



State of Wisconsin
2015 - 2016 LEGISLATURE

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**SENATE SUBSTITUTE AMENDMENT 2,
TO SENATE BILL 295**

February 9, 2016 – Offered by Senators LASSA, CARPENTER, L. TAYLOR, ERPENBACH, RISSER, MILLER, BEWLEY, VINEHOUT, WIRCH, SHILLING and HANSEN.

1 **AN ACT** *to repeal* 6.40, 6.55 (2) (a) 2. and 7.515; *to renumber* 5.05 (14); *to*
2 *renumber and amend* 6.33 (5) (a) and 6.36 (1) (a); *to amend* 5.056, 5.85 (2)
3 (b) 1., 5.85 (2) (b) 2., 5.90 (1), 6.10 (3), 6.22 (5), 6.24 (3), 6.25 (1) (a), 6.25 (1) (b),
4 6.275 (1) (b), 6.28 (1), 6.30 (1), 6.30 (4), 6.32 (1) and (2), 6.325, 6.33 (1), 6.33 (2)
5 (a), 6.34 (2), 6.35 (1) (intro.), 6.36 (1) (b) 1. a., 6.36 (2) (c), 6.36 (6), 6.50 (3), 6.50
6 (10), 6.55 (2) (d), 6.79 (1m), 6.79 (2) (d), 6.87 (4) (b) 1., 6.87 (6), 7.08 (1) (c), 7.51
7 (5) (b), 7.53 (1) (a), 7.53 (3) (a), 7.60 (1), 9.01 (1) (a) 1., 11.1104 (6), 85.61 (1) and
8 343.027; and *to create* 5.02 (6m) (g), 5.05 (14) (b), 5.05 (14) (c), 5.05 (18), 6.30
9 (5), 6.33 (5) (a) 2., 6.34 (2m), 6.34 (3) (a) 12., 6.34 (4), 6.35 (2), 6.36 (1) (a) 13. to
10 16., 6.36 (1) (ae), 6.87 (6d), 7.51 (4) (c), 19.42 (10) (ab) and 19.42 (13) (p) of the
11 statutes; **relating to:** electronic voter registration and election administration
12 and granting rule-making authority.

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

1 **SECTION 1.** 5.02 (6m) (g) of the statutes is created to read:

2 5.02 (**6m**) (g) A veterans identification card issued by the veterans health
3 administration of the federal department of veterans affairs.

4 **SECTION 2.** 5.05 (14) of the statutes is renumbered 5.05 (14) (a).

5 **SECTION 3.** 5.05 (14) (b) of the statutes is created to read:

6 5.05 (**14**) (b) The commission shall establish a subscription service whereby a
7 person may electronically access the absentee ballot information provided under s.
8 6.33 (5) (a), including semiweekly updates of such information.

9 **SECTION 4.** 5.05 (14) (c) of the statutes is created to read:

10 5.05 (**14**) (c) On election night the commission shall provide a link on its
11 Internet site to the posting of each county's election returns on each county's Internet
12 site.

13 **SECTION 5.** 5.05 (18) of the statutes is created to read:

14 5.05 (**18**) **ELECTRONIC POLL LISTS.** The commission may facilitate the creation
15 and maintenance of electronic poll lists for purposes of s. 6.79 including entering into
16 contracts with vendors and establishing programs for development and testing.

17 **SECTION 6.** 5.056 of the statutes, as affected by 2015 Wisconsin Act 118, is
18 amended to read:

19 **5.056 Matching program with secretary of transportation.** The
20 commission administrator shall enter into the agreement with the secretary of
21 transportation specified under s. 85.61 (1) to match personally identifiable
22 information on the official registration list maintained by the commission under s.

1 6.36 (1) and the information specified in s. 6.34 (2m) with personally identifiable
2 information maintained by the department of transportation.

3 **SECTION 7.** 5.85 (2) (b) 1. of the statutes is amended to read:

4 5.85 (2) (b) 1. In case of an overvote for any office, the election officials ~~shall~~ may
5 either use the override function of the electronic voting system in order to eliminate
6 the votes for the overvoted office, which shall be noted on the inspector's statement,
7 or make a true duplicate ballot of all votes on the ballot except for the office that is
8 overvoted in the manner described in this subdivision. ~~The~~ If the election officials
9 make a true duplicate ballot, they shall use an official ballot of that kind used by the
10 elector who voted the original ballot, and one of the marking devices, so as to transfer
11 all votes of the elector except for the office overvoted to an official ballot of that kind
12 used in the ward at that election. Unless election officials are selected under s. 7.30
13 (4) (c) without regard to party affiliation, whenever election officials of both of the 2
14 major political parties are present, the election officials acting under this subdivision
15 shall consist in each case of at least one election official of each of the parties.

16 **SECTION 8.** 5.85 (2) (b) 2. of the statutes is amended to read:

17 5.85 (2) (b) 2. On any original ballot upon which there is an overvote and for
18 which a duplicate ballot is made under subd. 1., the election officials shall, in the
19 space on the ballot for official endorsement, identify the ballot as an "Overvoted
20 Ballot" and write a serial number. ~~On the~~ any duplicate ballot produced under subd.
21 1., the election officials shall, in the space on the ballot for official endorsement,
22 identify the ballot as a "Duplicate Overvoted Ballot" and write a serial number. The
23 election officials shall place the same serial number on each "Overvoted Ballot" and
24 its corresponding "Duplicate Overvoted Ballot," commencing with number "1" and
25 continuing consecutively for each of the ballots for which a "Duplicate Overvoted

1 Ballot” is produced in that ward or election district. The election officials shall initial
2 the “Duplicate Overvoted Ballot” ballots and shall place them in the container for
3 return of the ballots. The “Overvoted Ballot” ballots and their envelopes shall be
4 placed in the “Original Ballots” envelope.

