



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2330/1
MPG:ahe

2019 SENATE BILL 159

April 11, 2019 - Introduced by Senators SMITH, MILLER, HANSEN, CARPENTER, JOHNSON, LARSON, RINGHAND, RISSER, L. TAYLOR and WIRCH, cosponsored by Representatives EMERSON, ANDERSON, BROSTOFF, HEBL, MEYERS, OHNSTAD, RIEMER, SARGENT, SHANKLAND, SINICKI, SPREITZER, SUBECK, C. TAYLOR and ZAMARRIPA. Referred to Committee on Elections, Ethics and Rural Issues.

1 **AN ACT to renumber** 5.07; **to amend** 5.05 (1) (e), 5.056, 5.06 (2), 5.25 (4) (b), 5.35
2 (6) (a) (intro.), 5.35 (6) (a) 5., 5.35 (6) (b), 5.35 (6) (c), 6.33 (2) (a), 6.35 (3), 6.86
3 (1) (b), 6.86 (3) (c), 12.09 (1), 12.09 (3), 12.60 (1) (a), 12.60 (4) and 85.61 (1); and
4 **to create** 5.07 (2), 5.25 (4) (c), 5.35 (6) (a) 4c., 5.35 (6) (d), 6.256, 6.29 (2) (e), 7.08
5 (3) (d) to (g), 7.08 (13), 7.08 (14), 7.10 (11), 7.15 (16), 12.17, 12.19, 12.60 (1) (am),
6 12.60 (1) (an), 12.60 (1) (ap), 12.60 (1) (bn) and 343.14 (2p) of the statutes;
7 **relating to:** automatic voter registration, deceptive election practices, voter
8 intimidation and suppression, voter rights, polling place posting and language
9 requirements, election manual requirements, granting rule-making authority,
10 and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill makes various changes to laws relating to elections and voting, including the following:

Automatic voter registration

The bill requires the Elections Commission to use all feasible means to facilitate the registration of all eligible electors of this state and to maintain the registration

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of all eligible electors for so long as they remain eligible, except as the law specifically requires electors to take some action to continue their registrations. Under the bill, the commission must attempt to facilitate the initial registration of all eligible electors no later than July 1, 2023. To facilitate the initial registration, the bill directs the commission and the Department of Transportation to enter into an agreement so that DOT may transfer specified personally identifiable information in DOT's records to the commission. The bill requires the commission to maintain the confidentiality of any information it obtains under the agreement and allows a driver's license or identification card applicant to "opt out" of DOT's transfer of this information to the commission. Once the commission obtains all the information required under current law to complete an elector's registration, the commission adds the elector's name to the statewide registration list. The bill also permits an individual whose name is added to the registration list or who wishes to permanently exclude his or her name from the list to file a request to have his or her name deleted or excluded from the list or to revoke a deletion or exclusion request previously made. A deletion or exclusion request or revocation of a deletion or exclusion request may be made in the manner prescribed by the commission. In addition, the bill directs the commission to notify an individual by first class postcard whenever the commission removes his or her name from the registration list or changes his or her status on the list from eligible to ineligible.

The bill also directs the commission to report to the appropriate standing committees of the legislature, no later than July 1, 2021, its progress in initially implementing the registration system created by the bill. The report must contain an assessment of the feasibility and desirability or integration of registration information with information maintained by the Departments of Health Services, Children and Families, Workforce Development, Revenue, Safety and Professional Services, and Natural Resources; the University of Wisconsin System; and the Technical College System Board, as well as with the technical colleges in each technical college district.

Under current law, a qualified elector with a current and valid driver's license or identification card issued by DOT may register to vote electronically on a secure Internet site maintained by the commission. To register electronically under current law, a qualified elector must also authorize DOT to forward a copy of his or her electronic signature to the commission. The authorization affirms that all information provided by the elector is correct and has the same effect as a written signature on a paper copy of the registration form. Finally, current law requires the commission and DOT to enter into an agreement that permits the commission to verify the necessary registration information instantly by accessing DOT's electronic files.

