

2005 SENATE BILL 612

February 20, 2006 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Labor and Election Process Reform.

1 **AN ACT** *to repeal* 5.02 (6m), 6.28 (3), 6.55 (7), 6.56 (2), 6.87 (3) (c) and 12.13 (4);
2 *to renumber* 6.36 (2) (c) 1. a. and b.; *to renumber and amend* 5.90, 6.22 (4),
3 6.36 (2) (c) 1. (intro.), 6.36 (2) (c) 2., 6.55 (3) and 7.30 (1); *to amend* 5.35 (6) (a)
4 4a., 6.15 (2) (d) 1r., 6.15 (3), 6.15 (4) (a) to (d), 6.15 (6), 6.21, 6.22 (2) (b), 6.22 (5),
5 6.24 (4) (d), 6.24 (6), 6.25 (1), 6.25 (2), 6.25 (4) (b), 6.26 (2) (c), 6.26 (3), 6.275 (1)
6 (c), 6.276 (1), 6.28 (1), 6.29 (1), 6.29 (2) (a), 6.29 (2) (b), 6.32 (title), (1) and (4),
7 6.33 (1), 6.33 (2) (a), 6.36 (1) (a), 6.36 (2) (a), 6.50 (3), 6.55 (2) (a) 1. (form), 6.55
8 (2) (b), 6.55 (2) (c) 1., 6.56 (1), 6.56 (3), 6.56 (4), 6.56 (5), 6.79 (2) (d), 6.79 (4), 6.82
9 (1) (a), 6.86 (1) (a) (intro.), 6.86 (1) (a) 2., 6.86 (1) (b), 6.86 (3) (a) 2., 6.86 (3) (c),
10 6.865 (1), 6.865 (3), 6.87 (2) (form), 6.87 (3) (a) and (b), 6.87 (3) (d), 6.87 (4), 6.87
11 (6), 6.87 (9), 6.875 (4) and (6), 6.88 (1) to (3), 6.93, 6.935, 6.97 (1), 6.97 (2), 7.03
12 (1) (a), 7.08 (1) (c), 7.08 (8) (title), 7.10 (9), 7.15 (1) (e), 7.15 (11), 7.23 (1) (a), 7.30
13 (2) (a), 7.30 (2) (am), 7.30 (2) (b), 7.30 (2) (c), 7.30 (4) (a), 7.30 (4) (b) (intro.), 7.30
14 (4) (b) 1., 7.30 (4) (b) 2., 7.30 (4) (c), 7.30 (6) (a), 7.30 (6) (b), 7.30 (6) (c), 7.32, 7.33

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1 (3), 7.33 (4), 7.33 (6), 7.37 (2), 7.41, 7.51 (1), 7.51 (2) (c), 7.51 (2) (e), 7.51 (3) (d),
2 7.51 (4) (a), 7.51 (5) (a), 7.51 (5) (b), 7.53 (1), 7.53 (2) (a), 7.53 (2) (d), 7.60 (2), 8.10
3 (3) (intro.), 8.15 (4) (a), 8.20 (3), 8.37, 8.40 (2), 9.01 (1) (ag) 1., 1m. and 2., 9.01
4 (1) (b) (intro.), 9.01 (10), 9.10 (2) (b), 9.10 (2) (d), 9.10 (2) (em) 2., 9.10 (4) (a),
5 10.01 (2) (e), 10.02 (3) (a), 12.03 (title) and (1), 12.04 (2), 12.07 (2), 12.60 (1) (b),
6 12.60 (1) (c), 12.60 (1) (d), 17.29, 302.117, 880.33 (9), 973.09 (4m) and 973.176
7 (2); **to repeal and recreate** 12.03 (2) and 12.09; and **to create** 5.02 (16g), 5.35
8 (6) (c), 5.68 (3m), 5.90 (2) and (3), 6.22 (4) (c), 6.22 (4) (f) to (h), 6.22 (5m), 6.26
9 (2) (cm), 6.26 (4), 6.28 (4), 6.29 (2) (am), 6.34, 6.36 (5), 6.36 (6), 6.55 (2) (cs), 6.55
10 (3) (b), 6.56 (3m), 6.56 (7), 6.79 (2) (dm), 6.855, 6.86 (1) (a) 6., 6.86 (1) (ac), 6.86
11 (1) (c), 6.865 (3m), 6.875 (7), 6.88 (3) (c), 7.08 (9), 7.10 (1) (d), 7.15 (1) (L), 7.15
12 (1m), 7.15 (2m), 7.23 (1) (am), 7.30 (1) (b), 7.30 (6) (am), 7.315, 7.37 (13), 7.41
13 (5), 7.51 (5) (a) 5., 7.52, 7.53 (2) (a) 3., 7.53 (2m), 9.01 (1) (ag) 2m., 12.035, 12.13
14 (3) (ze), 301.03 (3a), 301.03 (20) and 343.11 (2m) of the statutes; **relating to:**
15 administration of elections; providing exemptions from and extending the time
16 limit for emergency rule procedures; granting rule-making authority; and
17 providing penalties.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on Election Law Review. The bill makes numerous modifications to the election laws, as described below.

SENATE BILL 612VOTER REGISTRATIONForms of Identification Required to Register to Vote

Beginning in the spring of 2006, all voters, with limited exceptions, will need to be registered before they are allowed to vote. Under current law, an elector may register in person or by mail. Generally, registration must be completed by a certain time before election day. However, a person may register in person on election day at the polls, or after the official close of registration in person in the office of the municipal clerk up until 5 p.m. or the close of business, whichever is later, on the day before the election.

A person who registers to vote at the polls on election day or in person in the municipal clerk's office after the official close of registration must show proof of residence. A document constitutes acceptable proof of residence if it includes the person's current and complete name and a current and complete residential address. The statutes provide a list of examples of documents that constitute acceptable proof of residence if they contain the person's name and address. The statutory list, which is not exhaustive, is set forth below:

1. An operator's license issued under ch. 343, stats. (i.e., a Wisconsin driver's license).
2. An identification card issued under s. 343.50, stats. (i.e., a Wisconsin identification card).
3. Any other official identification card or license issued by a Wisconsin governmental body or unit or by an employer in the normal course of business, but not including a business card.
4. A credit card or plate.
5. A library card.
6. A check-cashing or courtesy card issued by a merchant in the normal course of business.
7. A real estate tax bill or receipt for the current year or the year preceding the date of the election.
8. A residential lease which is effective for a period that includes election day.
9. A university, college, or technical institute fee card.
10. A university, college, or technical institute identification card.
11. An airplane pilot's license.
12. A gas, electric, or telephone service statement for the period commencing not earlier than 90 days before election day.

A person who is required to provide proof of residence under current law but who is unable to provide such proof may have his or her registration information corroborated by another elector who resides in the same municipality. The corroborating elector must then provide proof of his or her residence. In general, under current law, other persons who register to vote need not provide proof of residence.

Under current law, pursuant to requirements of the Federal Help America Vote Act of 2002 (HAVA), a person who registers to vote by mail and who has never voted in a federal election in his or her municipality (until December 31, 2005) or in the state (effective January 1, 2006) must present certain identification before being allowed to cast a ballot. A person who fails to do so may cast a provisional ballot and provide the identification later. The identification required under current law is: (1) a current and valid piece of identification containing a photograph of the person or, for an absentee voter, a copy of a current and valid piece of identification containing a photograph of the person; or (2) a copy of a utility bill, bank statement, paycheck, or a check or other document issued by a unit of government that shows the current name and address of the person.

The bill establishes one uniform list of documents, any one of which may be used as proof of residence for registration or voting purposes, so long as the document contains the full name and residential address of the individual. The list created by the bill is as follows:

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1. A current and valid Wisconsin driver's license.
2. A current and valid Wisconsin identification card.
3. Any other official identification card or license issued by a Wisconsin governmental body or unit.
4. An identification card issued by an employer in the normal course of business and bearing a photograph of the card holder, but not including a business card.
5. A real estate tax bill or receipt for the current year or the year preceding the date of the election.
6. A residential lease, unless the person registered to vote by mail.
7. A university, college, or technical college fee or identification card bearing a photograph of the card holder.
8. A utility bill for the period commencing not earlier than 90 days before election day.
9. A bank statement.
10. A paycheck.
11. A check or other document issued by a unit of government.

The bill provides that a university, college, or technical college fee or identification card which does not contain the address of the student bearing the card may still be considered acceptable proof of residence if the university, college, or technical college that issued the card provides to the municipal clerk before the election a certified and current list of students who reside in housing sponsored by the university, college, or technical college showing the current address of the students and if the poll worker verifies that the student presenting the card is included on the list.

Deadline for Registration

Under current law, registration for any election must close at 5 p.m. on the second Wednesday preceding the election. Registration may be accepted after this deadline if the municipal clerk determines that the registration list can be revised to incorporate the registration in time for the election. A person may also register to vote after the official date for the close of registration. Generally, a person may register late by filing with the municipal clerk a registration form completed by the person and acceptable proof of residence or corroboration of residence by one other elector of the municipality. The registration form must be filed in person no later than 5 p.m. or the close of business, whichever is later, on the day before the election. Unless the clerk determines that the registration list can be updated in time for the election, the municipal clerk must issue to the late-registering person a certificate addressed to the inspectors of the proper ward directing that the elector be permitted to vote. The certificate must be presented by the person to the inspectors when he or she arrives at the polling place.

The bill changes the registration deadline from the 2nd Wednesday preceding the election to the 3rd Wednesday preceding the election. Under the bill, registration after this deadline is limited to persons registering in person in the office of the municipal clerk, persons registering at the polls on election day, and hospitalized persons registering via an agent.

Locations for Voter Registration: "Roving" Special Registration Deputies

Under current law, individuals may register to vote at the office of the municipal clerk, at other locations designated by the clerk, at high schools, and at the register of deeds office. In addition, current law authorizes the municipal clerk and the elections board to appoint special registration deputies for the purpose of registering electors of a municipality anywhere throughout the municipality—the so-called "roving registration deputies". Current law also authorizes the appointment of special registration deputies to assist in registering voters at the polls on election day and requires the appointment of special registration deputies at other locations designated for registration by the municipal clerk.

The bill requires "roving" special registration deputies to be trained and to print and sign their names on all registration forms they accept. In addition, the bill subjects

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all registration forms accepted by such deputies to a letter or postcard audit by the municipal clerk. Under the bill, the municipal clerk and the elections board must maintain a record of the names and addresses of all individuals appointed by the clerk or board as “roving” special registration deputies.

The bill also creates an exemption from requiring the clerk to appoint special registration deputies for registration locations established by the municipal clerk when the clerk and deputy clerks can sufficiently staff the locations. In addition, the bill eliminates the statutory requirement that registration be available at the office of the register of deeds and instead requires that registration be available at the office of the county clerk.

Prohibition on Certain Payment for Voter Registration

The bill prohibits any person from compensating any person who obtains voter registrations at a rate that varies in relation to the number of voter registrations obtained. Violators are guilty of a misdemeanor and are subject to a fine of not more than \$1,000 or imprisonment for not more than 6 months, or both, for each offense.

Verification of Pre-Election Voter Registration

Under current law, when a municipal clerk receives a voter registration form by mail, the clerk must examine the form for sufficiency. If the form is insufficient to accomplish registration or if the clerk knows or has reliable information that the proposed elector is not qualified, the clerk must notify the proposed elector and request that the elector appear at the clerk's office or other registration center to complete a proper registration or substantiate the information presented. Similarly, if the form is submitted after the close of registration, the clerk must attempt to notify the elector that registration may be completed in the clerk's office or at the polls on election day.

Under current law, if the form is sufficient and the clerk has no reliable information to believe that the proposed elector is not qualified, the clerk must enter the person's name on the registration list and transmit a first class letter or postcard to the registrant identifying the registrant's proper ward or aldermanic district and polling place. If the letter or postcard is returned, the clerk must change the registrant's status to ineligible.

The bill specifies that the clerk must mail the letter or postcard within 10 days of receiving the registration.

Fee for Copy of Registration List

Under current law, the fee for a copy of a public record may not exceed the actual, necessary, and direct cost of reproduction, unless a fee is otherwise specifically established or authorized to be established by law.

The bill directs the elections board to establish a fee for receiving a copy of the statewide voter registration list. The fee must be established by rule after consultation with county and municipal election officials. The amount of the fee must be set to cover the cost of reproduction and the cost of maintaining the list. The rules must also specify how revenues from the fees will be shared between the state and municipalities (or counties if they perform registration functions on behalf of municipalities). The bill also authorizes the board to promulgate emergency rules to be in effect until permanent rules are promulgated.

Same-Day Voter Registration and Double Voting Audits by Elections Board

Under current law, after each election the municipal clerk receives a list of all electors who registered to vote on election day. Upon receipt of the list, the clerk is required to make an audit of all such electors. The audit is to be made by 1st class postcard, which is to be marked in such a way so that it will be returned to the clerk if the elector named on the card does not reside at the address given on the postcard. If the postcard is returned undelivered, the clerk is required to change the status of the elector on the registration list from eligible to ineligible and mail the elector a notice of the change in status and provide the name to the district attorney for the county where the polling

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place is located. Also under current law, the municipal clerk must determine if any elector appears to have voted more than once and must attempt to contact each such elector.

The bill authorizes the state elections board to perform these audit functions in lieu of the municipal clerk.

Out-of-State Driver's License Holders

This bill provides that whenever an elector registers to vote in the general election after the close of registration, and the elector presents a valid driver's license issued by another state, the registering official must record the license number, issuing state, and expiration date of any license presented. The information would not be available for general public inspection. In addition, the bill requires the elections board, following each general election, to contact the chief election official in each other state that has issued a valid driver's license to an elector presenting that license who voted in the election and to inquire whether the elector had voted in that election in that state.

Currently, there are no such requirements,

Uniform registration forms

Currently, the elections board prescribes the content of registration forms in accordance with statutory requirements. This bill requires the board to create uniform registration forms that must be used throughout the state for purposes of registration.

ABSENTEE BALLOTS

Requesting an Absentee Ballot by Fax or Email

Under current law, any elector who is unable or unwilling to appear at the polling place in his or her ward on election day may vote by absentee ballot. An elector seeking to vote by absentee ballot must generally make a written application to the municipal clerk. An application may be made by one of the following methods: (1) by mail; (2) in person at the office of the municipal clerk; (3) by signing a statement indicating the elector is indefinitely confined or disabled; (4) by agent when the elector is hospitalized; or (5) by delivering an application to a special voting deputy when the elector is an occupant of a nursing home and similar facilities.

The bill authorizes a registered elector, including a registered "overseas elector", or an elector who qualifies as a "military elector", who is unable or unwilling to appear at the polling place in his or her ward on election day to apply for an absentee ballot by making a written application to the municipal clerk by facsimile transmission (fax) or electronic mail (email). The application must contain a copy of the applicant's original signature. When the absentee ballot is returned, the elector must enclose a copy of the absentee ballot request bearing an original signature of the elector along with the ballot. Ballots cast in contravention of this procedure are not to be counted.

Deadline for Requesting Absentee Ballot by Mail

Under current law, requests for absentee ballots made by an elector by mail must be received by the municipal clerk by 5 p.m. on the Friday preceding the election. The bill changes the deadline for such requests to no later than 5 p.m. on the 5th day immediately preceding the election, except for applications submitted by mail by military electors and indefinitely confined electors. Under the bill, applications by mail from these electors retain the current deadline of 5 p.m. on the Friday before the election.

Absentee Ballots for Military Electors – Permanent Ballots

Under current law, "military electors" are defined to be any of the following:

1. Members of a uniformed service (i.e., the U.S. army, navy, air force, marine corps, or coast guard, the commissioned corps of the federal public health service, or the national oceanic and atmospheric administration).
2. Members of the U.S. merchant marine.
3. Civilian employees of the U.S. and civilians officially attached to a uniformed service who are serving outside the U.S.

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4. Peace corps volunteers.
5. Spouses and dependents of the above who reside with or accompany them.

In general, and with some exceptions, a military elector is to vote in the ward or election district for the address of his or her residence prior to becoming a military elector. In general, military electors are not required to register as a prerequisite to voting in any election.

A military elector may request an absentee ballot for any election, or for all elections until the individual otherwise requests or until the person no longer qualifies as a military elector. An absentee ballot application from a military elector may be received at any time. In general, as an alternative to a regular absentee ballot request form, a federal postcard registration and absentee ballot request form may be used to apply for an absentee ballot by a military elector if the municipal clerk can determine that the applicant is qualified to vote in the election district where he or she seeks to vote and that the applicant is qualified to receive an absentee ballot as a military elector.

For military electors who are in the uniformed service and on active duty, members of the merchant marine, and the spouse and dependents of such persons who are absent because of the duty or service of the member, current law also provides that such electors may request an absentee ballot for the next 2 general elections. A municipal clerk must comply with such a request except that no absentee ballot may be sent for a succeeding general election if the elector's name appeared on the registration list for a previous general election and no longer appears on the registration list for the succeeding general election. Further, if the elector's address for the succeeding general election is in a municipality that is different from the municipality in which the elector resided for the first general election, current law requires the clerk to forward the request to the clerk of the municipality where the elector resides.

Currently, a municipal clerk must send a ballot, as soon as available, to each military elector who requests a ballot. However, the clerk may not send a ballot for an election if the application is received later than 5 p.m. on the Friday preceding that election. Whenever absentee ballots are sent to military electors, they must be prepared and mailed to make use of the federal free postage laws.

The bill modifies current law to provide that every request by any military elector must be treated as a request for an absentee ballot for all subsequent elections. Under the bill, if a municipal clerk receives a request for an absentee ballot from a military elector, the municipal clerk must send an absentee ballot to the elector for all elections that occur after the request is received. The bill allows a military elector to provide an alternate address on the absentee ballot application and requires the municipal clerk to send an absentee ballot to that alternate address if a ballot sent to the elector's primary address is returned as undeliverable.

The bill authorizes a municipal clerk to stop sending a ballot to a military elector in the following situations: (1) if 2 successive general elections go by and a military elector fails to return an absentee ballot for any election during that time period; (2) if the clerk is reliably informed that the elector is no longer a military elector or no longer resides in the municipality; (3) if the elector is subject to a registration requirement and his or her name no longer appears on the registration list as an eligible elector; or (4) if the elector so requests. Prior to discontinuing sending ballots to a military elector solely for the failure to return absentee ballots, the municipal clerk must notify the elector by mail that no future ballots will be sent unless the elector renews his or her absentee ballot request within 30 days. The bill also requires the municipal clerk to notify a military elector of any action to discontinue sending ballots to the elector not taken at the elector's request within 5 days of taking that action, if possible.

Late-Arriving Absentee Ballots From Military Electors

Under current law, absentee ballots must be returned to the municipal clerk in time for delivery to the polls before the polls close. Any ballot not delivered by this deadline may not be counted.

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The bill provides that a vote cast on a ballot cast by a “military elector”, as defined above, that is received by the municipal clerk after the close of the polls may, in some situations, still be counted. Under the bill, a vote cast on a ballot that is received after the polls close is considered a valid ballot if it is received by the clerk by the deadline for requesting a recount for the office for which the vote is cast and if it contains a postal service cancellation mark dated on or before the election day for which the ballot was cast. However, under the bill these ballots will not be counted unless a recount occurs.

Under the bill, a certificate envelope sent to a military elector must be clearly labeled so that when it is returned the clerk will know that it is from a military elector. If a certificate envelope that is returned by a military elector after the polls close but before the deadline for the return of such ballots has an illegible postmark, or no postmark, it is presumed that the envelope was timely mailed, unless established otherwise.

The bill directs the municipal clerk to post in his or her office on election night and on an internet site a statement announcing the number of absentee ballots that have not been returned by military electors by the closing of the polls. However, the posting may not include the names or addresses of any military electors.

Under the bill, if a recount petition is filed, the municipal clerk must immediately notify the appropriate board of canvassers as to the number of absentee ballots that were timely received after the polls closed and whether any absentee ballots that were sent to military electors have not been returned. If there are unreturned ballots at the time a recount petition has been filed, the bill provides that the recount may not proceed until all timely returned ballots are delivered by the clerk or 9 a.m. on the day following the last day for filing a recount petition, whichever occurs first.

As soon as practicable after receiving the last late-arriving ballot but in no case later than 9 a.m. on the day following the last day for filing a recount petition, the clerk must transmit to the appropriate board of canvassers all of the late-arriving ballots of military electors received by the clerk.

When the board of canvassers conducting a recount receives late-arriving absentee ballots cast by military electors, the board must first open and record the names of the military electors whose ballots have been received. If the late-arriving ballot cast by a military elector is otherwise valid, the board of canvassers must count the ballot and adjust the original statements, certifications, and determinations. After doing so, the board of canvassers may begin the recount.

Witness for Absentee Ballots

Under current law, military and overseas voters who cast absentee ballots must have a witness who is an adult U.S. citizen. All other absentee ballots must have a witness, but the age and nationality of the witness is not specified. The bill requires all absentee ballots to be witnessed by an adult U.S. citizen.

Elimination of Prepaid Return Postage and Notice of Hours

Generally, under current law, if the municipal clerk sends an absentee ballot to an elector, the ballot must include sufficient return postage to return the ballot from anywhere within the United States. The bill specifies that if the absentee ballot is mailed from outside the United States, the elector must affix sufficient postage for return of the ballot unless the ballot qualifies for mailing free of postage under federal law. The bill also modifies the notice that a clerk must post to include the hours that an elector can cast an absentee ballot in the clerk's office or an alternate site.

Opening Absentee Ballots in Public

Under current law, absentee ballot envelopes must be opened at the polling place during poll hours and the ballots placed in the ballot box without disclosing how the voter voted. When the envelopes are opened, the inspector is required to publicly announce the names or serial numbers of the absent electors casting the ballots.

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The bill adds language to ensure that this opening process is done so that election observers may hear and see the process.

Observation of Absentee Voting in Certain Nursing Homes and Other Facilities

Under current law, there is a separate procedure for absentee voting by residents of nursing homes, and certain community-based residential facilities and retirement homes. If a resident of such a facility requests an absentee ballot, the clerk will arrange a time to send 2 special deputies to the facility to facilitate absentee voting by the residents. The time that the deputies visit the home or facility is not announced prior to the visit.

The bill requires the municipal clerk to maintain a list, available to the public, of all of the facilities where an absentee ballot has been requested and when the special deputies will be visiting the facility. In addition, the clerk must post a notice at the facility indicating when the special deputies will be visiting. The bill also allows one observer from each of the recognized political parties whose candidate for governor or president received the greatest numbers of votes in the municipality at the most recent general election to accompany the deputies to observe the distribution of absentee ballots in the common areas of the facility. The deputies are given the same authority as the chief election inspector to monitor this observer's conduct.

Alternate Absentee Ballot Site

Under current law, persons may apply for and vote an absentee ballot at the municipal clerk's office prior to election day. In addition, absentee ballots that are not voted at the clerk's office are to be returned to the clerk's office in time for delivery to the polls before the polls close on election day.

The bill authorizes the governing body of a municipality (city, village, or town) to establish an alternate absentee ballot voting site in lieu of the municipal clerk's office to facilitate absentee ballot applications, voting of absentee ballots, and the return of absentee ballots prior to the close of the polls. Generally, the decision to move the absentee ballot functions to this alternate site must be made and the location of the alternate location must be established no later than 14 days prior to the time when absentee ballots are available for voting at a primary, if a primary is required (generally 30 days before a September primary and 21 days before other primaries, including the Spring primary) and the site must be used until at least the day after the election following the primary. No absentee ballot functions that are to take place at this alternate site may be conducted at the municipal clerk's office so long as the alternate site is used. The bill requires notice of the alternate site to be prominently displayed in the office of the municipal clerk beginning on the date that the site is selected and continuing during the time that absentee ballots are available and requires a notice of the alternate site to be published in a newspaper along with other absentee ballot information required under current law and on an Internet site if one is maintained by the municipal clerk. The bill requires the alternate site to be staffed by the municipal clerk or by employees of the clerk. The alternate site must be accessible and located as near as practicable to the office of the clerk, but may not be located so as to afford an advantage to any political party. Observation and electioneering laws would apply to alternate locations established under the bill.

Election Observers

Under current law, any member of the public may be present at any polling place for the purpose of observing an election, except a candidate at that election. The chief inspector at the polling place is authorized to "reasonably limit" the number of persons representing the same organization who are permitted to observe an election at the same time. In addition, the chief inspector is authorized to restrict the location of observers to certain areas at a polling place. Such an area is to be clearly designated as an observation area. Observation areas must be positioned to allow observers to readily observe all public aspects of the voting process. The statutes authorize a chief inspector to order the

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removal from a polling place of any observer who commits an overt act which disrupts the operation of the polling place or who engages in electioneering in violation of the law.

Under the statutes, an observer may not view the confidential portion of a registration list relating to an individual who has obtained a confidential listing based on domestic abuse. However, the poll workers must disclose to an observer, upon request, the existence of such a list, the number of electors whose names appear on the list, and the number of those electors who have voted at any point during the election. In addition, an observer may not view the certificate of an absent elector who has obtained such a confidential listing. Current law prohibits any person from refusing to obey a lawful order of a poll worker made for the purpose of enforcing the election laws; engaging in disorderly behavior at or near a polling place; or interrupting or disturbing the voting or canvassing proceedings. A person violating this prohibition may be fined not more than \$1,000, or imprisoned for not more than 6 months, or both.

The bill applies the above observation provisions to the municipal clerk's office or an alternate absentee ballot site authorized by the governing body of a municipality on any day that absentee ballots may be cast in that office. However, the observation provisions created by the bill would only apply to offices of municipal clerks that are located in public buildings. Accordingly, these provisions would not apply to clerks whose offices are located in their primary residences. In addition, the prohibition on a "candidate at that election" being an observer is clarified to apply to a candidate whose name appears on the ballot at the polling place or on an absentee ballot to be cast at the clerk's office or alternate site.

Electioneering

Current law prohibits an election official from engaging in "electioneering" on election day. In addition, the law prohibits any person from engaging in "electioneering" during polling hours on any public property on election day within 100 feet of an entrance to a building containing a polling place. This restriction, though, does not apply to the placement of any material on the bumper of a motor vehicle that is located on such property on election day. A municipal clerk, poll worker, or law enforcement officer is authorized to remove posters or other advertising that violates the prohibitions on "electioneering".

