of this legislation the Government Accountability Board staff researched the law in other states, talked with local election officials, legislators and other persons interested in the legislation and developed some informational materials.

These materials included a list of photo identification legislation introduced in past sessions, a summary of voter identification requirements in other states and a list of issues the Government Accountability Board staff believed voter identification legislation should address. This informational material was distributed to Committee members and all legislators. It is also posted on our website.

On behalf of the Government Accountability Board, I would like to offer some proposed changes for your consideration to facilitate the implementation of this legislation. I am also available to answer your questions about implementation of the legislation.

Currently 27 states require voters to provide some form of identification before they are issued a ballot. Only three states, Georgia, Indiana and Oklahoma, require the identification to contain a picture of the voter. Many of the other states require the same identification Wisconsin currently requires for voters who must provide current proof of residence to register to vote after the close of registration and at the polling place on Election Day. Based on our research, it appears that no state requires an absentee voter who casts a ballot by mail to provide a copy of any required photo identification.

Senate Bill 6 shares similarities with the Indiana photo identification statute which has been upheld in two separate lawsuits. But Senate Bill 6 also varies from that law in several significant ways, which makes the legislation stricter as well as more cumbersome and costly to administer at both the State and local levels. I will identify some of the differences and similarities with the Indiana law in this testimony. I will also discuss areas of the proposed legislation where our staff believes changes should be considered to improve implementation.

Types of permissible identification

The Government Accountability Board recommends the Committee consider expanding the types of picture identification permitted to be shown to receive a ballot. The additional forms of identification we recommend are a U.S. passport; student identification card issued by an accredited institution of higher education, including a university, college or technical school; or other identification card issued by Wisconsin government, a Wisconsin governmental subunit or the United States government. The key components of the identification would be that it contains the full name and a picture of the voter and has not expired.

Under current provisions of the legislation, a voter is required to present a valid Wisconsin driver license, valid Department of Transportation-issued identification card or current and valid military identification card to a poll worker before being given a ballot. The purpose of the legislation is to require the voter to establish identity in order to receive a ballot. There are additional types of picture identification other than the three forms delineated in the bill that provide reliable and accessible identification, and that would relieve some of the burden on the Department of Transportation to provide acceptable forms of identification.

A U.S. passport is a common form of acceptable identification for voting in several of the other states requiring identification to vote. Other voter identification states also permit picture identification issued by the federal, state and local government. After passage of its law, Indiana election officials realized that it should have accommodated another specific form of identification which is a benefits card issued to armed services veterans by the U.S. Department of Veteran Affairs. The card contains the individual's photo and name but has no expiration date. Indiana interprets those cards to be valid as a lifetime card.

College students should be permitted to use a picture identification card issued by the college or university. These cards are used to access many benefits limited to students associated with the college or university. The college or university has a vested interest in issuing secure forms of

identification. Many students do not carry a driver license because they live on campus, use public transportation or do not drive.

Wisconsin law permits out-of-state students to vote in Wisconsin elections if they have established a 10-day physical presence and intend the presence to be their residence for voting purposes. This means they cannot vote in another state. In order to obtain a Wisconsin driver license or identification card from the Department of Transportation the out-of-state driver license has to be surrendered. These students may want to keep their out-of-state license because they may return to their home state for vacations or summer employment.

Allowing the use of other secure governmental and educational photo identification would significantly reduce the fiscal impact on the Wisconsin Department of Transportation, which will be required to issue state identification cards at no cost to anyone without a driver license who requests it.

Absentee Voting

The Government Accountability Board recommends that the Committee eliminate the requirement that absentee voters who cast a ballot by mail or with the assistance of special voting deputies appointed by the municipal clerk provide a copy of the required identification or a statement signed by the absentee voter's witness or special voting deputies. There is minimal purpose in requiring photo identification of such voters, and the current proposal contains so many exceptions and variations it will be extremely difficult for poll workers to sort out at the polling place or absentee ballot counting location. From an administrative and practical perspective, eliminating the photo identification requirement for absentee voters who vote by mail, or in front of special voting deputies, is easily the single biggest improvement that could be made to Senate Bill 6.

Existing law for absentee voting provides sufficient indicia of reliability that the absentee voter is the person casting the absentee ballot. These voters are required to submit a written request. In many cases the voter is receiving the ballot for more than one election in a calendar year or is on the permanent absentee list. The absentee voting process is completed in the presence of a witness who signs the certificate envelope attesting the voter marked the ballot in the presence of the witness. Two special voting deputies witness the ballot marking and certify the voter cast the ballot in their presence for absentee voters at nursing homes, qualified retirement homes, qualified community-based residential facilities, certified residential care apartment complexes, and certified or licensed adult family homes.

In the proposed legislation, the signed statement placed in the certificate envelope offered in lieu of a copy of the required identification is essentially the same information the witness or special voting deputies are already required to certify on the outside of the certificate envelope. In the case of absentee voters at qualified retirement homes, qualified community-based residential facilities, certified residential care apartment complexes, and certified or licensed adult family homes where the municipal clerk does not send special voting deputies, the signed

statement alternative also requires a certification of the manager of the facility, home or complex that the voter lives there and that the establishment is licensed or certified. This is yet another cumbersome process and potential participation barrier to these voters.

This hodgepodge of alternatives coupled with exemptions for confidential, military and overseas electors creates a recordkeeping nightmare for the municipal clerk. Poll workers will have to evaluate the following options when opening an absentee ballot:

- Is the absentee voter exempt from enclosing a copy of the required identification because the voter is a confidential, military or overseas elector?
- Is the absentee voter exempt from enclosing a copy of the required identification because the voter provided the municipal clerk with a copy of the required identification in a previous election and the voter has not moved or changed his or her name?
- Is the signed statement of the person or special voting deputies who witnessed the absentee voter mark the ballot sufficient in lieu of a copy of required identification?
- Is the copy of a citation or notice regarding a surrendered driver license sufficient in lieu of a copy of required identification?
- May observers and challengers view the enclosed identification documents?

These new administrative provisions would require much training of election inspectors and education of the public, and would complicate procedures at the polling place. Imposing these requirements on our election partners at the local level might be easier to justify if they added a significant measure of necessary security to the process. The consensus of professionals in election administration is that it does not. A copy of a photo identification included with an absentee ballot sent by mail obviously cannot be compared to the absentee voter. It is also highly improbable that an elector in a nursing home or other care facility completing a ballot in front of two special voting deputies would submit a copy of an invalid identification, and convince the voting deputies to nevertheless certify that the proper individual voted.

The Board's concern about the identification requirement for mail-in absentee voters is also supported by the court decision in one of the cases which upheld the Indiana photo identification law. On June 30, 2010, the Indiana Supreme Court issued a decision regarding the constitutionality of that state's photo identification law, which does not require photo identification from mail-in absentee voters. While upholding the photo ID law, the Court commented on the ineffectiveness of requiring it for mail-in absentee voters. The Court noted: "The plaintiffs do not propose any method by which a photo identification requirement could be effectively utilized to verify the identity of a mail-in absentee voter. Legislation is not constitutionally deficient for failing to impose an unenforceable, useless requirement."

A separate and significant issue for local election officials is what happens to the copies of photo identification that are mailed in by absentee voters. Are they available for public inspection during or after the election? Current law requires that the date of birth and driver license number is redacted from voter records that are requested. Under the public records law it would appear that the copies of licenses and identification are subject to disclosure, but that birthdates and license numbers may have to be redacted, although this legislation does not address that issue. Redaction of these records by local officials could add a significant workload and costs unfunded by local election budgets.

Again, eliminating the requirement for voters who cast an absentee ballot by mail or with the assistance of special voting deputies to provide a copy of the required identification or a statement signed by the individuals witnessing the marking of the absentee ballot is the single most important change that can be made to make this legislation work effectively.

Standard of Review by Election Officials

The Government Accountability Board recommends the Committee clarify the standard of review for local election officials with respect to the photo identification requirement. The legislation requires the poll worker or municipal clerk to verify the name and picture on required identification. In one section dealing with the small category of new residents voting only in a presidential election, the legislation uses the standard that the photograph "reasonably resembles the voter." This standard should be incorporated in the sections related to voting at the polling place and in the office of the municipal clerk.

Absent more specific language, our administrative interpretation and direction to local election officials will be that the photograph should be given a cursory look, and that they should not scrutinize the photo to verify characteristics such as hair or eye color, or facial hair. A stricter interpretation would tend to place volunteer election inspectors in the uncomfortable position of acting as a bouncer at a bar or as sworn law enforcement without that kind of identification training. This interpretation is similar to the approach taken under the Indiana law, which also does not include specific instructions or a standard for evaluating the photo.

In addition the legislation should provide the name on the required identification "conform" to the name on poll list, rather than be "the same as." This is a more realistic standard than verifying the name is identical. It permits election officials to exercise common sense in permitting a voter with a derivative of a common name or a middle name to vote without having an identical match of the name on the required identification with the name on the poll list. "Conform" is the term used in the Indiana statute and poll workers are specifically instructed to recognize common variations in names between the photo identification and the poll list, which has been a successful approach there.

Provisional ballots

The Government Accountability Board recommends the Committee consider alternatives to issuing a provisional ballot to voters who do not have the required identification. Provisional voting is a time consuming process that requires additional documentation and record keeping for poll workers and the municipal clerk. This will require municipalities to add additional workers on Election Day and following Election Day to process the provisional ballots.

Most municipal clerks (62%) are part-time and are not in the office on the day following Election Day to process provisional ballots. Currently Wisconsin only permits the use of a provisional ballot for the first-time voter who registered by mail, but was unable to provide the required proof of residence and for voters registering at the polling place on Election Day who are unable to provide their driver license number. There are very few provisional ballots issued in Wisconsin.

Voters may not be able to get to a DMV office on Election Day or the day following Election Day because there are very few DMV offices open full-time outside large population centers. It will also be very difficult for the municipal clerk to inform an absentee voter in a timely manner their ballot is being treated as a provisional ballot so the absentee voter has the opportunity to correct it.

In November 2006 there were 271 provisional ballots cast, 211 in November 2008 and 64 in November 2010. These numbers will increase significantly and poll workers will need additional training to ensure the process works smoothly. There are more efficient ways to provide a failsafe voting option for voters without the required identification.

Many states permit a voter without the required identification to swear or attest to an affidavit of identity in lieu of returning with the required identification. This documentation provides additional evidence for prosecution if it is suspected the voter is not who they claim to be.

If the Committee believes provisional voting is the preferred failsafe for a voter without the required identification, we suggest adding a second day for provisional voting. This would require a change to the meeting of school district and municipal boards of canvassers to accommodate the extra time for a provisional voter to provide the required identification.

DOT-related Issues and Accessibility of Photo Identification

Our staff has had several of discussions with representatives of the Department of Transportation. There are a number of administrative issues with respect to the Department's role in issuing driver licenses and identification cards that need to be considered as the legislation moves forward.