5 **SECTION 9.** 5.90 (1) of the statutes is amended to read:

6 5.90 (1) Except as otherwise provided in this subchapter, recounts of votes cast
7 on an electronic voting system shall be conducted in the manner prescribed in s. 9.01.
8 Except as provided in this subsection, sub. (2), and s. 9.01 (1) (b) 8s., if the ballots are
9 distributed to the electors, the board of canvassers shall recount the ballots with
10 automatic tabulating equipment. The board of canvassers shall test the automatic
11 tabulating equipment to be used prior to the recount as provided in s. 5.84, and then
12 the official ballots or the record of the votes cast shall be recounted on the automatic
13 tabulating equipment. In addition, the board of canvassers shall check the ballots
14 for the presence or absence of the initials and other distinguishing marks, shall
15 examine the ballots marked “Rejected”, “Defective”, “Overvoted”, and “Objected to”
16 to determine the propriety of such labels, and shall compare the “Duplicate
17 Overvoted Ballots” and “Duplicate Damaged Ballots” with their respective originals
18 to determine the correctness of the duplicates. Unless a court orders a recount to be
19 conducted by another method under sub. (2), the board of canvassers may determine
20 to conduct the recount of a specific election by hand and may determine to conduct
21 the recount by hand for only certain wards or election districts. If electronic voting
22 machines are used, the board of canvassers shall perform the recount using the
23 permanent paper record of the votes cast by each elector, as generated by the
24 machines.

25 **SECTION 10.** 6.10 (3) of the statutes is amended to read:

1 6.10 (3) When an elector moves his or her residence from one ward or
2 municipality to another ward or municipality within the state at least 28 days before
3 the election, the elector may vote in and be considered a resident of the new ward or
4 municipality where residing ~~upon transferring registration under s. 6.40 (1) or~~ upon
5 registering at the proper polling place or other registration location in the new ward
6 or municipality under s. 6.55 (2) or 6.86 (3) (a) 2. If the elector moves his or her
7 residence later than 28 days before an election, the elector shall vote in the elector's
8 former ward or municipality if otherwise qualified to vote there.

9 **SECTION 11.** 6.22 (5) of the statutes is amended to read:

10 6.22 (5) VOTING PROCEDURE. ~~Except as provided in s. 7.515 and as authorized~~
11 in s. 6.25, the ballot shall be marked and returned, deposited and recorded in the
12 same manner as other absentee ballots. In addition, the certification under s. 6.87
13 (2) shall have a statement of the elector's birth date. Failure to return any unused
14 ballots in a primary election does not invalidate the ballot on which the elector casts
15 his or her votes.

16 **SECTION 12.** 6.24 (3) of the statutes is amended to read:

17 6.24 (3) REGISTRATION. The overseas elector shall register in the municipality
18 where he or she was last domiciled or where the overseas elector's parent was last
19 domiciled on a form prescribed by the commission designed to ascertain the elector's
20 qualifications under this section. ~~The form~~ commission shall be ensure that the form
21 is substantially similar to the original form under s. 6.33 (1), insofar as applicable.
22 Registration shall be accomplished in accordance with s. 6.30 (4) or (5).

23 **SECTION 13.** 6.25 (1) (a) of the statutes is amended to read:

24 6.25 (1) (a) Any individual who qualifies as a military elector under s. 6.22 (1)
25 (b) and who transmits an application for an official absentee ballot for any election,

1 including a primary election, no later than the latest time specified for the elector in
2 s. 6.86 (1) (b) may, in lieu of the official ballot, cast a federal write-in absentee ballot
3 prescribed under 42 USC 1973ff-2 for any candidate for an office listed on the official
4 ballot or for all of the candidates of any recognized political party for the offices listed
5 on the official ballot at that election if the federal write-in absentee ballot is received
6 by the appropriate municipal clerk no later than the applicable time prescribed in
7 s. 6.87 (6) ~~or 7.515 (3)~~.

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

9 6.25 (1) (b) Any individual who qualifies as an overseas elector under s. 6.24
10 (1) and who transmits an application for an official absentee ballot for an election for
11 national office, including a primary election, no later than the latest time specified
12 for an elector in s. 6.86 (1) (b) may, in lieu of the official ballot, cast a federal write-in
13 absentee ballot prescribed under 42 USC 1973ff-2 for any candidate or for all
14 candidates of any recognized political party for national office listed on the official
15 ballot at that election, if the federal write-in absentee ballot is received by the
16 appropriate municipal clerk no later than the applicable time prescribed in s. 6.87
17 (6) ~~or 7.515 (3)~~.

18 **SECTION 15.** 6.275 (1) (b) of the statutes is amended to read:

19 6.275 (1) (b) The total number of electors of the municipality residing in that
20 county who were preregistered on the deadline specified in s. 6.28 (1) (a), including
21 valid mail registrations which are postmarked by that day and valid electronic
22 registrations entered under s. 6.30 (5).

23 **SECTION 16.** 6.28 (1) of the statutes is amended to read:

24 6.28 (1) REGISTRATION LOCATIONS; DEADLINE. (a) Except as authorized in ss. 6.29,
25 6.55 (2), and 6.86 (3) (a) 2., registration in person for any an election shall close closes

1 at 5 p.m. on the 3rd Wednesday preceding the election. Registrations made by mail
2 under s. 6.30 (4) must be delivered to the office of the municipal clerk or postmarked
3 no later than the 3rd Wednesday preceding the election. Electronic registration
4 under s. 6.30 (5) for an election closes at 11:59 p.m. on the 3rd Wednesday preceding
5 the election. All applications for registration corrections and additions may be made
6 throughout the year at the office of the city board of election commissioners, at the
7 office of the municipal clerk, at the office of the county clerk, or at other locations
8 provided by the board of election commissioners or the common council in cities over
9 500,000 population or by either or both the municipal clerk, or the common council,
10 village or town board in all other municipalities. Other registration locations may
11 include but are not limited to fire houses, police stations, public libraries, institutions
12 of higher education, supermarkets, community centers, plants and factories, banks,
13 savings and loan associations and savings banks. Special registration deputies shall
14 be appointed for each location unless the location can be sufficiently staffed by the
15 board of election commissioners or the municipal clerk or his or her deputies. An
16 elector who wishes to obtain a confidential listing under s. 6.47 (2) shall register at
17 the office of the municipal clerk of the municipality where the elector resides.