The law defines "electioneering" as any activity that is intended to influence voting at an election. Persons who violate the above prohibitions on electioneering may be fined not more than \$1,000, or imprisoned for not more than 6 months, or both. In addition, any election official who is convicted of violating the electioneering prohibitions is disqualified from acting as an election official for a term of 5 years from the time of the conviction.

The bill extends the prohibitions on electioneering to the municipal clerk's office or an alternate absentee ballot site authorized by the governing body of a municipality during times when absentee voting may be conducted in the office or at the alternate site. Specifically, the bill prohibits the clerk, or an employee of the clerk, from engaging in electioneering activities at those locations during the hours that absentee ballots may be cast. In addition, the bill prohibits any person from engaging in electioneering activities during the hours that absentee ballots may be cast in the municipal clerk's office or at an alternate absentee ballot site on any public property within 100 feet of an entrance to a building that contains the clerk's office or the alternate site. Violations of these provisions are subject to the same penalties as provided under current law for electioneering at a polling place.

Option to Count Absentee Ballots at a Central Location

Currently, each absentee ballot must be received at the polling place serving an elector's residence no later than 8 p.m. on election night for the ballot to be counted. The municipal clerk or board of election commissioners delivers all absentee ballots received by the clerk or board to the appropriate polling places. The inspectors (poll workers) canvass the absentee ballots, together with the other ballots, publicly on election day by

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marking the names of the absentee electors on the same poll list that is used to mark the names of the electors who vote in person. Any member of the public may observe the proceedings. Any elector may challenge for cause any absentee ballot that the elector knows or suspects is not cast by a qualified elector, whether the absentee ballot is cast in person at the office of a municipal clerk or board of election commissioners or the ballot is received in some other manner. Unless an absentee ballot is challenged or voted provisionally, it is not identifiable once it is counted, except that an absentee ballot may be distinguished from another ballot because it carries the initials of the municipal clerk or executive director of the board of election commissioners or a designated deputy. The inspectors at each polling place announce the results of each election when the canvass is completed on election night. Each municipal canvass must be completed by 2 p.m. on the day after each election, and each county canvass must begin no later than 9 a.m. on the Thursday following an election.

The bill permits the governing body of any municipality, by ordinance, to discontinue the canvassing of absentee ballots at polling places. Before enacting such an ordinance, a municipality must notify and consult with the Elections Board concerning the alternative procedure for canvassing absentee ballots that will be used. Under the bill, if absentee ballots are not canvassed at polling places, a municipal board of absentee ballot canvassers, appointed by the municipal clerk, must publicly convene any time after the polls open and before 10 p.m. on election day for the purpose of counting absentee ballots. To assist the board of absentee ballot canvassers, a municipality that canvasses absentee ballots at a central location may appoint additional inspectors in accordance with the same procedure that is used to appoint inspectors at polling places. Any inspectors so appointed are under the direction and supervision of the board of absentee ballot canvassers. Under the bill, the board of absentee ballot canvassers does not announce the results of its count until the canvass of all absentee ballots is completed. The bill provides for the board of absentee ballot canvassers to conduct a cross-check of absentee ballots for any potential duplication by electors who also cast ballots in person. To accomplish the cross-check, the board of absentee ballot canvassers numbers each absentee ballot as it is counted, and if the elector who casts the ballot also casts a ballot in person, the absentee ballot is not counted. The bill permits any elector to challenge any absentee ballot for cause. The bill extends the time for completion of the municipal canvass by 2 hours but does not extend the time by which the county canvass must begin.

PRE-ELECTION PROCEDURES

Qualifications of Circulators of Nomination Papers and Petitions

Under current law, each nomination paper and petition for an election must be circulated by a qualified elector of the jurisdiction or district in which the paper or petition is circulated. However, in *Frami v. Ponto*, 255 F. Supp. 962 (W.D. Wis. 2003), a federal district court ruled that this residency requirement is unconstitutional and prevented the state from enforcing the statutory requirement.

The bill removes the residency requirement by providing that a circulator of a nomination paper or petition must be a qualified elector of this state or a U.S. citizen age 18 or over who, if he or she were a resident of the state, would not be disqualified from voting because he or she is incompetent, a felon whose right to vote has not been restored, or involved in a wager or bet depending upon the result of the election.

Notice of School District Referendum

Currently, proposed constitutional amendments and other measures or questions to be submitted to a vote of the people must be filed with the official or agency responsible for preparing the ballots for the election no later than 42 days prior to the election at which the amendment, measure, or question will appear on the ballot.

The bill requires, in addition, that a copy of a measure or question to be submitted to a vote of the people on behalf of a school district be provided to the clerk of each county

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having territory within the school district no later than the end of the next business day after the school district clerk receives the measure or question.

Contingency Planning Report

The bill requires the elections board to submit a report and recommendations to the legislature on state and local election-related contingency planning efforts and preparedness regarding natural disasters and terrorist activities that may occur at or near election time. The report is due on the first day of the 7th month beginning after publication of the bill as an act.

Guidance to Local Units of Government Regarding Election-Related Purchases

Under current law, the election administration council consists of members of the public and local election officials appointed by the executive director of the elections board. The council is to assist the elections board to establish the state's election administration plan under HAVA.

The bill requires the election administration council to also provide guidance to local units of government concerning the procurement of election apparatus, ballots, ballot forms, materials, and supplies for use in elections in this state to help ensure that competitive prices are obtained.

Term of Appointment for Certain Election Officials

Under current law, election officials are appointed for a 2-year term. The appointments are made in December of each even-numbered year. The bill changes the date that election officials are appointed to December of each odd-numbered year.

Election Official Training

Under current law, the elections board conducts training programs for chief inspectors (chief officials at polling places). No person may serve as a chief inspector if he or she has not been certified by the elections board as having met the requirements prescribed by the board for certification. The elections board must also prescribe requirements for maintaining certification. The elections board may also conduct training programs for other election officials. Municipal clerks and boards of election commissioners are required to train all election officials, and municipalities may require applicants for election official positions to take examinations. Currently, the elections board and municipal clerks and boards of election commissioners may appoint special registration deputies who obtain voter registrations from electors prior to the close of registration and municipal clerks may appoint special voting deputies to conduct voting at nursing homes and certain retirement homes and community-based residential facilities. Currently, the clerks and boards of election commissioners must train the deputies in accordance with rules prescribed by the elections board.

Beginning for elections held in 2008, the bill requires all municipal clerks to receive election training at least once every 2 years. The bill authorizes the elections board to produce and periodically update a video program and make the program available electronically through an Internet-based system for training purposes. Also, the bill requires municipal clerks to train all poll workers other than chief inspectors, who continue to be trained and certified under current law, as well as special registration deputies and special voting deputies pursuant to rules developed by the elections board. The bill provides that no person may serve as a poll worker, special registration deputy, or special voting deputy unless that person has received training required in the bill unless certain unforeseen circumstances occur. Under the bill, municipalities are required to compensate election officials other than special registration deputies and special voting deputies for attendance at training sessions as currently provided.

ELECTION DAY PROCEDURES

High School Student Poll Workers

Generally, a pupil who is 16 or 17 years of age, who is enrolled in grades 9 to 12 in a public or private school, and who has at least a 3.0 grade point average (GPA) may serve

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as an inspector (poll worker) at the polling place serving the pupil's residence. Approval of the pupil's parent or guardian and of the school principal is required. There must be at least one qualified elector of the state serving at the polling place for a pupil to be appointed and a pupil may not serve as chief inspector. The term of appointment of an inspector lasts for 2 years and until his or her successor is appointed and qualified.

The bill eliminates the minimum GPA requirement and instead authorizes school boards to develop criteria for approving students to serve as poll workers. The bill also modifies the term of service of a high school pupil appointed to serve as an inspector. Under the bill, a high school pupil is appointed for one election only rather than for 2 years. The bill does not prohibit such a pupil from being appointed to serve at future elections.

Poll Closing Procedures When Voters Waiting to Vote

Under current law, any elector waiting to vote, whether within the polling booth or in the line outside the booth at the time the polls officially close must be permitted to vote.

The bill requires each municipal clerk to designate an official of the municipality who must position himself or herself at the end of the line of individuals waiting to vote at the time the polls officially close as a way to mark the end of the line. The bill provides that the official may be a poll worker at the polling place, an employee of the municipal clerk, or a police officer.

Conduct of Election Observers

Under current law, any member of the public may be present at any polling place for the purpose of observing an election, except a candidate at that election. The chief inspector at the polling place is authorized to "reasonably limit" the number of persons representing the same organization who are permitted to observe an election at the same time. In addition, the chief inspector is authorized to restrict the location of observers to certain areas at a polling place. Such an area is to be clearly designated as an observation area. Observation areas must be positioned to allow observers to readily observe all public aspects of the voting process. The statutes authorize a chief inspector to order the removal from a polling place of any observer who commits an overt act which disrupts the operation of the polling place or who engages in electioneering.

Under the statutes, an observer may not view the confidential portion of a registration list relating to an individual who has obtained a confidential listing based on domestic abuse. However, the poll workers must disclose to an observer, upon request, the existence of such a list, the number of electors whose names appear on the list, and the number of those electors who have voted at any point during the election. In addition, an observer may not view the certificate of an absent elector who has obtained such a confidential listing.

Currently, any person who refuses to obey a lawful order of a poll worker made for the purpose of enforcing the election laws, who engages in disorderly behavior at or near a polling place, or who interrupts or disturbs the voting or canvassing proceedings may be fined not more than \$1,000, or imprisoned for not more than 6 months, or both.

The bill directs the elections board to promulgate rules regarding the proper conduct of observers at polling places, municipal clerk's offices, or alternate absentee ballot sites, including the interaction of observers with election officials at polling places. The bill requires the rules to be submitted to the legislative council staff for review by the 60th day beginning after publication of the bill as an act.

Proof of Residence Required of Certain Voters

Under current law, effective January 1, 2006, a person, other than a military elector or an overseas elector, who registers to vote by mail and who has not previously voted in an election for national office in Wisconsin must provide identification, as specified by law, before being allowed to vote at an election for national office. A person who is required to provide identification before voting but who fails to do so may cast a

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provisional ballot which may be counted if the person subsequently presents identification before 4 p.m. on the day after the election.

The bill creates a proof of residence requirement applicable to all persons other than military or overseas electors who register to vote by mail and have not voted in an election in this state.

Election Threats

Current law, in s. 12.09 of the statutes, prevents the making of various election threats. Violations of that section are punishable as a Class I felony (a fine not to exceed \$10,000 or imprisonment not to exceed 3 years and 6 months, or both).

Presently, s. 12.09, stats., is drafted as one paragraph consisting of 3 distinct components, each of which prohibits different conduct. The provision reads as follows:

No person may personally or through an agent make use of or threaten to make use of force, violence or restraint in order to induce or compel any person to vote or refrain from voting at an election; or, by abduction, duress or any fraudulent device or contrivance, impede or prevent the free exercise of the franchise at an election; or by any act compel, induce or prevail upon an elector either to vote or refrain from voting at any election for or against a particular candidate or referendum.

The bill, in order to improve the readability of the provision, repeals the provision and recreates it with 3 distinct subsections. The bill makes no substantive changes to the law and violations would still be subject to the same penalties as provided under current law.

Prohibition on Certain Election-Related Material

Current law defines “electioneering” as any activity which is intended to influence voting at an election. Under current law, “electioneering” is prohibited at or near the entrances to polling places on election day. Specifically, the law prohibits an election official from engaging in “electioneering” on election day. In addition, the law prohibits any person from engaging in “electioneering” during polling hours on any public property on election day within 100 feet of an entrance to a building containing a polling place. This restriction, though, does not apply to the placement of any material on the bumper of a motor vehicle that is located on such property on election day. A municipal clerk, poll worker, or law enforcement officer is authorized to remove posters or other advertising that violates the prohibitions on “electioneering”.

Persons who violate the above prohibitions on electioneering may be fined not more than \$1,000, or imprisoned for not more than six months, or both. In addition, any election official who is convicted of violating the electioneering prohibitions is disqualified from acting as an election official for a term of five years from the time of the conviction.

The bill modifies the statutory language regarding “electioneering” to provide that the prohibition on electioneering also applies to electioneering at a polling place.

In addition, the bill prohibits the posting or distribution of election-related material during polling hours on any public property on election day at a polling place or within 100 feet of an entrance to a building containing a polling place. Similarly, the bill prohibits such conduct in relation to the municipal clerk’s office or an alternate absentee ballot site during hours that absentee ballots may be cast therein. For purposes of the bill, “election-related material” means any written matter which describes, or purports to describe, the rights or responsibilities of individuals voting or registering to vote at a polling place or voting by absentee ballot. The prohibition would not apply to material posted or distributed by the municipal clerk or other election officials or to a bumper sticker on a motor vehicle. The bill authorizes a municipal clerk, election inspector, or law enforcement officer to remove or confiscate unauthorized election-related material. Finally, the bill provides that a violation of the election-related material prohibition is punishable by a forfeiture not to exceed \$100.

Map of Area Served by Polling Place

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The bill requires that the municipal clerk or board of election commissioners in municipalities with multiple polling places to prominently post at each polling place a map of the geographic area served by each polling place for that election. The map must display the boundaries of the ward or wards served by the polling place for that election.

Lists of Felons Ineligible to Vote

Under current law, any person who is convicted of a felony is not eligible to vote. However, if the person is pardoned or the person completes his or her sentence, the person's voting rights are restored. A person who is on probation, parole, or extended supervision has not completed his or her sentence. Under current law, there is no procedure that election officials must use to identify felons who are ineligible to vote and to prevent them from voting.

The bill directs the department of corrections (DOC) to transmit electronically to the elections board, on a continuous basis, a list containing the names of each person who has been convicted of a felony under the laws of this state and whose voting rights have not been restored, together with the date on which DOC expects his or her voting rights to be restored. The bill directs the board to enter the information received from DOC on the statewide voter registration list and to maintain the information on that list so that the information is kept current. Under the bill, the information is open to public inspection.

The bill also directs the elections board to enter on the poll list prepared for each election a notation after the name of any elector who is ineligible to vote on that date because the person's name appears on the current list that DOC provides. In addition, the bill directs the board to provide for each polling place at each election a list of persons whose names do not appear on the registration list but whose names appear on the current list that DOC provides and whose addresses are located within the area served by the polling place. These lists are open to public inspection.

The bill requires poll workers to check the lists and to inform any person whose name appears on the lists that they are ineligible to register to vote or to vote. A person whose name appears on a list and who claims to be eligible to vote may still be allowed to vote, but the person must vote by ballot. The ballot is marked for later examination and it may be reviewed and discounted during a canvass or recount if the appropriate board of canvassers determines that the person who cast the ballot is ineligible to vote.

The bill also requires every person who registers to vote to affirm specifically that he or she has not been convicted of a felony for which he or she has not been pardoned and, if so, whether the person is incarcerated or on probation, parole, or extended supervision resulting from that conviction. Currently, the law requires a person who registers at a polling place only to affirm that he or she is not disqualified on any ground from voting, and does not require any similar affirmation from other late registrants.

In addition, the bill directs the elections board to conduct a postelection audit after each election to determine whether any ineligible felons have been allowed to register and vote after the close of registration. If so, the board is directed to enter a notation reflecting this ineligibility on the registration list and to provide the names of these felons to the district attorney.

Finally, the bill requires DOC to create a form for notifying individuals of their ineligibility to vote. When an inmate who is disqualified from voting is released on parole or extended supervision, the DOC must use the form to notify the person that he or she may not vote until his or her civil rights are restored. The person and a witness must sign the form. The same procedure must be followed for each probationer, and by the court every time it imposes a sentence or places a defendant on probation for a conviction that disqualifies him or her from voting.

Additional Poll Worker: Greeter

Under current law, there must be at least 3 inspectors (poll workers) at each polling place. Municipalities may increase that number and may appoint special registration deputies on a nonpartisan basis to register voters at polling places on election day.

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Inspectors must be appointed from lists containing the names of eligible electors submitted by party committeemen and committeewomen. If no names or insufficient names are submitted, inspectors are appointed on a nonpartisan basis. Certain high school pupils may also be appointed to serve as inspectors. The party whose candidate for president or governor received the most votes in the area served by the polling place at the most recent general election is entitled to one more appointment than the other party. Alternate officials must also be appointed in a sufficient number to maintain adequate staffing.

The bill provides that each municipality may appoint an additional inspector on a nonpartisan basis who serves as a greeter and substitutes for other inspectors who must leave the voting room temporarily. Under the bill, the additional inspector is not entitled to participate in the canvassing process.

POST-ELECTION PROCEDURES

Time for Delivery of Election Material

Currently, by 2 p.m. on the day after an election, the municipal clerk must deliver the ballots, statements, tally sheets, lists, and envelopes for the clerk's municipality concerning any county, technical college district, state, or national election to the county clerk. In addition, current law requires the municipal clerk to arrange for delivery of these materials concerning a school district election to the school district clerk, but does not specify a time by which that delivery must take place. The bill sets the deadline for delivery of these materials at 4 p.m. on the day after an election.

Post-Election Inspectors' Statements

Under current law, after ballots have been counted and votes recorded at the polling place on appropriate tally sheets, inspectors' statements must be completed in duplicate, and all materials secured and routed to the appropriate clerk. The bill deletes the requirement that inspectors' statements be completed in duplicate. Instead, under the bill, the municipal clerk must make copies of the inspectors' statement for delivery to the county or school district clerk, or both. The municipal clerk must retain the original statement.

County and Municipal Clerk Serving on Board of Canvassers

Generally, under current law, the municipal and county board of canvassers is composed of the municipal or county clerk and 2 appointed members. No person may serve on the board if he or she is a candidate at an election to be canvassed. The bill allows the county and municipal clerk to continue to serve on the respective board of canvassers if the clerk is a candidate as long as he or she has no opponent on the ballot, or, in the event of a recount, the office the clerk is seeking is not a subject of the recount.

Grounds for Recall of Certain Local Elective Offices

Under current law, a petition for the recall of a city, village, town, or school district officer, in addition to other requirements, must state a reason for the recall that is related to the official responsibilities of the officer. Current law also provides for the removal of elective village, town, and school district officers and certain elective city officers, for cause, after notice and a hearing. Under current law, inefficiency, neglect of duty, official misconduct, or malfeasance in office constitute cause for removal from office.

The bill requires a petition for the recall of a city, village, town, or school district officer to contain a statement of the grounds that constitute each cause for the recall. Under the bill, "cause" means official misconduct or malfeasance in office.

Retention of Unused Ballots After an Election

The bill provides that unused ballots from an election may not be discarded or destroyed until at least the day after the latest day for the filing of a recount petition for any office on the ballots. In addition, the bill authorizes the county clerk to store any such unused ballots upon request of a municipal clerk of a municipality within the county and authorizes the county clerk to destroy the ballots pursuant to provisions of the bill.

SENATE BILL 612Recount Procedures

Under current law, the state elections board is required to prescribe standard forms and procedures for the making of recounts. Additionally, when a recount is being conducted, if the ballots are in readable form such that automatic tabulating equipment may be used to count the ballots, the board of canvassers conducting the recount may choose to recount the ballots without the aid of automatic tabulating equipment. If automatic tabulating equipment is to be used, the equipment must be tested prior to the recount.

The bill requires the procedures developed by the elections board to require boards of canvassers in recounts involving more than one board of canvassers to consult with the elections board staff prior to beginning any recount to ensure that uniform procedures are used, to the extent practicable, in conducting such recounts.

In addition, the bill requires boards of canvassers to use automatic tabulating equipment to recount ballots that are in machine-readable form. The bill provides, however, that a candidate, or elector if the recount is for a referendum question, may petition the circuit court for an order requiring ballots in readable form to be counted by hand or by another method approved by the court. The petition must be filed by the close of business on the next business day after the last day for filing a petition for a recount. To prevail, the petitioner must establish by clear and convincing evidence that due to an irregularity, defect, or mistake committed during the voting or canvassing process the results of a recount using automatic tabulating equipment will produce incorrect recount results and that there is a substantial probability that recounting the ballots by hand or another method will produce a more correct result and change the outcome of the election. The court with whom the petition is filed must hear the matter as expeditiously as possible, without a jury. Only if the court determines that the petitioner has made the required showing may the court order a recount of the ballots by hand or other method. The procedure created by the bill does not affect the ability of an aggrieved candidate or elector under current law to appeal the outcome of a recount to circuit court upon completion of the recount.

Post-Election Audits

The bill requires the elections board, by no later than December 31, 2006, to prepare recommendations with regard to random post-election audits of local election practices to be conducted in the fall of odd-numbered years. The recommendations must include recommendations on how election practices in a given municipality may be reviewed by election officials of other, similar-sized municipalities and how such audits may be funded by the state. The recommendations must be submitted to the legislature.

Effective date

All changes to the law proposed by the bill take effect on July 1, 2006, or on the day after publication, whichever is later.

1 **SECTION 1.** 5.02 (6m) of the statutes is repealed.

2 **SECTION 2.** 5.02 (16g) of the statutes is created to read:

3 5.02 **(16g)** “Qualified circulator” means a qualified elector of this state or any
4 U.S. citizen age 18 or older who, if he or she were a resident of this state, would not
5 be disqualified from voting under s. 6.03.

6 **SECTION 3.** 5.35 (6) (a) 4a. of the statutes is amended to read:

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1 5.35 (6) (a) 4a. Instructions prescribed by the board for electors for whom
2 ~~identification proof of residence under s. 6.34~~ is required under s. ~~6.36 (2) (c) 2~~ 6.55
3 (2).

4 **SECTION 4.** 5.35 (6) (c) of the statutes is created to read:

5 5.35 (6) (c) At each polling place located in a municipality that is served by more
6 than one polling place for an election, the municipal clerk or board of election
7 commissioners shall prominently post a map of the geographic area served by the
8 polling place for that election. The posting shall clearly show the boundaries of the
9 ward or wards served by the polling place for that election.

10 **SECTION 5.** 5.68 (3m) of the statutes is created to read:

11 5.68 (3m) The election administration council shall provide guidance to local
12 units of government concerning the procurement of election apparatus, ballots,
13 ballot forms, materials, and supplies for use in elections in this state to help ensure
14 that competitive prices are obtained by those units of government.

15 **SECTION 6.** 5.90 of the statutes, as affected by 2005 Wisconsin Act 92, is
16 renumbered 5.90 (1) and amended to read:

17 5.90 (1) Except as otherwise provided in this subchapter, recounts of votes cast
18 on an electronic voting system shall be conducted in the manner prescribed in s. 9.01.
19 ~~If Except as provided in sub. (2), if~~ the ballots are distributed to the electors, the board
20 of canvassers ~~may elect to~~ shall recount the ballots ~~without the aid of~~ with automatic
21 tabulating equipment. ~~If the board of canvassers elects to use automatic tabulating~~
22 ~~equipment, the~~ The board of canvassers shall test the automatic tabulating
23 equipment to be used prior to the recount as provided in s. 5.84, and then the official
24 ballots or the record of the votes cast shall be recounted on the automatic tabulating
25 equipment. In addition, the board of canvassers shall check the ballots for the

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1 presence or absence of the initials and other distinguishing marks, shall examine the
2 ballots marked “Rejected”, “Defective” and “Objected to” to determine the propriety
3 of such labels, and shall compare the “Duplicate Overvoted Ballots” and “Duplicate
4 Damaged Ballots” with their respective originals to determine the correctness of the
5 duplicates. If electronic voting machines are used, the board of canvassers shall
6 perform the recount using the permanent paper record of the votes cast by each
7 elector, as generated by the machines.

8 **SECTION 7.** 5.90 (2) and (3) of the statutes are created to read:

9 5.90 (2) Any candidate, or any elector when for a referendum, may, by the close
10 of business on the next business day after the last day for filing a petition for a
11 recount under s. 9.01, petition the circuit court for an order requiring ballots in
12 readable form under sub. (1) to be counted by hand or by another method approved
13 by the court. The petitioner in such an action bears the burden of establishing by
14 clear and convincing evidence that due to an irregularity, defect, or mistake
15 committed during the voting or canvassing process the results of a recount using
16 automatic tabulating equipment will produce incorrect recount results and that
17 there is a substantial probability that recounting the ballots by hand or another
18 method will produce a more correct result and change the outcome of the election.

19 (3) A court with whom a petition under sub. (2) is filed shall hear the matter
20 as expeditiously as possible, without a jury. The court may order a recount of the
21 ballots by hand or another method only if it determines that the petitioner has
22 established by clear and convincing evidence that due to an irregularity, defect, or
23 mistake committed during the voting or canvassing process the results of a recount
24 using automatic tabulating equipment will produce incorrect recount results and
25 that there is a substantial probability that recounting the ballots by hand or another

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1 method will produce a more correct result and change the outcome of the election.
2 Nothing in this section affects the right of a candidate or elector aggrieved by the
3 recount to appeal to circuit court under s. 9.01 (6) upon completion of the recount.

4 **SECTION 8.** 6.15 (2) (d) 1r. of the statutes is amended to read:

5 6.15 (2) (d) 1r. Upon proper completion of the application and cancellation card,
6 the municipal clerk shall require the elector to provide acceptable proof of residence
7 under s. ~~6.55 (7)~~ 6.34. If the elector cannot provide acceptable proof of residence, the
8 elector may have his or her residence corroborated in a statement that is signed by
9 another elector of the municipality and that contains the current street address of
10 the corroborating elector. If the residence is corroborated by another elector, that
11 elector shall then provide proof of residence under s. ~~6.55 (7)~~ 6.34. The elector shall
12 then mark the ballot in the clerk's presence in a manner that will not disclose his or
13 her vote. The elector shall then fold the ballot so as to conceal his or her vote. The
14 clerk or elector shall then place the ballot in an envelope furnished by the clerk.

