



2009 ASSEMBLY BILL 353

July 28, 2009 – Introduced by Representatives GRIGSBY, SCHNEIDER, PARISI, HILGENBERG, POCAN, YOUNG, PASCH, ROYS, BLACK, TURNER, FIELDS, KESSLER, BERCEAU, A. WILLIAMS, TOLES, SINICKI, POPE-ROBERTS and ZIGMUNT, cosponsored by Senators TAYLOR, COGGS, MILLER and RISSER, by request of Restore the Vote Wisconsin NOW Coalition. Referred to Committee on Corrections and the Courts.

1 **AN ACT** *to repeal* 302.117, 304.078 (1) and 973.09 (4m); *to renumber and*
2 *amend* 6.03 (1) (b) and 304.078 (3); *to amend* 6.33 (1), 6.33 (2) (a), 301.03 (3a)
3 (intro.), 301.03 (20m), 304.078 (2) and 973.176 (2); and *to create* 6.03 (1) (b) 1.,
4 2., 3. and 4. of the statutes; **relating to:** restoring the right to vote to certain
5 persons barred from voting as a result of a felony conviction and changing the
6 information required on voter registration forms.

Analysis by the Legislative Reference Bureau

Under current law, when a person is barred from voting as the result of a felony conviction (a “disqualifying offense”), the person’s right to vote may be restored through a pardon. Otherwise, it is restored upon completion of the sentence, including extended supervision or parole, or completion of the term of probation imposed on the person who committed the offense.

Under this bill, a person loses his or her right to vote based on a disqualifying offense only while he or she is incarcerated for that offense. A person released to extended supervision or parole may resume voting. In addition, a person convicted of a disqualifying offense and on probation retains the right to vote while on probation unless he or she is confined as a condition of probation. But if a person who committed a disqualifying offense is returned to prison after the revocation of extended supervision or parole or is sent to prison or a jail or house of correction after the revocation of probation, the person loses the right to vote until he or she is released.

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Currently, an applicant for voter registration must affirm 1) whether he or she has been convicted of a felony for which he or she has not been pardoned and, if so, whether the applicant is incarcerated or on parole, probation, or extended supervision; and 2) whether the applicant is disqualified on any other ground from voting.

This bill deletes the requirement that an applicant provide any information relating to a felony conviction but retains the requirement that an applicant affirm that he or she is not disqualified on any ground from voting.

This bill also requires the Department of Corrections (DOC), the Government Accountability Board, and the Director of State Courts to include in their ongoing training programs a discussion of the changes in law produced by this bill and to offer the training to judges, attorneys, election officials, employees of DOC, and the public.

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.** 6.03 (1) (b) of the statutes is renumbered 6.03 (1) (b) (intro.) and
2 amended to read:

3 6.03 **(1)** (b) (intro.) Any person ~~convicted of treason, who, as a result of a felony~~
4 ~~or bribery, unless the person's right to vote is restored through a pardon or under s.~~
5 ~~304.078 (3) conviction, is any of the following:~~

6 **SECTION 2.** 6.03 (1) (b) 1., 2., 3. and 4. of the statutes are created to read:

7 6.03 **(1)** (b) 1. Incarcerated while serving a sentence that was not imposed
8 under s. 973.01.

9 2. Serving a term of confinement, or incarcerated after revocation of extended
10 supervision, while serving a sentence that was imposed under s. 973.01.

11 3. Incarcerated following the revocation of probation.

12 4. Confined as a condition of probation under s. 973.09 (4) (a).

13 **SECTION 3.** 6.33 (1) of the statutes is amended to read:

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1 6.33 (1) The board shall prescribe the format, size, and shape of registration
2 forms. All forms shall be printed on cards and each item of information shall be of
3 uniform font size, as prescribed by the board. The municipal clerk shall supply
4 sufficient forms to meet voter registration needs. The forms shall be designed to
5 obtain from each applicant information as to name; date; residence location;
6 citizenship; date of birth; age; the number of a valid operator's license issued to the
7 elector under ch. 343 or the last 4 digits of the elector's social security account
8 number; whether the applicant has resided within the ward or election district for
9 at least 10 days; ~~whether the applicant has been convicted of a felony for which he~~
10 ~~or she has not been pardoned, and if so, whether the applicant is incarcerated, or on~~
11 ~~parole, probation, or extended supervision;~~ whether the applicant is disqualified on
12 any other ground from voting; and whether the applicant is currently registered to
13 vote at any other location. The form shall include a space for the applicant's
14 signature and the signature of any corroborating elector. The form shall include a
15 space to enter the name of any special registration deputy under s. 6.26 or 6.55 (6)
16 or inspector, municipal clerk, or deputy clerk under s. 6.55 (2) who obtains the form
17 and a space for the deputy, inspector, clerk, or deputy clerk to sign his or her name,
18 affirming that the deputy, inspector, clerk, or deputy clerk has accepted the form.
19 The form shall include a space for entry of the ward and aldermanic district, if any,
20 where the elector resides and any other information required to determine the offices
21 and referenda for which the elector is certified to vote. The form shall also include
22 a space where the clerk may record an indication of whether the form is received by
23 mail, a space where the clerk may record an indication of the type of identifying
24 document submitted by the elector as proof of residence under s. 6.34, whenever
25 required, and a space where the clerk, for any applicant who possesses a valid voting

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1 identification card issued to the person under s. 6.47 (3), may record the
2 identification serial number appearing on the voting identification card. Each
3 county clerk shall obtain sufficient registration forms for completion by an elector
4 who desires to register to vote at the office of the county clerk under s. 6.28 (4).