18 **SECTION 17.** 6.30 (1) of the statutes is amended to read:

19 6.30 (1) IN PERSON. An elector shall apply for registration in person, except as
20 provided under ~~sub.~~ subs. (4) and (5) and s. 6.86 (3) (a) 2.

21 **SECTION 18.** 6.30 (4) of the statutes is amended to read:

22 6.30 (4) BY MAIL. Any eligible elector may register by mail on a form prescribed
23 by the commission and provided by each municipality. The form shall be designed
24 to obtain the information required in ss. 6.33 (1) ~~and to provide for changes~~
25 ~~authorized under s. 6.40 (1) (a).~~ The form shall contain a certification by the elector

1 that all statements are true and correct. The form shall be prepostpaid for return
2 when mailed at any point within the United States. The form shall be available in
3 the municipal clerk's office and may be distributed by any elector of the municipality.
4 The clerk shall mail a registration form to any elector upon written or oral request.

5 **SECTION 19.** 6.30 (5) of the statutes is created to read:

6 **6.30 (5) BY ELECTRONIC APPLICATION.** An eligible elector who holds a current and
7 valid operator's license issued under ch. 343 or a current and valid identification card
8 issued under s. 343.50 may register electronically in the manner prescribed by the
9 commission. The commission shall maintain on the Internet a secure registration
10 form that enables the elector to enter the information required under s. 6.33 (1)
11 electronically. An elector who registers electronically under this subsection must
12 authorize the commission to obtain from the department of transportation an
13 electronic copy of the elector's signature, which signature shall constitute an
14 affirmation that all information provided by the elector is correct and shall have the
15 same effect as if the elector had signed the application personally. The commission
16 shall include on the registration form a place for the elector to give this authorization.
17 Upon submittal of the electronic application, the commission shall obtain from the
18 department of transportation a copy of the electronic signature of the elector. The
19 commission shall maintain the application on file and shall notify the municipal
20 clerk or board of election commissioners of the municipality where the elector resides
21 of its receipt of each completed application. The commission shall also permit any
22 elector who has a current and valid operator's license issued to the elector under ch.
23 343 or a current and valid identification card issued under s. 343.50 to make changes
24 in his or her registration at the same Internet site that is used by electors for original
25 registration under this subsection. An elector shall attest to the correctness of any

1 changes in the same manner as provided in this subsection for information entered
2 on an application for original registration.

3 **SECTION 20.** 6.32 (1) and (2) of the statutes are amended to read:

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

8 (2) If the form is insufficient to accomplish registration or the clerk knows or
9 has reliable information that the proposed elector is not qualified, the clerk shall
10 notify the proposed elector within 5 days, if possible, and request that the elector
11 appear at the clerk's office or ~~other~~ another registration center location to complete
12 a proper registration or substantiate the information presented.

13 **SECTION 21.** 6.325 of the statutes is amended to read:

14 **6.325 Disqualification of electors.** No person may be disqualified as an
15 elector unless the municipal clerk, board of election commissioners or a challenging
16 elector under s. 6.48 demonstrates beyond a reasonable doubt that the person does
17 not qualify as an elector or is not properly registered. If it appears that the
18 challenged elector is registered at a residence in this state other than the one where
19 the elector now resides, the municipal clerk or board of election commissioners shall,
20 before permitting the elector to vote, require the elector to ~~transfer his or her~~
21 ~~registration under s. 6.40 (1) (a)~~ properly register and shall notify the municipal clerk
22 or board of election commissioners at the former residence. The municipal clerk or
23 board of election commissioners may require naturalized applicants to show their
24 naturalization certificates.

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

1 6.33 (1) The commission shall prescribe the format, size, and shape of
2 registration forms. All nonelectronic forms shall be printed on cards and each item
3 of information shall be of uniform font size, as prescribed by the commission. Except
4 as otherwise provided in this subsection, electronic forms shall contain the same
5 information as nonelectronic forms. The municipal clerk shall supply sufficient
6 forms to meet voter registration needs. The ~~forms~~ commission shall ~~be designed~~
7 design the form to obtain from each ~~applicant~~ elector information as to name; date;
8 residence location; location of previous residence immediately before moving to
9 current residence location; citizenship; date of birth; age; the number of a current
10 and valid operator's license issued to the elector under ch. 343 or the last 4 digits of
11 the elector's social security account number; whether the ~~applicant~~ elector has
12 resided within the ward or election district for at least ~~28~~ the number of consecutive
13 days specified in s. 6.02 (1); whether the ~~applicant~~ elector has been convicted of a
14 felony for which he or she has not been pardoned, and if so, whether the ~~applicant~~
15 elector is incarcerated, or on parole, probation, or extended supervision; whether the
16 ~~applicant~~ elector is disqualified on any other ground from voting; and whether the
17 ~~applicant~~ elector is currently registered to vote at any other location. The ~~form~~
18 commission shall include on the nonelectronic form a space for the ~~applicant's~~
19 elector's signature and on the electronic form the authorization specified under s.
20 6.30 (5). Below the space for the signature or authorization, respectively, the ~~form~~
21 commission shall ~~state~~ include the following statement: "Falsification of information
22 on this form is punishable under Wisconsin law as a Class I felony.". The ~~form~~
23 commission shall include on the form a space to enter the name of any special
24 registration deputy under s. 6.26 or 6.55 (6) or inspector, municipal clerk, or deputy
25 clerk under s. 6.55 (2) who obtains the form and a space for the deputy, inspector,

1 clerk, or deputy clerk to sign his or her name, affirming that the deputy, inspector,
2 clerk, or deputy clerk has accepted the form. The ~~form~~ commission shall include on
3 the form a space for entry of the ward and aldermanic district, if any, where the
4 elector resides and any other information required to determine the offices and
5 referenda for which the elector is certified to vote. The ~~form~~ commission shall also
6 include on the form a space where the clerk may record an indication of whether the
7 form is received by mail or by electronic application, a space where the clerk shall
8 record an indication of the type of identifying document submitted by the elector as
9 proof of residence under s. 6.34 or an indication that the elector's information in lieu
10 of proof of residence was verified under s. 6.34 (2m), the name of the entity or
11 institution that issued the identifying document, and, if the identifying document
12 includes a number that applies only to the individual holding that document, that
13 number. The ~~form~~ commission shall also include on the form a space where the clerk,
14 for any ~~applicant~~ elector who possesses a valid voting identification card issued to
15 the person under s. 6.47 (3), may record the identification serial number appearing
16 on the voting identification card. Each county clerk shall obtain sufficient
17 registration forms for completion by an elector who desires to register to vote at the
18 office of the county clerk under s. 6.28 (4).