15 **SECTION 9.** 6.15 (3) of the statutes is amended to read:

16 6.15 (3) PROCEDURE AT POLLING PLACE. An eligible elector may appear at the
17 polling place for the ward or election district where he or she resides and make
18 application for a ballot under sub. (2). Except as otherwise provided in this
19 subsection, an elector who casts a ballot under this subsection shall follow the same
20 procedure required for casting a ballot at the municipal clerk's office under sub. (2).
21 The inspectors shall perform the duties of the municipal clerk, except that the
22 inspectors shall return the cancellation card under sub. (2) (b) to the municipal clerk
23 and the clerk shall forward the card as provided in sub. (2) (c) if required. Upon
24 proper completion of the application and cancellation card and submittal of
25 acceptable proof of residence under s. ~~6.55 (7)~~ 6.34 or providing corroboration of

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1 residence, the inspectors shall permit the elector to cast his or her ballot for president
2 and vice president. The elector shall mark the ballot and, unless the ballot is utilized
3 with an electronic voting system, the elector shall fold the ballot, and deposit the
4 ballot into the ballot box or give it to the inspector. The inspector shall deposit it
5 directly into the ballot box. Voting machines or ballots utilized with electronic voting
6 systems may only be used by electors voting under this section if they permit voting
7 for president and vice president only.

8 **SECTION 10.** 6.15 (4) (a) to (d) of the statutes are amended to read:

9 6.15 **(4)** (a) Clerks holding new resident ballots shall deliver them to the
10 election inspectors in the proper ward or election district where the new residents
11 reside or, in municipalities where absentee ballots are canvassed under s. 7.52, to the
12 municipal board of absentee ballot canvassers when it convenes under s. 7.52 (1), as
13 provided by s. 6.88 for absentee ballots.

14 (b) During polling hours, the inspectors shall open each carrier envelope,
15 announce the elector's name, check the affidavit for proper execution, and check the
16 voting qualifications for the ward, if any. In municipalities where absentee ballots
17 are canvassed under s. 7.52, the municipal board of absentee ballot canvassers shall
18 perform this function at a meeting of the board of absentee ballot canvassers.

19 (c) The inspectors or board of absentee ballot canvassers shall open the inner
20 envelope without examination of the ballot other than is necessary to see that the
21 issuing clerk has endorsed it.

22 (d) Upon satisfactory completion of the procedure under pars. (b) and (c) the
23 inspectors or board of absentee ballot canvassers shall deposit the ballot in the ballot
24 box. The inspectors or board of absentee ballot canvassers shall enter the name of
25 each elector voting under this section on the poll list with an indication that the

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1 elector is voting under this section or on a separate list maintained for the purpose
2 under s. 6.79 (2) (c).

3 **SECTION 11.** 6.15 (6) of the statutes is amended to read:

4 6.15 (6) DEATH OF ELECTOR. When it appears by due proof to the inspectors or,
5 in municipalities where absentee ballots are canvassed under s. 7.52, when it
6 appears by due proof to the board of absentee ballot canvassers that a person voting
7 ~~under this section~~ at an election has died before the date of the election, the
8 inspectors or board of absentee ballot canvassers shall return the ballot with
9 defective ballots to the issuing official.

10 **SECTION 12.** 6.21 of the statutes is amended to read:

11 **6.21 Deceased electors.** When by due proof it appears to the inspectors or,
12 in municipalities where absentee ballots are canvassed under s. 7.52, when by due
13 proof it appears to the board of absentee ballot canvassers that a person ~~voting under~~
14 ~~this section~~ casting an absentee ballot at an election has died before the date of the
15 election, they the inspectors or board of absentee ballot canvassers shall return the
16 ballot with defective ballots to the issuing official. The casting of the ballot of a
17 deceased elector does not invalidate the election.

18 **SECTION 13.** 6.22 (2) (b) of the statutes is amended to read:

19 6.22 (2) (b) ~~Notwithstanding s. 6.87 (4), a~~ A military elector shall make and
20 subscribe to the certification under s. 6.87 (2) before a witness who is an adult U.S.
21 citizen.

22 **SECTION 14.** 6.22 (4) of the statutes is renumbered 6.22 (4) (a) amended to read:

23 6.22 (4) (a) ~~An~~ A request for an absentee ballot by an individual who qualifies
24 as a military elector ~~may~~ shall be treated as a request for an absentee ballot ~~for any~~
25 election, ~~or for all elections until the individual otherwise requests or until the~~

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1 ~~individual no longer qualifies as a military elector.~~ Upon receiving a timely request
2 for an absentee ballot under par. (b) by an individual who qualifies as a military
3 elector, the municipal clerk shall send or transmit to the elector an absentee ballot
4 for all elections that occur in the municipality or portion thereof where the elector
5 resides beginning on the date that the clerk receives the request.

6 (b) A military elector's application may be received at any time. The municipal
7 clerk shall not send a ballot for an election if the application is received later than
8 5 p.m. on the Friday preceding that election unless s. 6.87 (3) (d) applies. The
9 municipal clerk shall send a ballot, as soon as available, to each military elector who
10 requests a ballot.

11 (d) The board shall prescribe the instructions for marking and returning ballots
12 and the municipal clerk shall enclose instructions with each ballot and shall also
13 enclose supplemental instructions for local elections. The envelope, return envelope
14 and instructions may not contain the name of any candidate appearing on the
15 enclosed ballots other than that of the municipal clerk affixed in the fulfillment of
16 his or her duties. Each certificate envelope that is mailed or transmitted to a military
17 elector under this section shall be clearly labeled as "Cast by a military elector under
18 s. 6.22, Wis. stats., and may be eligible to be counted after election day".

19 (e) Whenever the material is mailed, the material shall be prepared and mailed
20 to make use of the federal free postage laws. If the material does not qualify for
21 mailing without postage under federal free postage laws, the municipal clerk shall
22 pay the postage required for mailing to the military elector. If the return envelope
23 qualifies for mailing free of postage under federal free postage laws, the clerk shall
24 affix the appropriate legend required by U.S. postal regulations. Otherwise the
25 municipal clerk shall pay the postage required for return when the ballot is mailed

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1 from within the United States. If the ballot is not mailed by the military elector from
2 within the United States the military elector shall provide return postage. The
3 mailing list established under this subsection shall be kept current in the same
4 manner as provided in s. 6.86 (2) (b).

5 **SECTION 15.** 6.22 (4) (c) of the statutes is created to read:

6 6.22 (4) (c) A military elector may indicate an alternate address on his or her
7 absentee ballot application. If the elector's ballot is returned as undeliverable prior
8 to the deadline for return of absentee ballots under s. 6.87 (6), and the elector remains
9 eligible to receive absentee ballots under this section, the municipal clerk shall
10 immediately send or transmit an absentee ballot to the elector at the alternate
11 address.

12 **SECTION 16.** 6.22 (4) (f) to (h) of the statutes are created to read:

13 6.22 (4) (f) If there occur 2 successive general elections at which a military
14 elector fails to return an absentee ballot sent or transmitted to the elector under par.
15 (a) and the elector has not cast an absentee ballot at any intervening election, if the
16 municipal clerk is reliably informed that the elector is no longer a military elector
17 or no longer resides in the municipality, or if the elector so requests, the clerk shall
18 discontinue sending or transmitting absentee ballots to the elector under this
19 subsection. If a military elector who has requested an absentee ballot changes his
20 or her residence from the municipality where a request is filed to another
21 municipality in this state, the municipal clerk of the municipality who received the
22 request shall notify the clerk of the municipality to which the elector's residence is
23 changed of the date of the request or the latest renewal under par. (g) and the date
24 of the most recent absentee ballot received by the clerk. The municipal clerk who is
25 so notified shall treat the request as having been made to him or her.

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1 (g) Prior to any discontinuance of the service provided to a military elector
2 under this subsection solely for failure to return absentee ballots, the municipal clerk
3 shall mail the elector a 1st class letter or postcard notifying the elector that an
4 absentee ballot will no longer be sent to the elector unless the elector renews his or
5 her request within 30 days of the date of the notification.

6 (h) The municipal clerk shall notify a military elector of any action under par.
7 (f) that is not taken at the elector's request within 5 days of taking that action, if
8 possible.

9 **SECTION 17.** 6.22 (5) of the statutes is amended to read:

10 6.22 (5) VOTING PROCEDURE. Except as authorized in sub. (5m) and s. 6.25, the
11 ballot shall be marked and returned, deposited and recorded in the same manner as
12 other absentee ballots. In addition, the certification under s. 6.87 (2) shall have a
13 statement of the elector's birth date. Failure to return any unused ballots in a
14 primary election does not invalidate the ballot on which the elector casts his or her
15 votes.

16 **SECTION 18.** 6.22 (5m) of the statutes is created to read:

17 6.22 (5m) TREATMENT OF BALLOTS RECEIVED AFTER CLOSE OF POLLS. (a) A vote cast
18 on a ballot cast under this section that is received by the municipal clerk after the
19 close of the polls but before the deadline for filing a petition for a recount under s. 9.01
20 (1) (a) for the office for which the vote is cast shall be treated as valid if the envelope
21 in which the ballot was received bears a postal service cancellation mark dated on
22 or before the election day for which the ballot was cast, but may only be counted for
23 purposes of a recount under s. 9.01.

24 (b) For purposes of par. (a), if a certificate envelope is not postmarked or has
25 a postmark that is not legible to the municipal clerk, board of canvassers, or the board

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1 of absentee ballot canvassers in municipalities where absentee ballots are canvassed
2 under s. 7.52, and the envelope was received by mail from the U.S. postal service, it
3 is presumed that the envelope was placed in the mail on or before election day, unless
4 established by a preponderance of the evidence to the contrary.

5 (c) No later than the closing hour of the polls, the municipal clerk of each
6 municipality shall post at his or her office, at any alternate site under s. 6.855, and
7 on the Internet at a site announced by the clerk before the polls open, and shall make
8 available to any person upon request, a statement of the number of absentee ballots
9 that the clerk has mailed or transmitted to military electors under this section and
10 that have not been returned by the closing hour on election day. The posting shall
11 not include the names or addresses of any military electors.

12 (d) All ballots received by the municipal clerk under this subsection by the
13 deadline specified in par. (a) shall be carefully preserved by the municipal clerk until
14 destruction or other disposition is authorized under s. 7.23. If a petition for a recount
15 is filed under s. 9.01, the clerk shall immediately notify the appropriate board of
16 canvassers as to whether any absentee ballots that have been mailed or transmitted
17 to military electors under this section have been received after the closing of the polls
18 or have not been returned.

19 (dm) If the clerk notifies the board of canvassers that any ballots that have been
20 mailed or transmitted to military electors under this section have not been returned,
21 the board of canvassers shall not proceed with the recount until all such ballots have
22 been returned to the clerk and transmitted to the board of canvassers, or 9 a.m. on
23 the day following the last day for filing of a petition for the recount, whichever occurs
24 first.

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1 (e) The clerk shall transmit to the appropriate board of canvassers all ballots
2 received under par. (a) by the clerk as soon as practicable after receiving the last
3 ballot but in no case later than 9 a.m. on the day following the last day for filing a
4 petition for the recount under s. 9.01.

5 (f) Whenever a board of canvassers conducting a recount receives absentee
6 ballots cast by military electors as provided in par. (e), the board of canvassers shall
7 first proceed to open and record the names of the military electors whose ballots have
8 been received. If the ballot cast by a military elector is otherwise valid, the board of
9 canvassers shall count the vote cast on the ballot for the office being recounted and
10 shall adjust the original statements, certifications, and determinations accordingly.

11 (g) The board of canvassers shall then proceed with the recount under s. 9.01
12 (1) (b).

13 **SECTION 19.** 6.24 (4) (d) of the statutes is amended to read:

14 6.24 (4) (d) An overseas elector who is not registered may request both a
15 registration form and an absentee ballot at the same time, and the municipal clerk
16 shall send the ballot automatically if the registration form is received within the time
17 prescribed in s. 6.28 (1). The board shall prescribe a special certificate form for the
18 envelope in which the absentee ballot for overseas electors is contained, which shall
19 be substantially similar to that provided under s. 6.87 (2). ~~Notwithstanding s. 6.87~~
20 ~~(4), an~~ An overseas elector shall make and subscribe to the special certificate form
21 before a witness who is an adult U.S. citizen.

22 **SECTION 20.** 6.24 (6) of the statutes is amended to read:

23 6.24 (6) INSTRUCTIONS AND HANDLING. The municipal clerk shall send a ballot,
24 as soon as available, to each overseas elector by whom a request has been made. The
25 board shall prescribe the instructions for marking and returning ballots and the

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1 municipal clerk shall enclose such instructions with each ballot. The envelope,
2 return envelope and instructions may not contain the name of any candidate
3 appearing on the enclosed ballots other than that of the municipal clerk affixed in
4 the fulfillment of his or her duties. Except as authorized in s. 6.87 (3), the municipal
5 clerk shall mail the material ~~postage prepaid to any place in the world. The, with~~
6 sufficient postage to ensure that the elector receives the ballot, unless the material
7 qualifies for mailing free of postage under federal free postage laws. If the return
8 envelope qualifies for mailing free of postage under federal free postage laws, the
9 clerk shall affix the appropriate legend required by U.S. postal regulations.
10 Otherwise, the municipal clerk shall pay the postage required for return when the
11 ballot is mailed from within the United States. If the ballot is not mailed by the
12 overseas elector from within the United States, the overseas elector shall provide
13 return postage.

14 **SECTION 21.** 6.25 (1) of the statutes is amended to read:

15 6.25 (1) Any individual who qualifies as a military elector under s. 6.22 (1) (b)
16 or an overseas elector under s. 6.24 (1) and who transmits an application for an
17 official absentee ballot for a general election no later than 30 days before election day
18 may, in lieu of the official ballot, cast a federal write-in absentee ballot prescribed
19 under 42 USC 1973ff-2 for any candidate or for all of the candidates of any
20 recognized political party for national office listed on the official ballot at the general
21 election if the federal write-in absentee ballot is received by the appropriate
22 municipal clerk no later than the time prescribed in s. 6.87 (6) or, for purposes of a
23 recount, within the period authorized in s. 6.22 (5m) (a).

24 **SECTION 22.** 6.25 (2) of the statutes is amended to read:

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1 6.25 (2) Any individual who qualifies as a military elector under s. 6.22 (1) (b)
2 and who transmits an application for an official absentee ballot for any election no
3 later than 30 days before election day may, in lieu of the official ballot, cast a write-in
4 absentee ballot for any candidate or for all of the candidates of any recognized
5 political party listed on the official ballot at the election if the write-in absentee
6 ballot is received by the appropriate municipal clerk no later than the time
7 prescribed in s. 6.87 (6) or, for purposes of a recount, within the period authorized
8 under s. 6.22 (5m) (a). The ballot shall contain the information required under s. 5.55
9 whenever applicable and on the face shall indicate the type and date of election and
10 shall list the offices to be filled and the number of votes that each elector may cast
11 for each office. The ballot shall include a number of spaces under each office equal
12 to the number of votes permitted to be cast for that office for the elector to write in
13 the names of candidates.

14 **SECTION 23.** 6.25 (4) (b) of the statutes is amended to read:

15 6.25 (4) (b) The elector submitting the ballot does not submit an official ballot
16 within the time prescribed in s. 6.87 (6) or, for purposes of a recount, within the period
17 authorized under s. 6.22 (5m) (a).

18 **SECTION 24.** 6.26 (2) (c) of the statutes is amended to read:

19 6.26 (2) (c) No individual may serve as a special registration deputy in a
20 municipality unless the individual is appointed by the municipal clerk or board of
21 election commissioners of the municipality or the individual is appointed by the
22 elections board to serve all municipalities and the individual completes training
23 required under s. 7.315.

24 **SECTION 25.** 6.26 (2) (cm) of the statutes is created to read:

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1 6.26 (2) (cm) The board and each municipal clerk shall maintain a record of the
2 names and addresses of each individual who is appointed by the board or the clerk
3 to serve as a special registration deputy under this section and who has complied
4 with the training requirements for service as a special registration deputy under s.
5 7.315 (1) (b) 1.

6 **SECTION 26.** 6.26 (3) of the statutes is amended to read:

7 6.26 (3) The board shall, by rule, prescribe procedures for appointment of
8 special registration deputies, for revocation of appointments of special registration
9 deputies, and for training of special registration deputies by municipal clerks and
10 boards of election commissioners. The procedures shall be coordinated with training
11 programs for special registration deputies conducted by municipal clerks under s.
12 7.315 and shall be formulated to promote increased registration of electors consistent
13 with the needs of municipal clerks and boards of election commissioners to efficiently
14 administer the registration process.

15 **SECTION 27.** 6.26 (4) of the statutes is created to read:

16 6.26 (4) Each special registration deputy under this section who obtains a
17 registration form from an elector shall print his or her name on and sign the form,
18 affirming that the deputy has accepted the form.

19 **SECTION 28.** 6.275 (1) (c) of the statutes is amended to read:

20 6.275 (1) (c) The total number of electors of the municipality residing in that
21 county who registered after the close of registration and prior to the day of the
22 primary or election under ss. ~~6.28 (1)~~, 6.29, and 6.86 (3) (a) 2.

23 **SECTION 29.** 6.276 (1) of the statutes is amended to read:

24 6.276 (1) In this section, “military elector” and “overseas elector” have the
25 meanings given in s. ~~6.36 (2) (c)~~ 6.34 (1).

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1 **SECTION 30.** 6.28 (1) of the statutes is amended to read:

2 6.28 (1) REGISTRATION LOCATIONS; DEADLINE. Except as authorized in ss. 6.29,
3 6.55 (2), and 6.86 (3) (a) 2., registration in person for any election shall close at 5 p.m.
4 on the ~~2nd~~ 3rd Wednesday preceding the election. Registrations made by mail under
5 s. 6.30 (4) must be delivered to the office of the municipal clerk or postmarked no later
6 than the ~~2nd~~ 3rd ~~Wednesday~~ Wednesday preceding the election. ~~An application for~~
7 ~~registration in person or by mail may be accepted for placement on the registration~~
8 ~~list after the specified deadline, if the municipal clerk determines that the~~
9 ~~registration list can be revised to incorporate the registration in time for the election.~~
10 All applications for registration corrections and additions may be made throughout
11 the year at the office of the city board of election commissioners, at the office of the
12 municipal clerk, ~~at the office of any register of deeds~~ at the office of the county clerk,
13 or at other locations provided by the board of election commissioners or the common
14 council in cities over 500,000 population or by either or both the municipal clerk, or
15 the common council, village or town board in all other municipalities and may also
16 be made during the school year at any high school by qualified persons under sub.
17 (2) (a). Other registration locations may include but are not limited to fire houses,
18 police stations, public libraries, institutions of higher education, supermarkets,
19 community centers, plants and factories, banks, savings and loan associations and
20 savings banks. Special registration deputies shall be appointed for ~~all locations~~ each
21 location unless the location can be sufficiently staffed by the board of election
22 commissioners or the municipal clerk or his or her deputies. An elector who wishes
23 to obtain a confidential listing under s. 6.47 (2) shall register at the office of the
24 municipal clerk of the municipality where the elector resides.

25 **SECTION 31.** 6.28 (3) of the statutes is repealed.

SENATE BILL 612**SECTION 32**

1 **SECTION 32.** 6.28 (4) of the statutes is created to read:

2 **6.28 (4)** AT THE OFFICE OF THE COUNTY CLERK. Any person shall be given an
3 opportunity to register to vote at the office of the county clerk for the county in which
4 the person's residence is located. An applicant may complete the required
5 registration form under s. 6.33. Unless the county clerk performs registration
6 functions for the municipality where the elector resides under s. 6.33 (5) (b), the
7 county clerk shall forward the form submitted by an elector to the appropriate
8 municipal clerk, or to the board of election commissioners in cities over 500,000
9 population within 5 days of receipt. The clerk shall forward the form immediately
10 whenever registration closes within 5 days of receipt.

11 **SECTION 33.** 6.29 (1) of the statutes is amended to read:

12 **6.29 (1)** No names may be added to a registration list for any election after the
13 close of registration, except as authorized under this section or s. ~~6.28 (1)~~, 6.55 (2),
14 or 6.86 (3) (a) 2. Any person whose name is not on the registration list but who is
15 otherwise a qualified elector is entitled to vote at the election upon compliance with
16 this section.

17 **SECTION 34.** 6.29 (2) (a) of the statutes is amended to read:

18 **6.29 (2) (a)** Any qualified elector of a municipality who has not previously filed
19 a registration form or whose name does not appear on the registration list of the
20 municipality may register after the close of registration but not later than 5 p.m. or
21 the close of business, whichever is later, on the day before an election at the office of
22 the municipal clerk and at the office of the clerk's agent if the clerk delegates
23 responsibility for electronic maintenance of the registration list to an agent under
24 s. 6.33 (5) (b). The elector shall complete, in the manner provided under s. 6.33 (2),
25 a registration form containing all information required under s. 6.33 (1). The

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1 registration form shall also contain the following certification: “I,, hereby certify
2 that, to the best of my knowledge, I am a qualified elector, having resided at ... for
3 at least 10 days immediately preceding this election, and I have not voted at this
4 election”. The elector shall also provide acceptable proof of residence under s. 6-55
5 ~~(7) 6.34.~~ Alternatively, if the elector is unable to provide acceptable proof of residence
6 under s. 6-55 ~~(7) 6.34,~~ the information contained in the registration form shall be
7 corroborated in a statement that is signed by any other elector of the municipality
8 and that contains the current street address of the corroborating elector. The
9 corroborating elector shall then provide acceptable proof of residence under s. 6-55
10 ~~(7) 6.34.~~ If the elector is registering after the close of registration for the general
11 election and the elector presents a valid driver’s license issued by another state, the
12 municipal clerk or agent shall record on a separate list the name and address of the
13 elector, the name of the state, and the license number and expiration date of the
14 license.

15 **SECTION 35.** 6.29 (2) (am) of the statutes is created to read:

16 6.29 (2) (am) The board shall provide to each municipal clerk a list prepared
17 for use at each municipal clerk’s office showing the name and address of each person
18 whose name appears on the list provided by the department of corrections under s.
19 301.03 (20) as ineligible to vote on the date of the election, whose address is located
20 in the municipality, and whose name does not appear on the registration list for that
21 municipality. Prior to permitting an elector to register to vote under this subsection,
22 the municipal clerk shall review the list. If the name of an elector who wishes to
23 register to vote appears on the list, the municipal clerk shall inform the elector that
24 the elector is ineligible to register to vote. If the elector maintains that he or she is
25 eligible to vote in the election, the municipal clerk shall permit the elector to register

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1 to vote but shall mark the elector's registration form as "ineligible to vote per
2 Department of Corrections." If the elector wishes to vote, the municipal clerk shall
3 challenge the elector's ballot in the same manner as provided for inspectors who
4 challenge ballots under s. 6.79 (2) (dm).

5 **SECTION 36.** 6.29 (2) (b) of the statutes is amended to read:

6 6.29 (2) (b) ~~Unless the municipal clerk determines that the registration list will~~
7 ~~be revised to incorporate the registration in time for the election, upon~~ Upon the
8 filing of the registration form required by this section, the municipal clerk or clerk's
9 agent under s. 6.33 (5) (b) shall issue a certificate containing the name and address
10 of the elector addressed to the inspectors of the proper ward or election district
11 directing that the elector be permitted to cast his or her vote if the elector complies
12 with all requirements for voting at the polling place. The certificate shall be
13 numbered serially, prepared in duplicate and one copy preserved in the office of the
14 municipal clerk.

15 **SECTION 37.** 6.32 (title), (1) and (4) of the statutes are amended to read:

16 **6.32 (title) Verification of mail certain registrations.** (1) Upon receipt
17 of a registration form which that is submitted by mail under s. 6.30 (4) or that is
18 submitted by a special registration deputy appointed under s. 6.26, the municipal
19 clerk shall examine the form for sufficiency.

20 (4) If the form is sufficient to accomplish registration and the clerk has no
21 reliable information to indicate that the proposed elector is not qualified, the clerk
22 shall enter the elector's name on the registration list and transmit a 1st class letter
23 or postcard to the registrant, specifying the elector's ward or aldermanic district, or
24 both, if any, and polling place. The letter or postcard shall be sent within 10 days of
25 receipt of the form. If the letter or postcard is returned, or if the clerk is informed

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1 of a different address than the one specified by the elector, the clerk shall change the
2 status of the elector on the list from eligible to ineligible. The letter or postcard shall
3 be marked in accordance with postal regulations to ensure that it will be returned
4 to the clerk if the elector does not reside at the address given on the letter or postcard.

5 **SECTION 38.** 6.33 (1) of the statutes, as affected by 2003 Wisconsin Act 265,
6 section 49b, is amended to read:

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

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1 the deputy, inspector, clerk, or deputy clerk has accepted the form. The form shall
2 include a space for entry of the ward and aldermanic district, if any, where the elector
3 resides and any other information required to determine the offices and referenda
4 for which the elector is certified to vote. The forms form shall also include a space
5 where the clerk may record an indication of whether the form is received by mail, a
6 space where the clerk may record an indication of the type of identifying document
7 submitted by the elector as proof of residence under s. 6.34, whenever required, and
8 a space where the clerk, for any applicant who possesses a valid voting identification
9 card issued to the person under s. 6.47 (3), may record the identification serial
10 number appearing on the voting identification card. Each register of deeds shall
11 obtain sufficient registration forms at the expense of the unit of government by which
12 he or she is employed for completion by any elector who desires to register to vote at
13 the office of the register of deeds under s. 6.28 (3). Each county clerk shall obtain
14 sufficient registration forms for completion by an elector who desires to register to
15 vote at the office of the county clerk under s. 6.28 (4).

16 **SECTION 39.** 6.33 (2) (a) of the statutes, as affected by 2003 Wisconsin Act 265,
17 section 49b, is amended to read:

18 6.33 (2) (a) All information may be recorded by any person, except that the ward
19 and aldermanic district, if any, other geographic information under sub. (1), the
20 indication of whether the registration is received by mail, the type of identifying
21 document submitted by the elector as proof of residence under s. 6.34, whenever
22 required, and any information relating to an applicant's voting identification card
23 shall be recorded by the clerk. Each applicant shall sign his or her own name unless
24 the applicant is unable to sign his or her name due to physical disability. In such case,
25 the applicant may authorize another elector to sign the form on his or her behalf. If

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1 the applicant so authorizes, the elector signing the form shall attest to a statement
2 that the application is made upon request and by authorization of a named elector
3 who is unable to sign the form due to physical disability.

4 **SECTION 40.** 6.34 of the statutes is created to read:

5 **6.34 Proof of residence required.**

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

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

- 20 1. A current and valid operator's license issued under ch. 343.
21 2. A current and valid identification card issued under s. 343.50.
22 3. Any other official identification card or license issued by a Wisconsin
23 governmental body or unit.