The Department of Transportation has a working definition of a "valid" driver license, but it is not tied to a statutory definition or administrative rule. We are advised a "valid" driver license

is one that is not revoked, suspended or cancelled. This is different from the definition proffered by the drafter, which is a license that is authentic and not expired. Especially because the Department of Transportation would be the sole source of photo identification for most voters under this legislation, what constitutes a "valid" driver license is information that needs to be clearly conveyed to voters. Given the provisions in the legislation related to a surrendered driver license, this needs to be clarified. We have also been advised that there are hundreds of thousands of revoked driver licenses in Wisconsin. If the license contains a proper photo and name and expiration date, it seems that whether or not it is suspended or revoked or cancelled should not impact an individual's right to vote, or require a different form of identification.

We have also been advised a change in the law no longer requires a driver to surrender his or her driver license when it is revoked or suspended. This makes the proposed language permitting the use of a copy of the notice or citation after a license is surrendered superfluous.

We have also been advised that the Department of Transportation plans to begin issuing driver licenses by mail from a centralized location rather than over the counter as soon as this May. This will severely limit citizens' ability to obtain the required identification in a timely manner for voting. Given the already limited Department of Transportation services available outside major population centers, voters will have a very difficult time obtaining the required identification if it is necessary to do so close to Election Day.

As already noted, the requirement that DMV provide photo identification within one day to remedy any provisional ballots with limited resources may also be a concern. We are advised that approximately 30 DMV branches are open five days a week throughout the State, and that the remainder of the State is served by travel teams that serve counties or regions on a regular schedule, such as once a week or once a month. Permitting additional forms of photo identification would alleviate some of the cost and burden on DMV of supplying new identification, especially immediately before and after an election.

Voter Information Program and Continuous Outreach and Assistance Requirements

The legislation requires the Government Accountability Board to conduct a public information campaign for the purpose of informing prospective voters of the photo identification requirement and exceptions for the primary and election when the requirement goes into effect. However, the legislation provides no funding to carry out this task. Depending on the scope of the outreach and education program, the cost of a mixed-media campaign alerting voters to the photo identification requirement could be expected to cost at least \$500,000.

In Indiana, the Secretary of State's office spent approximately \$500,000 on a public education and outreach campaign prior to the 2006 election, and approximately \$260,000 leading up to the primary and general elections in 2008 and 2010. In comparison, the Department of Health Services spent approximately \$500,000 on a statewide public education campaign on the H1N1 virus in from November 2009 through January 2010.

If the requirement goes into effect for the 2012 spring primary and election, the Government Accountability Board believes the public information campaign needs to be carried out for the fall elections as well. The expected voter turnout for the 2012 November election will more than double the turnout for the spring elections. This will require additional funding beyond the initial public information campaign for the spring election cycle.

The legislation also requires the Government Accountability Board to engage in outreach to identify and contact groups of electors who may need assistance in obtaining or renewing statutory ID and provide assistance in obtaining and renewing statutory ID. It is not clear what level of assistance is expected of the Government Accountability Board. Realistically, it cannot involve working with individual voters other than to respond to inquiries. The agency can reach out to organizations that work with targeted groups likely to need assistance. Providing outreach and assistance to those in need of identification or renewal of identification and including a similar mixed-media campaign is anticipated to cost approximately \$150,000.

We believe it would be a good idea to require local election officials to partner with the Government Accountability Board in this endeavor since they are more likely to know what local groups would best be able pass on information related to obtaining or renewing the required identification.

Corroboration

The legislation eliminates the opportunity for voters registering to vote at the polling place on Election Day or in the office of the municipal clerk after the close of registration from using a corroborator to vouch for the voter's residence. It appears this proposal is driven by the perception the voter who needs a corroborator is more likely to commit fraud. Based on statistics collected by our staff from municipal clerks, it appears most of these voters have the required photo identification. It is not current, so it cannot be used to establish proof of current residence.

Municipal clerks have informed our staff that this could work a real hardship on the elderly and women. In many cases current identifying documents such as bank statements and utility bills are in the name of the husband or an adult child. Current law effectively limits corroboration to verifying the voter's address since it is only used as proof of residence. From an election administration perspective, there is no reason why corroboration for proof of residency cannot be maintained along with the photo identification requirement.

Conclusion

In summary the Government Accountability Board recommends the Committee make the following changes to improve the legislation and its impact on administering elections in Wisconsin:

- Expand the types of acceptable photo identification;

- Eliminate the requirement for providing a copy of photo identification or a signed statement for absentee voting by mail or through special voting deputies;
- Clarify the standard of review of required identification by election officials;
- Use an affidavit of identity for voters without the required identification instead of provisional ballots;
- Address the issues related to the Department of Transportation;
- Fund the required public information campaign and ongoing voter outreach and assistance mandate for the Government Accountability Board, as well as staffing and training requirements;
- Permit the use of corroboration for voters registering to vote at the polling place without current proof residence.

We believe these changes will enhance implementation of a photo identification requirement for voting in a more effective and efficient manner for voters and election officials while maintaining public confidence in a secure, accessible and transparent election process.

Thank you for your consideration of our concerns. We are willing to work with you to develop photo identification legislation that can be implemented in a manner that effectively and efficiently serves the voters and local election officials.

Testimony of David T. Canon (on behalf of himself, Barry Burden, Ken Mayer and Don Moynihan)
Hearing concerning Senate Bill 6
January 26, 2011

UW-Madison
Pol. Sci. Dep't

Chairwoman Lazich and members of the Committee:

Thank you for giving us the opportunity to offer testimony today. I am part of a team of faculty at UW-Madison who have been researching election administration for the past two years. Among other activities, we have worked with federal and international election observers visiting the state, conducted a federally funded independent evaluation of the Government Accountability Board's new election data collection system, and conducted a recent survey of the state's 1,850 municipal and 72 county clerks. We regularly monitor developments in other states, and are in touch with colleagues around the country who are working to improve the administration of elections.

Integrity of the electoral process is vital to build trust in the election system.

We are here to provide some guidance, reflecting our own research and the work of the academic community, on some issues that the Committee should consider as it moves toward a final version of the legislation. We see three such issues. First, the law should have its intended effect of protecting valid votes and preventing illegal ones, but should not discourage legitimate voters from exercising their right to vote. Second, it is important to strike the right balance between costs and benefits. That is, the legislation should strive to achieve the greatest positive effect at the lowest cost to taxpayers. Third, it is vital that the law withstand the inevitable legal challenges that it will face.

First – protecting legitimate voters. The current legislation is silent on the question of how closely the name on the photo ID must match the name on the voter registration lists. This is not a trivial problem, and could result in the unintentional exclusion of thousands of legitimate voters. For example, what does an election inspector do if a recently married or divorced woman's name no longer matches her license? It is estimated that 1/3 of women lack an ID that is both valid and reflects their current names. Likewise, what if an ID has a nickname such as "Rob" while the pollbook lists "Robert?"

In September 2008, the driver's licenses of the six members of the GAB, all retired judges who oversee Wisconsin elections, were matched against their registration records. Four of the six names did not match, and these judges could have been prevented from voting under the proposed bill.

Indiana deals with this problem by not requiring an exact match, and permitting minor variations in initials and nicknames that do not call into question the identity of the person presenting the ID. We suggest that Wisconsin follow this common sense approach.

Second, the cost of the bill could be substantial. The last time a voter ID bill passed the legislature, the LRB fiscal estimate was that issuing free IDs would cost \$2.3 million per year. That version of the bill, moreover, allowed UW student IDs as valid; the current version does not, and would likely cost even more.

If the current bill becomes law, it would be the most restrictive such law in the country. It would not accept U.S. Passports, military IDs, or student IDs issued by the University of Wisconsin, all of which are at least as, or more, secure than the IDs issued by the Wisconsin DOT.

One way to reduce costs is to accept secure government-issued IDs as valid identification at the polls. Every other state with a Photo ID requirement, including Georgia and Indiana, accepts state-issued student IDs. UW IDs are very secure and nearly impossible to counterfeit. To get the ID a student must appear in person with sufficient documentation. The card includes a photo, signature, and two scannable bar codes. It is even used as a cash card by students.

These government-issued IDs are already be paid for by someone else. It just makes sense to avoid duplication of government services.

Third, we know that the law will face a legal challenge, and as it is currently written the bill has several vulnerabilities. First, the bill does not accept tribal IDs as valid for the various Native American peoples in the state. This would appear to violate Section 2 of the Voting Rights Act, which clearly designates Native Americans as a protected class of voters. In addition, we know from existing research that minority populations are less likely to have Photo IDs. A disproportionate impact on these populations could also make the law vulnerable.

In reviewing the legality of photo ID requirements, courts use a balancing test, comparing the need to protect the integrity of the electoral process against the burdens imposed on voters. Laws that place undue burdens are more likely to be struck down. We see the lack of any alternative forms of ID is one possible burden. Another is the difficulty faced by voters who need to obtain a photo ID. We know, for example, that Indiana has twice as many DMV offices as Wisconsin, per capita, and the offices are open more hours per week. Providing comparable access in Wisconsin would substantially increase the costs of implementation. If voters are required to travel long distances to offices that have limited hours, a court might strike down the law on that basis. Another amendment to the bill that would reduce the burden on voters and make it more likely to survive legal challenge would be to allow a signature affidavit for voters who fail to bring a photo ID to the polls. Six of the nine states that require photo IDs to vote allow this alternative procedure to protect the integrity of the process. Also, following the model of Idaho or Florida, which allow many alternative forms of identification, further reduces the burden on voters.

A final, but crucial, consideration is the implementation of the law. Wisconsin has the most decentralized election administration structure in the country. We know from our own work that implementing any change in voting practices can be difficult, as it involves communicating and training of nearly 2,000 election officials and 30,000 poll workers. DOT needs time to develop a system for providing IDs. Voters may need to update their IDs to reflect name changes. Those without ID will need time to get a birth certificate, potentially from a different state, and then apply for a DOT ID. Clerks and pollworkers need time to learn the law and conduct trainings. Delaying implementation avoids legal challenges based on "undue burdens."

If photo ID is going to happen, it needs to be done right. Wisconsin has a proud tradition of high levels of voter participation and great public satisfaction with election administration. I hope that our input today helps to improve the voter ID bill to improve its effectiveness, protect the rights of legitimate voters, secure its legal integrity, and lower its costs.



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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TO: Members, Senate Committee on Transportation and Elections

FR: Attorney General J.B. Van Hollen

DT: January 26, 2011

RE: Written Testimony in Support of 2011 Senate Bill 6, requiring photographic identification to vote

I thank Committee Chair Senator Lazich and members for the opportunity to submit written testimony in support of the goals of Senate Bill 6. I have spoken on these matters before and I will share, again, why photo-id is so important to election integrity.

Nothing is more fundamental in our democracy than the right to vote. One person, one vote. This primary tenet of political freedom, however, is undermined when people illegally cast multiple votes or when people who are not qualified electors cast ballots undetected. The votes of law abiding citizens count less when their votes are diluted by those who unlawfully abuse the state's open election laws and regulations.

More than an abstract harm, illegal voting can have a most undemocratic effect: where fraudulent votes outnumber the margin in any race or ballot measure, those who cheat--not the majority of voters--select candidates for office or pass referenda. Voter irregularity can change the outcome of elections and undermines the public's confidence in the integrity and fairness of the election process.