Deceptive election practices

The bill prohibits any person from intentionally deceiving any other person regarding the date, time, place, or manner of conducting an election; the qualifications for voting or restrictions on the eligibility of electors to vote in an election; or the endorsement of candidates by specified persons. Any person who violates that prohibition with intent to prevent any person from exercising the right

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to vote in an election may be fined not more than \$100,000 or imprisoned for not more than five years, or both.

The bill also permits any person who is aggrieved by an alleged violation described above to obtain a court order restraining the violation and to file a sworn complaint with the Elections Commission. If the commission finds that the facts alleged in the complaint, if true, would constitute a violation, it must promptly investigate the complaint. If the commission finds that a violation has occurred or is occurring, the commission must take all measures necessary to provide correct information to electors who may have been deceived by the actions of the alleged violator and must refer the matter to the appropriate authority for prosecution.

The bill directs the commission to promulgate rules concerning corrective measures that may be appropriate whenever violations occur. In addition, the bill directs the commission to report biennially to the appropriate standing committees of the legislature with regard to violations and actions taken in response to violations.

Voter intimidation and suppression

The bill provides that no person may make use of or threaten to make use of force, violence, restraint, or any tactic of coercion or intimidation in order to induce or compel any person to vote or refrain from voting at an election, to refrain from registering to vote at an election, or to vote or refrain from voting for or against a particular candidate or referendum question at an election. Violators may be fined not more than \$100,000 or imprisoned for not more than three years, or both. Current law contains similar but not identical prohibitions, and under current law, violators may be fined not more than \$10,000 or imprisoned for not more than three years and six months, or both.

The bill also provides that no person may knowingly attempt to prevent or deter another person from voting or registering to vote based upon fraudulent, deceptive, or spurious grounds or information. Violators may be fined not more than \$50,000 or imprisoned for not more than two years, or both.

The bill also permits any elector of this state to sue for injunctive relief, a court order requiring or prohibiting certain action, or any other appropriate relief, to compel compliance with the bill's prohibitions and requirements relating to voter intimidation, suppression, and protection. Currently, an elector may be required to pursue administrative relief before filing suit and in some cases must petition a district attorney or the attorney general to file suit on his or her behalf.

Voter bill of rights

The bill creates a voter bill of rights that municipal clerks and boards of election commissioners must post at each polling place. The bill of rights informs voters that they have the right to do all of the following:

1. Vote if registered and eligible to vote.
2. Inspect a sample ballot before voting.
3. Cast a ballot if in line when the polling place closes or, if voting by in-person absentee ballot on the last day for which such voting is allowed, when the municipal clerk's office closes.
4. Cast a secret ballot.

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5. Get help casting a ballot if disabled.
6. Get help voting in a language other than English as provided by law.
7. Get a new ballot, up to three ballots in all, if the voter makes a mistake on the ballot.
8. Cast a provisional ballot as provided by law.
9. Have the voter's ballot counted accurately.
10. Vote free from coercion or intimidation.
11. Report any illegal or fraudulent election activity.

Polling place posting and language requirements

Currently, municipal clerks and boards of election commissioners are directed by law to post specified materials at each polling place. Currently, the Elections Commission is also directed to ensure that in any jurisdiction in this state that is required under federal law to provide voting materials in a language other than English, the voting system used in that jurisdiction is in compliance with federal law.

This bill permits the commission to authorize another means of providing notice to electors of the information required to be posted if the commission determines that the alternative means of providing notice is at least as effective as posting.