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1 4. An official identification card or license issued by an employer in the normal
2 course of business that contains a photograph of the cardholder or license holder, but
3 not including a business card.

4 5. A real property tax bill or receipt for the current year or the year preceding
5 the date of the election.

6 6. Except as provided in sub. (2), a residential lease.

7 7. A university, college, or technical college fee or identification card that
8 contains a photograph of the cardholder. A card under this subdivision that does not
9 contain the information specified in par. (b) shall be considered proof of residence if
10 the university, college, or technical college that issued the card provides a certified
11 and current list of students who reside in housing sponsored by the university,
12 college, or technical college to the municipal clerk prior to the election showing the
13 current address of the students and if the municipal clerk, special registration
14 deputy, or inspector verifies that the student presenting the card is included on the
15 list.

16 8. A utility bill for the period commencing not earlier than 90 days before the
17 day registration is made.

18 9. A bank statement.

19 10. A paycheck.

20 11. A check or other document issued by a unit of government.

21 (b) The identifying documents prescribed in par. (a) shall contain all of the
22 following in order to be considered proof of residence:

23 1. A current and complete name, including both the given and family name.

24 2. A current and complete residential address, including a numbered street
25 address, if any, and the name of a municipality.

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

4 **SECTION 41.** 6.36 (1) (a) of the statutes is amended to read:

5 6.36 (1) (a) The board shall compile and maintain electronically an official
6 registration list. The list shall contain the name and address of each registered
7 elector in the state, the date of birth of the elector, the ward and aldermanic district
8 of the elector, if any, and, for each elector, a unique registration identification number
9 assigned by the board, the number of a valid operator's license issued to the elector
10 under ch. 343, if any, or the last 4 digits of the elector's social security account
11 number, if any, any identification serial number issued to the elector under s. 6.47
12 (3), the date of any election in which the elector votes, an indication of whether the
13 elector is an overseas elector, as defined in s. 6.24 (1), any information relating to the
14 elector that appears on the current list transmitted to the board by the department
15 of corrections under s. 301.03 (20), an indication of any accommodation required
16 under s. 5.25 (4) (a) to permit voting by the elector, an indication of the method by
17 which the elector's registration form was received, and such other information as
18 may be determined by the board to facilitate administration of elector registration
19 requirements.

20 **SECTION 42.** 6.36 (2) (a) of the statutes, as affected by 2003 Wisconsin Act 265,
21 section 58b, is amended to read:

22 6.36 (2) (a) Except as provided in ~~pars. par.~~ (b) ~~and (c)~~, each registration list
23 prepared for use as a poll list at a polling place or for purposes of canvassing absentee
24 ballots at an election shall contain the full name and address of each registered
25 elector; a blank column for the entry of the serial number of the electors when they

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1 vote; if the list is prepared for use at an election for national office, an indication next
2 to the name of each elector for whom identification is required under par. (c) 2. or the
3 poll list number used by the municipal board of absentee ballot canvassers in
4 canvassing absentee ballots; an indication next to the name of each elector for whom
5 proof of residence under s. 6.34 is required; and a form of certificate bearing the
6 certification of the executive director of the board stating that the list is a true and
7 complete registration list of the municipality or the ward or wards for which the list
8 is prepared.

9 **SECTION 43.** 6.36 (2) (c) 1. (intro.) of the statutes is renumbered 6.34 (1) (intro.)
10 and amended to read:

11 6.34 (1) (intro.) In this paragraph section:

12 **SECTION 44.** 6.36 (2) (c) 1. a. and b. of the statutes are renumbered 6.34 (1) (a)
13 and (b).

14 **SECTION 45.** 6.36 (2) (c) 2. of the statutes, as affected by 2003 Wisconsin Act 327,
15 is renumbered 6.36 (2) (c) and amended to read:

16 6.36 (2) (c) ~~If the registration list is prepared for use at an election for national~~
17 ~~office, the~~ The list shall contain, next to the name of each elector, an indication of
18 whether ~~identification~~ proof of residence under s. 6.34 is required for the elector to
19 be permitted to vote. ~~Identification~~ Proof of residence is required if the elector is not
20 a military elector or an overseas elector and the elector registers by mail and has not
21 previously voted in an election ~~for national office~~ in this state.

22 **SECTION 46.** 6.36 (5) of the statutes is created to read:

23 6.36 (5) After each general election, the board shall contact the chief election
24 official of each state from which an elector who voted in that election presented a
25 valid driver's license under s. 6.29 (2) (a), 6.55 (2) (b) or (c) 1., or 6.86 (3) (a) 2. for so

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1 long as the license remains valid. The board shall inquire whether the holder of the
2 driver's license voted in that election in that state.

3 **SECTION 47.** 6.36 (6) of the statutes is created to read:

4 6.36 (6) The board shall establish by rule the fee for obtaining a copy of the
5 official registration list, or a portion of the list. The amount of the fee shall be set,
6 after consultation with county and municipal election officials, at an amount
7 estimated to cover both the cost of reproduction and the cost of maintaining the list
8 at the state and local level. The rules shall require that revenues from fees received
9 be shared between the state and municipalities or their designees under s. 6.33 (5)
10 (b), and shall specify a method for such allocation.

11 **SECTION 48.** 6.50 (3) of the statutes is amended to read:

12 6.50 (3) Upon receipt of reliable information that a registered elector has
13 changed his or her residence to a location outside of the municipality, the municipal
14 clerk or board of election commissioners shall notify the elector by mailing a notice
15 by 1st class mail to the elector's registration address stating the source of the
16 information. All municipal departments and agencies receiving information that a
17 registered elector has changed his or her residence shall notify the clerk or board of
18 election commissioners. If the elector no longer resides in the municipality or fails
19 to apply for continuation of registration within 30 days of the date the notice is
20 mailed, the clerk or board of election commissioners shall change the elector's
21 registration from eligible to ineligible status. Upon receipt of reliable information
22 that a registered elector has changed his or her residence within the municipality,
23 the municipal clerk or board of election commissioners shall transfer the elector's
24 registration and mail the elector a notice of the transfer under s. 6.40 (2). This

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1 subsection does not restrict the right of an elector to challenge any registration under
2 s. 6.325, 6.48, 6.925 ~~or~~, 6.93, or 7.52 (5).

3 **SECTION 49.** 6.55 (2) (a) 1. (form) of the statutes is amended to read:

4 6.55 (2) (a) 1. (form)

5 “I,, hereby certify that, to the best of my knowledge, I am a qualified elector,
6 having resided at for at least 10 days immediately preceding this election, and
7 that I am not disqualified on any ground from voting, and I have not voted, at this
8 election.”

9 **SECTION 50.** 6.55 (2) (b) of the statutes is amended to read:

10 6.55 (2) (b) Upon executing the registration form under par. (a), the elector
11 shall provide acceptable proof of residence under ~~sub. (7) s. 6.34~~. If the elector cannot
12 provide acceptable proof of residence, the information contained in the registration
13 form shall be corroborated in a statement that is signed by any elector who resides
14 in the same municipality as the registering elector and that contains the current
15 street address of the corroborating elector. The corroborator shall then provide
16 acceptable proof of residence as provided in ~~sub. (7) s. 6.34~~. If the elector is
17 registering to vote in the general election and the elector presents a valid driver’s
18 license issued by another state, the inspector or deputy shall record on a separate list
19 the name and address of the elector, the name of the state, and the license number
20 and expiration date of the license. The signing by the elector executing the
21 registration form and by any corroborator shall be in the presence of the special
22 registration deputy or inspector who shall then print his or her name on and sign the
23 form, indicating that the deputy or inspector has accepted the form. Upon
24 compliance with this procedure, the elector shall be permitted to cast his or her vote,
25 if the elector complies with all other requirements for voting at the polling place.

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1 **SECTION 51.** 6.55 (2) (c) 1. of the statutes is amended to read:

2 6.55 **(2)** (c) 1. As an alternative to registration at the polling place under pars.
3 (a) and (b), the board of election commissioners, or the governing body of any
4 municipality may by resolution require a person who qualifies as an elector and who
5 is not registered and desires to register on the day of an election to do so at another
6 readily accessible location in the same building as the polling place serving the
7 elector's residence or at an alternate polling place assigned under s. 5.25 (5) (b),
8 instead of at the polling place serving the elector's residence. In such case, the
9 municipal clerk shall prominently post a notice of the registration location at the
10 polling place. ~~The municipal clerk, deputy clerk or special registration deputy at the~~
11 ~~registration location shall require such person to execute~~ The elector who desires to
12 register shall execute a registration form as prescribed under par. (a) and to provide
13 acceptable proof of residence as provided under ~~sub. (7) s. 6.34~~. If the elector cannot
14 provide acceptable proof of residence, the information contained in the registration
15 form shall be corroborated in the manner provided in par. (b). If the elector is
16 registering to vote in the general election and the elector presents a valid driver's
17 license issued by another state, the municipal clerk, deputy clerk, or special
18 registration deputy shall record on a separate list the name and address of the
19 elector, the name of the state, and the license number and expiration date of the
20 license. The signing by the elector executing the registration form and by any
21 corroborator shall be in the presence of the municipal clerk, deputy clerk or special
22 registration deputy. The municipal clerk, the deputy clerk, or the special registration
23 deputy shall then print his or her name and sign the form, indicating that the clerk,
24 deputy clerk, or deputy has accepted the form. Upon proper completion of
25 registration, the municipal clerk, deputy clerk or special registration deputy shall

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1 serially number the registration and give one copy to the elector for presentation at
2 the polling place serving the elector's residence or an alternate polling place assigned
3 under s. 5.25 (5) (b).

4 **SECTION 52.** 6.55 (2) (cs) of the statutes is created to read:

5 6.55 (2) (cs) The board shall provide to each municipal clerk a list prepared for
6 use at each polling place showing the name and address of each person whose name
7 appears on the list provided by the department of corrections under s. 301.03 (20) as
8 ineligible to vote on the date of the election, whose address is located in the area
9 served by that polling place, and whose name does not appear on the poll list for that
10 polling place. Prior to permitting an elector to register to vote under this subsection
11 or s. 6.86 (3) (a) 2., the inspectors or special registration deputies shall review the list.
12 If the name of an elector who wishes to register to vote appears on the list, the
13 inspectors or special registration deputies shall inform the elector or the elector's
14 agent that the elector is ineligible to register to vote. If the elector or the elector's
15 agent maintains that the elector is eligible to vote in the election, the inspectors or
16 special registration deputies shall permit the elector to register but shall mark the
17 elector's registration form as "ineligible to vote per Department of Corrections." If
18 the elector wishes to vote, the inspectors shall require the elector to vote by ballot and
19 shall challenge the ballot as provided in s. 6.79 (2) (dm).

20 **SECTION 53.** 6.55 (3) of the statutes is renumbered 6.55 (3) (a) and amended to
21 read:

22 6.55 (3) (a) Any qualified elector in the ward or election district where the
23 elector desires to vote whose name does not appear on the registration list but who
24 claims to be registered to vote in the election may request permission to vote at the
25 polling place for that ward or election district. When the request is made, the

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1 inspector shall require the person to give his or her name and address. If the elector
2 is not at the polling place which serves the ward or election district where the elector
3 resides, the inspector shall provide the elector with directions to the correct polling
4 place. If the elector is at the correct polling place, the elector shall then execute the
5 following written statement: “I,, hereby certify that to the best of my knowledge,
6 I am a qualified elector, having resided at for at least 10 days immediately
7 preceding this election, and that I am not disqualified on any ground from voting, and
8 I have not voted at this election and am properly registered to vote in this election.”
9 The person shall be required to provide acceptable proof of residence as provided
10 under sub. (7) and shall then be given the right to vote. If the elector cannot provide
11 acceptable proof of residence, the statement shall be certified by the elector and shall
12 be corroborated in a statement that is signed by any other elector who resides in the
13 municipality and that contains the current street address of the corroborating
14 elector. The corroborator shall then provide acceptable proof of residence as provided
15 in sub. (7). Whenever the question of identity or residence cannot be satisfactorily
16 resolved and the elector cannot be permitted to vote, an inspector shall telephone the
17 office of the municipal clerk to reconcile the records at the polling place with those
18 at the office complete registration as provided in sub. (2).

19 **SECTION 54.** 6.55 (3) (b) of the statutes is created to read:

20 6.55 (3) (b) Prior to permitting an elector to vote under this subsection, the
21 inspectors shall review the list provided by the board under sub. (2) (cs). If the name
22 of the elector appears on the list, the inspectors shall inform the elector that he or
23 she is ineligible to vote at the election. If the elector maintains that he or she is
24 eligible to vote in the election, the inspectors shall permit the elector to vote, but shall

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1 require the elector to vote by ballot, and shall challenge the ballot as provided in s.
2 6.79 (2) (dm).

3 **SECTION 55.** 6.55 (7) of the statutes is repealed.

4 **SECTION 56.** 6.56 (1) of the statutes is amended to read:

5 6.56 (1) The list containing the names of persons voting under ss. 6.29 and 6.55
6 (2) ~~and (3)~~ shall be returned together with all forms and certificates to the municipal
7 clerk.

8 **SECTION 57.** 6.56 (2) of the statutes is repealed.

9 **SECTION 58.** 6.56 (3) of the statutes is amended to read:

10 6.56 (3) Upon receipt of the list under sub. (1), the municipal clerk or board of
11 election commissioners shall make an audit of all electors registering to vote at the
12 polling place or other registration location under s. 6.55 (2) and all electors
13 registering by agent on election day under s. 6.86 (3) (a) 2. unless the clerk or board
14 of election commissioners receives notice from the board under sub. (7) that the board
15 will perform the audit. The audit shall be made by 1st class postcard. The postcard
16 shall be marked in accordance with postal regulations to ensure that it will be
17 returned to the clerk ~~or~~ board of election commissioners, or elections board if the
18 elector does not reside at the address given on the postcard. If any postcard is
19 returned undelivered, or if the clerk ~~or~~ board of election commissioners, or elections
20 board is informed of a different address than the one specified by the elector which
21 was apparently improper on the day of the election, the clerk ~~or~~ board of election
22 commissioners, or elections board shall change the status of the elector from eligible
23 to ineligible on the registration list ~~and~~ mail the elector a notice of the change in
24 status, and provide the name of the elector to the district attorney for the county
25 where the polling place is located.

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1 **SECTION 59.** 6.56 (3m) of the statutes is created to read:

2 **6.56 (3m)** As soon as possible after all information relating to registrations
3 after the close of registration for an election is entered on the registration list
4 following the election under s. 6.33 (5) (a), the board shall compare the list of new
5 registrants whose names do not appear on the poll lists for the election because the
6 names were added after the board certified the poll lists for use at the election with
7 the list containing the names transmitted to the board by the department of
8 corrections under s. 301.03 (20) as of election day. If the board finds that the name
9 of any person whose name appears on the list transmitted under s. 301.03 (20) has
10 been added to the registration list, the board shall enter on the list the information
11 transmitted to the board under s. 301.03 (20) and shall notify the district attorney
12 that the person appears to have voted illegally at the election.

13 **SECTION 60.** 6.56 (4) of the statutes is amended to read:

14 **6.56 (4)** After each election, the municipal clerk shall ~~carefully check~~ perform
15 an audit to assure that no person has been allowed to vote more than once. Whenever
16 the municipal clerk has good reason to believe that a person has voted more than once
17 in an election, the clerk shall send the person a 1st class letter marked in accordance
18 with postal regulations to ensure that it will be returned to the clerk if the elector
19 does not reside at the address given on the letter. The letter shall inform the person
20 that all registrations relating to that person may be changed from eligible to
21 ineligible status within 7 days unless the person contacts the office of the clerk to
22 clarify the matter. A copy of the letter and of any subsequent information received
23 from or about the addressee shall be sent to the district attorney.

24 **SECTION 61.** 6.56 (5) of the statutes is amended to read:

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1 6.56 (5) Whenever any letter or postcard mailed under this section is returned
2 undelivered, or whenever the U.S. postal service notifies the clerk of an improper
3 address which was apparently improper on the day of the election or whenever it
4 otherwise appears that a person has voted who is not qualified or has voted more
5 than once in an election, and the person has been permitted to vote after
6 corroboration was made under s. 6.55 (2) ~~or (3)~~ or 6.86 (3) (a) 2., the name of the
7 corroborator shall also be provided to the district attorney.

8 **SECTION 62.** 6.56 (7) of the statutes is created to read:

9 6.56 (7) The board may elect to perform the duties of municipal clerks to
10 conduct the audits required under subs. (3) and (4) for any election on behalf of all
11 municipalities in the state. If the board so elects, the board shall, no later than the
12 date of the election for which the audits will be performed, notify the municipal clerk
13 of each municipality that the board will perform the audits.

14 **SECTION 63.** 6.79 (2) (d) of the statutes, as affected by 2003 Wisconsin Act 265,
15 section 96, is amended to read:

16 6.79 (2) (d) The poll list indicates that ~~identification~~ proof of residence under
17 s. 6.34 is required, the officials shall require the elector to provide ~~identification~~ proof
18 of residence. If ~~identification~~ proof of residence is provided, the officials shall verify
19 that the name and address on the ~~identification~~ document submitted as proof of
20 residence provided is the same as the name and address shown on the registration
21 list. If ~~identification~~ proof of residence is required and not provided, the officials shall
22 offer the opportunity for the elector to vote under s. 6.97.

23 **SECTION 64.** 6.79 (2) (dm) of the statutes is created to read:

24 6.79 (2) (dm) If the poll list indicates that the elector is ineligible to vote because
25 the elector's name appears on the current list provided by the department of

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1 corrections under s. 301.03 (20), the inspectors shall inform the elector of this fact.
2 If the elector maintains that he or she is eligible to vote in the election, the inspectors
3 shall provide the elector with a ballot and, after the elector casts his or her vote, shall
4 challenge the ballot as provided in s. 6.92 and treat the ballot in the manner provided
5 in s. 6.95.

6 **SECTION 65.** 6.79 (4) of the statutes is amended to read:

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

21 **SECTION 66.** 6.82 (1) (a) of the statutes is amended to read:

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

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1 an officer or agent of a labor organization which represents the elector. The
2 individual selected by the elector shall provide ~~identification~~ proof of residence under
3 s. 6.34 for the assisted elector, whenever required, and all other information
4 necessary for the elector to obtain a ballot under s. 6.79 (2). The inspectors shall issue
5 a ballot to the individual selected by the elector and shall accompany the individual
6 to the polling place entrance where the assistance is to be given. If the ballot is a
7 paper ballot, the assisting individual shall fold the ballot after the ballot is marked
8 by the assisting individual. The assisting individual shall then immediately take the
9 ballot into the polling place and give the ballot to an inspector. The inspector shall
10 distinctly announce that he or she has “a ballot offered by (stating person’s name),
11 an elector who, as a result of disability, is unable to enter the polling place without
12 assistance”. The inspector shall then ask, “Does anyone object to the reception of this
13 ballot?” If no objection is made, the inspectors shall record the elector’s name under
14 s. 6.79 and deposit the ballot in the ballot box, and shall make a notation on the poll
15 list: “Ballot received at poll entrance”.

16 **SECTION 67.** 6.855 of the statutes is created to read:

17 **6.855 Alternate absentee ballot site.** (1) The governing body of a
18 municipality may elect to designate a site other than the office of the municipal clerk
19 or board of election commissioners as the location from which electors of the
20 municipality may request and vote absentee ballots and to which voted absentee
21 ballots shall be returned by electors for any election. The designated site shall be
22 located as near as practicable to the office of the municipal clerk or board of election
23 commissioners and no site may be designated that affords an advantage to any
24 political party. An election by a governing body to designate an alternate site under
25 this section shall be made no fewer than 14 days prior to the time that absentee

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1 ballots are available for the primary under s. 7.15 (1) (cm), if a primary is scheduled
2 to be held, or at least 14 days prior to the time that absentee ballots are available for
3 the election under s. 7.15 (1) (cm), if a primary is not scheduled to be held, and shall
4 remain in effect until at least the day after the election. If the governing body of a
5 municipality makes an election under this section, no function related to voting and
6 return of absentee ballots that is to be conducted at the alternate site may be
7 conducted in the office of the municipal clerk or board of election commissioners.

8 (2) The municipal clerk or board of election commissioners shall prominently
9 display a notice of the designation of the alternate site selected under sub. (1) in the
10 office of the municipal clerk or board of election commissioners beginning on the date
11 that the site is designated under sub. (1) and continuing through the period that
12 absentee ballots are available for the election and for any primary under s. 7.15 (1)
13 (cm). If the municipal clerk or board of election commissioners maintains a Web site
14 on the Internet, the clerk or board of election commissioners shall post a notice of the
15 designation of the alternate site selected under sub. (1) on the Web site during the
16 same period that notice is displayed in the office of the clerk or board of election
17 commissioners.

18 (3) An alternate site under sub. (1) shall be staffed by the municipal clerk or
19 the executive director of the board of election commissioners, or employees of the
20 clerk or the board of election commissioners.

21 (4) An alternate site under sub. (1) shall be accessible to all individuals with
22 disabilities.

23 **SECTION 68.** 6.86 (1) (a) (intro.) of the statutes is amended to read:

24 6.86 (1) (a) (intro.) Any elector, qualifying who is registered to vote whenever
25 required and who qualifies under ss. 6.20 and 6.85 as an absent elector, may make

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1 written application to the municipal clerk for an official ballot by one of the following
2 methods:

3 **SECTION 69.** 6.86 (1) (a) 2. of the statutes is amended to read:

4 6.86 (1) (a) 2. In person at the office of the municipal clerk or at an alternate
5 site under s. 6.855, if applicable.

6 **SECTION 70.** 6.86 (1) (a) 6. of the statutes is created to read:

7 6.86 (1) (a) 6. By electronic mail or facsimile transmission as provided in par
8 (ac).

9 **SECTION 71.** 6.86 (1) (ac) of the statutes is created to read:

10 6.86 (1) (ac) Any elector qualifying under par. (a) may make written application
11 to the municipal clerk for an official ballot by means of facsimile transmission or
12 electronic mail. Any application under this paragraph shall contain a copy of the
13 applicant's original signature. An elector requesting a ballot under this paragraph
14 shall return with the voted ballot a copy of the request bearing an original signature
15 of the elector as provided in s. 6.87 (4).

16 **SECTION 72.** 6.86 (1) (b) of the statutes is amended to read:

17 6.86 (1) (b) Except as provided in this section, if application is made ~~in writing~~
18 by mail, the application, signed by the elector, shall be received no later than 5 p.m.
19 on the ~~Friday~~ 5th day immediately preceding the election. If application is made in
20 person, the application shall be made no later than 5 p.m. on the day preceding the
21 election. ~~If the elector is making written application and the application indicates~~
22 that the reason for requesting an absentee ballot is that the elector is a sequestered
23 juror, the application shall be received no later than 5 p.m. on election day. If the
24 application is received after 5 p.m. on the Friday immediately preceding the election,
25 the municipal clerk or the clerk's agent shall immediately take the ballot to the court

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1 in which the elector is serving as a juror and deposit it with the judge. The judge shall
2 recess court, as soon as convenient, and give the elector the ballot. The judge shall
3 then witness the voting procedure as provided in s. 6.87 and shall deliver the ballot
4 to the clerk or agent of the clerk who shall deliver it to the polling place or, in
5 municipalities where absentee ballots are canvassed under s. 7.52, to the municipal
6 clerk as required in s. 6.88. If application is made under sub. (2), the application may
7 be received no later than 5 p.m. on the Friday immediately preceding the election.

8 **SECTION 73.** 6.86 (1) (c) of the statutes is created to read:

9 6.86 (1) (c) If an application is made by mail by a military elector, as defined
10 in s. 6.22 (1) (b), the application shall be received no later than 5 p.m. on the Friday
11 immediately preceding the election.

12 **SECTION 74.** 6.86 (3) (a) 2. of the statutes is amended to read:

13 6.86 (3) (a) 2. If a hospitalized elector is not registered, the elector may register
14 by agent under this subdivision at the same time that the elector applies for an
15 official ballot by agent under subd. 1. To register the elector under this subdivision,
16 the agent shall present a completed registration form that contains the required
17 information supplied by the elector and the elector's signature, unless the elector is
18 unable to sign due to physical disability. In this case, the elector may authorize
19 another elector to sign on his or her behalf. Any elector signing a form on another
20 elector's behalf shall attest to a statement that the application is made on request
21 and by authorization of the named elector, who is unable to sign the form due to
22 physical disability. The agent shall present this statement along with all other
23 information required under this subdivision. Except as otherwise provided in this
24 subdivision, the agent shall in every case provide acceptable proof of the elector's
25 residence under s. ~~6.55 (7)~~ 6.34. If the elector is registering to vote in the general

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1 election and the agent presents a valid driver's license issued to the elector by
2 another state, the municipal clerk shall record on a separate list the name and
3 address of the elector, the name of the state, and the license number and expiration
4 date of the license. If the agent cannot present this proof of residence, the
5 registration form shall be signed and substantiated by another elector residing in the
6 elector's municipality of residence, corroborating the information in the form. The
7 form shall contain the full name and address of the corroborating elector. The agent
8 shall then present acceptable proof of the corroborating elector's residence under s.
9 ~~6.55 (7)~~ 6.34.

10 **SECTION 75.** 6.86 (3) (c) of the statutes is amended to read:

11 6.86 (3) (c) An application under par. (a) 1. may be made and a registration form
12 under par. (a) 2. may be filed in person at the office of the municipal clerk not earlier
13 than 7 days before an election and not later than 5 p.m. on the day of the election.
14 A list of hospitalized electors applying for ballots under par. (a) 1. shall be made by
15 the municipal clerk and used to check that the electors vote only once, and by
16 absentee ballot. ~~If identification is required~~ the elector is registering for the election
17 after the close of registration or if the elector registered by mail and has not voted
18 in an election in this state, the municipal clerk shall so inform the agent that proof
19 of residence under s. 6.34 is required and the elector shall enclose ~~identification proof~~
20 of residence under s. 6.34 in the envelope with the ballot. The ballot shall be sealed
21 by the elector and returned to the municipal clerk either by mail or by personal
22 delivery of the agent; but if the ballot is returned on the day of the election, the agent
23 shall make personal delivery ~~at to~~ the polling place serving the hospitalized elector's
24 residence before the closing hour ~~for the ballot to be counted~~ or, in municipalities

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1 where absentee ballots are canvassed under s. 7.52, to the municipal clerk no later
2 than 8 p.m. on election day.