Requiring photographic identification to register or vote at the polls is a common sense measure to enhance the integrity of the election process and help restore public confidence in elections. Under current law, it is easy for those willing to lie to commit voter fraud and difficult for poll workers, law enforcement, and prosecutors to detect irregularities. A photographic identification requirement will help prevent this fraud by making it much more difficult for those who commit voter fraud to pose as registered voters or register under fictitious names. A photographic identification rule will have a strong deterrent effect on voter fraud while imposing minimal burdens on voters.

I am sensitive to concerns that there may be need for exceptions to the photographic identification requirement in some cases, and I am confident lawmakers will consider and craft

appropriate exemptions. I have heard the concerns that a photographic identification requirement may suppress turnout. There is little doubt the requirement will suppress some turnout -- the turnout of those who vote illegally. By helping to restore greater integrity and public confidence in elections, many disaffected Wisconsin voters will return to the polls.

Law should encourage accessibility and free exercise of the franchise, but it should not make illegal voting easy. A photographic identification requirement will allow open access to the polls while ensuring that those lawful voters who have access to the polls will also have their votes count as they should, undiluted by fraud.

Efforts I have undertaken together with District Attorney's of both political parties and law enforcement reveal voter fraud exists. When it can be detected, it can be prosecuted. More importantly, with proper modifications to Wisconsin's law, incidents of fraud may be prevented.



Testimony of

AMERICAN CIVIL LIBERTIES UNION of WISCONSIN
Submitted by RENEE SHAVERS, ASSOCIATE DIRECTOR

On

Senate Bill 6

AN ACT 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, identification cards issued by the Department of Transportation, creating an identification certificate issued by the Department of Transportation, requiring the exercise of rule-making authority, and providing a penalty.

Before the

Committee on Transportation and Elections

STATE OF WISCONSIN LEGISLATURE

January 26, 2011

Good afternoon Chairman and members of the Committee. My name is Renee Shavers and I am the Associate Director of the American Civil Liberties Union of Wisconsin. The American Civil Liberties Union (ACLU) is the nation's primary advocate of an individual's civil rights and civil liberties as guaranteed by the US Constitution and the Bill of Rights.

I am here to strongly oppose the passage of Senate Bill 6 requiring a photo identification card to cast a ballot in Wisconsin.

The numbers of people in Wisconsin who do not have a Wisconsin state driver's license or state identification card were studied by the UW- Milwaukee Employment and Training Institute. (Pawasarat, 2005)

The racial disparities are clear. Some groups lacking a license include:

- **59 % of Hispanic females,**
- **55 % of African-American males,**
- **49 % of African-American females**
- **46 % of Hispanic males,**
- **17% of white males,**



- 17% of white females.

“ETI found that more than 177,000 adults over the age of 65 lacked a driver's license. Older women are particularly likely to lack a drivers license: One out of five Wisconsin women age 75-79 do not have a driver’s license, and one of three women age 80-84 lack a license. (Murphy, 2011)” The original Employment and Training Institute Report is submitted with my testimony.

From UW-Madison another study for the WI Government Accountability Board, (Professors Barry C. Burden, 2011)

“Women are at unique risk for not having valid IDs. Due to marriage and other life events, only about half of women possess a birth certificate with their current legal name. One third of women have no current ID.¹⁴ Anecdotal accounts suggest that name mismatches are a serious impediment for many women voters, even those with many forms of documentation.¹⁵

In the US in 2008 an estimated 40,000 people were denied the right to cast a full ballot due to photo ID restrictions according to this same report. This law could potentially affect hundreds of thousands of eligible voters in Wisconsin putting an undue burden on them, the state dept of transportation and the Government Accountability Board.

In addition, attempting to get an id card is going to cost the eligible voter a lot of money. Consider just a few of the many potential costs for an eligible voter to vote under this legislation. A person may need several forms of identification to obtain an ID card in Wisconsin, but for example, one of the most common ways to prove name and date of birth for most Americans is by obtaining a birth certificate:

- 1) Obtaining a birth certificate (note this information was obtained on January 25, 2011 from the individual state’s websites accessed through this link <http://www.cdc.gov/nchs/w2w.htm>):
 - If a WI resident was born in Oklahoma for example, the requirements for obtaining a birth certificate include a valid, legal photo I.D. is required from the applicant or the individual representing the applicant for the issuance of a birth certificate. Do not send original ID with your application please send a photocopy. It costs \$15 or if you were, for example, adopted \$40 and it can take up to four weeks.
 - In Texas you need a photo ID or an ID of an immediate family member. It costs \$22 + \$5 to expedite processing + \$18.50 for express mail to receive it in 10-15 days with an additional \$4.95 to mail it to a military address. If you don’t pay the extra fees, it will take 6 to 8 weeks to receive it.
 - In California, you must send a *notarized* application, it costs \$16 and depending on your age it could take from 2 to 10 weeks with the 10 week period beginning with births prior to 1981.



- In Illinois, it takes 3-5 business days and costs \$15.00. The shortest period of time you can get one is two business days.
 - In Mississippi, it's \$15 and a valid photo ID is required. The internal processing time is 7 to 10 days plus mailing time.
 - In Wisconsin: **Requires ONE of the following**, a Wisconsin driver's license with photo, a Wisconsin I.D. with photo, an Out-of-state driver's license/I.D. with photo **OR Requires TWO of the following**: Government-issued employee I.D. badge with photo, U.S. passport, Checkbook/bankbook, Major credit card, Health insurance card, Recent dated, signed lease, a Utility bill or traffic ticket. It costs \$20. If you need it sent to you overnight (which is actually in about 2-3 days from faxing in the application), it costs an additional \$6 for the credit card fee and \$17.50 for the UPS overnight fee. If you are in the military, it could cost more.
- 2) Lost Wages: In addition, a person once they have obtained a birth certificate would need to take a day off of work if they can get it (lost wages) or school.
 - 3) Transportation: An eligible voter could be forced to spend an undetermined amount of time in an already overburdened and for rural Wisconsinites far from home Wisconsin DMV location, and pay the costs of transportation to and from that location.

Making the photo id "free" as in this legislation is not free in the true sense of the word and is a mask for the true cost to vote this law would place on eligible voters potentially creating a defacto poll tax.

All of this is to "fix" a problem that does not exist in Wisconsin. "Further this would not have stopped any of the improper ballots cast since 2004. Out of 10 convictions for casting improper ballots from 2004 to 2008 that I can find in Wisconsin, 8 of them were Wisconsin citizens who cast a ballot while still on supervision with the state (two of these are on appeal). In addition, the WI law disfranchising felons is immensely confusing. An otherwise eligible voter acting as a responsible citizen can easily be confused by the disfranchisement laws in Wisconsin and they should be revised to allow all felons the right to vote post incarceration.

That leaves approximately 2 people who were convicted of casting a ballot improperly and both of them were cases of double voting. Neither double voting nor voting while on supervision is stopped by this legislation. During those 8 elections we are looking at over 13.2 million votes cast and three cases of the fictitious "voter fraud", not one of the votes cast by improper voters would have been stopped by this law. Anything else that has been labeled "voter fraud" did not constitute a ballot being cast.

Here's another analysis from Milwaukee Magazine (Murphy, 2011) that includes figures of not only those actually found guilty, but also those accused and later found not guilty or whose cases are still pending:



“Four years later, according to **Kevin Kennedy** of the state Government Accountability Office, there was a total of 24 cases of voter fraud indictments or convictions in the entire state in the 2008 presidential election. Fourteen involved felons who had not completed their probation or parole (under the law they cannot vote until they do so). Just two of the 24 were accused of voting twice. The rest were cases of “providing false information” or “voting without qualifications.”)

Taking the largest figures I can find in one election from Mr. Kennedy potentially 24 votes out of 2,996,869 or at most .00008% of the votes were possibly cast improperly and none of them would have been stopped by the legislation before us. No one lost their vote. Is it better to have a handful of confused voters or create thousands or more?

It wastes taxpayer dollars for the state to spend any further time or resources pursuing this misguided, unnecessary and discriminatory law that serves the purpose of making it more difficult for those who are poor, minorities, elderly, disabled, female and/or young to exercise their constitutional right to vote.

In addition to my testimony, I have submitted the 2006 and 2008 Election Review Reports from the Legal Committee of Milwaukee Election Protection, “The Politics of Voter Fraud” by Lorraine Minnite through Project Vote with a case study on Milwaukee, and Pawasarat, J. (2005, June). *University of Wisconsin Milwaukee*. Retrieved 01 24, 2011, from Employment and Training Institute:
<http://www4.uwm.edu/eti/barriers/DriversLicense.pdf>

Thank you very much for the opportunity to testify today on SB240. I urge your vote against this very pernicious and unnecessary barrier to the right to vote for ALL Wisconsin citizens.

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Wisconsin Towns Association

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To: Senate Committee on Transportation and Elections

From: Richard J. Stadelman, Executive Director

Re: SB 6 relating to Voter Photo Identification

Date: January 26, 2011

On behalf of Wisconsin Towns Association, I wish to respectfully ask that SB 6 relating to voter photo identification not be enacted to be effective at the April 5, 2011 Spring Elections. While many town clerks and poll workers support requiring voter photo identification, attempting to implement this type of change for elections at an election within less than three months will require an extended time for public education and poll worker training. The proposed changes in particular for absentee voters will require additional training and education to clerks across the state. It would be in the best interests of the public if this type of change is first effective the primary election in February, 2012.

Thank you for your consideration in this matter.

DAVID MLOWRY
HALES CORNERS 53130

1/25/11

My support for Wisconsin requiring Voter Photo ID, Senate Bill 6

Thank you for allowing me to address you today on such an important matter as Voter Photo ID.

My name is David Lowry and I am a retired US veteran with 20 years of service in the United States Air Force and the Air National Guard. I am also a proud Tea Party Patriot, and a man of faith.

I grew up near Pittsburgh Pa. and moved here nearly 15 years ago. My wife and I, a Wisconsin girl, have been married almost 12 years now we have lived happily in Hales Corners these past 8. We are Steelers and Packers fans!

I wish to extend congratulations to Representative Kugilsch for winning the 84th district, of which serving Hales Corners is part of. I also want to say thanks to Senator Lazich for her continued service to the Hales Corners community.

During my time on active duty I was stationed in different places in the US and abroad and had the privilege of living in, interacting in and exploring those various places. What I learned as a young enlisted airman stationed in Little Rock AR and Plattsburgh New York I had put away in my mind and soul only thinking of them from time to time. Now those memories are realized in a more complete ways and they can at help me explain better why I love America so much. Simply, I love America now more than ever because of the freedom we have and the abundance of God's blessing in this land! As all of us here know America's founding fathers gave up their personal lives and all of the luxuries that they had, in order to help establish a new form of government and to secure for its citizen's once and for all freedom from tyranny, oppression, and meanness perpetrated by the British Government. They did so because they loved this land also.

The founders forged out their list of grievances with the British Empire and penned the Declaration of Independence. Then they wrote the Constitution and the Bill of rights to lay down the foundation of our nation. In writing those documents they also secured for us the right to vote, and chose the candidates we wish to have represent us in government. Through time the basic principle of voting for and electing officials has been bounced around until finally now we have in place a system that allows all US citizens the right to vote. Unfortunately this basic right is under siege, again by forces that wish to undermine the election process with fraud.