5 **SECTION 4.** 6.33 (2) (a) of the statutes is amended to read:

6 6.33 **(2)** (a) All information may be recorded by any person, except that the ward
7 and aldermanic district, if any, other geographic information under sub. (1), the
8 indication of whether the registration is received by mail, the type of identifying
9 document submitted by the elector as proof of residence under s. 6.34, whenever
10 required, and any information relating to an applicant's voting identification card
11 shall be recorded by the clerk. An applicant is not required to provide a copy of any
12 certificate or notice issued to the applicant under s. 304.078. Each applicant shall
13 sign his or her own name unless the applicant is unable to sign his or her name due
14 to physical disability. In such case, the applicant may authorize another elector to
15 sign the form on his or her behalf. If the applicant so authorizes, the elector signing
16 the form shall attest to a statement that the application is made upon request and
17 by authorization of a named elector who is unable to sign the form due to physical
18 disability.

19 **SECTION 5.** 301.03 (3a) (intro.) of the statutes is amended to read:

20 301.03 **(3a)** (intro.) Subject to all of the following, design a form to provide
21 notice under ss. 302.117, 973.09 (4m), and s. 973.176 (2) of ineligibility to vote under
22 s. 6.03 (1) (b):

23 **SECTION 6.** 301.03 (20m) of the statutes is amended to read:

24 301.03 **(20m)** Transmit to the government accountability board, on a
25 continuous basis, a list containing the name of each living person who ~~has been~~

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1 convicted of a felony under the laws of this state and whose civil rights have not been
2 restored is ineligible to vote under s. 6.03 (1) (b), together with his or her residential
3 address and the date on which the department expects his or her civil rights to be
4 restored him or her to be eligible to vote.

5 **SECTION 7.** 302.117 of the statutes is repealed.

6 **SECTION 8.** 304.078 (1) of the statutes is repealed.

7 **SECTION 9.** 304.078 (2) of the statutes is amended to read:

8 304.078 (2) Except for the right to vote, which is restored as provided in sub.
9 (3), every person who is convicted of a crime obtains a restoration of his or her civil
10 rights by serving out his or her term of imprisonment or otherwise satisfying his or
11 her sentence. The certificate of the department or other responsible supervising
12 agency that a convicted person has served his or her sentence term of imprisonment
13 or otherwise satisfied the judgment sentence against him or her is evidence of that
14 fact and that the person is restored to his or her civil rights. The department or other
15 agency shall list in the person's certificate rights which have been restored and which
16 have not been restored. Persons who served out their terms of imprisonment or
17 otherwise satisfied their sentences prior to August 14, 1947, are likewise restored to
18 their civil rights from and after September 25, 1959.

19 **SECTION 10.** 304.078 (3) of the statutes is renumbered 304.078 (3) (a) and
20 amended to read:

21 304.078 (3) (a) If a person is disqualified from voting under s. 6.03 (1) (b) from
22 voting, his or her right to vote is restored when he or she completes the term of
23 imprisonment or probation for the crime that led to the disqualification. The the
24 factor under s. 6.03 (1) (b) that disqualified him or her from voting no longer applies
25 to him or her.

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1 (b) When a person is placed on parole or extended supervision or when a person
2 is discharged from an incarceration sentence or a confinement period that
3 disqualified him or her under s. 6.03 (1) (b) from voting, the department or, if the
4 person is sentenced to a county jail or house of correction, the jailer shall inform the
5 person in writing at the time his or her provide the person written notice of the right
6 to vote is restored under this subsection and, if the person resided in this state at the
7 time of conviction, a voter registration form.

8 **SECTION 11.** 973.09 (4m) of the statutes is repealed.

9 **SECTION 12.** 973.176 (2) of the statutes is amended to read:

10 973.176 **(2)** VOTING. Whenever a court imposes a sentence or ~~places a defendant~~
11 ~~on probation for a conviction~~ a condition of probation that disqualifies the defendant
12 from voting under s. 6.03 (1) (b), the court shall inform the defendant in writing that
13 he or she may not vote in any election until ~~his or her civil rights are restored~~ the
14 factor under s. 6.03 (1) (b) that disqualified him or her from voting no longer applies
15 to him or her. The court shall use the form designed by the department of corrections
16 under s. 301.03 (3a) to inform the defendant, and the defendant and a witness shall
17 sign the form.

18 **SECTION 13. Nonstatutory provisions.**

19 (1) TRAINING. The department of corrections, the government accountability
20 board, and the director of state courts shall include in their ongoing training
21 programs a discussion of the changes to voting rights that this act creates and shall
22 offer the training to judges, attorneys, election officials, employees of the department
23 of corrections, and the public, as appropriate. If this subsection takes effect at least
24 60 days before the first election that follows that effective date, the department, the
25 board, and the director shall endeavor to provide the training before election day.

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(2) NOTICE. The department of corrections shall, as soon as reasonably possible but no later than 6 months after the effective date of this subsection, mail to each person on parole, extended supervision, or probation, who was released to parole or extended supervision, or placed on probation, before the effective date of this subsection, notice that the person's right to vote is restored.

SECTION 14. Initial applicability.

(1) The renumbering and amendment of section 6.03 (1) (b) of the statutes and the creation of section 6.03 (1) (b) 1., 2., 3., and 4. of the statutes first apply to persons who are on or released to parole or extended supervision on the effective date of this subsection and to persons who are on or placed on probation on the effective date of this subsection.

(END)