3 **SECTION 76.** 6.865 (1) of the statutes is amended to read:

4 6.865 (1) In this section, “military elector” and “overseas elector” have the
5 meanings given under s. ~~6.36 (2) (c)~~ 6.34 (1).

6 **SECTION 77.** 6.865 (3) of the statutes is amended to read:

7 6.865 (3) If the elector making a timely request for an absentee ballot is ~~a~~
8 ~~military elector or an overseas elector~~ and the elector requests that he or she be sent
9 an absentee ballot for the next 2 general elections, the municipal clerk or board of
10 election commissioners shall comply with the request except that no ballot shall be
11 sent for a succeeding general election if the elector’s name appeared on the
12 registration list for a previous general election and no longer appears on the
13 registration list for the succeeding general election. If the elector’s address for the
14 succeeding general election is in a municipality that is different from the
15 municipality in which the elector resided for the first general election, the clerk or
16 board of election commissioners shall forward the request to the clerk or board of
17 election commissioners of the municipality where the elector resides.

18 **SECTION 78.** 6.865 (3m) of the statutes is created to read:

19 6.865 (3m) If the elector making a timely request for an absentee ballot is a
20 military elector, as defined in s. 6.34 (1), the request shall be treated as provided
21 under s. 6.22 (4).

22 **SECTION 79.** 6.87 (2) (form) of the statutes is amended to read:

23 6.87 (2) (form)

24 [STATE OF

25 County of]

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SECTION 79

1 or

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

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

16 Signed ...

17 Identification serial number, if any: ...

18 The witness shall execute the following:

19 I, the undersigned witness, subject to the penalties of s. 12.60 (1) (b), Wis.
20 Stats., for false statements, certify that I am an adult U.S. citizen and that the above
21 statements are true and the voting procedure was executed as there stated. I am not
22 a candidate for any office on the enclosed ballot (except in the case of an incumbent
23 municipal clerk). I did not solicit or advise the elector to vote for or against any
24 candidate or measure.

25(Name)

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1 (Address)**

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

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

6 **SECTION 80.** 6.87 (3) (a) and (b) of the statutes are amended to read:

7 6.87 (3) (a) Except as authorized under par. (d) and as otherwise provided in
8 s. 6.875, the municipal clerk shall mail the absentee ballot ~~postage prepaid for return~~
9 to the elector's residence unless otherwise directed by the elector, or shall deliver it
10 to the elector personally at the clerk's office or at an alternate site under s. 6.855.
11 If the ballot is mailed, and the ballot qualifies for mailing free of postage under
12 federal free postage laws, the clerk shall affix the appropriate legend required by
13 U.S. postal regulations. Otherwise, the clerk shall pay the postage required for
14 return when the ballot is mailed from within the United States. If the ballot is not
15 mailed by the absentee elector from within the United States, the absentee elector
16 shall provide return postage. If the ballot is delivered to the elector at the clerk's
17 office, or an alternate site under s. 6.855, the ballot shall be voted at the office or
18 alternate site and may not be removed by the elector therefrom.

19 (b) No elector may direct that a ballot be sent to the address of a candidate,
20 political party or other registrant under s. 11.05 unless the elector permanently or
21 temporarily resides at that address. Upon receipt of reliable information that an
22 address given by an elector is not eligible to receive ballots under this ~~paragraph~~
23 subsection, the municipal clerk shall refrain from sending mailing or transmitting
24 ballots to that address. Whenever possible, the municipal clerk shall notify an

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1 elector if his or her ballot cannot be mailed or transmitted to the address directed by
2 the elector.

3 **SECTION 81.** 6.87 (3) (c) of the statutes is repealed.

4 **SECTION 82.** 6.87 (3) (d) of the statutes is amended to read:

5 **6.87 (3) (d)** A municipal clerk ~~of a municipality~~ may, if the clerk is reliably
6 informed by an absent elector of a facsimile transmission number or electronic mail
7 address where the elector can receive an absentee ballot, transmit a facsimile or
8 electronic copy of the absent elector's ballot to that elector in lieu of mailing under
9 this subsection if, in the judgment of the clerk, the time required to send the ballot
10 through the mail may not be sufficient to enable return of the ballot by the time
11 provided under sub. (6). An elector may receive an absentee ballot under this
12 subsection only if the elector has filed a valid application for the ballot under ~~sub. s.~~
13 6.86 (1). If the clerk transmits an absentee ballot under this paragraph, the clerk
14 shall also transmit a facsimile or electronic copy of the text of the material that
15 appears on the certificate envelope prescribed in sub. (2), together with instructions
16 prescribed by the board. The instructions shall require the absent elector to make
17 and subscribe to the certification as required under sub. (4) and to enclose the
18 absentee ballot in a separate envelope contained within a larger envelope, that shall
19 include the completed certificate. The elector shall then affix sufficient postage
20 unless the absentee ballot qualifies for mailing free of postage under federal free
21 postage laws and shall mail the absentee ballot ~~with postage prepaid~~ to the
22 municipal clerk. Except as authorized in s. 6.97 (2), an absentee ballot received
23 under this paragraph shall not be counted unless it is cast in the manner prescribed
24 in this paragraph and in accordance with the instructions provided by the board.

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1 **SECTION 83.** 6.87 (4) of the statutes, as affected by 2003 Wisconsin Act 265,
2 section 112a, is amended to read:

3 **6.87 (4)** Except as otherwise provided in s. 6.875, the elector voting absentee
4 shall make and subscribe to the certification before one witness who is an adult U.S.
5 citizen. The absent elector, in the presence of the witness, shall mark the ballot in
6 a manner that will not disclose how the elector's vote is cast. The elector shall then,
7 still in the presence of the witness, fold the ballots so each is separate and so that the
8 elector conceals the markings thereon and deposit them in the proper envelope. If
9 a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot so that
10 the elector conceals the markings thereon and deposit the ballot in the proper
11 envelope. ~~If the elector has registered by mail and has not, or is not certain whether~~
12 ~~the elector has, previously voted in an election for national office in this state~~ proof
13 of residence is required, the elector shall enclose identification proof of residence
14 under s. 6.34 in the envelope. ~~Identification~~ Proof of residence is required if the
15 elector is not a military elector or an overseas elector, as defined in s. 6.36 ~~(2) (c)~~ 6.34
16 (1), and the elector registered by mail and has not voted in an election ~~for national~~
17 ~~office in this state.~~ If the elector requested a ballot by means of facsimile
18 transmission or electronic mail under s. 6.86 (1) (ac), the elector shall enclose in the
19 envelope a copy of the request which bears an original signature of the elector. The
20 elector may receive assistance under sub. (5). The return envelope shall then be
21 sealed. The witness may not be a candidate. The envelope shall be mailed by the
22 elector, ~~postage prepaid~~, or delivered in person, to the municipal clerk issuing the
23 ballot or ballots. If the envelope is mailed from a location outside the United States,
24 the elector shall affix sufficient postage unless the ballot qualifies for delivery free
25 of postage under federal law. Failure to return an unused ballot in a primary does

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1 not invalidate the ballot on which the elector's votes are cast. Return of more than
2 one marked ballot in a primary or return of a ballot prepared under s. 5.655 or a ballot
3 used with an electronic voting system in a primary which is marked for candidates
4 of more than one party invalidates all votes cast by the elector for candidates in the
5 primary.

6 **SECTION 84.** 6.87 (6) of the statutes is amended to read:

7 6.87 (6) The Except as provided in s. 6.22 (5m), the ballot shall be returned so
8 it is received by the municipal clerk in time for delivery no later than 8 p.m. on
9 election day. Except in municipalities where absentee ballots are canvassed under
10 s. 7.52, if the municipal clerk receives an absentee ballot on election day, the clerk
11 shall secure the ballot and cause the ballot to be delivered to the polls polling place
12 servicing the elector's residence before the closing hour. Any Except as provided in s.
13 6.22 (5m), any ballot not mailed or delivered as provided in this subsection may not
14 be counted.

15 **SECTION 85.** 6.87 (9) of the statutes is amended to read:

16 6.87 (9) If a municipal clerk receives an absentee ballot with an improperly
17 completed certificate or with no certificate, the clerk may return the ballot to the
18 elector, inside the sealed envelope when an envelope is received, together with a new
19 envelope if necessary, whenever time permits the elector to correct the defect and
20 return the ballot within the period ~~prescribed in~~ authorized under sub. (6).

21 **SECTION 86.** 6.875 (4) and (6) of the statutes are amended to read:

22 6.875 (4) For the purpose of absentee voting in nursing homes and qualified
23 retirement homes and qualified community-based residential facilities, the
24 municipal clerk or board of election commissioners of each municipality in which one
25 or more nursing homes or qualified retirement homes or qualified community-based

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1 residential facilities are located shall appoint at least 2 special voting deputies for
2 the municipality. Upon application under s. 6.86 (1) or (2) by one or more qualified
3 electors who are occupants of such a nursing home or qualified retirement home or
4 qualified community-based residential facility, the clerk or board of election
5 commissioners shall dispatch 2 special voting deputies to visit the home or qualified
6 community-based residential facility for the purpose of supervising absentee voting
7 procedure by occupants of the home or qualified community-based residential
8 facility. The clerk shall maintain a list, available to the public upon request, of each
9 nursing home or qualified retirement home or qualified community-based
10 residential facility where an elector has requested an absentee ballot. The list shall
11 include the date and time the deputies intend to visit each home or facility. The 2
12 deputies designated to visit each nursing home or qualified retirement home and
13 qualified community-based residential facility shall be affiliated with different
14 political parties whenever deputies representing different parties are available.
15 Nominations for deputy positions may be submitted by the 2 recognized political
16 parties whose candidates for governor or president received the greatest numbers of
17 votes in the municipality at the most recent general election. The deputies shall be
18 specially appointed to carry out duties under this section for the period specified in
19 s. 7.30 (6) (a). The clerk or board of election commissioners may revoke an
20 appointment at any time. No individual who is employed or retained, or within the
21 2 years preceding appointment has been employed or retained at a nursing home or
22 qualified retirement home or qualified community-based residential facility in the
23 municipality, or any member of the immediate family of such an individual as defined
24 in s. 19.42 (7), may be appointed to serve as a deputy.

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1 **(6)** Special voting deputies in each municipality shall, not later than 5 p.m. on
2 the Friday preceding an election, arrange one or more convenient times with the
3 administrator of each nursing home, qualified retirement home, and qualified
4 community-based residential facility in the municipality from which one or more
5 occupants have filed an application under s. 6.86 to conduct absentee voting for the
6 election. The time may be no earlier than the 4th Monday preceding the election and
7 no later than 5 p.m. on the Monday preceding the election. Upon request of a relative
8 of an occupant of a nursing home or qualified retirement home or qualified
9 community-based residential facility, the administrator may notify the relative of
10 the time or times at which special voting deputies will conduct absentee voting at the
11 home or facility, and permit the relative to be present in the room where the voting
12 is conducted. The municipal clerk shall post a notice at the home or facility
13 indicating the date and time that absentee voting will take place at that home or
14 facility. The notice shall be posted as soon as practicable after arranging the visit but
15 in no case less than 24 hours before the visit. At the designated time, 2 deputies
16 appointed under sub. (4) shall visit the home or facility. The municipal clerk or
17 executive director of the board of election commissioners shall issue a supply of
18 absentee ballots to the deputies sufficient to provide for the number of valid
19 applications received by the clerk, and a reasonable additional number of ballots.
20 The deputies may exercise the authority granted to the chief inspector under s. 7.41
21 to regulate the conduct of observers for purposes of the application of s. 7.41, the
22 home or facility shall be treated as a polling place. The municipal clerk or executive
23 director shall keep a careful record of all ballots issued to the deputies and shall
24 require the deputies to return every ballot issued to them. The deputies shall
25 personally offer each elector who has filed a proper application the opportunity to

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1 cast his or her absentee ballot. If an elector is present who has not filed a proper
2 application, the 2 deputies may accept an application from the elector and shall issue
3 a ballot to the elector if the elector is qualified and the application is proper. The
4 deputies shall each witness the certification and may, upon request of the elector,
5 assist the elector in marking the elector's ballot. Upon request of the elector, a
6 relative of the elector who is present in the room may assist the elector in marking
7 the elector's ballot. All voting shall be conducted in the presence of the deputies. No
8 individual other than a deputy may witness the certification and no individual other
9 than a deputy or relative of an elector may render voting assistance to the elector.
10 Upon completion of the voting, the deputies shall promptly deliver, either personally
11 or by 1st class mail, any absentee ballot applications and the sealed certificate
12 envelope containing each ballot to the clerk or board of election commissioners of the
13 municipality in which the elector casting the ballot resides, within such time as will
14 permit delivery to the polling place serving the elector's residence on election day.
15 Personal delivery may be made by the deputies no later than noon on election day.
16 If a qualified elector is not able to cast his or her ballot on 2 separate visits by the
17 deputies to the home or facility, they shall so inform the municipal clerk or executive
18 director of the board of election commissioners, who may then send the ballot to the
19 elector no later than 5 p.m. on the Friday preceding the election.

20 **SECTION 87.** 6.875 (7) of the statutes is created to read:

21 6.875 (7) One observer from each of the 2 recognized political parties whose
22 candidate for governor or president received the greatest number of votes in the
23 municipality at the most recent general election may accompany the deputies to each
24 home or facility where absentee voting will take place under this section. The
25 observers may observe the process of absentee ballot distribution in the common

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1 areas of the home or facility. Each party wishing to have an observer present shall
2 submit the name of the observer to the clerk or board of election commissioners no
3 later than the close of business on the last business day prior to the visit.

4 **SECTION 88.** 6.88 (1) to (3) of the statutes are amended to read:

5 6.88 (1) When an absentee ballot arrives at the office of the municipal clerk,
6 or at an alternate site under s. 6.855, if applicable, the clerk shall enclose it,
7 unopened, in a carrier envelope which shall be securely sealed and endorsed with the
8 name and official title of the clerk, and the words “This envelope contains the ballot
9 of an absent elector and must be opened in the same room where votes are being cast
10 at the polls during polling hours on election day or, in municipalities where absentee
11 ballots are canvassed under s. 7.52, stats., at a meeting of the municipal board of
12 absentee ballot canvassers under s. 7.52, stats.”. If the ballot was received by the
13 elector by facsimile transmission or electronic mail and is accompanied by a separate
14 certificate, the clerk shall enclose the ballot in a certificate envelope and securely
15 append the completed certificate to the outside of the envelope before enclosing the
16 ballot in the carrier envelope. The clerk shall keep the ballot in the clerk’s office or
17 at the alternate site, if applicable until delivered, as required in sub. (2).

18 (2) When an absentee ballot is received by the municipal clerk prior to the
19 delivery of the official ballots to the election officials of the ward in which the elector
20 resides or, where absentee ballots are canvassed under s. 7.52, to the municipal board
21 of absentee ballot canvassers, the municipal clerk shall seal the ballot envelope in
22 the carrier envelope as provided under sub. (1), and shall enclose the envelope in a
23 package and deliver the package to the election inspectors of the proper ward or
24 election district or, in municipalities where absentee ballots are canvassed under s.
25 7.52, to the municipal board of absentee ballot canvassers when it convenes under

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1 s. 7.52 (1). When the official ballots for the ward or election district have been
2 delivered to the election officials inspectors before the receipt of an absentee ballot,
3 the clerk shall immediately enclose the envelope containing the absentee ballot in
4 a carrier envelope as provided under sub. (1) and deliver it in person to the proper
5 election officials.

6 **(3) (a)** Any Except in municipalities where absentee ballots are canvassed
7 under s. 7.52, at any time between the opening and closing of the polls on election day,
8 the inspectors shall, in the same room where votes are being cast, in such a manner
9 that members of the public can hear and see the procedures, open the carrier
10 envelope only, and announce the name of the absent elector or the identification
11 serial number of the absent elector if the elector has a confidential listing under s.
12 6.47 (2). When the inspectors find that the certification has been properly executed,
13 the applicant is a qualified elector of the ward or election district, and the applicant
14 has not voted in the election, they shall enter an indication on the poll list next to the
15 applicant's name indicating an absentee ballot is cast by the elector. They shall then
16 open the envelope containing the ballot in a manner so as not to deface or destroy the
17 certification thereon. The inspectors shall take out the ballot without unfolding it
18 or permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95,
19 the inspectors shall verify that the ballot has been endorsed by the issuing clerk. If
20 the poll list indicates that identification proof of residence under s. 6.34 is required
21 and no identification proof of residence is enclosed or the name or address on the
22 document that is provided is not the same as the name and address shown on the poll
23 list, the inspectors shall proceed as provided under s. 6.97 (2). The inspectors shall
24 then deposit the ballot into the proper ballot box and enter the absent elector's name

SENATE BILL 612**SECTION 88**

1 or voting number after his or her name on the poll list in the same manner as if the
2 elector had been present and voted in person.

3 (b) When the inspectors find that a certification is insufficient, that the
4 applicant is not a qualified elector in the ward or election district, that the ballot
5 envelope is open or has been opened and resealed, that the ballot envelope contains
6 more than one ballot of any one kind or, except in municipalities where absentee
7 ballots are canvassed under s. 7.52, that the certificate of an elector who received an
8 absentee ballot by facsimile transmission or electronic mail is missing, or if proof is
9 submitted to the inspectors that an elector voting an absentee ballot has since died,
10 the inspectors shall not count the ballot. The inspectors shall endorse every ballot
11 not counted on the back, “rejected (giving the reason)”. The inspectors shall reinsert
12 each rejected ballot into the certificate envelope in which it was delivered and enclose
13 the certificate envelopes and ballots, and securely seal the ballots and envelopes in
14 an envelope marked for rejected absentee ballots. The inspectors shall endorse the
15 envelope, “rejected ballots” with a statement of the ward or election district and date
16 of the election, signed by the chief inspector and one of the inspectors representing
17 each of the 2 major political parties and returned to the municipal clerk in the same
18 manner as official ballots voted at the election.

19 **SECTION 89.** 6.88 (3) (c) of the statutes is created to read:

20 6.88 (3) (c) The inspectors shall review each certificate envelope to determine
21 whether any absentee ballot is cast by an elector whose name appears on the poll list
22 as ineligible to vote at the election by reason of a felony conviction. If the inspectors
23 receive an absentee ballot that has been cast by an elector whose name appears on
24 the poll list as ineligible for that reason, the inspectors shall challenge the ballot as
25 provided in s. 6.92 and treat the ballot in the manner provided in s. 6.95.

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1 **SECTION 90.** 6.93 of the statutes is amended to read:

2 **6.93 Challenging the absent elector.** The vote of any absent elector may be
3 challenged for cause and the inspectors of election shall have all the power and
4 authority given them to hear and determine the legality of the ballot the same as if
5 the ballot had been voted in person. In municipalities where absentee ballots are
6 canvassed under s. 7.52, the vote of an absentee elector may be challenged as
7 provided in s. 7.52 (5).

8 **SECTION 91.** 6.935 of the statutes is amended to read:

9 **6.935 Challenge based on incompetency.** Section 6.03 (3) applies to any
10 challenge of a person's right to vote under s. 6.92, 6.925 ~~or~~, 6.93, or 7.52 (5) based on
11 an allegation that an elector is incapable of understanding the objective of the
12 elective process and thereby ineligible to vote.

13 **SECTION 92.** 6.97 (1) of the statutes is amended to read:

14 **6.97 (1)** Whenever any individual who is required to provide ~~identification~~
15 proof of residence under s. 6.34 in order to be permitted to vote appears to vote at a
16 polling place and cannot provide the required ~~identification~~ proof of residence, the
17 inspectors shall offer the opportunity for the individual to vote under this section.
18 If the individual wishes to vote, the inspectors shall provide the elector with an
19 envelope marked "Ballot under s. 6.97, stats." on which the serial number of the
20 elector is entered and shall require the individual to execute on the envelope a
21 written affirmation stating that the individual is a qualified elector of the ward or
22 election district where he or she offers to vote and is eligible to vote in the election.
23 The inspectors shall, before giving the elector a ballot, write on the back of the ballot
24 the serial number of the individual corresponding to the number kept at the election
25 on the poll list or other list maintained under s. 6.79 and the notation "s. 6.97". If

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

15 **SECTION 93.** 6.97 (2) of the statutes is amended to read:

16 6.97 (2) Whenever any individual who votes by absentee ballot is required to
17 provide ~~identification~~ proof of residence in order to be permitted to vote and does not
18 provide the required ~~identification~~ proof of residence under s. 6.34, the inspectors
19 shall write on the back of the absentee ballot the serial number of the individual
20 corresponding to the number kept at the election on the poll list or other list
21 maintained under s. 6.79 and the notation "s. 6.97". The inspectors shall indicate on
22 the list the fact that the individual is required to provide ~~identification~~ proof of
23 residence but did not do so. The inspectors shall promptly notify the municipal clerk
24 or executive director of the municipal board of election commissioners of the name,
25 address, and serial number of the individual. The inspectors shall then place the

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1 ballot inside an envelope on which the name and serial number of the elector is
2 entered and shall place the envelope in a separate carrier envelope.

3 **SECTION 94.** 7.03 (1) (a) of the statutes is amended to read:

4 7.03 (1) (a) Except as authorized under this paragraph, a reasonable daily
5 compensation shall be paid to each inspector, voting machine custodian, automatic
6 tabulating equipment technician, member of a board of canvassers, messenger, and
7 tabulator who is employed and performing duties under chs. 5 to 12. Daily
8 compensation shall also be provided to ~~officials~~ inspectors and inspector trainees for
9 attendance at training programs conducted by the board and municipal clerks under
10 ~~s. ss. 7.31 and 7.315~~. Alternatively, such election officials and trainees may be paid
11 by the hour at a proportionate rate for each hour actually worked. Any election
12 official or trainee may choose to volunteer his or her services by filing with the
13 municipal clerk of the municipality in which he or she serves a written declination
14 to accept compensation. The volunteer status of the election official or trainee
15 remains effective until the official or trainee files a written revocation with the
16 municipal clerk.

17 **SECTION 95.** 7.08 (1) (c) of the statutes is amended to read:

18 7.08 (1) (c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (4), 6.33 (1),
19 6.40 (1) (a), 6.47 (1) (a) 2. and (3), 6.55 (2) ~~and (3)~~, and 6.86 (2) and (3). All such forms
20 shall contain a statement of the penalty applicable to false or fraudulent registration
21 or voting through use of the form. Forms are not required to be furnished by the
22 board.

23 **SECTION 96.** 7.08 (8) (title) of the statutes is amended to read:

24 7.08 (8) (title) ELECTORS VOTING WITHOUT IDENTIFICATION PROOF OF RESIDENCE OR
25 PURSUANT TO COURT ORDER.

SENATE BILL 612**SECTION 97**

1 **SECTION 97.** 7.08 (9) of the statutes is created to read:

2 **7.08 (9)** LISTS OF OUT-OF-STATE LICENSE HOLDERS. Withhold from inspection or
3 copying under s. 19.35 (1) the lists of license holders received from municipal clerks
4 under s. 7.15 (1) (L).

5 **SECTION 98.** 7.10 (1) (d) of the statutes is created to read:

6 **7.10 (1) (d)** The county clerk may receive and store any unused ballots after an
7 election upon request of any municipal clerk of a municipality within the county, and
8 may destroy such ballots pursuant to s. 7.23 (1) (am).

9 **SECTION 99.** 7.10 (9) of the statutes is amended to read:

10 **7.10 (9)** TRAINING OF ELECTION OFFICIALS. Each county clerk shall assist the
11 board in the training of election officials under ~~ss. s. 5.05 (7) and 7.31.~~

12 **SECTION 100.** 7.15 (1) (e) of the statutes is amended to read:

13 **7.15 (1) (e)** ~~In coordination with the board, instruct~~ Train election officials in
14 their duties, calling them together whenever advisable, advise them of changes in
15 laws, rules and procedures affecting the performance of their duties, and administer
16 examinations as authorized under s. 7.30 (2) (c). The training shall conform with the
17 requirements prescribed in rules promulgated by the board under ss. 7.31 and 7.315.
18 The clerk shall assure that officials who serve at polling places where an electronic
19 voting system is used are familiar with the system and competent to instruct electors
20 in its proper use. The clerk shall inspect systematically and thoroughly the conduct
21 of elections in the municipality so that elections are honestly, efficiently and
22 uniformly conducted.

23 **SECTION 101.** 7.15 (1) (L) of the statutes is created to read:

24 **7.15 (1) (L)** Compile and, no later than 7 days after each general election,
25 transmit to the board the lists of electors registering to vote under ss. 6.29 (2) (a), 6.55

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1 (2) (b) and (c) 1. and 6.86 (3) (a) 2. who presented valid drivers' licenses issued by
2 other states. The clerk shall withhold access to the lists from inspection or copying
3 under s. 19.35 (1).

4 **SECTION 102.** 7.15 (1m) of the statutes is created to read:

5 7.15 (1m) ATTEND TRAINING. Each municipal clerk shall, at least once every 2
6 years, attend training sponsored by the board under ss. 7.31 and 7.315.

7 **SECTION 103.** 7.15 (2m) of the statutes is created to read:

8 7.15 (2m) OPERATION OF ALTERNATE ABSENTEE BALLOT SITE. In a municipality in
9 which the governing body has elected to establish an alternate absentee ballot site
10 under s. 6.855, the municipal clerk shall operate such site as though it were his or
11 her office for absentee ballot purposes and shall ensure that such site is adequately
12 staffed.

13 **SECTION 104.** 7.15 (11) of the statutes is amended to read:

14 7.15 (11) TRAINING OF ELECTION OFFICIALS. Each municipal clerk shall ~~assist the~~
15 ~~board in the training of~~ train election officials under ~~ss. 5.05 (7) and ss. 7.31 and~~
16 7.315.

17 **SECTION 105.** 7.23 (1) (a) of the statutes is amended to read:

18 7.23 (1) (a) ~~Any~~ Except as provided in par. (am), unused materials after an
19 election and the contents of the blank ballot box after a primary may be destroyed
20 at a time and in a manner designated by the appropriate clerk.