We must do our due diligence now in the face of those who went before us, for those who died on the battle fields, those who paid with bruises and sweat equity. For the women who marched for the right to vote, for those who marched with Dr. Martin Luther King Jr. All of these did so for many reasons but one reason was to insure our most basic right, the right to vote! I urge you to secure now and forever our right to vote. Passing the Voter ID bill will provide security and confidence for me that my vote and everyone's will count when election ballots are cast.

The right to vote is the foundation of our nation and provides all of a voice so that our elected officials will pay attention to us and work to secure our freedom for us and for future generations of Americans!

I urge the Wisconsin Legislature to take up and pass the Voter Photo ID Senate Bill 6 and send it to Governor Walker for signing without delay and then I ask that you to take up the larger Voter Comprehensive bill so that we shore up the voting process and secure our right to vote feely and lawfully.

Thank you all very much, for allowing me to voice my opinion today!

Sincerely

David Lowry
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**LEAGUE OF WOMEN VOTERS® OF WISCONSIN
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January 26, 2011

To: Senate Committee on Transportation and Elections

From: Andrea Kaminski, Executive Director, League of Women Voters of Wisconsin

Re: Opposition to Senate Bill 6

Thank you for this opportunity to testify today about why the League of Women Voters of Wisconsin strongly opposes Senate Bill 6. Over the years there have been a number of voter ID bills, generating much legislative and public debate. The League has steadfastly opposed them as legislation that is unneeded and unfair. I won't use my limited time before you today to repeat the facts about Wisconsin's tradition of clean elections or about the people who would be at risk of disenfranchisement because of this legislation. I will focus specifically on government accountability.

The League of Women Voters believes government must be able to function efficiently with a minimum of conflict, wasted time or duplication of effort. Wisconsin law should provide for election administration that is adequately coordinated and funded, to achieve both statewide standards that are uniformly applied and local municipal effectiveness.

Last year many candidates promised voters that, if elected, they would go through state agency budget requests line by line, seeking to cut expenses that cannot be shown to be useful or effective. Let's hold voter ID to that test.

In the nonprofit world, where I operate, funders are seeking increased accountability. With reduced endowments, they want to know that the programs they fund will make a difference. Many funders require nonprofits to identify measurable outcomes in our grant requests, so we can assess later whether a program was successful. Likewise in the for-profit world, no business leader would undertake the expense of a program intended to address unsubstantiated rumors in the hope of achieving results that cannot be measured. They want accountability.

In the case of government programs, the taxpayers are the funders. If the voter ID bill is passed, how will you measure the success of this government program?

Proponents say voter ID is necessary to fight fraud. Yet the only type of fraud this government program would prevent is impersonation at the polls, and there are no documented cases of that having happened in Wisconsin. So how will you measure success, or improvement?

Proponents say voters are losing confidence in our elections because they suspect that illegal votes are diluting their own. If this bill is passed into law, we can almost guarantee there will be fewer votes cast and counted – which will magnify the impact of those votes that are counted. Is that how you define success?

Proponents claim that state-issued IDs are easy to obtain and that the ID program will not prevent eligible citizens from voting. How will you measure that? The data on how many provisional ballots are cast versus how many are actually counted will be telling. According to the Election Assistance Commission, 38 percent of provisional ballots cast in the November 2006 election in our state were not counted. Perhaps we should examine a sample of those casting uncounted provisional ballots to determine if, in fact, they are eligible voters.

Finally let's get back to cost accountability for this government program. Taxpayer funding will be needed at the state and local levels for:

1. The Department of Motor Vehicles, to meet the demand for voting IDs or certificates. Currently our election system is set up at the ward level with polling places in neighborhoods, to encourage civic participation. How will you make it as convenient and accessible for people to get an ID as it is to vote?
2. The Government Accountability Board, for training local officials and educating citizens about the new law and procedures. This will take significant staff time, as well as funding for advertising and other direct expenses.
3. Local governments, for training Election Day officials and educating voters in their communities. In particular, clerks will have to train poll workers on how to process provisional ballots. Most have never had any experience with this. Also, many municipal clerks do their public service at night and on weekends, while holding another job during the weekday. Yet voters who cast a provisional ballot need to be able to bring their ID to the clerk's "office" by 4:00PM the day after the election. To process provisional ballots clerks may need to add supplementary hours and, in some cases, take additional time off their "day jobs" to serve voters.

Given that a voter ID program is expensive, unneeded and unfair, how will you measure success? How will you be accountable to the taxpayers, to the voters?

The best thing for our state is to have a robust civic participation for a strong, representative government. We urge this committee to reject Senate Bill 6 and turn your attention to positive measures to ensure that every eligible citizen has the opportunity to vote.

Thank you.

TESTIMONY OF NAACP - MILWAUKEE BRANCH
IN OPPOSITION OF SENATE BILL 6 (2011-2012 LEGISLATURE)

The mission of the National Association for the Advancement of Colored People is to ensure the political, educational, social and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination. Since its founding in 1909, the NAACP has considered ensuring voting rights for all citizens to be among the organization's highest priorities. The right to vote is fundamental in a democracy and efforts to suppress, dilute or otherwise negate such rights will be opposed by the NAACP, and hopefully, all other citizens of goodwill. Included among the hundreds of members of the NAACP - Milwaukee Branch are individuals of various races, ethnicities, ages, religions and socio-economic backgrounds. Our memberships also includes many elderly and disabled individuals.

After reviewing Senate Bill 6, the Legislative Reference Bureau analysis and related materials, the Executive Committee of the NAACP - Milwaukee Branch strongly opposes this bill. The primary reasons for our opposition are:

1. It is clear that the likely effect of the bill will be to suppress the vote of certain individuals, namely African Americans and other people of color, low-income persons, disabled individuals, non-English speaking minorities and students. Many persons in the aforementioned categories do not currently have Wisconsin driver's licenses, Wisconsin identification cards or military identification cards. To require such as a pre-requisite to voting places an onerous and costly burden on individuals, many of whom are already operating at the margins of society. There is no dispute of the fact that the number of African Americans who lack a valid Wisconsin driver's license is very disproportionate to the percentage of African Americans in the population. So, based on statistics, it is certain that the law will have a disproportionate impact on minority populations. While the fee to obtain a State identification card does not seem like a lot to those who can afford it, it is significant to low-income individuals and those who are on fixed incomes without discretionary funds in their monthly budgets. Moreover, it is an onerous burden to require such persons (many of whom do not have driver's licenses and are elderly or disabled) to make the travel and other arrangements in order to meet these requirements. Many such persons who are employed cannot afford to take time from work to travel to DOT locations to go through the process of obtaining such identification (a process not required of others and has the effect of discouraging one from voting). If implemented, the bill should contain provisions to make the locations, times and other particulars for obtaining an identification card more accessible and accommodating.
2. Among those who will be impacted are elderly persons who may have moved to Wisconsin many years ago but do not have a certified copy of their birth certificates from another state. There are questions about how such persons may be expected to obtain a valid Wisconsin identification card, in addition to the same type of travel concerns mentioned above.
3. It is clear that the implementation of this legislation will have the effect of suppressing the votes of students, disabled persons and non-English speaking individuals. Many students

(high school and college) are poor or on marginal incomes and do not have drivers licenses. As previously indicated, the elderly and disabled will have difficulty meeting these requirements. It is obvious the requirements will adversely impact voting of non-English speaking persons who, in addition to having to confront many of the concerns previously expressed, have language barriers as well.

4. While Senate Bill 6 provides that, upon request, an identification card may be obtained from DOT free of charge, the language indicates that upon implementation of the Federal Real ID Act, a person may no longer obtain an identification card free of charge. At least, to that extent, the bill may be considered to constitute a poll tax.
5. Finally, the record does not reflect that there have been significant incidents of voter fraud in Wisconsin which would justify consideration of implementation of the measures required by Senate Bill 6. Incidents of voter fraud have been relatively few and generally have involved felons attempting to exercise what they, perhaps mistakenly, believe to be their civic duty of voting. The costs that will be incurred to implement this measure will be considerable, at a time when our State faces severe budget challenges. It is not justifiable, and is arguably irresponsible, to expend funds to address a largely non-existent problem.

There are many aspects of Senate Bill 6 that are troubling. It is unclear what the time table is for implementing this measure. In addition to the problems with the measure as described above, there is inadequate time to educate the general public if the plan is to implement this measure by the Spring primary, or even the April general election. For all of these reasons, this bill should not be passed. Efforts to change Wisconsin's same day registration, similarly, would have the effect of suppressing the voting privileges of certain population's of voters. The NAACP - Milwaukee Branch is concerned about those efforts as well and encourages persons of all backgrounds and party affiliations to join together to protect and promote voting rights for all Wisconsin citizens.

James H. Hall, Jr., President
NAACP - Milwaukee Branch
On Behalf of its Executive Committee
Submitted by Don Cohen, Treasurer
and Executive Committee member



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January 26, 2011

TO: Members of the Senate Transportation and Elections Committee

FR: Ken Taylor, Executive Director

RE: Opposition to Senate Bill 6, requiring a certain government issued photo ID to vote.

The Wisconsin Council on Children and Families (WCCF) is opposing Senate Bill 6 because it will create one more barrier for our most vulnerable citizens to exercise their constitutional right to vote.

Senate Bill 6 would require Wisconsin residents to present a government issued photo ID before they can vote. This may not seem like a big deal to some people. But for a low-income parent who does not have reliable transportation; a severely disabled adult with a part time caregiver; or a student who does not attend school in the same place he grew up, obtaining a government issued photo ID can be very challenging.

The bill provides for state-issued ID at no cost to the individual. WCCF is concerned that most people will not know that, will not ask the DMV to waive the fee and thus will be less likely to get an ID because of the cost. Also, the bill eliminates the free ID once the federal Real ID Act is implemented. Many people will have to apply at a personal cost to get copies of their birth certificate or other required documentation in order to get the proper government-issued photo ID.

The legislation would place an unfair burden on people who do not need a driver's license, people who move frequently, and people who are homeless. In Idaho, a voter may complete an affidavit in lieu of personal identification. We hope that the committee considers this type of provision to improve Senate Bill 6.

WCCF is concerned that Senate Bill 6 does not address the difficulty in obtaining the proper government-issued photo ID for the most vulnerable citizens in Wisconsin. We hope you address our concerns, and we look forward to working with you to do so.



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Testimony - Wisconsin Senate Bill 6

Chair Senator Lazich, Senators Leibham, Lasee, Erpenbach, and Coggs

As president of the 103,000 member Wisconsin Alliance for Retired Americans (WIARA), I wish to speak in opposition to the SB-6, the "Voter ID" legislation presently being considered. If enacted, SB-6 would have a severe negative impact on the age group represented by the WIARA.

Research over the past decade established that, in 2005, 180,000 Wisconsin adults over the age of 65 lack a driver's license. This number will grow as the Boomer generation continues to age. Demographically, women were the greater part of this group. One out of five women aged 75-79 in Wisconsin lacked a driver's license. One of three women age 80-84 lacked a license. While SB-6 supposedly contains an exemption for elderly in nursing homes, the majority of these 180,000 are not in nursing homes. They live in their own homes, apartments, or elderly housing communities.