The bill also requires that at each polling place located in a jurisdiction that is required under federal law to provide voting materials in a language other than English, all required postings must be made in that language as well as in English unless otherwise permitted by the commission. In addition, the bill directs the municipal clerk or board of election commissioners of any such jurisdiction to contact and coordinate with organizations that advocate for the rights of individuals who speak that language to ensure that each polling place in the jurisdiction adequately serves the needs of these individuals, and to endeavor to ensure that at least one of the election officials who serves at each polling place in the jurisdiction speaks that language.

Election manual

Under current law, the Elections Commission is required to publish an election manual explaining the duties of election officials. The election manual is subject to periodic review and revision and must emphasize that election officials should help, not hinder, electors in exercising their voting rights.

The bill provides a number of additional requirements for the election manual, including that the election manual be written in clear, unambiguous language; be indexed by subject; contain specific examples of common problems encountered at polling places on election day and detailed, specific procedures for resolving those problems; and include an explanation of the laws and rules governing solicitation at polling places, the rights of voters, and security procedures and other procedures to be followed at polling places.

Withholding of voluntarily provided elector information

Currently, the Elections Commission and municipal clerks must provide public access to information in their records unless otherwise provided by law or unless the custodian demonstrates that the public interest in withholding public access outweighs the public interest in providing that access. This bill provides that

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whenever the commission or a county or municipal clerk or board of election commissioners has the telephone number or electronic mail address of an elector that is voluntarily provided by the elector to the commission or to the clerk or board, the commission and the clerk and board are prohibited from providing access to that information except to election officials and employees to be used for the administration of elections.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

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

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

1 **SECTION 1.** 5.05 (1) (e) of the statutes is amended to read:

2 5.05 (1) (e) Issue an order under s. 5.06, exempt a polling place from
3 accessibility requirements under s. 5.25 (4) (a), permit a municipality to provide
4 notices required at polling places by alternative means under s. 5.35 (6) (d), exempt
5 a municipality from the requirement to use voting machines or an electronic voting
6 system under s. 5.40 (5m), approve an electronic data recording system for
7 maintaining poll lists under s. 6.79, ~~or~~ authorize nonappointment of an individual
8 who is nominated to serve as an election official under s. 7.30 (4) (e), or review and
9 investigate complaints received under s. 12.17 (4) and order corrective measures
10 under s. 12.17 (5) (a).

11 **SECTION 2.** 5.056 of the statutes is amended to read:

12 **5.056 Matching program with secretary of transportation.** The
13 commission administrator shall enter into the agreement with the secretary of
14 transportation specified under s. 85.61 (1) 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. ss. 6.256 (2) and 6.34 (2m) with personally

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1 identifiable information maintained by the department of transportation. Subject
2 to s. 343.14 (2p) (b), the agreement shall provide for the electronic transfer of
3 information under s. 6.256 (2) to the commission on a continuous basis, no less often
4 than monthly.

5 **SECTION 3.** 5.06 (2) of the statutes is amended to read:

6 5.06 (2) ~~No~~ Except as authorized in ss. 5.07 (2) and 12.17 (3), no person who
7 is authorized to file a complaint under sub. (1), other than the attorney general or
8 a district attorney, may commence an action or proceeding to test the validity of any
9 decision, action or failure to act on the part of any election official with respect to any
10 matter specified in sub. (1) without first filing a complaint under sub. (1), nor prior
11 to disposition of the complaint by the commission. A complaint is deemed disposed
12 of if the commission fails to transmit an acknowledgment of receipt of the complaint
13 within 5 business days from the date of its receipt or if the commission concludes its
14 investigation without a formal decision.

15 **SECTION 4.** 5.07 of the statutes is renumbered 5.07 (1).

16 **SECTION 5.** 5.07 (2) of the statutes is created to read:

17 5.07 (2) Whenever a violation of s. 5.25 (4) (b), 5.35 (6) (a) 4c., 7.08 (3), 12.09,
18 or 12.19 occurs or is proposed to occur, any elector of this state may sue for injunctive
19 relief, a writ of mandamus or prohibition, or such other legal or equitable relief as
20 may be appropriate to compel compliance with the law. The action shall be filed in
21 circuit court for the county where the violation occurs or is proposed to occur. In such
22 actions, the court shall award costs and reasonable actual attorney fees to the
23 plaintiff if the plaintiff prevails in the action.