21 **SECTION 106.** 7.23 (1) (am) of the statutes is created to read:

22 7.23 (1) (am) Unused ballots may be discarded or destroyed no earlier than the
23 day after the latest day for the filing of a petition for a recount under s. 9.01 for any
24 office on the ballots.

SENATE BILL 612**SECTION 107**

1 **SECTION 107.** 7.30 (1) of the statutes is renumbered 7.30 (1) (a) and amended
2 to read:

3 7.30 (1) (a) There Except as authorized under par. (b), there shall be 7
4 inspectors for each polling place at each election. In Except as authorized in par. (b),
5 in municipalities where voting machines are used, the municipal governing body
6 may reduce the number of inspectors to 5. A municipal governing body may provide
7 for the appointment of additional inspectors whenever more than one voting
8 machine is used or wards are combined under s. 5.15 (6) (b). A municipal governing
9 body may provide by ordinance for the selection of alternate officials or the selection
10 of 2 or more sets of officials to work at different times on election day, and may permit
11 the municipal clerk or board of election commissioners to establish different working
12 hours for different officials assigned to the same polling place. Alternate officials
13 shall also be appointed in a number sufficient to maintain adequate staffing of
14 polling places. Unless Except for inspectors who are appointed under par. (b) and
15 officials who are are appointed without regard to party affiliation under sub. (4) (c),
16 additional officials shall be appointed in such a manner that the total number of
17 officials is an odd number and the predominant party under sub. (2) is represented
18 by one more official than the other party.

19 **SECTION 108.** 7.30 (1) (b) of the statutes is created to read:

20 7.30 (1) (b) Each municipality may appoint one additional inspector to serve
21 at each polling place without regard to party affiliation who shall serve as a greeter
22 to answer questions and to direct electors to the proper locations for registration and
23 voting and who shall be available to substitute for other election officials who must
24 leave the room during the voting process.

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1 **SECTION 109.** 7.30 (2) (a) of the statutes, as affected by 2005 Wisconsin Act 27,
2 is amended to read:

3 7.30 (2) (a) Only election officials appointed under this section or s. 6.875 may
4 conduct an election. Except as otherwise provided in this paragraph and in ~~s.~~ ss. 7.15
5 (1) (k) and 7.52 (1) (b), each election official shall be a qualified elector of the ward
6 or wards, or the election district, for which the polling place is established. A special
7 registration deputy who is appointed under s. 6.55 (6) or an election official who is
8 appointed under this section to fill a vacancy under par. (b) need not be a resident
9 of the ward or wards, or the election district, but shall be a resident of the
10 municipality, except that if a municipal clerk or deputy clerk serves as a registration
11 deputy or is appointed to fill a vacancy under par. (b), the clerk or deputy clerk need
12 not be a resident of the municipality, but shall be a resident of the state. No more
13 than 2 individuals holding the office of clerk or deputy clerk may serve without
14 regard to municipal residency in any municipality at any election. Special
15 registration deputies who are appointed under s. 6.55 (6) may be appointed to serve
16 more than one polling place. All officials appointed under this section shall be able
17 to read and write the English language, be capable, and be of good understanding,
18 and may not be a candidate for any office to be voted for at an election at which they
19 serve. In 1st class cities, they may hold no public office other than notary public.
20 Except as authorized under ~~sub.~~ subs. (1) (b) and (4) (c), all inspectors shall be
21 affiliated with one of the 2 recognized political parties which received the largest
22 number of votes for president, or governor in nonpresidential general election years,
23 in the ward or combination of wards served by the polling place at the last election.
24 The Excluding the inspector who may be appointed under sub. (1) (b), the party
25 which received the largest number of votes is entitled to one more inspector than the

SENATE BILL 612**SECTION 109**

1 party receiving the next largest number of votes at each polling place. ~~The same~~
2 ~~election~~ Election officials appointed under this section may serve the electors of more
3 than one ward where wards are combined under s. 5.15 (6) (b). If a municipality is
4 not divided into wards, the ward requirements in this paragraph apply to the
5 municipality at large.

6 **SECTION 110.** 7.30 (2) (am) of the statutes is amended to read:

7 7.30 (2) (am) Except as otherwise provided in this paragraph, a pupil who is
8 16 or 17 years of age, and who is enrolled in grades 9 to 12 in a public or private school,
9 ~~and who has at least a 3.0 grade point average or the equivalent~~ may serve as an
10 inspector at the polling place serving the pupil's residence, with the approval of the
11 pupil's parent or guardian and of the principal of the school in which the pupil is
12 enrolled. A school board or governing body of a private school may establish criteria
13 for participation by a pupil as an inspector. A pupil may serve as an inspector at a
14 polling place under this paragraph only if at least one election official at the polling
15 place other than the chief inspector is a qualified elector of this state. No pupil may
16 serve as chief inspector at a polling place under this paragraph. Before appointment
17 by any municipality of a pupil as an inspector under this paragraph, the municipal
18 clerk shall obtain written authorization from the pupil's parent or guardian and from
19 the principal of the school where the pupil is enrolled for the pupil to serve for the
20 ~~entire term~~ election for which he or she is appointed. Upon appointment of a pupil
21 to serve as an inspector, the municipal clerk shall notify the principal of the school
22 where the pupil is enrolled of the ~~date of expiration of the pupil's term of office~~ name
23 of the pupil and the date of the election at which the pupil has been appointed to
24 serve.

SENATE BILL 612**SECTION 111**

1 **SECTION 111.** 7.30 (2) (b) of the statutes, as affected by 2005 Wisconsin Act 27,
2 is amended to read:

3 7.30 (2) (b) When a vacancy occurs in an office under this section, the vacancy
4 shall be filled by appointment of the municipal clerk. ~~The~~ Unless the vacancy occurs
5 in the position of an inspector appointed under sub. (1) (b), the vacancy shall be filled
6 from the remaining names on the lists submitted under sub. (4) or from additional
7 names submitted by the chairperson of the county party committee of the
8 appropriate party under sub. (4) whenever names are submitted under sub. (4) (d).
9 If the vacancy is due to candidacy, sickness or any other temporary cause, the
10 appointment shall be a temporary appointment and effective only for the election at
11 which the temporary vacancy occurs. The same qualifications that applied to
12 original appointees shall be required of persons who fill vacancies except that a
13 vacancy may be filled in cases of emergency or because of time limitations by a person
14 who resides in another aldermanic district or ward within the municipality, and if
15 a municipal clerk or deputy clerk fills the vacancy, the clerk or deputy, but not more
16 than a total of 2 individuals in any municipality, may serve without regard to the
17 clerk's or deputy's municipality of residence, if the clerk or deputy meets the other
18 qualifications.

19 **SECTION 112.** 7.30 (2) (c) of the statutes is amended to read:

20 7.30 (2) (c) The governing body of any municipality may require all persons
21 serving as election officials to prove their ability to read and write English and to
22 have a general knowledge of the election laws. Examinations may be given to prove
23 the qualifications can be met. The municipal clerk shall ensure that all training
24 meets the training requirements prescribed in rules promulgated by the board under
25 ss. 7.31 and 7.315.

SENATE BILL 612**SECTION 113**

1 **SECTION 113.** 7.30 (4) (a) of the statutes is amended to read:

2 7.30 (4) (a) Except in cities where there is a board of election commissioners,
3 the mayor, president or board chairperson of each municipality shall nominate to the
4 governing body no later than their last regular meeting in December of each
5 ~~even-numbered~~ odd-numbered year the necessary election officials for each polling
6 place and any election officials required under s. 7.52 (1) (b). If no regular meeting
7 is scheduled, the mayor, president or chairperson shall call a special meeting for the
8 purpose of considering nominations no later than December 31.

9 **SECTION 114.** 7.30 (4) (b) (intro.) of the statutes is amended to read:

10 7.30 (4) (b) (intro.) The 2 dominant parties, under sub. (2), are each responsible
11 for submitting a list of names from which ~~the~~ all appointees to inspector positions,
12 other than appointees to inspector positions authorized under sub. (1) (b), shall be
13 chosen.

14 **SECTION 115.** 7.30 (4) (b) 1. of the statutes is amended to read:

15 7.30 (4) (b) 1. In cities where there is a board of election commissioners, the
16 aldermanic district committeemen or committeewomen under s. 8.17 of each of the
17 2 dominant recognized political parties shall submit a certified list no later than
18 November 30 of each ~~even-numbered~~ odd-numbered year containing the names of
19 at least as many nominees as there are inspectors from that party for each of the
20 voting wards in the aldermanic district. For inspectors serving under s. 7.52 (1) (b),
21 the aldermanic district committeemen and committeewomen under s. 8.17 of the 2
22 dominant recognized political parties shall jointly submit a certified list of nominees
23 containing at least twice as many nominees as there are inspectors from that party
24 who are to be appointed under s. 7.52 (1) (b). The chairperson may designate any
25 individual whose name is submitted as a first choice nominee. The board of election

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1 commissioners shall appoint, no later than December 31 of ~~even-numbered~~
2 odd-numbered years, at least 5 inspectors for each ward. The board of election
3 commissioners shall appoint all first choice nominees for so long as positions are
4 available, unless nonappointment is authorized under par. (e), and shall appoint
5 other individuals in its discretion. The board of election commissioners may
6 designate such alternates as it deems advisable.

7 **SECTION 116.** 7.30 (4) (b) 2. of the statutes is amended to read:

8 7.30 (4) (b) 2. In municipalities other than cities and villages located in counties
9 having a population of more than 500,000, the committees organized under s. 8.17
10 from each of the 2 dominant parties under sub. (2) shall submit a list containing at
11 least as many names as there are needed appointees from that party. The list shall
12 be submitted by the chairperson of each of the 2 committees to the mayor, president
13 or chairperson of the municipality. If committees are organized in subdivisions of a
14 city, the list shall be submitted through the chairperson of the city committee. If
15 there is no municipal committee, the list shall be submitted by the chairperson of the
16 county or legislative district committee. Except as provided in par. (c), only those
17 persons submitted by the chairperson of each committee under s. 8.17 may act as
18 election officials. The chairperson may designate any individual whose name is
19 submitted as a first choice nominee. The list shall contain the signature of the
20 chairperson and secretary of the submitting committee. In cities or villages located
21 in counties having a population of more than 500,000, other than cities where there
22 is a board of election commissioners, the aldermanic district or village
23 committeeman or committeewoman for the ward or wards where each polling place
24 is located, if there is one, or for inspectors serving under s. 7.52 (1) (b), the
25 committeemen and committeewomen for the municipality acting jointly. shall

SENATE BILL 612**SECTION 116**

1 submit a list containing at least as many names as there are needed appointees for
2 inspector positions from the party represented by the committeeman or
3 committeewoman or by the committeemen and committeewomen acting jointly. For
4 appointments of inspectors in cities and villages where there is no aldermanic
5 district or village committeeman or committeewoman, nominations shall proceed in
6 the same manner as in municipalities located in counties having a population of
7 500,000 or less. The list shall be submitted to the mayor or president. Except as
8 provided in par. (c), only those persons whose names are submitted as provided in
9 this paragraph may act as election officials. The committeeman or committeewoman
10 may designate any individual whose name is submitted as a first choice nominee.
11 The list shall contain the signature of the aldermanic district or village
12 committeeman or committeewoman or the chairperson of the appropriate
13 committee. Upon submission of each nominee's name, the governing body shall
14 appoint each first choice nominee for so long as positions are available, unless
15 nonappointment is authorized under par. (e), and shall appoint other nominees in its
16 discretion. If any nominee is not appointed, the mayor, president or chairperson of
17 the municipality shall immediately nominate another person from the appropriate
18 lists submitted and continue until the necessary number of election officials from
19 each party is achieved at that meeting.

20 **SECTION 117.** 7.30 (4) (c) of the statutes is amended to read:

21 7.30 (4) (c) ~~For~~ Except with respect to inspectors who are appointed under sub.
22 (1) (b), for so long as nominees are made available by the political parties under this
23 section, appointments may be made only from the lists of submitted nominees. If the
24 lists are not submitted by November 30 of the year in which appointments are to be
25 made, the board of election commissioners shall appoint, or the mayor, president or

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1 chairperson of a municipality shall nominate qualified persons whose names have
2 not been submitted. If an insufficient number of nominees appears on the lists as
3 of November 30, the board of election commissioners shall similarly appoint, or the
4 mayor, president or chairperson shall similarly nominate sufficient individuals to fill
5 the remaining vacancies. In addition, the mayor, president, or board chairperson of
6 the municipality shall similarly nominate qualified persons to serve in the inspector
7 positions authorized under sub. (1) (b). Any appointment which is made due to the
8 lack of availability of names submitted under par. (b) may be made without regard
9 to party affiliation.

10 **SECTION 118.** 7.30 (6) (a) of the statutes is amended to read:

11 7.30 (6) (a) ~~The~~ Except as provided in par. (am), the appointed election officials
12 shall hold office for 2 years and until their successors are appointed and qualified.
13 They shall serve at every election held in their ward during their term of office.

14 **SECTION 119.** 7.30 (6) (am) of the statutes is created to read:

15 7.30 (6) (am) A pupil appointed as an inspector under sub. (2) (am) shall serve
16 as an inspector only for the election for which he or she is appointed. Nothing in this
17 paragraph shall be construed to limit the number of times a pupil may be appointed
18 as an inspector.

19 **SECTION 120.** 7.30 (6) (b) of the statutes is amended to read:

20 7.30 (6) (b) Prior to the first election following the appointment of the
21 inspectors, the municipal clerk shall appoint one of the inspectors at each polling
22 place, other than an inspector who is appointed under sub. (1) (b), to serve as chief
23 inspector. No person may serve as chief inspector at any election who is not certified
24 by the board under s. 7.31 at the time of the election. The chief inspector shall hold
25 the position for the remainder of the term unless the inspector is removed by the clerk

SENATE BILL 612**SECTION 120**

1 or the inspector ceases to be certified under s. 7.31, except that whenever wards are
2 combined or separated under s. 5.15 (6) (b), the municipal clerk shall appoint another
3 inspector who is certified under s. 7.31 to serve as chief inspector at each polling place
4 designated under s. 5.15 (6) (b). If a vacancy occurs in the position of chief inspector
5 at any polling place, the municipal clerk shall appoint one of the other inspectors who
6 is certified under s. 7.31 to fill the vacancy.

7 **SECTION 121.** 7.30 (6) (c) of the statutes is amended to read:

8 7.30 **(6)** (c) If any election official appointed under this section lacks the
9 qualifications set forth in this section, fails to attend training sessions required
10 under s. 7.15 (1) (e) unless excused therefrom, is guilty of neglecting his or her official
11 duties or commits official misconduct, the municipal clerk or board of election
12 commissioners shall summarily remove the official from office and the vacancy shall
13 be filled under sub. (2) (b).

14 **SECTION 122.** 7.315 of the statutes is created to read:

15 **7.315 Training of other election officials.** **(1)** (a) The board shall, by rule,
16 prescribe the contents of the training that municipal clerks must provide to
17 inspectors, other than chief inspectors, to special voting deputies appointed under
18 s. 6.875, and to special registration deputies appointed under ss. 6.26 and 6.55 (6).

19 (b) 1. Except as provided in subd. 2., no individual may serve as an inspector,
20 other than a chief inspector, as a special voting deputy under s. 6.875, or as a special
21 registration deputy under s. 6.26 or 6.55 (6) at any election unless the individual has
22 completed training for that election provided by the municipal clerk pursuant to
23 rules promulgated under par. (a).

24 2. Only when an individual who has received training under subd. 1. is
25 unavailable to perform his or her election duties due to sickness, injury, or other

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1 unforeseen occurrence may an individual who has not received training under subd.
2 1. be appointed to serve as an inspector, other than chief inspector, or a special voting
3 deputy or special registration deputy. The appointment of an individual to serve
4 under this subdivision shall be for a specific election and no individual may be
5 appointed under this subdivision more than one time in a 2-year period.

6 (2) The board shall, by rule, prescribe requirements for, and the content of,
7 training required of municipal clerks under s. 7.15 (1m). The board may provide such
8 training directly or arrange for such training to be provided by other organizations.
9 The rules may not require training more than once every 2 years. The rules shall
10 provide a method for notifying the relevant municipal governing body if a municipal
11 clerk fails to attend required training.

12 (3) The board may produce and periodically reissue as necessary a video
13 program for the purpose of training election officials, including special voting
14 deputies and special registration deputies. The board shall make any such program
15 available for viewing electronically through an Internet-based system.

16 **SECTION 123.** 7.32 of the statutes is amended to read:

17 **7.32 Change of election official numbers.** Notwithstanding s. 7.30 (1) (a),
18 the governing body or board of election commissioners of any municipality may by
19 resolution reduce the number of election officials and modify or rescind any similar
20 previous action. No such action may reduce the number of officials at a polling place
21 to less than 3.

22 **SECTION 124.** 7.33 (3) of the statutes is amended to read:

23 7.33 (3) Every employer shall grant to each employee who is appointed to serve
24 as an election official under s. 7.30 a leave of absence for the entire 24-hour period
25 of each election day in which the official serves in his or her official capacity. An

SENATE BILL 612**SECTION 124**

1 employee who serves as an election official shall provide his or her employer with at
2 least 7 days' notice of application for a leave. The municipal clerk shall verify
3 appointments upon request of any employer.

4 **SECTION 125.** 7.33 (4) of the statutes is amended to read:

5 7.33 (4) Except as otherwise provided in this subsection, each local
6 governmental unit, as defined in s. 16.97 (7), may, and each state agency shall, upon
7 proper application under sub. (3), permit each of its employees to serve as an election
8 official under s. 7.30 without loss of fringe benefits or seniority privileges earned for
9 scheduled working hours during the period specified in sub. (3), without loss of pay
10 for scheduled working hours during the period specified in sub. (3) except as provided
11 in sub. (5), and without any other penalty. For employees who are included in a
12 collective bargaining unit for which a representative is recognized or certified under
13 subch. V of ch. 111, this subsection shall apply unless otherwise provided in a
14 collective bargaining agreement.

15 **SECTION 126.** 7.33 (6) of the statutes is amended to read:

16 7.33 (6) Each employer other than a state agency shall, upon proper application
17 under sub. (3), permit each of its employees to serve as an election official under s.
18 7.30 without loss of fringe benefits or seniority privileges earned for scheduled
19 working hours during the period specified in sub. (3), and shall not impose any other
20 penalty upon an employee who serves as an election official, except the employer
21 need not pay wages to an employee for time not worked while the employee is serving
22 as an election official.

23 **SECTION 127.** 7.37 (2) of the statutes is amended to read:

24 7.37 (2) PRESERVE ORDER. The inspectors shall possess full authority to
25 maintain order and to enforce obedience to their lawful commands during the

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1 election and the canvass of the votes. They shall permit only one person in a voting
2 booth at a time and shall prevent any person from taking notice of how another
3 person has voted, except when assistance is given under s. 6.82. They shall enforce
4 s. 5.35 (5) and prevent electioneering and distribution of election-related material
5 from taking place in violation of s. ss. 12.03 and 12.035. If any person refuses to obey
6 the lawful commands of an inspector, or is disorderly in the presence or hearing of
7 the inspectors, interrupts or disturbs the proceedings, they may order any law
8 enforcement officer to remove the person from the voting area or to take the person
9 into custody.

10 **SECTION 128.** 7.37 (13) of the statutes is created to read:

11 7.37 (13) CLOSING OF POLLS. For each polling place, the municipal clerk shall
12 designate an official of the municipality who shall position himself or herself at the
13 end of the line of individuals waiting to vote, if any at the time that the polls officially
14 close. The official may be an inspector or special registration deputy appointed under
15 s. 6.55 (6) who serves at that polling place, an employee of the municipal clerk or a
16 police officer, Only individuals in line ahead of the official shall be permitted to vote
17 under s. 6.78 (4).

18 **SECTION 129.** 7.41 of the statutes is amended to read:

19 **7.41 Public's right to access. (1)** Any member of the public may be present
20 at any polling place, in the office of any municipal clerk whose office is located in a
21 public building on any day that absentee ballots may be cast in that office, or at an
22 alternate site under s. 6.855 on any day that absentee ballots may be cast at that site
23 for the purpose of observation of an election and the absentee ballot voting process,
24 except a candidate whose name appears on the ballot at the polling place or on an
25 absentee ballot to be cast at the clerk's office or alternate site at that election. The

SENATE BILL 612**SECTION 129**

1 chief inspector or municipal clerk may reasonably limit the number of persons
2 representing the same organization who are permitted to observe an election under
3 this subsection at the same time.

4 (2) The chief inspector or municipal clerk may restrict the location of any
5 individual exercising the right under sub. (1) to certain areas within a polling place,
6 the clerk's office, or alternate site under s. 6.855. The chief inspector or municipal
7 clerk shall clearly designate such an area as an observation area. Designated
8 observation areas shall be so positioned to permit any authorized individual to
9 readily observe all public aspects of the voting process.

10 (3) The chief inspector or municipal clerk may order the removal of any
11 individual exercising the right under sub. (1) if that individual commits an overt act
12 which:

13 (a) Disrupts the operation of the polling place, clerk's office, or alternate site
14 under s. 6.855; or

15 (b) Violates s. 12.03 (2) or 12.035.

16 (4) No individual exercising the right under sub. (1) may view the confidential
17 portion of a registration list maintained under s. 6.36 (4) or a poll list maintained
18 under s. 6.79 (6). However, the inspectors or municipal clerk shall disclose to such
19 an individual, upon request, the existence of such a list, the number of electors whose
20 names appear on the list, and the number of those electors who have voted at any
21 point in the proceedings. No such individual may view the certificate of an absent
22 elector who obtains a confidential listing under s. 6.47 (2).

23 **SECTION 130.** 7.41 (5) of the statutes is created to read:

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1 7.41 (5) The board shall promulgate rules regarding the proper conduct of
2 individuals exercising the right under sub. (1), including the interaction of those
3 individuals with inspectors and other election officials.

4 **SECTION 131.** 7.51 (1) of the statutes is amended to read:

5 7.51 (1) CANVASS PROCEDURE. Immediately after the polls close the inspectors
6 except any inspector appointed under s. 7.30 (1) (b) shall proceed to canvass publicly
7 all votes received at the polling place. In any municipality where an electronic voting
8 system is used, the municipal governing body or board of election commissioners may
9 provide or authorize the municipal clerk or executive director of the board of election
10 commissioners to provide for the adjournment of the canvass to one or more central
11 counting locations for specified polling places in the manner prescribed in subch. III
12 of ch. 5. No central counting location may be used to count votes at a polling place
13 where an electronic voting system is not employed. The canvass, whether conducted
14 at the polling place or at a central counting location, shall continue without
15 adjournment until the canvass is completed and the return statements ~~are~~
16 statement is made or, in municipalities where absentee ballots are canvassed under
17 s. 7.52, until the canvass of all ballots cast is completed and the return statement for
18 those ballots are made. The inspectors shall not permit access to the name of any
19 elector who has obtained a confidential listing under s. 6.47 (2) during the canvass,
20 except as authorized in s. 6.47 (8).

21 **SECTION 132.** 7.51 (2) (c) of the statutes is amended to read:

22 7.51 (2) (c) Whenever the number of ballots exceeds the number of voting
23 electors as indicated on the poll list, the inspectors shall place all ballots face up to
24 check for blank ballots. In this paragraph, “blank ballot” means a ballot on which
25 no votes are cast for any office or question. The inspectors shall mark, lay aside and

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1 preserve any blank ballots. If Except in municipalities where absentee ballots are
2 canvassed under s. 7.52, if the number of ballots still exceeds the number of voting
3 electors, the inspectors shall place all ballots face down and proceed to check for the
4 initials. The inspectors shall mark, lay aside and preserve any ballot not bearing the
5 initials of 2 inspectors or any absentee ballot not bearing the initials of the municipal
6 clerk. During the count the inspectors shall count those ballots cast by challenged
7 electors the same as the other ballots.

8 **SECTION 133.** 7.51 (2) (e) of the statutes is amended to read:

9 7.51 (2) (e) If, Except in municipalities where absentee ballots are canvassed
10 under s. 7.52, if after any ballots have been laid aside, the number of ballots still
11 exceeds the total number of electors recorded on the poll list, the inspectors shall
12 separate the absentee ballots from the other ballots. If there is an excess number of
13 absentee ballots, the inspectors shall place the absentee ballots in the ballot box and
14 one of the inspectors shall publicly and without examination draw therefrom by
15 chance the number of ballots equal to the excess number of absentee ballots. If there
16 is an excess number of ~~other~~ nonabsentee ballots, the inspectors shall place those
17 ballots in the ballot box and one of the inspectors shall publicly and without
18 examination draw therefrom by chance the number of ballots equal to the excess
19 number of those ballots. All ballots so removed may not be counted but shall be
20 specially marked as having been removed by the inspectors on original canvass due
21 to an excess number of ballots, set aside and preserved. When the number of ballots
22 and total shown on the poll list agree, the inspectors shall return all ballots to be
23 counted to the ballot box and shall turn the ballot box in such manner as to
24 thoroughly mix the ballots. The inspectors shall then open, count and record the
25 number of votes. When the ballots are counted, the inspectors shall separate them

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1 into piles for ballots similarly voted. Objections may be made to placement of ballots
2 in the piles at the time the separation is made.

3 **SECTION 134.** 7.51 (3) (d) of the statutes is amended to read:

4 7.51 (3) (d) All Except in municipalities where absentee ballots are canvassed
5 under s. 7.52, all absentee certificate envelopes which have been opened shall be
6 returned by the inspectors to the municipal clerk in a securely sealed carrier
7 envelope which is clearly marked “used absentee certificate envelopes”. The
8 envelopes shall be signed by the chief inspector and 2 other inspectors. Except when
9 the ballots are used in a municipal or school district election only, the municipal clerk
10 shall transmit the used envelopes to the county clerk.