Proponents of SB-6 claim the lack of a driver's license or Wisconsin photo ID will not be a problem as those who need the ID can just hop over to their nearest DMV office and get one for no charge if they cannot afford to pay for it. Have any of you been to the DMV lately to renew your driver's license? I renewed mine at the new Waukesha location last month and, with no complications, spent two hours at the DMV to complete this "simple" task. I find it unconscionable that you would put this type of burden on the elderly, especially those who have faithfully fulfilled the responsibility to vote for the past 50, 60, and 70 years.

In addition to waiting at a DMV office, there is the issue of counties with no DMV office,

DMV offices that are only open one or two days a week, and some that are open only one day a month. There is only one Wisconsin DMV office that is open on weekends. For the many elderly Wisconsin residents who depend on friends and family to provide their limited transportation needs, SB-6 creates barriers for many seniors and retirees that are not surmountable.

Wisconsin has a great tradition of voter accessibility. There have been few, count them on your fingers and toes, of voters voting fraudulently or inappropriately. Most of these were felons voting before they were off paper. SB-6 would do nothing related to the felon voting issue.

The passage of SB-6 will drastically effect the ability of seniors to exercise their right to vote. Speaking for the 103,000 members of the Wisconsin Alliance for Retired Americans, I strongly urge you to shelve this ill-advised legislative effort to discourage voters from exercising their right to vote.

*Respectfully Submitted,
Ken Burzynski*

Testimony on SB6 - Voter ID

Voter fraud is much more common in Wisconsin than reported. By the time such fraud is detected, the damage has been done. Identification of the perpetrator, much less prosecution, is impossible. Examples include:

- My step-grandfather, mother-in-law, and father-in-law all voted after they had died.
- In the 2006 election for 43rd district assemblyman, Debbi Towns won in a close election. During the recount, a ward, notorious in local politics for voting irregularities, in Whitewater, discovered sufficient "misplaced" ballots to throw the election to Kim Hixon. The Janesville Gazette reported that the recount resulted in more votes cast than there were voters.
- It was common knowledge among politically active citizens in Whitewater that political operatives were allowed into Fairhaven Nursing Home with stacks of absentee ballots and "instruct" residents how to vote.

To do my part to fight election fraud, I volunteered as an election observer in the 2010 November election. As an election observer, I saw first hand how corrupt politicians could manipulate the voting process.

While the process for in-person voting can be clearly viewed publicly in its entirety, this is not the case for absentee ballots. I had no means to assess whether the absentee ballots present in the polling place were "all that there were." Ballots could easily have been "lost in the mail" or hidden in some back room to magically appear to reverse a close election. Even in a clean election, as in the Town of Janesville, the 200 absentee ballots of the 1555 total ballots cast accounted for half of the ballots rejected by the voting machine, for 5% of the absentee ballots cast. Most of the rejected absentee ballots were filled out according to instruction, but contrary to instructions, ballots marked with a pencil, rather than with felt-tipped pen, were routinely rejected by the machine. People who voted in person were allowed a fresh ballot so that no one was ever denied a chance to vote. Spoiled absentee ballots had to be reworked by two poll workers to make them readable. Nevertheless **2% of the absentee ballots were overvoted and were not included in the final tally**. As I had to stay at least six feet away from the poll workers, I could not view how they corrected the ballot, but from listening to their conversations they made a diligent effort to discern the voters true intent. This process of "correcting" ballots could easily be abused by less scrupulous workers.

The new voter database is a step in the right direction, but it can easily be circumvented by same-day registration. A further weakness of in-person voting was assessing whether the person voting was in fact the person claimed. Requiring a photo ID would correct both of these problems.

The chief objection to the use of a photo ID is added "inconvenience" in voting. Real "inconvenience" is illustrated by the January 30, 2005, election in Lutayfiyah, Iraq. After having to walk several miles to the voting place, voters had to dodge mortar rounds while waiting to vote. My son witnessed an 80-something year old man pushed to the polling place in a wheelbarrow by his granddaughter. Despite the "inconvenience," the election had an 80% turnout. Greater priority should be placed on getting ballots to deployed servicemen than on making voting more "convenient." Neither of my two sons received ballots during their last deployments.

Sincerely,

Jon Koniecki
8455 N Bowers Lake Rd
Milton, WI 53563
(608) 751-9809
jon131@centurytel.net

NATIONAL ASSOCIATION OF SOCIAL WORKERS, WISCONSIN CHAPTER POSITION ON 2011
SENATE BILL 6, THE VOTER IDENTIFICATION BILL

The National Association of Social Workers, Wisconsin Chapter opposes Senate bill 6, the Voter Identification bill.

This bill would require that any Wisconsin citizen wanting to vote would be required to show either a valid Wisconsin driver's license or a valid Wisconsin identification card before being eligible to vote.

We believe this bill however well-intentioned, will have a negative impact on the percentage of elderly, young adult, and minority citizens who vote because of general lower rates of owning a drivers license among these groups. We believe our state should do everything possible to encourage and make it easy for all our citizens to vote, especially those who are vulnerable and/or disadvantaged in our society. We are also not aware of widespread evidence of voter fraud, which is used as a justification for this bill.

State wide only 80% of males and 81% of females have a valid Wisconsin driver's license. For African Americans only 45% of males and 51% of females have a valid Wisconsin driver's license and for Hispanics only 54% of males and 41% of females have drivers' licenses. 3

Even fewer 18 to 24 year old Wisconsin citizens have a valid driver's license. This age group tends to already have lower voter participation; add on another restriction the voter turnout would continue to descend. For white young Wisconsin citizens 64% of males and 75% of females have their driver's license. For young African Americans: 22% of males and 37% of females have their driver's license. For young Hispanics 43% of males and only 37% of females have their drivers' license. 3

While identification cards will be able to be used, 11 percent of Asian Americans, 8% of Hispanic adults and 4% of whites have had their driver's license revoked or suspended. In order to vote these groups would have to go to the DMV, obtain a valid identification card until they get their license back then go back to the DMV to obtain their valid driver's license. Many of these individuals had their license suspended or revoked for not paying fines. 3

Many Wisconsin citizens do not have a valid identification card of any kind. 177,399 elderly persons 65 and older do not have an identification card; 70% of these are women, 9% are of nonwhite descent. 13% of Wisconsin's elderly reside in nursing homes and may not have an identification card, An estimated 98,247 Wisconsin resident's ages 35 thru 64 do not have an identification card.1,2,3

As a result of this law those individuals without a valid Wisconsin driver's license or Identification card would have to make a special trip to obtain these documents. Because of a possible lack of access to transportation to obtain this identification card and/or inability to take off from work to get this identification card, such a requirement could be an insurmountable barrier to being able to vote.

The right to vote is a guaranteed to all Wisconsin citizens under the State constitution. Let's not pass a law that would make this right unavailable to the most vulnerable citizens of our state.

1. Kelly, J. & Clark, E. 2009. *Social Work Speaks. Eight Edition.* Washington, D.C.: NASW Press. Pg. 352
2. <http://www.efmoody.com/longterm/nursingstatistics.html>
3. [http://www.brennancenter.org/page/-/d/download file 50902.pdf](http://www.brennancenter.org/page/-/d/download_file_50902.pdf)

ROCK COUNTY, WISCONSIN

From the office of the Rock County Clerk
51 South Main Street
Janesville, WI 53545



Office (608) 757-5660
Fax (608) 757-5662
www.co.rock.wi.us
stottler@co.rock.wi.us

Lori Stottler, Rock County Clerk
Maureen K. Johnson, Chief Deputy
Lisa Mianeki, Deputy

January 26, 2011

Presented to the elected officials of Rock County, WI:
Senator Tim Cullen – District 15
Senator Jon Erpenbach – District 27
Representative Evan Wynn – District 43
Representative Joe Knilans – District 44
Representative Amy Loudenbeck – District 45
Representative Janis Ringhand – District 80

REGARDING: WHAT'S WRONG WITH SB-6

Dear Legislators and Colleagues,

Please accept this letter as personal input to the challenges and unintended consequences of SB-6 <http://legis.wisconsin.gov/2011/data/SB-6.pdf> as it is written. I will attempt to be brief and speak to my top 5 concerns should this become law.

1. The PURPOSE of the Bill. It is my understanding that the PURPOSE of this bill is to address voter fraud and attempt to guarantee one vote to one elector. Do you really believe that showing or in the case of voting absentee, providing a photocopy, of your ID is going to address this issue completely? This is only a half-hearted attempt to address the problem and I strongly believe that signature verification is REALLY what you should address in order to deal with voter fraud. In other words, electors would sign the poll book or their absentee envelope and can then be compared to the original voter registration on file when the elector registered in WI. Some will argue that it would be time consuming and costly – I disagree. A pollworker can witness a signature but authenticating an ID is a guess at best and counterfeit ID's are quite easy to produce. I would hope that you would consider incorporating this requirement into the bill.
2. Corroborating Witness elimination ~ Please don't remove small town Wisconsin from your large city legislation. There are 28 municipalities in Rock County and 6 of them contain more than 3,000 residents, allowing for a sense of community and knowing who's coming and going in their area. In these communities, 'vouching' for someone carries more weight than flashing a piece of plastic. Also, in our larger communities, we have homeless shelters where you can stay 30 days and in the past, the executive director has corroborated for people staying there due to the unfortunate circumstances they are living with. Removing

this provision has some SEVERE unintended consequences that are completely unnecessary in my humble opinion.

3. Financial Burden on Rock County and local municipalities as a result of this bill...it is usually the case that legislators will move bills that have little or no cost at the state level prior to jumping into the budget/general session. This bill does not provide funding for all of its components and will further stretch the resources already tight within my office. Good legislation has a thoughtful and purposeful rollout that allows the public time to adhere and understand the changes they will be required to live with. YOU, the authors of this legislation, should pay for that rollout.
4. Poll worker/security burden. There are more than 250 pollworkers in Rock County at any given election. Pollworkers work 2 to 4 days per year in election administration and since 2006, have experienced multiple changes requiring education and training. Many of those changes have been for the better such as using the Statewide Voter Registration System to create poll lists, required training during a 2-year term, administering elections according to prescribed documents from the GAB, etc. This bill asks them to become experts in state ID as well as people experts who upon turning a voter away, could result in safety issues for the entire polling place. I do not wish to endanger the safety of my local poll workers, nor do I wish to further burden them with unnecessary busy work. I ask that you rollout this legislation with PURPOSE and careful deliberation to reduce the likelihood of unintended outcomes of a negative and possibly dangerous nature.
5. Most importantly, this legislation is too narrow in the types of permissible identification. My office is a limited DMV agent, limited DNR agent for the state of Wisconsin and an agent for the US Department of State Bureau of Consular Affairs for Passport Services. All of these services require multiple verifications of identity in order to obtain and therefore should serve as appropriate types of permissible ID to vote. Furthermore, Students enrolled in accredited colleges, veterans of the US government and other subunits of state and federal government should carry equal weighting (i.e., Medicare, Social Security, etc) and should also serve as appropriate types of permissible ID to vote. Limiting to the DMV/DOT puts an onus on other struggling state agencies as well as struggling citizens of WI to take unnecessary steps just to comply with your request.

As a student enrolled in the Certified Election and Registration Administrator program with the Election Center based in Houston, TX, I can promise you that elections in Wisconsin have moved mountains in election reform and we are regarded as a model for progress by so many other election offices across the country. Please don't take us backwards in that progress and I thank you for your time today.