19 **SECTION 23.** 6.33 (2) (a) of the statutes is amended to read:

20 6.33 (2) (a) All information may be recorded by any person, except that the clerk
21 shall record the ward and aldermanic district, if any, other geographic information
22 under sub. (1), the indication of whether the registration is received by mail, and the
23 type of identifying document submitted by the elector as proof of residence under s.
24 6.34, ~~and any information relating to an applicant's voting identification card shall~~
25 ~~be recorded by the clerk. Each applicant.~~ Except as provided in s. 6.30 (5), each

1 elector shall sign his or her own name unless the ~~applicant~~ elector is unable to sign
2 his or her name due to physical disability. In such case, the ~~applicant~~ elector may
3 authorize another elector to sign the form on his or her behalf. If the ~~applicant~~ elector
4 so authorizes, the elector signing the form shall attest to a statement that the
5 application is made upon request and by authorization of a named elector who is
6 unable to sign the form due to physical disability.

7 **SECTION 24.** 6.33 (5) (a) of the statutes, as affected by 2015 Wisconsin Act 118,
8 is renumbered 6.33 (5) (a) 1. and amended to read:

9 6.33 (5) (a) 1. Except as provided in par. (b) and this paragraph, whenever a
10 municipal clerk receives a valid registration or valid change of a name or address
11 under an existing registration ~~and whenever a municipal clerk or~~ or changes a
12 registration from eligible to ineligible status, the municipal clerk or the clerk's
13 designee shall promptly enter electronically on the list maintained by the
14 commission under s. 6.36 (1) the information required under that subsection.

15 3. Except as provided in par. (b) and this paragraph, the municipal clerk ~~may~~
16 or the clerk's designee shall update any entries that change on the date of an election
17 other than a general election within 30 days after the date of that election, and ~~may~~
18 shall update any entries that change on the date of a general election within 45 days
19 after the date of that election. The commission administrator may, upon request of
20 a municipal clerk, permit the clerk to update entries that change on the date of a
21 general election within 60 days after that election.

22 4. The municipal clerk shall provide to the commission information that is
23 confidential under s. 6.47 (2) in such manner as the commission prescribes.

24 **SECTION 25.** 6.33 (5) (a) 2. of the statutes is created to read:

1 6.33 (5) (a) 2. Except as provided in par. (b) and this paragraph, whenever a
2 municipal clerk mails an absentee ballot to an elector or receives an in-person
3 absentee ballot application or an absentee ballot the municipal clerk shall, no later
4 than 48 hours after mailing an absentee ballot or receiving an in-person absentee
5 ballot application or an absentee ballot, enter electronically on the list maintained
6 by the commission under s. 6.36 (1) the information required under that subsection
7 or submit the information to the clerk's designee who shall, no later than 24 hours
8 after receiving the information from the clerk, enter electronically on the list
9 maintained by the commission under s. 6.36 (1) the information required under that
10 subsection.

11 **SECTION 26.** 6.34 (2) of the statutes is amended to read:

12 6.34 (2) ~~Upon Except as provided in sub. (2m), upon~~ completion of a registration
13 form prescribed under s. 6.33, each eligible elector who is required to register under
14 s. 6.27, who is not a military elector or an overseas elector, shall provide an
15 identifying document that establishes proof of residence under sub. (3). If the elector
16 registered by mail or by electronic application, the identifying document may not be
17 a residential lease.

18 **SECTION 27.** 6.34 (2m) of the statutes is created to read:

19 6.34 (2m) An elector who registers by electronic application under s. 6.30 (5)
20 is not required to provide proof of residence under sub. (2) if, at the time of
21 registration, the elector provides the number of a current and valid operator's license
22 issued under ch. 343, or the number of a current and valid identification card issued
23 under s. 343.50, together with the elector's name and date of birth and the
24 commission is able to verify the information specified under sub. (3) (b) using the
25 system maintained under sub. (4).

1 **SECTION 28.** 6.34 (3) (a) 12. of the statutes is created to read:

2 6.34 **(3)** (a) 12. For an occupant of a residential care facility, as defined in s.
3 6.875 (1) (bm), for the purpose of registering at the facility, a contract or intake
4 document prepared by the residential care facility that specifies that the occupant
5 currently resides in the facility. The contract or intake document may also identify
6 the room or unit in which the occupant resides.

7 **SECTION 29.** 6.34 (4) of the statutes is created to read:

8 6.34 **(4)** The commission shall maintain a system that electronically verifies,
9 on an instant basis, information specified under sub. (3) (b) from the information
10 submitted in lieu of proof of residence under sub. (2m), using the information
11 maintained by the department of transportation pursuant to the commission's
12 agreement with the secretary of transportation under s. 85.61 (1). If a prospective
13 elector enters information specified under sub. (3) (b) 2. into the system that does not
14 match such information maintained by the department of transportation, the system
15 shall redirect the elector to the department of transportation's Internet site so that
16 the elector may update his or her information with the department of transportation.

17 **SECTION 30.** 6.35 (1) (intro.) of the statutes is amended to read:

18 6.35 **(1)** (intro.) Under the direction of the municipal clerk or board of election
19 commissioners, the original registration forms shall be filed in one of the following
20 ways, except as provided in ~~sub.~~ subs. (1m) and (2):

21 **SECTION 31.** 6.35 (2) of the statutes is created to read:

22 6.35 **(2)** The commission shall prescribe, by rule, the procedure and methods
23 by which municipal clerks and boards of election commissioners shall maintain
24 records of registrations that are entered electronically under s. 6.30 (5).