24 **SECTION 6.** 5.25 (4) (b) of the statutes is amended to read:

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1 5.25 (4) (b) In any jurisdiction that is subject to the requirement under 42 USC
2 1973aa-1a to provide voting materials in any a language other than English, the
3 commission shall, for each such language, ensure that the notices specified in s. 5.35
4 (6) are given in that language and the voting system used at each polling place in that
5 jurisdiction is in compliance with 42 USC 1973aa-1a.

6 **SECTION 7.** 5.25 (4) (c) of the statutes is created to read:

7 5.25 (4) (c) In any jurisdiction that is subject to the requirement under 42 USC
8 1973aa-1a to provide voting materials in a language other than English, the
9 municipal clerk or board of election commissioners shall, for each such language,
10 contact and coordinate with organizations that advocate for the rights of individuals
11 who speak that language to ensure that each polling place in the jurisdiction
12 adequately serves the needs of those individuals and shall endeavor to ensure that
13 at least one of the election officials who serves at each polling place in the jurisdiction
14 speaks that language.

15 **SECTION 8.** 5.35 (6) (a) (intro.) of the statutes is amended to read:

16 5.35 (6) (a) (intro.) ~~At~~ Except as authorized under par. (d), at each polling place
17 in the state, the municipal clerk or board of election commissioners shall post the
18 following materials, positioned so that they may be readily observed by electors
19 entering the polling place or waiting in line to vote:

20 **SECTION 9.** 5.35 (6) (a) 4c. of the statutes is created to read:

21 5.35 (6) (a) 4c. A voter bill of rights in substantially the following form:

22 **VOTER BILL OF RIGHTS**

23 **You have the following rights:**

24 • **The right to vote if you are registered and eligible to vote.** You are
25 eligible to vote if you (1) are a U.S. citizen, (2) are at least 18 years old, (3) are

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1 registered where you currently live, (4) are not currently serving any portion of a
2 felony sentence, including probation or supervision, (5) are not currently found
3 mentally incompetent to vote by a court, and (6) have not placed a bet or a wager on
4 the outcome of the election.

5 • **The right to inspect a sample ballot before voting.**

6 • **The right to cast a ballot if you are in line when your polling place**
7 **closes** or when your municipal clerk's office closes if you are voting by in-person
8 absentee ballot on the last day for which such voting is allowed.

9 • **The right to cast a secret ballot**, without anyone bothering you or telling
10 you how to vote.

11 • **If you have a disability, the right to get help casting your ballot** from
12 anyone you choose, except from your employer or union representative.

13 • **The right to get help voting in a language other than English** if enough
14 voters where you live speak your language.

15 • **The right to get a new ballot if you made a mistake.** You can get up to
16 3 ballots in all if you make a mistake and have not already cast your ballot.

17 • **The right to cast a provisional ballot.** You can cast a provisional ballot
18 if you are unable or unwilling to provide required proof of identification for voting or
19 a valid driver license or identification card number for registering to vote on election
20 day. Your provisional ballot will not be counted unless you provide the required
21 information to the poll workers by 8:00 p.m. on election day or to the municipal clerk
22 by 4:00 p.m. of the Friday following the election.

23 • **The right to have your ballot counted accurately.**

24 • **The right to vote free from coercion or intimidation by any election**
25 **official or other person.**

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- 1 • **The right to report any illegal or fraudulent election activity** to an
2 elections official or the State of Wisconsin Elections Commission.

3 **SECTION 10.** 5.35 (6) (a) 5. of the statutes is amended to read:

4 5.35 (6) (a) 5. Any other voting information directed ~~to be posted~~ by the
5 commission to be posted or to be noticed under par. (d).