CC: Wisconsin Senate Committee on Transportation and Elections:
Senator Mary Lazich – Chair
Senator Jon Erpenbach – District 27
Senator Joe Leibham
Senator Frank Lasee
Senator Spencer Coggs
GAB Staffmembers
WCCA – Wisconsin County Clerks Association
Rock County Board Chair – J. Russell Podzilni
Rock County Administrator – Craig Knutson

Loudenbeck, Amy

From: LORI STOTTLER [STOTTLER@co.rock.wi.us]
Sent: Wednesday, January 26, 2011 9:24 AM
To: Sen.Erpenbach; Rep.Knilans; Rep.Loudenbeck; Rep.Ringhand; Rep.Wynn; Sen.Cullen
Cc: CRAIG KNUTSON; J. RUSSELL PODZILNI; Sen.Coggs; sen.lasse@legis.wisconsin.gov;
Sen.Lazich; Sen.Leibham
Subject: Voter ID Bill (SB-6) - What's wrong with this Bill?
Attachments: voter ID memo.pdf



voter ID

memo.pdf (52 KB)

Please find below, my personal concerns as it relates to SB-6 (2011 Senate Bill 6) intended to require photo identification of all WI electors in order to cast a ballot. I have kept my comments as brief as possible and would be honored to engage in further conversation with you at our earliest opportunity.

Thank you for your service and commitment to serve residents of WI with purpose by doing worthwhile work and making a positive difference in the lives of our citizens!

REGARDING: WHAT'S WRONG WITH SB-6

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Sincerely,

Lori Stottler, Rock County Clerk
Rock County Courthouse
51 S. Main Street
Janesville, WI 53545
(608)757-5660
stottler@co.rock.wi.us

Rock County Mission Statement

To enhance the quality of life, health, safety, and trust of all citizens by providing top quality public services through a creative and responsive team committed to excellence, integrity, accountability, and respect.

Please consider the environment before printing this email*

MaryAnn Hanson

From: "Larry & KariSue" <jeffund@wi.rr.com>
Date: Tuesday, January 25, 2011 7:30 PM
To: "MaryAnn Hanson" <mhanson1@wi.rr.com>
Subject: Photo ID

I, Karisue Kujawski, wish to affirm my support of the Photo ID Bill. Survey after survey tells you the people are asking for this. I do not feel that minorities or the elderly are disenfranchised in any way. I guarantee that if one of our "disenfranchised" brothers or sister were to receive a check, they would find a way to get an ID to get it cashed. Just to get Tylenol Cold medication you have to show your photo ID to the pharmacist.

I also believe that a PHOTO ID should be required by all regardless of race or religion.

Please count me as a firm supporter of the Photo ID bill.

Karisue Kujawski
13870 W. Crawford Dr
New Berlin, WI 53151

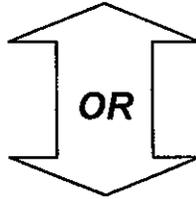
PROOF OF IDENTITY

*** Requiring proof of identity is our way of helping protect YOU from identity theft. ***

Listed below are the forms of identification we accept as proof of identity.

ONE OF THESE

- U.S. or U.S. territory (Guam, Puerto Rico, US Virgin Islands) issued Driver's License
- Passport
- State/Government issued Identification Card (must contain a photo, DOB and signature)



TWO OF THESE

- High School yearbook with your picture in it
- High School Photo ID
- University Hospital Photo ID Badge
- University Dorm Agreement (must be current and have customer's signature). Copies available at Slichter Hall, 625 Babcock Drive.
- Lease Agreement (must be current and have customer's signature)
- Social Security Card
- UW Transcript—Certified Copy
- Credit Card with photo
- Military discharge paper—DD214 Form
- Birth Certificate—Certified copy (baptismal or hospital birth certificates are not acceptable)
- Marriage License—Certified copy

NOTE: We reserve the right to refuse service to anyone that does not present acceptable forms of identification as listed above.

If you have questions you may contact us at (608) 262-3258 or wiscard@union.wisc.edu.

Best If viewed with Mozilla Firefox, Safari, or Internet Explorer 7.

Wiscard partners include The Wisconsin Union, University Housing, DoIT, University Book Store, Facilities Planning and Management, Associated Students of Madison, L&S Copy Centers, Underground Textbook Exchange, Babcock Hall Dairy Store, and the General Library System.



File last updated: July 27, 2009

Feedback, questions or accessibility issues: wiscard@union.wisc.edu

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UNIVERSITY OF WISCONSIN-MADISON


WISCARD

ID Card Service

Wiscard is your official UW-Madison identification card and you obtain it at the Wiscard Office. It provides access to libraries, recreation facilities and other campus services.

Wiscard Office Hours & Contact Information

"1" How to Obtain Your Photo ID Card

"2" New and Replacement Card Fees

"3" General Information

"4" Using Your Photo ID

"5" Suspend a Lost Card

How to Obtain Your Photo ID Card

Identification Required: Students, faculty, and staff who need a new or replacement ID card must present some form of personal photo identification such as a valid driver's license, passport, state or federal ID.

Eligibility:

- **Students:** New, continuing, or returning students may obtain an ID upon verification of enrollment by the card office staff.
- **Faculty/Staff:** The Wiscard Office can make a faculty/staff ID card ONLY after the department or school has entered the employee data into the appointment system. It generally takes 1-3 business days for this authorization to appear in the ID database.
- If this is your first ID, the Wiscard Office recommends a faculty/staff person call 262-3258 prior to heading to the card office to ensure their information appears in the system.

Fees: Your first University ID card is issued to you at no cost. This card is valid throughout your **entire** academic and/or employment career at the University of Wisconsin-Madison. A replacement card can be issued at no cost (see table below) as long as you surrender your current valid ID at the time the new card is issued. Lost cards can be replaced for a \$25 fee. Payment can be made by cash or check.

New and Replacement Card Fees

First Card Issued: No Charge

Replacement: No Charge, but the current valid ID card must be surrendered at the time the new card is made. Otherwise this will be considered a lost card transaction.

Reasons for a No Charge Replacement:

- Change in status (ie. Fac/Staff to Student)
- Name change
- Switch from Social Security number to 900 number

- Damaged card from "normal" wear and tear - picture, name, card number, signature, or bar code is unreadable
- Cardholder's ID number (not card) has been reported as being inappropriately used - copy of police report provided

Replacement: Charge of \$25

Reasons for a Charge Replacement:

Lost or Stolen card (Suspend a lost card)

Damaged card caused by improper care or abuse.

Patron wants a new ID even though present card works, is in good condition, and all information is current

Regulations

1. Card office staff will determine if card damage is from normal wear. Whenever possible the University will confiscate ID cards that are no longer valid. A fee of \$25 will be charged and can be paid by cash or check. Fees are subject to change without notice

General Information

Property of UW-Madison: The photo ID card is the property of UW-Madison, is non-transferable, and does not guarantee current university status. Fraudulent use or reproduction of a UW-Madison ID card violates Wisconsin criminal statutes and will be referred for prosecution.

Valid ID Cards: The ID card issued to an individual is valid throughout a person's entire academic or employment career at the University of Wisconsin-Madison. If you should have a break in your education or employment do not throw away your card because the card will become active again when you return. Only the most recent card issued to you is valid.

Lost and Found Cards: Any ID card that is found should be immediately forwarded to the Wiscard Office at Memorial Union. Anyone looking for a lost card can call 262-3258 to see if the card has been turned in. (Suspend a lost card)

Proper Care: To extend the life of your ID follow a few simple precautions.

- Keep your ID in a protective cardsleeve.
- Keep your ID out of direct sunlight and away from other heat sources such as a clothes dryer.
- Don't allow your ID's magnetic stripe to be scratched by keys, change, or other objects.
- Do not allow your ID to be used as collateral for University services.
- Don't punch holes in your card.
- Don't apply stickers.
- **Questions and Concerns:** Contact us at 262-3258 or wiscard_id@union.wisc.edu if you need additional assistance.

Using Your Photo ID

Your ID should be carried at all times and presented upon request

New or Re-Entry Students: If you are issued a card prior to the start of the term/semester in which you have enrolled, you may not be entitled to use the card until the first class day of that term/semester. Please check with the specific facility listed

below if you have questions.

Issue Code: Some campus applications may request an 11-digit ID number. This 11th digit is the issue code and the number is located in the lower left hand corner of your ID.

After you obtain a new or replacement ID, it may take a few days for your card to be recognized by various departments across campus. The following is a list of the primary service providers along with information related to their service. Please read this information carefully to avoid problems using your ID card.

Bus Passes:

Students: Students can pick up their free bus pass at the ASM Student Print Office which is located in the Student Services Tower on University Avenue. If you have any questions you can call them at 262-6216.

Faculty/Staff: Newly hired staff may pick up their bus pass on the Tuesday or Thursday after the ID card was issued. You can pick up your free bus pass at the following locations:

- Transportation Services at the Welcome Center
21 N. Park St.
263-6666
Drive Thru: 7:15 am - 4:30 pm (M-F)
Walk-in: 8 am - 4 pm (M-F)
- Transportation Services Office
Warf Building, Room 124
263-6666 or 263-6667
(7:15 am - 4:30 pm)

UW Hospital Employees: Newly hired staff must wait 24 hours after their Photo ID card was made before going to pick up their bus pass. You can pick up your free bus pass at the following location:

- UW Hospital Branch Office
Room G5/140
263-4003
(Call for hours)

Libraries: (files update every Tuesday night)

- Your UW-Madison ID card must be presented to borrow materials from campus libraries.
- Your ID card is not transferable to another user.
- If you lose your card, you are responsible for notifying the UW-Madison Libraries of the loss. You will be held financially responsible for materials borrowed with your ID prior to you reporting its loss.

If you wish to check books out from the libraries prior to the next update the staff at the library will need to be informed of your new card number. If you received a replacement card, your issue code number will have changed and staff still will need to update their database. You can update your ID status in person, by calling the Memorial Library at 263-7360 or by email, memorialcirc@library.wisc.edu.

Recreational Facilities: (files update nightly) If you plan to use recreational facilities prior to their update, let the staff know you have a new card. The date of issue is printed below your picture.

Please Note: Faculty & Staff – if you changed your ID card number from a Social Security number to a 900 number you must call the facility where you paid your access fee so they can update their records. [**SERF** 262-4976; **NAT** 262-8809; **SHELL** 263-7650; **NIELSEN** 262-0413]

Computer Labs: (files update within 4 days) For access prior to the database update inform the computer lab staff that you have a new card. If you have problems gaining access to labs, please contact the HELP desk at 264-4357.

Kronos Timekeeping: If you swipe your ID card on a Kronos time clock and this is your first ID card, or you have changed from a Social Security number to a 900 series number, you will need to contact your Human Resources Office to inform them of your Photo ID number for payroll purposes. For replacement cards with no change in the 10-digit ID number, it is not necessary to notify your Human Resources Office.

Remember: It is not necessary to notify your Human Resources Office unless it is your first ID or you change from a Social Security number to a 900 number.