11 **SECTION 135.** 7.51 (4) (a) of the statutes is amended to read:

12 7.51 (4) (a) The tally sheets shall state the total number of votes cast for each
13 office and for each individual receiving votes for that office, whether or not the
14 individual’s name appears on the ballot, and shall state the vote for and against each
15 proposition voted on. Upon completion of the tally sheets, the inspectors shall
16 immediately complete the inspectors’ statements in duplicate statement. The
17 inspectors shall state the excess, if any, by which the number of ballots exceeds the
18 number of electors voting as shown by the poll list and shall state the number of the
19 last elector as shown by the poll lists. At least 3 inspectors, including the chief
20 inspector and, unless election officials are appointed under s. 7.30 (4) (c) without
21 regard to party affiliation, at least one inspector representing each political party,
22 but not including any inspector appointed under s. 7.30 (1) (b), shall then certify to
23 the correctness of the statements statement and tally sheets and sign their names.
24 All other election officials assisting with the tally shall also certify to the correctness

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1 of the tally sheets. When the tally is complete, the inspectors shall publicly announce
2 the results from the ~~statements~~ statement.

3 **SECTION 136.** 7.51 (5) (a) of the statutes is amended to read:

4 7.51 (5) (a) 1. The inspectors shall make full and accurate return of the votes
5 cast for each candidate and proposition on tally sheet forms provided by the
6 municipal clerk for that purpose. Each tally sheet shall record the returns for each
7 office or referendum by ward, unless combined returns are authorized in accordance
8 with s. 5.15 (6) (b) in which case the tally sheet shall record the returns for each group
9 of combined wards.

10 2. After recording the votes, the inspectors shall seal in a carrier envelope
11 outside the ballot bag or container ~~one inspectors' statement under sub. (4) (a), one~~
12 tally sheet, and one poll list for delivery to the county clerk, unless the election relates
13 only to municipal or school district offices or referenda.

14 3. The inspectors shall also ~~similarly seal one~~ the inspectors' statement, inside
15 a separate carrier envelope, and shall similarly seal in a separate carrier envelope
16 one tally sheet, and one poll list for delivery to the municipal clerk. For school district
17 elections, except in 1st class cities, the inspectors shall ~~similarly seal one inspectors'~~
18 ~~statement,~~ one tally sheet, and one poll list for delivery to the school district clerk.

19 4. The inspectors shall immediately deliver all ballots, statements, tally sheets,
20 lists, and envelopes to the municipal clerk.

21 **SECTION 137.** 7.51 (5) (a) 5. of the statutes is created to read:

22 7.51 (5) (a) 5. Upon receipt of the materials under subd. 4., the municipal clerk
23 shall make sufficient copies of the inspectors' statement under sub. (4) (a) and seal
24 one copy of the statement inside a carrier envelope together with the envelope

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1 containing any materials required to be delivered to the county clerk or the school
2 district clerk. The municipal clerk shall retain the original inspectors' statement.

3 **SECTION 138.** 7.51 (5) (b) of the statutes is amended to read:

4 7.51 (5) (b) The municipal clerk shall ~~arrange for delivery of~~ deliver all ballots,
5 statements, tally sheets, lists, and envelopes relating to a school district election to
6 the school district clerk by 4 p.m. on the day following each such election. The
7 municipal clerk shall deliver the ballots, statements, tally sheets, lists, and
8 envelopes for his or her municipality relating to any county, technical college district,
9 state, or national election to the county clerk by ~~2~~ 4 p.m. on the day following each
10 such election or, in municipalities where absentee ballots are canvassed under s.
11 7.52, by 4. p.m. on the 2nd day following each such election. The person delivering
12 the returns shall be paid out of the municipal treasury. Each clerk shall retain
13 ballots, statements, tally sheets, or envelopes received by the clerk until destruction
14 is authorized under s. 7.23 (1).

15 **SECTION 139.** 7.52 of the statutes is created to read:

16 **7.52 Canvassing of absentee ballots. (1)** (a) The governing body of any
17 municipality may provide by ordinance that, in lieu of canvassing absentee ballots
18 at polling places under s. 6.88, the municipal board of absentee ballot canvassers
19 designated under s. 7.53 (2m) shall canvass all absentee ballots at all elections held
20 in the municipality. Prior to enacting an ordinance under this subsection, the
21 municipal clerk or board of election commissioners of the municipality shall notify
22 the board in writing of the proposed enactment and shall consult with the board
23 concerning administration of this section. At every election held in the municipality
24 following enactment of an ordinance under this subsection, the board of absentee
25 ballot canvassers shall, any time after the opening of the polls and before 10 p.m. on

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1 election day, publicly convene to count the absentee ballots for the municipality. The
2 municipal clerk shall give at least 48 hours' notice of any meeting under this
3 subsection. Any member of the public has the same right of access to a meeting of
4 the municipal board of absentee ballot canvassers under this subsection that the
5 individual would have under s. 7.41 to observe the proceedings at a polling place. The
6 board of absentee ballot canvassers may order the removal of any individual
7 exercising the right to observe the proceedings if the individual disrupts the meeting.

8 (b) A municipality that adopts the canvassing procedure under this section may
9 appoint additional inspectors under s. 7.30 (2) (a) to assist the absentee ballot board
10 of canvassers in canvassing absentee ballots under this section. In such case, an odd
11 number of inspectors shall be appointed, and at no time may there be less than 3
12 inspectors who serve. Except as authorized in s. 7.30 (4) (c), all inspectors shall be
13 affiliated with one of the 2 recognized political parties receiving the largest numbers
14 of votes for president, or for governor in nonpresidential general election years, in the
15 municipality. The party whose candidate received the largest number of votes in the
16 municipality is entitled to one more inspector than the party whose candidate
17 received the next largest number of votes in the municipality. Each inspector so
18 appointed shall be a qualified elector of the municipality. The inspectors who are
19 appointed under this paragraph shall serve under the direction and supervision of
20 the board of absentee ballot canvassers.

21 (c) In each municipality where absentee ballots are canvassed under this
22 section, no later than the closing hour of the polls, the municipal clerk shall post at
23 his or her office and on the Internet at a site announced by the clerk before the polls
24 open, and shall make available to any person upon request, a statement of the
25 number of absentee ballots that the clerk has mailed or transmitted to electors and

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1 that have been returned by the closing hour on election day. The posting shall not
2 include the names or addresses of any electors.

3 (2) In counting the absentee ballots, the board of absentee ballot canvassers
4 shall use 2 duplicate copies of a single poll list for the entire municipality prepared
5 in accordance with s. 6.36 (2). Upon accepting each absentee ballot, the board of
6 absentee ballot canvassers shall enter a poll list number on the poll list next to the
7 name of the elector who voted the ballot, beginning with the number one. If the
8 elector's name does not appear on the poll list, the board of absentee ballot
9 canvassers shall enter the number on a separate list maintained under this
10 subsection.

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

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1 is not the same as the name and address shown on the poll list, the board of absentee
2 ballot canvassers shall proceed as provided under s. 6.97 (2). The board of absentee
3 ballot canvassers shall mark the poll list number of each elector who casts an
4 absentee ballot on the back of the elector's ballot. The board of absentee ballot
5 canvassers shall then deposit the ballot into the proper ballot box and enter the
6 absent elector's name or poll list number after his or her name on the poll list.

7 (b) When the board of absentee ballot canvassers finds that a certification is
8 insufficient, that the applicant is not a qualified elector in the ward or election
9 district, that the ballot envelope is open or has been opened and resealed, that the
10 ballot envelope contains more than one ballot of any one kind, or that the certificate
11 of an elector who received an absentee ballot by facsimile transmission or electronic
12 mail is missing, or if proof is submitted to the board of absentee ballot canvassers that
13 an elector voting an absentee ballot has since died, the board of absentee ballot
14 canvassers shall not count the ballot. Each member of the board of absentee ballot
15 canvassers shall endorse every ballot not counted on the back as "rejected (giving the
16 reason)." The board of absentee ballot canvassers shall reinsert each rejected ballot
17 into the certificate envelope in which it was delivered and enclose the certificate
18 envelopes and ballots, and securely seal the ballots and envelopes in an envelope
19 marked for rejected absentee ballots. The board of absentee ballot canvassers shall
20 endorse the envelope as "rejected ballots," with a statement of the ward or election
21 district and date of the election, and each member of the board of absentee ballot
22 canvassers shall sign the statement. The board of absentee ballot canvassers shall
23 then return the envelope containing the ballots to the municipal clerk.

24 (4) (a) The board of absentee ballot canvassers shall then open the ballot box
25 and remove and count the number of ballots therein without examination except as

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1 is necessary to ascertain that each is a single ballot. If 2 or more ballots are folded
2 together so as to appear as a single ballot, the board of absentee ballot canvassers
3 shall lay them aside until the count is completed; and if, after a comparison of the
4 count and the appearance of the ballots it appears to the board of absentee ballot
5 canvassers that the ballots folded together were voted by the same person they shall
6 not be counted but the board of absentee ballot canvassers shall mark them as to the
7 reason for removal, set them aside, and carefully preserve them. The board of
8 absentee ballot canvassers shall then proceed under par. (b).

9 (b) When during the counting of the ballots cast at an election the board of
10 absentee ballot canvassers finds that a ballot is so defective that it cannot determine
11 with reasonable certainty for whom it was cast, the board of absentee ballot
12 canvassers shall so mark the ballot and preserve it. The board of absentee ballot
13 canvassers shall not count the vote cast on the ballot for any office for which it
14 determines the ballot to be defective.

15 (c) Whenever the number of ballots exceeds the number of voting electors as
16 indicated on the poll list, the board of absentee ballot canvassers shall place all
17 ballots face up to check for blank ballots. In this paragraph, “blank ballot” means
18 a ballot on which no votes are cast for any office or question. The board of absentee
19 ballot canvassers shall mark, lay aside, and preserve any blank ballots. If the
20 number of ballots still exceeds the number of voting electors, the board of absentee
21 ballot canvassers shall place all ballots face down and proceed to check for the
22 initials. The board of absentee ballot canvassers shall mark, lay aside, and preserve
23 any ballot not bearing the initials of the municipal clerk. During the count, the board
24 of absentee ballot canvassers shall count those ballots cast by challenged electors the
25 same as the other ballots.

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1 (d) The board of absentee ballot canvassers shall keep a written statement, in
2 duplicate, of the number of ballots set aside and the number of defective ballots and
3 challenged ballots. The statement shall contain a record of the reasons for setting
4 aside each ballot and the reasons why each defective or challenged ballot is defective
5 or challenged. The board of absentee ballot canvassers shall certify that the
6 statement is correct, sign it, and attach it to the tally sheets.

7 (e) If, after any ballots have been set aside, the number of ballots still exceeds
8 the total number of electors recorded on the poll list, the board of absentee ballot
9 canvassers shall place the absentee ballots in the ballot box and one of the members
10 shall publicly and without examination draw therefrom by chance the number of
11 ballots equal to the excess number of ballots. All ballots so removed shall not be
12 counted but shall be specially marked as having been removed by the board of
13 absentee ballot canvassers on original canvass due to an excess number of ballots,
14 set aside, and preserved. When the number of ballots and total shown on the poll list
15 agree, the board of absentee ballot canvassers shall return all ballots to be counted
16 to the ballot box and shall turn the ballot box in such manner as to thoroughly mix
17 the ballots. The board of absentee ballot canvassers shall then open, count, and
18 record the number of votes. When the ballots are counted, the board of absentee
19 ballot canvassers shall separate them into piles for ballots similarly voted.
20 Objections may be made to placement of ballots in the piles at the time the separation
21 is made.

22 (f) If corrected ballots under s. 5.06 (6) or 5.72 (3) are distributed under s. 7.10
23 (3), only the votes cast on the corrected ballots may be counted for any office or
24 referendum in which the original ballots differ from the corrected ballots.

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1 (g) The board of absentee ballot canvassers shall place together all ballots
2 counted by it that relate to any national, state, or county office or any state, county,
3 or technical college district referendum and secure them together so they cannot be
4 untied or tampered with without breaking the seal. The secured ballots, together
5 with any ballots marked “Defective,” shall then be secured by the board of absentee
6 ballot canvassers in the ballot container in such a manner that the container cannot
7 be opened without breaking the seals or locks, or destroying the container. The board
8 of absentee ballot canvassers shall place the ballots cast under s. 6.97 in a separate,
9 securely sealed carrier envelope which is clearly marked “Section 6.97 ballots.” Each
10 member of the board of absentee ballot canvassers shall sign the carrier envelope.
11 The carrier envelope shall not be placed in the ballot container. The board of
12 absentee ballot canvassers shall then deliver the ballots to the municipal clerk in the
13 ballot container and carrier envelope.

14 (h) For ballots that relate only to municipal or school district offices or
15 referenda, the board of absentee ballot canvassers, in lieu of par. (a), after counting
16 the ballots shall return them to the proper ballot boxes, lock the boxes, paste paper
17 over the slots, sign their names to the paper, and deliver them and the keys therefor
18 to the municipal or school district clerk. The clerk shall retain the ballots until
19 destruction is authorized under s. 7.23.

20 (i) All absentee certificate envelopes that have been opened shall be returned
21 by the board of absentee ballot canvassers to the municipal clerk in a securely sealed
22 carrier envelope that is clearly marked “used absentee certificate envelopes.” The
23 envelopes shall be signed by each member of the board of absentee ballot canvassers.
24 Except when the ballots are used in a municipal or school district election only, the
25 municipal clerk shall transmit the used envelopes to the county clerk.

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1 **(5)** The vote of any absent elector may be challenged for cause and the board
2 of absentee ballot canvassers shall have all the power and authority given the
3 inspectors to hear and determine the legality of the ballot the same as if the ballot
4 had been voted in person.

5 **(6)** (a) The board of absentee ballot canvassers shall review each certificate
6 envelope to determine whether any absentee ballot is cast by an elector whose name
7 appears on the poll list as ineligible to vote at the election, including ineligibility to
8 vote by reason of a felony conviction. If the board of absentee ballot canvassers
9 receives an absentee ballot that has been cast by an elector whose name appears on
10 the poll list as ineligible to vote, the inspectors shall challenge the ballot in the same
11 manner as provided for inspectors making challenges under s. 6.92 and shall treat
12 the ballot in the manner as provided for treatment of challenged ballots by inspectors
13 under s. 6.95.

14 (b) Any elector may challenge for cause any absentee ballot. For the purpose
15 of deciding upon ballots that are challenged for any reason, the board of absentee
16 ballot canvassers may call before it any person whose absentee ballot is challenged
17 if the person is available to be called. If the person challenged refuses to answer fully
18 any relevant questions put to him or her by the board of absentee ballot canvassers
19 under s. 6.92, the board of absentee ballot canvassers shall reject the person's vote.
20 If the challenge is not withdrawn after the person offering to vote has answered the
21 questions, one of the members of the board of absentee ballot canvassers shall
22 administer to the person the following oath or affirmation: "You do solemnly swear
23 (or affirm) that: you are 18 years of age; you are a citizen of the United States; you
24 are now and for 10 days have been a resident of this ward except under s. 6.02 (2),
25 stats.; you have not voted at this election; you have not made any bet or wager or

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1 become directly or indirectly interested in any bet or wager depending upon the
2 result of this election; you are not on any other ground disqualified to vote at this
3 election.” If the person challenged refuses to take the oath or affirmation, the
4 person’s vote shall be rejected. If the person challenged answers fully all relevant
5 questions put to the elector by the board of absentee ballot canvassers under s. 6.92,
6 takes the oath or affirmation, and fulfills the applicable registration requirements,
7 and if the answers to the questions given by the person indicate that the person meets
8 the voting qualification requirements, the person’s vote shall be received.

9 (7) The board of absentee ballot canvassers shall maintain tally sheets on
10 forms provided by the municipal clerk, which shall state the total number of votes
11 cast for each office and for each individual receiving votes for that office, whether or
12 not the individual’s name appears on the ballot, and shall state the vote for and
13 against each proposition voted on. Upon completion of the canvass of the absentee
14 ballots, the board of absentee ballot canvassers shall immediately complete
15 statements in duplicate. The statements shall state the excess, if any, by which the
16 number of ballots exceeds the number of electors voting as shown by the poll list used
17 by the board of absentee ballot canvassers under this section and shall state the poll
18 list number of the last elector as shown by the poll list. Each member of the board
19 of absentee ballot canvassers shall then certify to the correctness of the statements
20 and tally sheets and sign their names. All other election officials assisting with the
21 tally shall also certify to the correctness of the tally sheets. When the tally is
22 complete, the board of absentee ballot canvassers shall publicly announce the results
23 from the statements, and the records of the count are open to public inspection and
24 copying under s. 19.35 (1).

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1 **(8)** The board of absentee ballot canvassers shall make full and accurate return
2 of the votes cast for each candidate and proposition on the tally sheet forms. Each
3 tally sheet shall record the returns for each office or referendum by ward, unless
4 combined returns are authorized in accordance with s. 5.15 (6) (b), in which case the
5 tally sheet shall record the returns for each group of combined wards. After
6 recording the votes, the board of absentee ballot canvassers shall seal in a carrier
7 envelope outside the ballot bag or container one inspector's statement under sub. (4)
8 (d), one tally sheet, and one poll list for delivery to the county clerk, unless the
9 election relates only to municipal or school district offices or referenda. The board
10 of absentee ballot canvassers shall also similarly seal one statement, one tally sheet,
11 and one poll list for delivery to the municipal clerk.

12 **(9)** The governing body of any municipality that has provided by ordinance
13 enacted under sub. (1) for the canvassing of absentee ballots at all elections held in
14 the municipality under this section may by similar action rescind that decision.
15 Thereafter, the absentee ballots at all elections held in the municipality shall be
16 canvassed as provided in s. 6.88.

17 **SECTION 140.** 7.53 (1) of the statutes is amended to read:

18 7.53 **(1)** MUNICIPALITIES WITH ONE POLLING PLACE. Where the municipality
19 constitutes one ward or combines all wards to utilize a single polling place under s.
20 5.15 (6) (b), the canvass of the votes cast at the polling place shall be conducted
21 publicly under s. 7.51 and the inspectors, other than any inspector appointed under
22 s. 7.30 (1) (b), shall act as the municipal board of canvassers. In municipalities where
23 absentee ballots are canvassed under s. 7.52, after the canvass of the absentee ballots
24 is completed under s. 7.52, the board of absentee ballot canvassers shall reconcile the
25 poll list of the electors who vote by absentee ballot with the corresponding poll list

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1 of the electors who vote in person to ensure that no elector is allowed to cast more
2 than one ballot. If an elector who votes in person has submitted an absentee ballot,
3 the absentee ballot is void. Upon completion of the canvass under this subsection and
4 any canvass that is conducted under s. 7.52 and ascertainment of the results by the
5 inspectors or, in municipalities where absentee ballots are canvassed under s. 7.52,
6 by the inspectors and the board of absentee ballot canvassers, the municipal clerk
7 shall publicly read to the inspectors or the board of absentee ballot canvassers the
8 names of the persons voted for and the number of votes for each person for each
9 municipal office, the names of the persons declared by the inspectors or board of
10 absentee ballot canvassers to have won nomination or election to each municipal
11 office, and the number of votes cast for and against each municipal referendum
12 question.

13 **SECTION 141.** 7.53 (2) (a) of the statutes is amended to read:

14 7.53 (2) (a) 1. Except as provided in par. (c), the municipal board of canvassers
15 for municipal elections in each municipality utilizing more than one polling place
16 shall be composed of the municipal clerk and 2 other qualified electors of the
17 municipality appointed by the clerk. The members of the board of canvassers shall
18 serve for 2-year terms commencing on January 1 of each odd-numbered year, except
19 that any member who is appointed to fill a permanent vacancy shall serve for the
20 unexpired term of the original appointee.

21 2. If the municipal clerk's office is vacant, or if the clerk cannot perform his or
22 her duties ~~or if the clerk is a candidate at an election being canvassed,~~ the mayor,
23 president or board chairperson of the municipality shall designate another qualified
24 elector of the municipality to serve in lieu of the clerk for that election.

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1 4. If any other member of the board of canvassers is a candidate at the election
2 being canvassed, the clerk shall appoint another qualified elector of the municipality
3 to temporarily fill the vacancy.

4 **SECTION 142.** 7.53 (2) (a) 3. of the statutes is created to read:

5 7.53 (2) (a) 3. If the clerk is a candidate at an election being canvassed, the clerk
6 may perform his or her duties on the board of canvassers only if the clerk does not
7 have an opponent whose name appears on the ballot, or in the case of a recount, if
8 the office the clerk is seeking is not a subject of the recount. If the clerk is a candidate
9 at the election being canvassed and has an opponent whose name appears on the
10 ballot or if the office the clerk is seeking is a subject of a recount, the mayor, president
11 of board chairperson of the municipality shall designate another qualified elector of
12 the municipality to serve in lieu of the elector for that election.

13 **SECTION 143.** 7.53 (2) (d) of the statutes is amended to read:

14 7.53 (2) (d) The municipal board of canvassers shall publicly canvass the
15 returns of every municipal election. The canvass shall begin within 24 hours after
16 the polls close. After any canvass of the absentee ballots is completed under s. 7.52,
17 the board of canvassers shall reconcile the poll list of the electors who vote by
18 absentee ballot with the corresponding poll list of the electors who vote in person to
19 ensure that no elector is allowed to cast more than one ballot. If an elector who votes
20 in person has submitted an absentee ballot, the absentee ballot is void. At the spring
21 election, the board of canvassers shall publicly declare the results on or before the
22 2nd Tuesday in April. The board of canvassers shall prepare a statement showing
23 the results of each election for any municipal office and each municipal referendum.
24 After each primary for municipal offices, the board of canvassers shall prepare a
25 statement certifying the names of those persons who have won nomination to office.

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1 After each other election for a municipal office and each municipal referendum, the
2 board of canvassers shall prepare a determination showing the names of the persons
3 who are elected to each municipal office and the results of each municipal
4 referendum. The board of canvassers shall file each statement and determination
5 in the office of the municipal clerk or board of election commissioners.

6 **SECTION 144.** 7.53 (2m) of the statutes is created to read:

7 7.53 (2m) BOARD OF ABSENTEE BALLOT CANVASSERS. (a) If a municipality elects
8 to count absentee ballots in the manner provided for in s. 7.52, the municipality shall
9 establish a board of absentee ballot canvassers as provided in par. (b).

10 (b) Except as provided in par. (c), the municipal board of absentee ballot
11 canvassers shall be composed of the municipal clerk, or a qualified elector of the
12 municipality designated by the clerk, and 2 other qualified electors of the
13 municipality appointed by the clerk. The members of the board of absentee ballot
14 canvassers shall serve for 2-year terms commencing on January 1 of each
15 odd-numbered year, except that any member who is appointed to fill a permanent
16 vacancy shall serve for the unexpired term of the original appointee. If the municipal
17 clerk's office is vacant or if the clerk and the clerk's designee cannot perform his or
18 her duties, the mayor, president, or board chairperson of the municipality shall
19 designate another qualified elector of the municipality to serve in lieu of the clerk for
20 that election. If the clerk is a candidate at an election being canvassed, the clerk or
21 the clerk's designee may perform the clerk's duties on the board of absentee ballot
22 canvassers only if the clerk does not have an opponent whose name appears on the
23 ballot. If the clerk is a candidate at the election being canvassed by the board of
24 absentee ballot canvassers and has an opponent whose name appears on the ballot,
25 the mayor, president, or board chairperson of the municipality shall designate

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1 another qualified elector of the municipality to serve in lieu of the clerk and his or
2 her designee for that election. If any other member of the board of absentee ballot
3 canvassers is a candidate at the election being canvassed, the clerk shall appoint
4 another qualified elector of the municipality to temporarily fill the vacancy.

5 (c) Nothing in this subsection precludes a municipal clerk from appointing
6 individuals to the board of absentee ballot canvassers who are simultaneously
7 serving on any other board of canvassers.

8 **SECTION 145.** 7.60 (2) of the statutes is amended to read:

9 7.60 (2) COUNTY BOARD OF CANVASSERS. The county clerk and 2 qualified electors
10 of the county appointed by the clerk constitute the county board of canvassers. The
11 members of the board of canvassers shall serve for 2-year terms commencing on
12 January 1 of each odd-numbered year, except that any member who is appointed to
13 fill a permanent vacancy shall serve for the unexpired term of the original appointee.
14 One member of the board of canvassers shall belong to a political party other than
15 the clerk's. The county clerk shall designate a deputy clerk who shall perform the
16 clerk's duties as a member of the board of canvassers in the event that the county
17 clerk's office is vacant, or the clerk cannot perform his or her duties, ~~or the clerk is~~
18 ~~a candidate at an election being canvassed.~~ If the county clerk and designated
19 deputy clerk are both unable to perform their duties, the county executive or, if there
20 is no county executive, the chairperson of the county board of supervisors shall
21 designate another qualified elector of the county to perform the clerk's duties. If a
22 member other than the clerk cannot perform his or her duties, the clerk shall appoint
23 another member to serve. No Except as otherwise provided in this subsection, no
24 person may serve on the county board of canvassers if the person is a candidate for
25 an office to be canvassed by that board. If the clerk is a candidate at an election being

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1 canvassed, the clerk may perform his or her duties on the board only if the clerk has
2 no opponent whose name appears on the ballot, or, in the case of a recount, if the office
3 the clerk is seeking is not a subject of the recount. If lists of candidates for the county
4 board of canvassers are submitted to the county clerk by political party county
5 committees, the lists shall consist of at least 3 names and the clerk shall choose the
6 board members from the lists. Where there is a county board of election
7 commissioners, it shall serve as the board of canvassers. If the county board of
8 election commissioners serves as the board of canvassers, the executive director of
9 the county board of election commissioners shall serve as a member of the board of
10 canvassers to fill a temporary vacancy on that board.

11 **SECTION 146.** 8.10 (3) (intro.) of the statutes is amended to read:

12 8.10 (3) (intro.) The certification of a qualified elector circulator under s. 8.15
13 (4) (a) shall be appended to each nomination paper. The number of required
14 signatures on nomination papers filed under this section is as follows:

15 **SECTION 147.** 8.15 (4) (a) of the statutes is amended to read:

16 8.15 (4) (a) The certification of a qualified elector circulator stating his or her
17 residence with street and number, if any, shall appear at the bottom of each
18 nomination paper, stating he or she personally circulated the nomination paper and
19 personally obtained each of the signatures; he or she knows they are electors of the
20 ward, aldermanic district, municipality or county, as the nomination papers require;
21 he or she knows they signed the paper with full knowledge of its content; he or she
22 knows their respective residences given; he or she knows each signer signed on the
23 date stated opposite his or her name; and, that he or she, the circulator, resides
24 within the district which the candidate named therein will represent, if elected is a
25 qualified elector of this state, or if not a qualified elector of this state, is a U.S. citizen

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1 age 18 or older who, if he or she were a resident of this state, would not be disqualified
2 from voting under s. 6.03, Wis. stats.; that he or she intends to support the candidate;
3 and that he or she is aware that falsifying the certification is punishable under s.
4 12.13 (3) (a), Wis. stats. The circulator shall indicate the date that he or she makes
5 the certification next to his or her signature. The certification may be made by the
6 candidate or any qualified elector circulator.