6 **SECTION 11.** 5.35 (6) (b) of the statutes is amended to read:

7 5.35 (6) (b) ~~At~~ Except as authorized under par. (d), at each polling place in the
8 state where a consolidated ballot under s. 5.655 is used or an electronic voting system
9 is utilized at a partisan primary election incorporating a ballot upon which electors
10 may mark votes for candidates of more than one recognized political party, the
11 municipal clerk or board of election commissioners shall prominently post a sign in
12 the form prescribed by the commission warning electors in substance that on any
13 ballot with votes cast for candidates of more than one recognized political party, no
14 votes cast for any candidates for partisan office will be counted unless a preference
15 for a party is made. If the elector designates a preference, only votes cast for
16 candidates of that preference will be counted.

17 **SECTION 12.** 5.35 (6) (c) of the statutes is amended to read:

18 5.35 (6) (c) ~~At~~ Except as authorized under par. (d), at each polling place located
19 in a municipality that is served by more than one polling place for an election, the
20 municipal clerk or board of election commissioners shall prominently post a map of
21 the geographic area served by the polling place for that election. The posting shall
22 clearly show the boundaries of the ward or wards served by the polling place for that
23 election.

24 **SECTION 13.** 5.35 (6) (d) of the statutes is created to read:

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1 5.35 (6) (d) As an alternative to any posting requirement under this subsection,
2 the commission may authorize another means of providing notice to affected electors
3 of the information specified in this subsection if the commission determines that the
4 alternative means of providing the information is at least as effective as posting. Any
5 authorization under this paragraph shall be in writing and shall specify the
6 particular alternative means of notification that may be used.

7 **SECTION 14.** 6.256 of the statutes is created to read:

8 **6.256 Commission shall facilitate registration of electors.** (1) Except as
9 provided for electors specified in sub. (8) and as otherwise expressly provided, the
10 commission shall use all feasible means to facilitate the registration of all eligible
11 electors of this state who are subject to a registration requirement and the
12 maintenance of the registration of all eligible electors for so long as they remain
13 eligible.

14 (2) Subject to s. 343.14 (2p) (b), for the purpose of carrying out its functions
15 under sub. (1), the commission shall obtain the following information from the
16 department of transportation, to the extent that the department has the
17 information:

18 (a) The full name of each individual who holds a current operator's license
19 issued to the individual under ch. 343 or a current identification card issued to the
20 individual under s. 343.50, together with the following information pertaining to
21 that individual:

22 1. The current address of the individual together with any address history and
23 any name history maintained by the department of transportation.

24 2. The date of birth of the individual.

25 3. The number of the license or identification card issued to the individual.

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1 4. A copy of the document that the applicant provided as proof of citizenship
2 and a statement from the department of transportation indicating that the
3 department verified the applicant's citizenship. For purposes of this subdivision, the
4 applicant shall provide a document that meets the requirements under 42 USC
5 1320b-7 (d).

6 (b) For each item of information specified in this subsection, the most recent
7 date that the item of information was provided or obtained by the department of
8 transportation.

9 **(3)** The commission shall compare the information obtained under sub. (2) with
10 the information in the registration list under s. 6.36 (1) (a). If the commission finds
11 discrepancies between the information obtained under sub. (2) regarding an elector
12 and the information in the registration list under s. 6.36 (1) (a) regarding that same
13 elector, the commission shall contact the elector by mail or telephone or in person to
14 resolve the discrepancies. If the commission is able to resolve the discrepancies after
15 contacting the elector, the commission shall update the information on the
16 registration list. If the commission is unable to contact the elector, the commission
17 shall resolve any discrepancies in favor of the information in the registration list.