NetID: To gain access to various campus services such as My UW-Madison, WiscMail, and WiscCal the first step is to activate your NetID – www.mynetid.wisc.edu/activate. If you have problems accessing any of these services, please contact the DoIT HELP desk at 264-4357.

Wiscard Accounts

Wiscard is the campus debit card program accepted at over 45 locations and it has three different types of accounts – Campus Cash, Housing Food and Union Meal. A Campus Cash account is automatically set up for all students and faculty; a Housing Food account is automatically set up for students living in University Housing. To learn more, click on the "Debit Card Program" on the side bar.

If you lose your card, you are responsible for its use until you have reported it lost or stolen via the Web site or by contacting:

Wiscard Office - for photo ID services

Normal Hours of Operation:

Monday through Friday: 8:00 AM – 4:15 PM

Memorial Union

Room 4316

800 Langdon Street

Madison, WI 53706

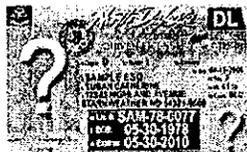
Phone: 608-262-3258

E-mail: wiscard@union.wisc.edu



GO

Voter Identification Requirements



Updated Nov. 22, 2010

First-Time Voters

The federal Help America Vote Act mandates that all states require identification from first-time voters who registered to vote by mail and did not provide verification of their identification with their mail-in voter registration.

Blanket Voter ID

Twenty-seven states have broader voter identification requirements than what HAVA mandates (note, however that the newly passed requirement in Oklahoma does not take effect until July 1, 2011). In these states, all voters are asked to show identification prior to voting. Eight* of these states specify that voters must show a *photo ID*; the other nineteen states accept additional forms of identification that do not necessarily include a photo ([Table 1](#)). In no state is a voter who cannot produce identification turned away from the polls—all states have some sort of recourse for voters without identification to cast a vote. However, in Georgia and Indiana, voters without ID vote a provisional ballot, and must return to election officials within a few days and show a photo ID in order for their ballots to be counted. For specifics on what forms of identification are acceptable and the options available to voters who cannot present identification, see [Table 2](#).

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State Requirements for Voter ID

<i>Table 1: State Requirements for Voter Identification</i>		
States that Request or Require <i>Photo ID</i>	States that Require ID (Photo not Required)	
Florida Georgia Hawaii Idaho Indiana Louisiana Michigan South Dakota	Alabama Alaska Arizona Arkansas Colorado Connecticut Delaware Kentucky Missouri Montana	North Dakota Ohio Oklahoma* South Carolina Tennessee Texas Utah Virginia Washington

* The Oklahoma law takes effect July 1, 2011. There are some who prefer to call Oklahoma a *photo* voter ID state, because most voters will show a photo ID before voting. However, Oklahoma law also permits a voter registration card issued by the appropriate county elections board to serve as proof of identity in lieu of photo ID.

Recent Legislative Action

Voter ID has been a hot topic in state legislatures over the past decade. Since 2001, more than 700 bills have been introduced in a total of 46 states. A dozen states have passed major legislation during this period, and those bills are summarized in the timeline below.

- 2003: New voter ID laws were passed in Alabama, Colorado, Montana, North Dakota and South Dakota
- 2005: New voter ID laws were passed in Indiana, New Mexico and Washington; Georgia tightened an existing voter ID law to require photo ID
- 2006: New voter ID law passed in Ohio; Georgia passed a law providing for the issuance of voter ID cards at no cost to registered voters who do not have a driver's license or state-issued ID card; Missouri tightened an existing voter ID law to require photo ID
- 2008: New Mexico relaxed an existing voter ID law, and now allows a voter to satisfy the ID requirement by stating his/her name, address as registered, and year of birth
- 2009: New voter ID law passed in Utah
- 2010: New voter ID law passed in Idaho; Oklahoma voters approved a voter ID proposal placed on the ballot by the

Legislature

Recent Litigation

Arizona: On October 20, 2006, the U.S. Supreme Court vacated an October 6, 2006 9th Circuit Court of Appeals decision that suspended Arizona's requirements pending further litigation. The ID law was in effect for Arizona's 2006 election, and remained in effect in 2008.

Georgia: On October 27, 2006, the 11th U.S. Circuit Court of Appeals upheld an injunction barring Georgia from enforcing its photo ID law. The injunction was issued a week earlier by a U.S. District Court judge. Georgia's voter ID requirement was reinstated by a federal judge in mid-2007.

Indiana: Photo ID law was upheld by 7th Circuit U.S. Court of Appeals on January 4, 2007. The U.S. Supreme Court upheld the ruling on appeal in April 2008.

Michigan: The Michigan Supreme Court ruled July 18, 2007 that a voter ID law originally passed in 1996 (but never implemented due to a ruling by the state's Attorney General) is constitutional and enforceable.

Missouri: On October 16, 2006, the Missouri State Supreme Court struck down the state's photo ID requirement. ID is still required to vote, but the list of acceptable forms of ID is much broader and includes some forms without a photo.

Ohio: On November 1, 2006, the secretary of state issued an order suspending the requirement that voters present photo ID at the polls for the November 2006 election. The order did not apply to future elections, and voter ID requirements were in effect for 2008.

Details of Voter Identification Requirements

Table 2: Details of Voter Identification Requirements			
State	Requirement	Acceptable Forms of ID	Voters Without ID
Alabama §17-11A-1	Each elector shall provide identification to an appropriate election official prior to voting.	<ul style="list-style-type: none"> • Government-issued photo ID • Employee ID card with photo • Alabama college/university ID with photo • Utility bill, bank statement, government check or paycheck • ID card issued by any state or the U.S. government • U.S. passport • Alabama hunting license • Alabama fishing license • Alabama gun permit • FAA-issued pilot's license • U.S. military ID • Birth certificate (certified copy) • Social security card • Naturalization document • Court record of adoption • Court record of name change • Medicaid or Medicare card • Electronic benefits transfer card • Government documents showing name and address of voter 	Vote a challenged or provisional ballot or vote, if s/he is identified by two poll workers as an eligible voter on the poll list, and both poll workers sign the voting sign-in register by the voter's name.
Alaska §15.15.225	Before being allowed to vote, each voter shall exhibit to an election official one form of identification.	<ul style="list-style-type: none"> • Official voter registration card • Driver's license • Birth certificate • Passport • Hunting or fishing license 	An election official may waive the identification requirement if the election official knows the identity of the voter. A voter who cannot exhibit a required form of identification shall be allowed to vote a

		<ul style="list-style-type: none"> Current utility bill, bank statement, paycheck, government check or other government document with the voter's name and address 	questioned ballot.
<p><u>Arizona</u> §16-579A</p>	<p>Every qualified elector shall present one form of identification that bears the name, address and photograph of the elector or two different forms of identification that bear the name and address of the elector.</p>	<ul style="list-style-type: none"> Valid Arizona driver's license Valid Arizona non-driver identification Tribal enrollment card or other form of tribal identification Valid U.S. federal, state or local government issued identification Utility bill dated within 90 days of the election Bank or credit union statement dated within 90 days of the election Valid Arizona vehicle registration Indian census card Property tax statement Vehicle insurance card Recorder's Certificate 	<p>An elector who does not provide the required identification shall receive a provisional ballot. Provisional ballots are counted only if the elector provides identification to the county recorder by 5pm on the fifth business day after a general election that includes an election for federal office, or by 5pm on the third business day after any other election.</p>
<p><u>Arkansas</u> §7-5-305(a)(8)</p>	<p>Election officials shall request the voter to provide identification</p>	<ul style="list-style-type: none"> Driver's license Government-issued photo ID Voter card Social security card Birth certificate U.S. passport Employee ID card Student ID card Arkansas hunting license U.S. military ID card Copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter 	<p>If a voter is unable to provide this identification, the election official shall indicate on the precinct voter registration list that the voter did not provide identification.</p>
<p><u>Colorado</u> §1-1-104(19.5) and 1-7-110</p>	<p>Any eligible elector desiring to vote shall show his or her identification as defined in section 1-1-104 (19.5).</p>	<ul style="list-style-type: none"> Colorado driver's license CO Dept. of Revenue ID card U.S. passport Employee ID card with photo issued by the U.S. government, CO state government, or political subdivision of CO Pilot's license U.S. military ID with photo A copy of a current utility 	<p>An eligible elector who is unable to produce identification may cast a provisional ballot.</p> <p>Elector must mail a photocopy of identification to county clerk in order to have provisional ballot counted. <i>(this paragraph added following a Feb. 2006 conversation with an election official; NCSL staff unable to</i></p>

		<ul style="list-style-type: none"> bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector • Medicare or Medicaid card • Certified copy of birth certificate • Certified documentation of naturalization 	<p>verify this in CO statutes or rules)</p>
<p>Connecticut §9-261</p>	<p>Each elector shall present identification</p>	<ul style="list-style-type: none"> • Social Security card • Other preprinted form of identification which shows the elector's name and either the elector's address, signature or photograph 	<p>Elector shall, on a form prescribed by the Secretary of the State, write the elector's residential address and date of birth, print the elector's name and sign a statement under penalty of false statement that the elector is the elector whose name appears on the official checklist.</p>
<p>Delaware Tit. 15, §4937</p>	<p>A voter, upon entering the room where an election is being held, shall announce his or her name and address and provide proof of identity</p>	<ul style="list-style-type: none"> • Photo ID • Utility bill • Paycheck • Any government document with voter's name and address 	<p>In the event the voter does not have proof of identity with them, he or she shall sign an affidavit of affirmation that he or she is the person listed on the election district record.</p>
<p>Florida §101.043</p>	<p>The clerk or inspector shall require each elector, upon entering the polling place, to present a current and valid picture identification as provided in s. 97.0535(3)(a). If the picture identification does not contain the signature of the voter, an additional identification that provides the voter's signature shall be required.</p>	<ul style="list-style-type: none"> • Florida driver's license • Florida ID card issued by the Dept. of Highway Safety and Motor Vehicles • U.S. passport • Employee badge or identification • Buyer's club identification • Debit or credit card • Military identification • Student identification • Retirement center identification • Neighborhood association ID • Entertainment identification • Public assistance identification 	<p>If the elector fails to furnish the required identification, the elector shall be allowed to vote a provisional ballot. The canvassing board shall determine the validity of the ballot by determining whether the elector is entitled to vote at the precinct where the ballot was cast and that the elector had not already cast a ballot in the election.</p>
<p>Georgia §21-2-417</p>	<p>Each elector shall present proper identification to a poll worker at or prior to completion of a voter's certificate at any polling place and prior to such person's</p>	<ul style="list-style-type: none"> • Georgia driver's license, even if expired • ID card issued by the state of Georgia or the federal government • Free voter ID card issued 	<p>If you show up to vote and you do not have one of the acceptable forms of photo identification, you can still vote a provisional ballot. You will have up to two days after</p>