7 **SECTION 148.** 8.20 (3) of the statutes is amended to read:

8 **8.20 (3)** The certification of ~~an elector~~ a qualified circulator under s. 8.15 (4)
9 (a) shall be appended to each nomination paper.

10 **SECTION 149.** 8.37 of the statutes is amended to read:

11 **8.37 Filing of referenda petitions or questions.** Unless otherwise required
12 by law, all proposed constitutional amendments and any other measure or question
13 that is to be submitted to a vote of the people, or any petitions requesting that a
14 measure or question be submitted to a vote of the people, if applicable, shall be filed
15 with the official or agency responsible for preparing the ballots for the election no
16 later than 42 days prior to the election at which the amendment, measure or question
17 will appear on the ballot. No later than the end of the next business day after a
18 proposed measure is filed with a school district clerk under this section, the clerk
19 shall file a copy of the measure or question with the clerk of each county having
20 territory within the school district.

21 **SECTION 150.** 8.40 (2) of the statutes is amended to read:

22 **8.40 (2)** The certification of a qualified elector circulator stating his or her
23 residence with street and number, if any, shall appear at the bottom of each separate
24 sheet of each petition specified in sub. (1), stating that he or she personally circulated
25 the petition and personally obtained each of the signatures; that the circulator knows

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1 that they are electors of the jurisdiction or district in which the petition is circulated;
2 that the circulator knows that they signed the paper with full knowledge of its
3 content; that the circulator knows their respective residences given; that the
4 circulator knows that each signer signed on the date stated opposite his or her name;
5 that the circulator ~~resides within the jurisdiction or district in which the petition is~~
6 ~~circulated~~ is a qualified elector of this state, or if not a qualified elector of this state,
7 that the circulator is a U.S. citizen age 18 or older who, if he or she were a resident
8 of this state, would not be disqualified from voting under s. 6.03, Wis. stats.; and that
9 the circulator is aware that falsifying the certification is punishable under s. 12.13
10 (3) (a). The circulator shall indicate the date that he or she makes the certification
11 next to his or her signature.

12 **SECTION 151.** 9.01 (1) (ag) 1., 1m. and 2. of the statutes are amended to read:

13 9.01 (1) (ag) 1. If the difference between the votes cast for the leading candidate
14 and those cast for the petitioner or the difference between the affirmative and
15 negative votes cast upon any referendum question is less than 10 if 1,000 or less votes
16 are cast or not more than 0.5% of the total votes cast for the office or on the question
17 if more than 1,000 votes are cast prior to issuance of any amended return under s.
18 6.22 (5m) (f), the petitioner is not required to pay a fee.

19 1m. If the difference between the votes cast for the leading candidate and those
20 cast for the petitioner or the difference between the affirmative and negative votes
21 cast upon any referendum question is at least 10 if 1,000 or less votes are cast or is
22 more than 0.5% but not more than 2% if more than 1,000 votes are cast prior to
23 issuance of any amended return under s. 6.22 (5m) (f), the petitioner shall pay a fee
24 of \$5 for each ward for which the petition requests a ballot recount, or \$5 for each
25 municipality for which the petition requests a recount where no wards exist.

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1 2. If the difference between the votes cast for the leading candidate and those
2 cast for the petitioner or the difference between the affirmative and negative votes
3 cast upon any referendum question is more than 2% if more than 1,000 votes are cast
4 prior to issuance of any amended return under s. 6.22 (5m) (f), the petitioner shall
5 pay a fee equal to the actual cost of performing the recount in each ward for which
6 the petition requests a recount, or in each municipality for which the petition request
7 a recount where no wards exist.

8 **SECTION 152.** 9.01 (1) (ag) 2m. of the statutes is created to read:

9 9.01 (1) (ag) 2m. For purposes of subds. 1m. and 2., the number of votes cast
10 at an election excludes any votes that may be eligible to be counted under s. 6.22 (5m)
11 (a).

12 **SECTION 153.** 9.01 (1) (b) (intro.) of the statutes is amended to read:

13 9.01 (1) (b) (intro.) The Except as provided in this paragraph, the proper board
14 of canvassers shall reconvene no earlier than 9 a.m. on the day following delivery of
15 notice to all candidates under sub. (2) and no later than 9 a.m. on the day following
16 the last day for filing of a petition and proceed to recount the ballots in the wards or
17 municipalities specified and to review the allegations of fact contained in the petition
18 or petitions. If s. 6.22 (5m) (dm) applies, the board of canvassers shall not proceed
19 with the recount until 9 a.m. on the day following the last day for filing of a petition
20 and, if s. 6.22 (5m) (e) applies, shall not proceed with the recount until it complies
21 with s. 6.22 (5m) (f). The recount shall proceed for each ward or municipality as
22 follows:

23 **SECTION 154.** 9.01 (10) of the statutes is amended to read:

24 9.01 (10) STANDARD FORMS AND METHODS. The elections board shall prescribe
25 standard forms and procedures for the making of recounts under this section. The

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1 procedures prescribed by the elections board shall require the boards of canvassers
2 in recounts involving more than one board of canvassers to consult with the elections
3 board staff prior to beginning any recount in order to ensure that uniform procedures
4 are used, to the extent practicable, in such recounts.

5 **SECTION 155.** 9.10 (2) (b) of the statutes is amended to read:

6 9.10 (2) (b) A recall petition for requesting the recall of a city, village, town or
7 school district office officer shall contain a statement of ~~a reason for the recall which~~
8 ~~is related to the official responsibilities of the official for whom removal is sought~~
9 each cause for the recall and the grounds that constitute each cause. In this
10 paragraph, “cause” means official misconduct or malfeasance in office.

11 **SECTION 156.** 9.10 (2) (d) of the statutes is amended to read:

12 9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless
13 the petitioner first files a registration statement under s. 11.05 (1) or (2) with the
14 filing officer with whom the petition is filed. The petitioner shall append to the
15 registration a statement indicating his or her intent to circulate a recall petition, the
16 name of the officer for whom recall is sought and, in the case of a petition for the recall
17 of a city, village, town or school district officer, a statement of ~~a reason for the recall~~
18 ~~which is related to the official responsibilities of the official for whom removal is~~
19 ~~sought~~ each cause, as defined in par. (b), for the recall and the grounds that constitute
20 each cause. No petitioner may circulate a petition for the recall of an officer prior to
21 completing registration. The last date that a petition for the recall of a state,
22 congressional, legislative, judicial or county officer may be offered for filing is 5 p.m.
23 on the 60th day commencing after registration. The last date that a petition for the
24 recall of a city, village, town or school district officer may be offered for filing is 5 p.m.
25 on the 30th day commencing after registration. After the recall petition has been

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1 offered for filing, no name may be added or removed. No signature may be counted
2 unless the date of the signature is within the period provided in this paragraph.

3 **SECTION 157.** 9.10 (2) (em) 2. of the statutes is amended to read:

4 9.10 (2) (em) 2. ~~The residency of the circulator cannot be determined by the~~
5 ~~information given on the petition is not a qualified circulator.~~

6 **SECTION 158.** 9.10 (4) (a) of the statutes is amended to read:

7 9.10 (4) (a) Within 10 days after a petition for the recall of a city, village, town,
8 or school district official, officer is offered for filing, the officer against whom the
9 petition is filed may file a written challenge with the municipal clerk or board of
10 election commissioners or school district clerk with whom it is filed, specifying any
11 alleged insufficiency. If a challenge is filed, the petitioner may file a written rebuttal
12 to the challenge with the clerk or board of election commissioners within 5 days after
13 the challenge is filed. If a rebuttal is filed, the officer against whom the petition is
14 filed may file a reply to any new matter raised in the rebuttal within 2 days after the
15 rebuttal is filed. Within 14 days after the expiration of the time allowed for filing a
16 reply to a rebuttal, the clerk or board of election commissioners shall file the
17 certificate or an amended certificate. Within 31 days after the petition is offered for
18 filing, the clerk or board of election commissioners shall determine by careful
19 examination of the face of the petition whether the petition is sufficient and shall so
20 state in a certificate attached to the petition. If the petition is found to be insufficient,
21 the certificate shall state the particulars creating the insufficiency. The petition may
22 be amended to correct any insufficiency within 5 days following the affixing of the
23 original certificate. Within 2 days after the offering of the amended petition for filing,
24 the clerk or board of election commissioners shall again carefully examine the face
25 of the petition to determine sufficiency and shall attach to the petition a certificate

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1 stating the findings. Immediately upon finding an original or amended petition
2 sufficient, except in cities over 500,000 population, the municipal clerk or school
3 district clerk shall transmit the petition to the governing body or to the school board.
4 Immediately upon finding an original or amended petition sufficient, in cities over
5 500,000 population, the board of election commissioners shall file the petition in its
6 office.

7 **SECTION 159.** 10.01 (2) (e) of the statutes is amended to read:

8 10.01 (2) (e) Type E—The type E notice shall state the qualifications for
9 absentee voting, the procedures for obtaining an absentee ballot in the case of
10 registered and unregistered voters, ~~and~~ the places and the deadlines for application
11 and return of application, including any alternate site under s. 6.855, and the office
12 hours during which an elector may cast an absentee ballot in the municipal clerk's
13 office or at an alternate site under s. 6.855. The municipal clerk shall publish a type
14 E notice on the 4th Tuesday preceding each spring primary and election, on the 4th
15 Tuesday preceding each September primary and general election, on the 4th Tuesday
16 preceding the primary for each special national, state, county or municipal election
17 if any, on the 4th Tuesday preceding a special county or municipal referendum, and
18 on the 3rd Tuesday preceding each special national, state, county or municipal
19 election to fill an office which is not held concurrently with the spring or general
20 election. The clerk of each special purpose district which calls a special election shall
21 publish a type E notice on the 4th Tuesday preceding the primary for the special
22 election, if any, on the 4th Tuesday preceding a special referendum, and on the 3rd
23 Tuesday preceding a special election for an office which is not held concurrently with
24 the spring or general election except as authorized in s. 8.55 (3).

25 **SECTION 160.** 10.02 (3) (a) of the statutes is amended to read:

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1 10.02 (3) (a) Upon entering the polling place and before being permitted to vote,
2 an elector shall state his or her name and address ~~and provide identification if~~
3 ~~required by federal law.~~ If an elector is not registered to vote, an elector may register
4 to vote at the polling place serving his or her residence if the elector provides proof
5 of residence or the elector's registration is verified by another elector of the same
6 municipality where the elector resides. Where ballots are distributed to electors, the
7 initials of 2 inspectors must appear on the ballot. Upon being permitted to vote, the
8 elector shall retire alone to a voting booth or machine and cast his or her ballot, except
9 that an elector who is a parent or guardian may be accompanied by the elector's
10 minor child or minor ward. An election official may inform the elector of the proper
11 manner for casting a vote, but the official may not in any manner advise or indicate
12 a particular voting choice.

13 **SECTION 161.** 12.03 (title) and (1) of the statutes are amended to read:

14 **12.03** (title) ~~Election day campaigning~~ **Campaigning restricted.** (1) No
15 election official may engage in electioneering on election day. No municipal clerk or
16 employee of the clerk may engage in electioneering in the clerk's office or at the
17 alternate site under s. 6.855 during the hours that ballots may be cast at those
18 locations.

19 **SECTION 162.** 12.03 (2) of the statutes is repealed and recreated to read:

20 12.03 (2) (a) 1. No person may engage in electioneering during polling hours
21 on election day at a polling place.

22 2. No person may engage in electioneering in the municipal clerk's office or at
23 an alternate site under s. 6.855 during the hours that absentee ballots may be cast.

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1 (b) 1. No person may engage in electioneering during polling hours on any
2 public property on election day within 100 feet of an entrance to a building containing
3 a polling place.

4 2. No person may engage in electioneering during the hours that absentee
5 ballots may be cast on any public property within 100 feet of an entrance to a building
6 containing the municipal clerk's office or an alternate site under s. 6.855.

7 3. No person may engage in electioneering within 100 feet of an entrance to or
8 within a nursing home or qualified retirement home or community-based
9 residential facility while special voting deputies are present at the home or facility.

10 (d) This subsection does not apply to the placement of any material on the
11 bumper of a motor vehicle that is parked or operated at a place and time where
12 electioneering is prohibited under this subsection.

13 **SECTION 163.** 12.035 of the statutes is created to read:

14 **12.035 Posting and distribution of election-related material. (1)** In this
15 section, "election-related material" means any written matter which describes, or
16 purports to describe, the rights or responsibilities of individuals voting or registering
17 to vote at a polling place or voting an absentee ballot at the office of the municipal
18 clerk or an alternate site under s. 6.855.

19 **(2)** The legislature finds that posting or distributing election-related material
20 at the polling place, at locations where absentee ballots may be cast, or near the
21 entrance to such locations when voting is taking place may mislead and confuse
22 electors about their rights and responsibilities regarding the exercise of the franchise
23 and tends to disrupt the flow of voting activities at such locations. The legislature
24 finds that the restrictions imposed by this section on the posting or distribution of

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1 election-related material are necessary to protect the compelling governmental
2 interest in orderly and fair elections.

3 **(3)** (a) No person may post or distribute any election-related material during
4 polling hours on election day at a polling place.

5 (b) No person may post or distribute any election-related material during
6 polling hours on any public property on election day within 100 feet of an entrance
7 to a building containing a polling place.

8 (c) No person may post or distribute any election-related material at the office
9 of the municipal clerk or at an alternate site under s. 6.855 during hours that
10 absentee ballots may be cast.

11 (d) No person may post or distribute election-related material during the hours
12 that absentee ballots may be cast on any public property within 100 feet of an
13 entrance to a building containing the office of the municipal clerk or an alternate site
14 under s. 6.855.

15 **(4)** Subsection (3) does not apply to any of the following:

16 (a) The posting or distribution of election-related material posted or
17 distributed by the municipal clerk or other election officials.

18 (b) The placement of any material on the bumper of a motor vehicle located on
19 public property.

20 **(5)** A municipal clerk, election inspector, or law enforcement officer may
21 remove election-related material posted in violation of sub. (3) and may confiscate
22 election-related material distributed in violation of sub. (3).

23 **SECTION 164.** 12.04 (2) of the statutes is amended to read:

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1 12.04 **(2)** Except as provided in ~~s. ss.~~ ss. 12.03 or 12.035 or as restricted under sub.
2 (4), any individual may place a sign containing a political message upon residential
3 property owned or occupied by that individual during an election campaign period.

4 **SECTION 165.** 12.07 (2) of the statutes is amended to read:

5 12.07 **(2)** No employer may refuse to allow an employee to serve as an election
6 official under s. 7.30 or make any threats or offer any inducements of any kind to the
7 employee for the purpose of preventing the employee from so serving.

8 **SECTION 166.** 12.09 of the statutes is repealed and recreated to read:

9 **12.09 Election threats. (1)** No person may personally or through an agent
10 make use of or threaten to make use of force, violence, or restraint in order to induce
11 or compel any person to vote or refrain from voting at an election.

12 **(2)** No person may personally or through an agent, by abduction, duress, or any
13 fraudulent device or contrivance, impede or prevent the free exercise of the franchise
14 at an election.

15 **(3)** No person may personally or through an agent, by any act compel, induce,
16 or prevail upon an elector either to vote or refrain from voting at any election for or
17 against a particular candidate or referendum.

18 **SECTION 167.** 12.13 (3) (ze) of the statutes is created to read:

19 12.13 **(3)** (ze) Compensate a person who obtains voter registration forms from
20 other persons at a rate that varies in relation to the number of voter registrations
21 obtained by the person.

22 **SECTION 168.** 12.13 (4) of the statutes is repealed.

23 **SECTION 169.** 12.60 (1) (b) of the statutes is amended to read:

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1 12.60 (1) (b) Whoever violates s. 12.03, 12.05, 12.07, 12.08 or 12.13 (2) (b) 8.,
2 (3) (b), (c), (d), (g), (i), (n) to (x), (ze), (zm) or (zn) may be fined not more than \$1,000,
3 or imprisoned not more than 6 months or both.

4 **SECTION 170.** 12.60 (1) (c) of the statutes is amended to read:

5 12.60 (1) (c) Whoever violates s. 12.13 (3) (am) ~~or (4)~~ may be required to forfeit
6 not more than \$500.

7 **SECTION 171.** 12.60 (1) (d) of the statutes is amended to read:

8 12.60 (1) (d) Whoever violates s. 12.035 or 12.13 (3) (h) may be required to
9 forfeit not more than \$100.

10 **SECTION 172.** 17.29 of the statutes is amended to read:

11 **17.29 Effect of chapter.** The provisions of this chapter supersede all contrary
12 provisions in either the general law or in special acts, except ~~ch. 7 ss. 6.26 (2) (b), 6.28~~
13 ~~(2) (b), 6.55 (6), 6.875, and 7.30~~ relating to appointed election officers ~~appointed for~~
14 ~~the election wards or polling places in the state~~ officials and ch. 21 relating to the
15 military staff of the governor and to officers of the Wisconsin national guard; and
16 shall govern all offices whether created by general law or special act, unless
17 otherwise specially provided.

18 **SECTION 173.** 301.03 (3a) of the statutes is created to read:

19 301.03 (3a) Subject to all of the following, design a form to provide notice under
20 ss. 302.117, 973.09 (4m), and 973.176 (2) of ineligibility to vote under s. 6.03 (1) (b):

21 (a) The form shall inform the person who is ineligible to vote that he or she may
22 not vote in any election until his or her civil rights are restored.

23 (b) The form shall inform the person who is ineligible to vote when his or her
24 civil rights are expected to be restored.

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1 (c) The form shall include a place for the person to sign indicating that he or
2 she understands that he or she may not vote in any election until his or her civil
3 rights are restored. The form shall include a place also for a witness signature.

4 (d) The department shall retain the form, and a copy shall be given to the
5 person.

6 **SECTION 174.** 301.03 (20) of the statutes is created to read:

7 301.03 (20) Transmit to the elections board, on a continuous basis, a list
8 containing the name of each living person who has been convicted of a felony under
9 the laws of this state and whose civil rights have not been restored, together with his
10 or her residential address and the date on which the department expects his or her
11 civil rights to be restored.

12 **SECTION 175.** 302.117 of the statutes is amended to read:

13 **302.117 Notice regarding ineligibility to vote.** When an inmate who is
14 disqualified from voting under s. 6.03 (1) (b) is released to parole or extended
15 supervision, the department shall inform the person in writing that he or she may
16 not vote in any election until his or her civil rights are restored. The department shall
17 use the form designed under s. 301.03 (3a) to inform the person, and the person and
18 a witness shall sign the form.

19 **SECTION 176.** 343.11 (2m) of the statutes is created to read:

20 343.11 (2m) Within 30 days following surrender of a license under sub. (1), the
21 department shall provide notice to the elections board of the person's name and
22 address, the name of the jurisdiction issuing the surrendered license, and the date
23 on which the license was surrendered.

24 **SECTION 177.** 880.33 (9) of the statutes is amended to read:

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1 880.33 (9) All the rights and privileges afforded a proposed incompetent under
2 this section shall be given to any person who is alleged to be ineligible to register to
3 vote or to vote in an election by reason that such person is incapable of understanding
4 the objective of the elective process. The determination of the court shall be limited
5 to a finding that the elector is either eligible or ineligible to register to vote or to vote
6 in an election by reason that the person is or is not capable of understanding the
7 objective of the elective process. The determination of the court shall be
8 communicated in writing by the clerk of court to the election official or agency
9 charged under s. 6.48, 6.92, 6.925 ~~or~~ 6.93, or 7.52 (5) with the responsibility for
10 determining challenges to registration and voting which may be directed against
11 that elector. The determination may be reviewed as provided in s. 880.34 (4) and (5)
12 and any subsequent determination of the court shall be likewise communicated by
13 the clerk of court.

14 **SECTION 178.** 973.09 (4m) of the statutes is amended to read:

15 973.09 (4m) The department shall inform each probationer who is disqualified
16 from voting under s. 6.03 (1) (b) that he or she may not vote in any election until his
17 or her civil rights are restored. The department shall use the form designed under
18 s. 301.03 (3a) to inform the probationer, and the probationer and a witness shall sign
19 the form.

20 **SECTION 179.** 973.176 (2) of the statutes is amended to read:

21 973.176 (2) VOTING. Whenever a court imposes a sentence or places a defendant
22 on probation for a conviction that disqualifies the defendant from voting under s. 6.03
23 (1) (b), the court shall inform the defendant in writing that he or she may not vote
24 in any election until his or her civil rights are restored. The court shall use the form

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1 designed by the department of corrections under s. 301.03 (3a) to inform the
2 defendant, and the defendant and a witness shall sign the form.

3 **SECTION 180. Nonstatutory provisions.**

4 (1) ELECTION-RELATED CONTINGENCY PLANNING. The elections board shall
5 prepare a report and recommendations with regard to state and local
6 election-related contingency planning efforts and preparedness regarding natural
7 disasters or terrorist activities that may occur at or near election time. No later than
8 the first day of the 7th month beginning after publication of this act, the elections
9 board shall submit the report and recommendations to the chief clerk of each house
10 of the legislature for distribution to the appropriate standing committees of the
11 legislature in the manner provided under section 13.172 (3) of the statutes.

12 (2) AUDITS OF LOCAL ELECTION PRACTICES. The elections board shall prepare
13 recommendations with regard to random post-election audits of local election
14 practices to be conducted in the fall of odd-numbered years. The recommendations
15 shall include recommendations on how election practices in a given municipality
16 may be reviewed by election officials of other, similar-sized municipalities and how
17 the state will fund such audits. No later than December 31, 2006, the elections board
18 shall submit the recommendations to the chief clerk of each house of the legislature
19 for distribution to the appropriate standing committees of the legislature in the
20 manner provided under s. 13.172 (3) of the statutes.

21 (3) POLLING PLACE OBSERVATION RULES.

22 (a) The elections board shall submit in proposed form the rules required under
23 section 7.41 (5) of the statutes, as created by this act, to the legislative council staff
24 under section 227.15 (1) of the statutes no later than the 60th day beginning after
25 publication of this act.

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1 (b) Using the procedure under section 227.24 of the statutes, the elections
2 board may promulgate rules required under s. 7.41 (5) of the statutes, as created by
3 this act, for the period before the effective date of the rules submitted under
4 paragraph (a), but not to exceed the period authorized under section 227.24 (1) (c)
5 and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the
6 statutes, the board is not required to provide evidence that promulgating a rule
7 under this paragraph as an emergency rule is necessary for the preservation of the
8 public peace, health, safety, or welfare and is not required to provide a finding of
9 emergency for a rule promulgated under this paragraph.

10 (4) FEES FOR COPIES OF REGISTRATION LIST. The elections board may promulgate
11 emergency rules under section 227.24 of the statutes implementing section 6.36 (6)
12 of the statutes, as created by this act. Notwithstanding section 227.24 (1) (c) and (2)
13 of the statutes, emergency rules promulgated under this subsection remain in effect
14 until the date on which permanent rules take effect. Notwithstanding section 227.24
15 (1) (a) and (3) of the statutes, the elections board is not required to provide evidence
16 that promulgating a rule under this subsection as an emergency rule is necessary for
17 the preservation of public peace, health, safety, or welfare and is not required to
18 provide a finding of emergency for a rule promulgated under this subsection.

19 (5) ELECTION OFFICIALS; INTERIM TERMS. Notwithstanding section 7.30 (6) (a) of
20 the statutes, as affected by this act, the persons who are appointed as election
21 officials under section 7.30 (4) of the statutes in 2006 shall serve for terms of one year
22 and until their successors are appointed and qualified.

23 (6) DISTRIBUTION OF FORMS TO CONVICTED FELONS. No later than the first day of
24 the 6th month beginning after the effective date of this subsection, the department
25 of corrections shall distribute, and have signed in front of a witness, a copy of the form

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1 designed under section 301.03 (3a) of the statutes, as created by this act, to each
2 person who is on probation, parole, or extended supervision on that date and who is
3 disqualified from voting in any election under section 6.03 (1) (b) of the statutes.

4 **SECTION 181. Initial applicability.**

5 (1) NOTICE OF SCHOOL DISTRICT REFERENDA. The treatment of section 8.37 of the
6 statutes first applies to a measure or question that becomes subject to a filing
7 requirement under section 8.37 of the statutes on the effective date of this subsection.

8 (2) RECOUNTS. The renumbering and amendment of section 5.90 of the statutes
9 and the creation of section 5.90 (2) and (3) of the statutes by this act first apply to
10 recount petitions filed on the effective date of this subsection.

11 (3) TERMS OF CERTAIN POLL WORKERS. The treatment of sections 7.30 (2) (am), (6)
12 (a), and (6) (am) of the statutes first applies to appointments made on the effective
13 date of this subsection.

14 (4) PETITIONS FOR RECALL. The treatment of sections 9.10 (2) (b) and (d) and (4)
15 (a) of the statutes first applies with respect to petitions for recall that are offered for
16 filing on the effective date of this subsection.

17 (5) CIRCULATORS OF NOMINATION PAPERS AND PETITIONS. The treatment of sections
18 5.02 (16g), 8.10 (3) (intro.), 8.15 (4) (a), 8.20 (3), 8.40 (2), and 9.10 (2) (em) 2. of the
19 statutes first applies with respect to nomination paper circulation periods that begin
20 and petitions that are initially circulated on the effective date of this subsection.

21 (6) NOTIFICATION REGARDING INELIGIBILITY TO VOTE DURING PAROLE OR EXTENDED
22 SUPERVISION. The treatment of section 302.117 of the statutes first applies to persons
23 whom the department of corrections releases to parole or extended supervision on
24 the effective date of this subsection.