18 **(4)** Except as provided in this subsection and sub. (8), if the commission
19 concludes that an individual appears eligible to vote in this state but is not
20 registered, and the commission has obtained from reliable sources all the
21 information required under s. 6.33 (1) to complete the individual's registration, the
22 commission shall enter the individual's name on the registration list. If the
23 commission has not obtained from reliable sources all the information pertaining to
24 an individual that is required under s. 6.33 (1), the commission shall attempt to
25 obtain from reliable sources the necessary information under s. 6.33 (1) that is

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1 required to complete the individual's registration. If a municipality has changed the
2 status of an elector from eligible to ineligible under s. 6.50 (2) and the elector's
3 eligibility, name, or residence has not changed, the commission may not change the
4 individual's name to eligible status unless the commission first verifies that the
5 individual is eligible and wishes to change his or her status to eligible.

6 (5) The commission shall attempt to contact an individual described in sub. (4)
7 if necessary to obtain all the information specified in s. 6.33 (1) pertaining to the
8 individual that is required to complete the individual's registration.

9 (6) If the commission is able to obtain all the required information specified in
10 s. 6.33 (1) pertaining to an individual, the commission shall enter the name of the
11 individual on the registration list maintained under s. 6.36 (1) (a).

12 (7) The commission shall mail a notice to each individual whose name the
13 commission enters under sub. (6) on the registration list maintained under s. 6.36
14 (1) (a). The notice shall be printed in English, Spanish, and other languages spoken
15 by a significant number of state residents, as determined by the commission, and
16 shall include all of the following:

17 (a) A statement informing the individual that his or her name has been entered
18 on the registration list and showing the current address for the individual based on
19 the commission's records.

20 (b) A statement informing the individual that he or she may request to have
21 his or her name deleted from the registration list and instructions for doing so.

22 (c) Instructions for notifying the commission of a change in name or address.

23 (d) Instructions for obtaining a confidential listing under s. 6.47 (2) and a
24 description of how an individual qualifies for a confidential listing.

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1 **(8)** Any individual may file a request with the commission to exclude his or her
2 name from the registration list. Any individual whose name is added to the
3 registration list by the commission may file a request with the commission or a
4 municipal clerk to have his or her name deleted from the list. A request for exclusion
5 or deletion shall be filed in the manner prescribed by the commission. An individual
6 who files an exclusion or deletion request under this subsection may revoke his or
7 her request by the same means that an individual may request an exclusion or
8 deletion. The commission shall ensure that the name of any individual who has filed
9 an exclusion or deletion request under this subsection is excluded from the
10 registration list or, if the individual's name appears on the list, is removed from the
11 registration list and is not added to the list at any subsequent time unless the
12 individual files a revocation of his or her request under this subsection.

13 **(9)** If the commission removes from the registration list the name of an elector
14 who does not request that his or her name be deleted, other than to correct an entry
15 that the commission positively determines to be a duplication or to change the name
16 of an individual who is verified to be deceased to ineligible status, the commission
17 shall mail the individual a notice of the removal or change in status by 1st class
18 postcard at the individual's last-known address. The notice shall provide that the
19 individual may apply to have his or her status changed to eligible if he or she is a
20 qualified elector.

21 **(10)** The commission shall attempt to facilitate the initial registration of all
22 eligible electors, except as otherwise provided in this section, no later than July 1,
23 2023.

24 **(11)** The commission shall maintain the confidentiality of all information
25 obtained from the department of transportation under sub. (2) and may use this

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1 information only for the purpose of carrying out its functions under sub. (1) and s.
2 6.34 (2m) and in accordance with the agreement under s. 85.61 (1).

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

4 6.29 (2) (e) The municipal clerk or clerk's agent shall promptly add the names
5 of qualified electors who register and vote under this section to the registration list.
6 The clerk or clerk's agent shall add the names of qualified electors who vote at their
7 polling places in the manner prescribed in s. 6.33 (5) (a).