1 **SECTION 32.** 6.36 (1) (a) of the statutes is renumbered 6.36 (1) (a) (intro.) and
2 amended to read:

3 **6.36 (1) (a) (intro.)** The commission shall compile and maintain electronically
4 an official registration list. The list shall contain all of the following:

5 1. The name and address of each registered elector in the state, ~~the~~.

6 2. The elector's date of birth of the elector, ~~the~~.

7 3. The ward and aldermanic district of the elector, if any, ~~and, for~~.

8 4. For each elector, a unique registration identification number assigned by the
9 commission, ~~the~~.

10 5. The number of a valid operator's license issued to the elector under ch. 343,
11 if any, or the last 4 digits of the elector's social security account number, if any, ~~any~~.

12 6. Any identification serial number issued to the elector under s. 6.47 (3), ~~the~~.

13 7. The date of any election in which the elector votes, ~~an~~.

14 8. An indication of whether the elector is an overseas elector, as defined in s.
15 6.24 (1), ~~any~~.

16 9. Any information relating to the elector that appears on the current list
17 transmitted to the commission by the department of corrections under s. 301.03
18 (20m), ~~an~~.

19 10. An indication of any accommodation required under s. 5.25 (4) (a) to permit
20 voting by the elector, ~~an~~.

21 11. An indication of the method by which the elector's registration form was
22 received, ~~and an~~.

23 12. An indication of whether the elector was required under s. 6.34 to provide
24 proof of residence and, if so, the type of identifying document submitted as proof of
25 residence, the name of the entity or institution that issued the identifying document,

1 and, if the identifying document included a number that applies only to the
2 individual holding that document, up to the last 4 digits of that number. If the
3 number on the identifying document submitted by the elector had 6 or fewer digits,
4 the list under this paragraph may not contain more than the last 2 digits of that
5 number.

6 (am) The list under ~~this paragraph~~ par. (a) may contain such other information
7 as may be determined by the commission to facilitate administration of elector
8 registration requirements.

9 **SECTION 33.** 6.36 (1) (a) 13. to 16. of the statutes are created to read:

10 6.36 (1) (a) 13. A separate column indicating the date on which an elector
11 applied to vote by in-person absentee ballot.

12 14. Separate columns indicating the date on which the clerk mailed an
13 absentee ballot to an elector and the date on which the elector returned the absentee
14 ballot.

15 15. A separate column indicating the polling location associated with each
16 elector's address and ward or aldermanic district, if any.

17 16. A separate column indicating the mailing address for the municipal clerk
18 associated with each polling location identified under subd. 15.

19 **SECTION 34.** 6.36 (1) (ae) of the statutes is created to read:

20 6.36 (1) (ae) 1. The chief election officer shall enter into a membership
21 agreement with Electronic Registration Information Center, Inc., for the purpose of
22 maintaining the official registration list under this section. Prior to entering into an
23 agreement under this subdivision, the chief election officer shall ensure that the
24 agreement satisfies all of the following conditions:

1 a. It safeguards the confidentiality of information or data in the registration
2 list that may be subject to transfer under the agreement and to which access is
3 restricted under par. (b) 1. a.

4 b. It prohibits the sale or distribution of the information or data in the
5 registration list to a 3rd-party vendor and it prohibits any other action not
6 associated with administration of or compliance with the agreement.

7 c. It does not affect the exemption for this state under the national voter
8 registration act.

9 d. It allows the state to make contact with electors by electronic mail, whenever
10 possible.

11 2. If the chief election officer enters into an agreement under subd. 1., the chief
12 election officer shall comply with the terms of the agreement, including the
13 transmission of information and data related to the registration of electors in this
14 state to the Electronic Registration Information Center, Inc., for processing and
15 sharing with other member states and governmental units.

16 **SECTION 35.** 6.36 (1) (b) 1. a. of the statutes, as affected by 2015 Wisconsin Act
17 118, is amended to read:

18 6.36 (1) (b) 1. a. Except as provided in pars. (ae), (bm), and (bn), no person other
19 than an employee of the commission, a county clerk, a deputy county clerk, an
20 executive director of a county board of election commissioners, a deputy designated
21 by the executive director, a municipal clerk, a deputy municipal clerk, an executive
22 director of a city board of election commissioners, or a deputy designated by the
23 executive director may view the date of birth, operator's license number, or social
24 security account number of an elector, the address of an elector to whom an

1 identification serial number is issued under s. 6.47 (3), or any indication of an
2 accommodation required under s. 5.25 (4) (a) to permit voting by an elector.

3 **SECTION 36.** 6.36 (2) (c) of the statutes is amended to read:

4 6.36 (2) (c) The list shall contain, next to the name of each elector, an indication
5 of whether proof of residence under s. 6.34 is required for the elector to be permitted
6 to vote. If proof of residence is provided, the type of identifying document submitted
7 by the elector and the name of the entity or institution that issued the identifying
8 document, or an indication that the information provided by the elector in lieu of
9 proof of residence was verified under s. 6.34 (2m), shall be entered on the list in the
10 space provided. ~~Proof~~ Except as provided in s. 6.34 (2m), proof of residence is
11 required if the elector is not a military elector or an overseas elector and the elector
12 registers by mail or by electronic application and has not previously voted in an
13 election in this state.

14 **SECTION 37.** 6.36 (6) of the statutes is amended to read:

15 6.36 (6) The commission shall establish by rule the fee for obtaining a copy of
16 the official registration list, or a portion of the list, including access to the
17 subscription service established under s. 5.05 (14) (b). The amount of the fee shall
18 be set, after consultation with county and municipal election officials, at an amount
19 estimated to cover both the cost of reproduction and the cost of maintaining the list
20 at the state and local level. The rules shall require that revenues from fees received
21 be shared between the state and municipalities or their designees under s. 6.33 (5)
22 (b), and shall specify a method for such allocation.