	admission to the enclosed space at such polling place.	<ul style="list-style-type: none"> by the state or county U.S. passport Valid employee ID card containing a photograph from any branch, department, agency, or entity of the U.S. Government, Georgia, or any county, municipality, board, authority or other entity of this state Valid U.S. military identification card Valid tribal photo ID 	the election to present appropriate photo identification at your <u>county registrar's office in order for your provisional ballot to be counted.</u>
Hawaii §11-136	Every person shall provide identification if so requested by a precinct official.	Pollworkers request photo ID with a signature. Acceptable types of ID are not specified by law.	If the voter has no identification, the voter will be asked to recite his/her date of birth and residence address to corroborate the information provided in the poll book.
Idaho §34-1106(2), 34-1113, 34-1114	Each elector shall show a valid photo identification or personal identification affidavit.	<ul style="list-style-type: none"> Idaho driver's license Idaho ID card Passport ID card, including a photo, issued by an agency of the U.S. government Tribal ID card, including a photograph Student ID card, including a photograph, issued by a high school or accredited institution of higher education within the state of Idaho 	A voter may complete an affidavit in lieu of the personal identification. The affidavit shall be on a form prescribed by the secretary of state and shall require the voter to provide the voter's name and address. The voter shall sign the affidavit. Any person who knowingly provides false, erroneous or inaccurate information on such affidavit shall be guilty of a felony.
Indiana §3-5-2-40.5, 3-10-1-7.2 and 3-11-8-25	A voter who desires to vote an official ballot at an election shall provide proof of identification	Specific forms of ID are not listed. ID must be issued by the state of Indiana or the U.S. government and must show the name and photo of the individual.	Voters who are unable or decline to produce proof of identification may vote a provisional ballot. The ballot is counted only if (1) the voter returns to the election board by noon on the Monday after the election and: (A) produces proof of identification; or (B) executes an affidavit stating that the voter cannot obtain proof of identification, because the voter: (i) is indigent; or (ii) has a religious objection to being photographed; and (2) the voter has not been challenged or required to vote a provisional ballot for any other reason.
Kentucky §117.227	Election officers shall confirm the identity of each voter by personal acquaintance or by a document.	<ul style="list-style-type: none"> Driver's license Social Security card Credit card 	When the officers of an election disagree as to the qualifications of a voter or if his right to vote is disputed by a challenger, the voter

			shall sign a written oath as to his qualifications before he is permitted to vote.
Louisiana §18:562	Each applicant shall identify himself, in the presence and view of the bystanders, and present identification to the commissioners.	<ul style="list-style-type: none"> · Louisiana driver's license · Louisiana special ID card · Other generally recognized picture identification 	If the applicant does not have identification, s/he shall sign an affidavit to that effect before the commissioners, and the applicant shall provide further identification by presenting his current registration certificate, giving his date of birth or providing other information stated in the precinct register that is requested by the commissioners. However, an applicant that is allowed to vote without the picture identification required by this Paragraph is subject to challenge as provided in R.S. 18:565.
Michigan §168.523	Each voter must show a photo ID or sign an affidavit attesting that he or she is not in possession of photo identification.	<ul style="list-style-type: none"> · Michigan driver's license · Michigan personal identification card <p>A voter who does not possess either of the above may show any of the following, as long as they are current:</p> <ul style="list-style-type: none"> · Driver's license or personal identification card issued by another state · Federal or state government-issued photo ID · U.S. passport · Military ID with photo · Student ID with photo -- from a high school or accredited institution of higher education · Tribal ID with photo 	An individual who does not possess, or did not bring to the polls, photo ID, may sign an affidavit and vote a regular ballot.
Missouri §115-427	Before receiving a ballot, voters shall establish their identify and eligibility to vote at the polling place by presenting a form of personal identification.	<ul style="list-style-type: none"> · Identification issued by the federal government, state of Missouri, an agency of the state, or a local election authority; · Identification issued by Missouri institution of higher education, including a univeristy, college, vocational and technical school; · A copy of a current utility bill, bank statement, paycheck, government check or other government document that contains the name 	If an individual does not possess any of these forms of identification, s/he may still cast a ballot if two supervising election judges, one from each major political party, attest they know the person.

		<ul style="list-style-type: none"> and address of the voter; Driver's license or state identification card issued by another state. 	
<p><u>Montana</u> §13-13-114</p>	<p>Before an elector is permitted to receive a ballot or vote, the elector shall present to an election judge a current photo identification showing the elector's name. If the elector does not present photo identification the elector shall present one of several specified documents showing the elector's name and current address.</p>	<ul style="list-style-type: none"> Driver's license School district or postsecondary education photo identification Tribal photo identification Current utility bill, bank statement, paycheck, notice of confirmation of voter registration, government check, or other government document that shows the elector's name and current address 	<p>If the identification presented is insufficient to verify the elector's identity and eligibility to vote or if the elector's name does not appear in the precinct register, the elector may sign the precinct register and cast a provisional ballot.</p>
<p><u>North Dakota</u> §16.1-05-07</p>	<p>Before delivering a ballot to an individual, the poll clerks shall request the individual to show identification.</p>	<ul style="list-style-type: none"> An official form of identification issued by the state An official form of identification issued by a tribal government A form of identification prescribed by the secretary of state 	<p>If an individual offering to vote does not have or refuses to show an appropriate form of identification, the individual may be allowed to vote without being challenged if the individual provides to the election board the individual's date of birth and if a member of the election board or a clerk knows the individual and can personally vouch that the individual is a qualified elector of the precinct. Otherwise, the individual may vote as a challenged voter by executing an affidavit that the challenged individual is a legally qualified elector of the precinct.</p>
<p><u>Ohio</u> §3503.16(B) (1)(a) and 3505.18(A)(1)</p>	<p>All voters must provide to election officials at the polling place on the day of an election proof of the voter's identity. Also applies to voters requesting and voting an absentee ballot.</p>	<ul style="list-style-type: none"> Current and valid photo identification, defined as a document that shows the individual's name and current address, includes a photograph, includes an expiration date that has not passed, and was issued by the U.S. government or the state of Ohio Current utility bill Current bank statement Current government check, paycheck or other government document 	<p>A voter who has but declines to provide identification may cast a provisional ballot upon providing a social security number or the last four digits of a social security number. A voter who has neither identification nor a social security number may execute an affidavit to that effect and vote a provisional ballot. A voter who declines to sign the affidavit may still vote a provisional ballot.</p>
<p>Oklahoma 26 O.S. 2001, §7-114 <i>Takes effect July 1, 2011</i></p>	<p>Each person appearing to vote shall provide proof of identity.</p>	<p>"Proof of identity" shall mean a document that satisfies the following:</p> <ul style="list-style-type: none"> Shows a name that substantially conforms to 	<p>A person who declines or is unable to produce proof of identity may sign a statement under oath swearing or affirming that the person is the person identified on the</p>

		<p>the name in the precinct registry</p> <ul style="list-style-type: none"> Shows a photograph Includes an expiration date that is after the date of the election Was issued by the United States, state of Oklahoma, or a federally recognized Indian tribe or nation <p>A voter registration card issued by the appropriate county elections board may serve as proof of identity without meeting all of the above requirements.</p>	<p>precinct registry and cast a provisional ballot.</p>
<p><u>South Carolina</u> §7-13-710</p>	<p>When any person presents himself to vote, he shall produce his valid South Carolina driver's license or other form of identification containing a photograph issued by the Department of Motor Vehicles, if he is not licensed to drive, or the written notification of registration.</p>	<ul style="list-style-type: none"> Voter registration certificate South Carolina driver's license South Carolina Dept. of Motor Vehicles photo ID card 	<p>Voters without ID may be permitted to vote a provisional ballot. This varies from county to county. Whether the provisional ballot is counted is at the discretion of the county commissioners at the provisional ballot hearing.</p>
<p><u>South Dakota</u> §12-18-6.1 and 6.2</p>	<p>When a voter is requesting a ballot, the voter shall present a valid form of personal identification.</p>	<ul style="list-style-type: none"> South Dakota driver's license or nondriver identification card U.S. passport Photo ID issued by an agency of the U.S. government Tribal ID card, including a photo Student ID card, including a photo, issued by an accredited South Dakota school 	<p>If a voter is not able to present a form of personal identification as required, the voter may complete an affidavit in lieu of the personal identification. The affidavit shall require the voter to provide his or her name and address. The voter shall sign the affidavit under penalty of perjury.</p>
<p><u>Tennessee</u> §2-7-112</p>	<p>A voter must sign an application for a ballot. The voter's signature and information on the signature list is compared with other evidence of identification supplied by the voter.</p>	<ul style="list-style-type: none"> Voter registration certificate Tennessee driver's license Social Security card Credit card bearing voter's signature Other document bearing voter's signature 	<p>If a voter is unable to present any evidence of identification, the voter shall be required to execute an affidavit of identity on a form provided by the county election commission.</p>
<p><u>Texas</u> Election Code §63.001 et seq.</p>	<p>On offering to vote, a voter must present the voter's voter registration certificate to an election officer at the polling place.</p>	<ul style="list-style-type: none"> Voter registration certificate Driver's license Department of Public Safety ID card A form of ID containing the person's photo that establishes the person's identity A birth certificate or other document confirming birth 	<p>A voter who does not present a voter registration certificate when offering to vote, but whose name is on the list of registered voters for the precinct in which the voter is offering to vote, shall be accepted for voting if the voter executes an affidavit stating that the voter does not have the voter's voter</p>

		<p>that is admissible in a court of law and establishes the person's identity</p> <ul style="list-style-type: none"> · U.S. citizenship papers · A U.S. passport · Official mail addressed to the person, by name, from a governmental entity · A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the person's name and address · Any other form of ID prescribed by the secretary of state 	<p>registration certificate in the voter's possession and the voter presents other proof of identification. A voter who does not present a voter registration certificate and cannot present other identification may vote a provisional ballot. A voter who does not present a voter registration certificate and whose name is not on the list of registered voters may vote a provisional ballot.</p>
<p>Utah §20A-1-102(76), 20A-3-104</p>	<p>A voter shall present valid voter identification to one of the poll workers.</p>	<ul style="list-style-type: none"> · Current valid UT driver's license · Current valid identification card issued by the state or federal government · UT concealed weapon permit · U.S. passport · Current valid U.S. military ID card · Bureau of Indian Affairs card · Tribal treat card · Tribal ID card <p>OR</p> <ul style="list-style-type: none"> · Two forms of ID that bear the name of the voter and provide evidence that the voter resides in the precinct 	<p>The voter may cast a provisional ballot as provided by §20A-3-105.5</p>
<p><u>Virginia</u> §24.2-643(B)</p>	<p>The officer shall ask the voter to present any one of the specified forms of identification.</p>	<ul style="list-style-type: none"> · Virginia voter registration card · Social Security card · Virginia driver's license · Any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States · Employee identification card containing a photograph 	<p>If a voter is entitled to vote except that he is unable to present one of the forms of identification listed above, he shall be allowed to vote after signing a statement, subject to felony penalties for false statements, that he is the named registered voter who he claims to be.</p>
<p>Washington §29A.44.205</p>	<p>Any person desiring to vote at any primary or election is required to provide identification to the election officer before signing the poll</p>	<ul style="list-style-type: none"> · Valid photo identification, such as a driver's license or state identification card, student identification card, or tribal 	<p>Any individual who desires to vote in person but cannot provide identification as required by this section shall be issued a provisional ballot.</p>

	book.	identification card · A voter identification issued by a county elections officer, or · A copy of a current utility bill, bank statement, paycheck, or government check or other government document	
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For More Information

For more information on the issue of voter identification, [contact NCSL's elections staff](#).

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