23 **SECTION 38.** 6.40 of the statutes is repealed.

24 **SECTION 39.** 6.50 (3) of the statutes is amended to read:

1 6.50 (3) Upon receipt of reliable information that a registered elector has
2 changed his or her residence to a location outside of the municipality, the municipal
3 clerk or board of election commissioners shall notify the elector by mailing a notice
4 by 1st class mail to the elector's registration address stating the source of the
5 information. All municipal departments and agencies receiving information that a
6 registered elector has changed his or her residence shall notify the clerk or board of
7 election commissioners. If the elector no longer resides in the municipality or fails
8 to apply for continuation of registration within 30 days of the date the notice is
9 mailed, the clerk or board of election commissioners shall change the elector's
10 registration from eligible to ineligible status. Upon receipt of reliable information
11 that a registered elector has changed his or her residence within the municipality,
12 the municipal clerk or board of election commissioners shall ~~transfer~~ change the
13 elector's registration and mail the elector a notice of the ~~transfer under s. 6.40 (2)~~
14 change. This subsection does not restrict the right of an elector to challenge any
15 registration under s. 6.325, 6.48, 6.925, 6.93, or 7.52 (5).

16 **SECTION 40.** 6.50 (10) of the statutes is amended to read:

17 6.50 (10) Any qualified elector whose registration is changed from eligible to
18 ineligible status under this section may reregister as provided under s. 6.28 (1), 6.29
19 (2), or 6.55 (2), or, if the elector has a current and valid operator's license issued to
20 the elector under ch. 343 or a current and valid identification card issued under s.
21 343.50, may reregister under s. 6.30 (5).

22 **SECTION 41.** 6.55 (2) (a) 2. of the statutes is repealed.

23 **SECTION 42.** 6.55 (2) (d) of the statutes is amended to read:

24 6.55 (2) (d) A registered elector who has changed his or her name but resides
25 at the same address, and has not ~~notified~~ previously provided notice of the change

1 ~~to the municipal clerk under s. 6.40 (1) (e), shall notify the inspector of the change~~
2 ~~before voting. The inspector shall then notify the municipal clerk at the time when~~
3 ~~materials are returned under s. 6.56 (1). If an elector has changed both a name and~~
4 ~~address, the elector shall register at the polling place or other registration location~~
5 ~~under pars. (a) and (b).~~

6 **SECTION 43.** 6.79 (1m) of the statutes is amended to read:

7 ~~6.79 (1m) SEPARATE POLL LISTS. Two election officials at each election ward shall~~
8 ~~be in charge of and shall maintain 2 separate poll lists containing information~~
9 ~~relating to all persons voting. The municipal clerk may elect to maintain the~~
10 ~~information on the lists poll list manually or electronically. If the lists are~~
11 ~~maintained clerk elects to maintain the list electronically, the commission shall~~
12 ~~prescribe a supplemental list that contains the full name, address, and space for the~~
13 ~~entry of the signature of each elector, or if the elector is exempt from the signature~~
14 ~~requirement under s. 6.36 (2) (a), the word “exempt”. If the lists are maintained~~
15 ~~electronically, the officials shall enter the information into an electronic data~~
16 ~~recording system that enables retrieval of printed copies of the lists at the polling~~
17 ~~place an election official at each election ward shall be in charge of and shall maintain~~
18 ~~the poll list. The system employed to maintain the list electronically is subject to the~~
19 ~~approval of the commission. If the clerk elects to maintain the information manually,~~
20 ~~2 election officials at each election ward shall be in charge of and shall maintain 2~~
21 ~~separate poll lists.~~

22 **SECTION 44.** 6.79 (2) (d) of the statutes is amended to read:

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

1 elector to provide proof of residence. If proof of residence is provided, the officials
2 shall enter both the type of identifying document submitted as proof of residence and
3 the name of the entity or institution that issued the identifying document in the
4 space provided on the poll list and shall verify that the name and address on the
5 identifying document is the same as the name and address shown on the registration
6 list. If proof of residence is required and not provided, or if the elector does not
7 present proof of identification under par. (a), whenever required, the officials shall
8 offer the opportunity for the elector to vote under s. 6.97.

9 **SECTION 45.** 6.87 (4) (b) 1. of the statutes is amended to read:

10 6.87 (4) (b) 1. Except as otherwise provided in s. 6.875, the elector voting
11 absentee shall make and subscribe to the certification before one witness who is an
12 adult U.S. citizen. The absent elector, in the presence of the witness, shall mark the
13 ballot in a manner that will not disclose how the elector's vote is cast. The elector
14 shall then, still in the presence of the witness, fold the ballots so each is separate and
15 so that the elector conceals the markings thereon and deposit them in the proper
16 envelope. If a consolidated ballot under s. 5.655 is used, the elector shall fold the
17 ballot so that the elector conceals the markings thereon and deposit the ballot in the
18 proper envelope. If proof of residence under s. 6.34 is required and the document
19 enclosed by the elector under this subdivision does not constitute proof of residence
20 under s. 6.34, the elector shall also enclose proof of residence under s. 6.34 in the
21 envelope. Proof Except as provided in s. 6.34 (2m), proof of residence is required if
22 the elector is not a military elector or an overseas elector and the elector registered
23 by mail or by electronic application and has not voted in an election in this state. If
24 the elector requested a ballot by means of facsimile transmission or electronic mail
25 under s. 6.86 (1) (ac), the elector shall enclose in the envelope a copy of the request

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

12 **SECTION 46.** 6.87 (6) of the statutes is amended to read:

13 6.87 (6) ~~Except as provided in s. 7.515 (3), the~~ The ballot shall be returned so
14 it is ~~received by the municipal clerk~~ delivered to the polling place no later than 8 p.m.
15 on election day. Except in municipalities where absentee ballots are canvassed
16 under s. 7.52, if the municipal clerk receives an absentee ballot on election day, the
17 clerk shall secure the ballot and cause the ballot to be delivered to the polling place
18 serving the elector's residence before ~~the closing hour.~~ ~~Except as provided in s. 7.515~~
19 ~~(3), any~~ 8 p.m. Any ballot not mailed or delivered as provided in this subsection may
20 not be counted.

21 **SECTION 47.** 6.87 (6d) of the statutes is created to read:

22 6.87 (6d) If a certificate is missing the address of a witness, the ballot may not
23 be counted.

24 **SECTION 48.** 7.08 (1) (c) of the statutes is amended to read:

1 7.08 (1) (c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (4) and (5), 6.33
2 (1), ~~6.40 (1) (a)~~, 6.47 (1) (am) 2. and (3), 6.55 (2), and 6.86 (2) to (3). All such forms
3 shall contain a statement of the penalty applicable to false or fraudulent registration
4 or voting through use of the form. Forms are not required to be furnished by the
5 commission.

6 **SECTION 49.** 7.51 (4) (c) of the statutes is created to read:

7 7.51 (4) (c) On election night the municipalities shall report the returns, by
8 ward or reporting unit, to the county clerk no later than 2 hours after the votes are
9 tabulated.

10 **SECTION 50.** 7.51 (5) (b) of the statutes is amended to read:

11 7.51 (5) (b) The municipal clerk shall deliver all ballots, statements, tally
12 sheets, lists, and envelopes relating to a school district election to the school district
13 clerk, ~~excluding any absentee ballots that are received after the closing hour on~~
14 ~~election night and~~ any provisional ballots, by 4 p.m. on the day following each such
15 election and shall deliver to the school district clerk any amended statements, tally
16 sheets, and lists for additional provisional ~~and absentee~~ ballots canvassed under s.
17 6.97 (4) ~~or 7.515 (6) (b)~~ no later than 4 p.m. on the Monday after the election. The
18 municipal clerk shall deliver to the county clerk the ballots, statements, tally sheets,
19 lists, and envelopes for his or her municipality relating to any county, technical
20 college district, state, or national election no later than 4 p.m. on the day following
21 each such election or, in municipalities where absentee ballots are canvassed under
22 s. 7.52, by 4 p.m. on the 2nd day following each such election, and shall deliver to the
23 county clerk any additional provisional ~~and absentee~~ ballots canvassed under s. 6.97
24 (4) ~~or 7.515 (6) (b)~~ together with amended statements, tally sheets, lists, and
25 envelopes no later than 4 p.m. on the Monday after the election. The person

1 delivering the returns shall be paid out of the municipal treasury. Each clerk shall
2 retain ballots, statements, tally sheets, or envelopes received by the clerk until
3 destruction is authorized under s. 7.23 (1).

4 **SECTION 51.** 7.515 of the statutes is repealed.

5 **SECTION 52.** 7.53 (1) (a) of the statutes, as affected by 2015 Wisconsin Act 37,
6 is amended to read:

7 7.53 (1) (a) Where the municipality constitutes one ward or combines all wards
8 to utilize a single polling place under s. 5.15 (6) (b), the canvass of the votes cast at
9 the polling place shall be conducted publicly under s. 7.51 and the inspectors, other
10 than any inspector appointed under s. 7.30 (1) (b), shall act as the municipal board
11 of canvassers. The inspectors shall then complete the return statement for all votes
12 cast at the polling place. If there are no provisional ballots that are eligible to be
13 counted under s. 6.97 ~~and the municipal clerk has not mailed or transmitted~~
14 ~~absentee ballots to any electors of the municipality that have not been returned by~~
15 ~~election night~~, and no absentee ballots are being canvassed under s. 7.52, the
16 inspectors may complete and sign the canvass statement and determination on
17 election night. In municipalities where absentee ballots are canvassed under s. 7.52,
18 after the canvass of the absentee ballots is completed under s. 7.52, the board of
19 absentee ballot canvassers shall reconcile the poll list of the electors who vote by
20 absentee ballot with the corresponding poll list of the electors who vote in person to
21 ensure that no elector is allowed to cast more than one ballot. If an elector who votes
22 in person has submitted an absentee ballot, the absentee ballot is void. Except as
23 authorized in par. (b), if one or more electors of the municipality have cast provisional
24 ballots that are eligible to be counted under s. 6.97 ~~or if the municipal clerk receives~~
25 ~~one or more absentee ballots by 4 p.m. on the Friday after the election that are eligible~~

1 ~~to be counted under s. 7.515 (6) (b)~~, the inspectors, acting as the board of canvassers,
2 shall reconvene no later than 9 a.m. on the Monday after the election to count the
3 valid provisional ~~and absentee~~ ballots and shall adjust the returns accordingly. The
4 inspectors, acting as the board of canvassers, need not reconvene if the municipal
5 clerk certifies that he or she has received no provisional ~~or absentee~~ ballots from the
6 time that the board of canvassers completed the initial canvass and 4 p.m. on the
7 Friday after the election. Upon completion of the canvass under this paragraph and
8 any canvass that is conducted under s. 7.52 and ascertainment of the results by the
9 inspectors or, in municipalities where absentee ballots are canvassed under s. 7.52,
10 by the inspectors and the board of absentee ballot canvassers, the municipal clerk
11 shall publicly read to the inspectors or the board of absentee ballot canvassers the
12 names of the persons voted for and the number of votes for each person for each
13 municipal office, the names of the persons declared by the inspectors or board of
14 absentee ballot canvassers to have won nomination or election to each municipal
15 office, and the number of votes cast for and against each municipal referendum
16 question.

17 **SECTION 53.** 7.53 (3) (a) of the statutes is amended to read:

18 7.53 (3) (a) In a common, union high or unified school district, the school district
19 clerk shall appoint 2 qualified electors of the school district prior to the date of the
20 election being canvassed who shall, with the school district clerk, constitute the
21 school district board of canvassers. If the school district clerk is a candidate at the
22 election being canvassed, the other 2 members of the board of canvassers shall
23 designate a 3rd member to serve in lieu of the clerk for that election. The school
24 district clerk shall appoint a member to fill any other temporary vacancy on the board
25 of canvassers. The canvass shall begin no later than 9 a.m. on the Tuesday after the

1 election, and shall continue, without adjournment, until completed. The board of
2 canvassers may return defective returns to the municipal board of canvassers in the
3 manner provided in s. 7.60 (3). If the board of canvassers meets before 4 p.m. on the
4 Monday after the election and thereafter receives amended statements, tally sheets,
5 and lists from a municipal clerk for provisional ~~or absentee~~ ballots that are eligible
6 to be counted under s. 6.97 (4) ~~or 7.515 (6) (b)~~, the board of canvassers shall reconvene
7 no later than 9 a.m. on the Tuesday after the election and shall adjust the returns
8 accordingly. No later than 4 p.m. on the Tuesday after the election, the board of
9 canvassers shall complete the canvass and shall prepare a written statement
10 showing the numbers of votes cast for each person for each office and for and against
11 each question and shall prepare a determination showing the names of the persons
12 who are elected to the school board and the results of any school district referendum.
13 Following each primary election, the board of canvassers shall prepare a statement
14 certifying the names of the persons who have won nomination to the school board.
15 Each statement and determination shall be attested by each of the canvassers. The
16 board of canvassers shall file each statement and determination in the school district
17 office. The school district clerk shall certify nominations after each primary and
18 issue certificates of election to persons who are elected to the school board after each
19 election in the manner provided in sub. (4).

20 **SECTION 54.** 7.60 (1) of the statutes is amended to read:

21 7.60 (1) KEEP OFFICE OPEN. On election night the county clerk shall keep the
22 clerk's office open to receive reports from the ward inspectors and shall post all
23 returns. On election night the clerk shall post all returns, by ward or reporting unit,
24 on an Internet site maintained by the county no later than 2 hours after receiving
25 the returns.

1 **SECTION 55.** 9.01 (1) (a) 1. of the statutes, as affected by 2015 Wisconsin Act 118,
2 is amended to read:

3 9.01 (1) (a) 1. Any candidate voted for at any election or any elector who voted
4 upon any referendum question at any election may petition for a recount. The
5 petitioner shall file a verified petition or petitions with the proper clerk or body under
6 par. (ar) not earlier than the time of completion of the canvass following canvassing
7 of any valid provisional ~~and absentee~~ ballots under ss. 6.97 (4) and ~~7.515 (6)~~ and,
8 except as provided in this subdivision, not later than 5 p.m. on the 3rd business day
9 following the last meeting day of the municipal or county board of canvassers
10 determining the election for that office or on that referendum question following
11 canvassing of all valid provisional ~~and absentee~~ ballots or, if more than one board of
12 canvassers makes the determination, not later than 5 p.m. on the 3rd business day
13 following the last meeting day of the last board of canvassers which makes a
14 determination following canvassing of all valid provisional ~~and absentee~~ ballots. If
15 the commission chairperson or chairperson's designee makes the determination for
16 the office or the referendum question, the petitioner shall file the petition not earlier
17 than the last meeting day of the last county board of canvassers to make a statement
18 in the election or referendum following canvassing of all valid provisional ~~and~~
19 ~~absentee~~ ballots and not later than 5 p.m. on the 3rd business day following the day
20 on which the commission receives the last statement from a county board of
21 canvassers for the election or referendum following canvassing of all valid
22 provisional ~~and absentee~~ ballots.

23 **SECTION 56.** 11.1104 (6) of the statutes, as affected by 2015 Wisconsin Act 117,
24 is amended to read:

1 11.1104 (6) Contributions paid to a segregated fund established and
2 administered by a political party or legislative campaign committee for purposes
3 other than making contributions to a candidate committee or making disbursements
4 for express advocacy, except that a political action committee may contribute no more
5 than \$12,000 in any calendar year to such a fund.

6 **SECTION 57.** 19.42 (10) (ab) of the statutes is created to read:

7 19.42 (10) (ab) A member or employee of the ethics commission.

8 **SECTION 58.** 19.42 (13) (p) of the statutes is created to read:

9 19.42 (13) (p) All members of the elections commission and all members of the
10 ethics commission.

11 **SECTION 59.** 85.61 (1) of the statutes, as affected by 2015 Wisconsin Act 118,
12 is amended to read:

13 85.61 (1) The secretary of transportation and the administrator of the elections
14 commission shall enter into an agreement to match personally identifiable
15 information on the official registration list maintained by the commission under s.
16 6.36 (1) and the information specified in s. 6.34 (2m) with personally identifiable
17 information in the operating record file database under ch. 343 and vehicle
18 registration records under ch. 341 to the extent required to enable the secretary of
19 transportation and the administrator of the elections commission to verify the
20 accuracy of the information provided for the purpose of voter registration.

21 **SECTION 60.** 343.027 of the statutes is amended to read:

22 **343.027 Confidentiality of signatures.** Any signature collected under this
23 chapter may be maintained by the department and shall be kept confidential, except
24 that the department shall release a signature or a facsimile of a signature to the
25 department of revenue for the purposes of administering state taxes and collecting

1 debt, to the elections commission, in electronic or digital format, for the purposes
2 specified in s. 6.30 (5), to the person to whom the signature relates, to a court, district
3 attorney, county corporation counsel, city, village, or town attorney, law enforcement
4 agency, or to the driver licensing agency of another jurisdiction.

5 **SECTION 61. Nonstatutory provisions.**

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

15 **SECTION 62. Initial applicability.**

16 (1) The treatment of sections 6.22 (5), 6.25 (1) (a) and (b), 6.87 (6) and (6d), 7.51
17 (5) (b), 7.53 (1) (a) and (3) (a), and 9.01 (1) (a) 1. of the statutes first applies to elections
18 held no earlier than 6 months after the effective date of this subsection.

19 (2) The treatment of section 6.34 (3) (a) 12. of the statutes first applies to
20 registration applications filed on the effective date of this subsection.

21 **SECTION 63. Effective date.**

22 (1) This act takes effect on January 1, 2018.

23 (END)