8 **SECTION 16.** 6.33 (2) (a) of the statutes is amended to read:

9 6.33 (2) (a) All information may be recorded by any person, except that the clerk
10 shall record the ward and aldermanic district, if any, other geographic information
11 under sub. (1), the indication of whether the registration is received by mail, and the
12 type of identifying document submitted by the elector as proof of residence under s.
13 6.34 or the indication of verification of information in lieu of proof of residence under
14 s. 6.34 (2m). Except as provided in s. 6.30 (5), each elector shall sign his or her own
15 name unless the elector is unable to sign his or her name due to physical disability.
16 In such case, the elector may authorize another elector to sign the form on his or her
17 behalf. If the elector so authorizes, the elector signing the form shall attest to a
18 statement that the application is made upon request and by authorization of a named
19 elector who is unable to sign the form due to physical disability.

20 **SECTION 17.** 6.35 (3) of the statutes is amended to read:

21 6.35 (3) ~~Original~~ Except for electronic registrations, original registration forms
22 shall be maintained in the office of the municipal clerk or board of election
23 commissioners at all times. The commission shall maintain electronic registration
24 forms and make such forms available for inspection by the municipal clerk, the
25 clerk's designated agent, or the board of election commissioners.

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1 **SECTION 18.** 6.86 (1) (b) of the statutes is amended to read:

2 6.86 (1) (b) Except as provided in this section, if application is made by mail,
3 the application shall be received no later than 5 p.m. on the 5th day immediately
4 preceding the election. If application is made in person, the application shall be
5 made no earlier than 14 days preceding the election and no later than the Sunday
6 preceding the election. No application may be received on a legal holiday. A
7 municipality shall specify the hours in the notice under s. 10.01 (2) (e). The
8 municipal clerk or an election official shall witness the certificate for any in-person
9 absentee ballot cast. Any elector waiting to cast an in-person absentee ballot at the
10 time the municipal clerk's office officially closes on the last day for which such ballots
11 may be cast, whether the elector is waiting within or in the line outside the municipal
12 clerk's office, shall be permitted to cast his or her in-person absentee ballot. Except
13 as provided in par. (c), if the elector is making written application for an absentee
14 ballot at the partisan primary, the general election, the presidential preference
15 primary, or a special election for national office, and the application indicates that
16 the elector is a military elector, as defined in s. 6.34 (1), the application shall be
17 received by the municipal clerk no later than 5 p.m. on election day. If the application
18 indicates that the reason for requesting an absentee ballot is that the elector is a
19 sequestered juror, the application shall be received no later than 5 p.m. on election
20 day. If the application is received after 5 p.m. on the Friday immediately preceding
21 the election, the municipal clerk or the clerk's agent shall immediately take the ballot
22 to the court in which the elector is serving as a juror and deposit it with the judge.
23 The judge shall recess court, as soon as convenient, and give the elector the ballot.
24 The judge shall then witness the voting procedure as provided in s. 6.87 and shall
25 deliver the ballot to the clerk or agent of the clerk who shall deliver it to the polling

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1 place or, in municipalities where absentee ballots are canvassed under s. 7.52, to the
2 municipal clerk as required in s. 6.88. If application is made under sub. (2) or (2m),
3 the application may be received no later than 5 p.m. on the Friday immediately
4 preceding the election.

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

6 6.86 (3) (c) An application under par. (a) 1. may be made and a registration form
7 under par. (a) 2. may be filed in person at the office of the municipal clerk not earlier
8 than 7 days before an election and not later than 5 p.m. on the day of the election.
9 A list of hospitalized electors applying for ballots under par. (a) 1. shall be made by
10 the municipal clerk and used to check that the electors vote only once, and by
11 absentee ballot. If Except as provided in s. 6.34 (2m), if the elector is registering for
12 the election after the close of registration or if the elector registered by mail and has
13 not voted in an election in this state, the municipal clerk shall inform the agent that
14 proof of residence under s. 6.34 is required and the elector shall enclose proof of
15 residence under s. 6.34 in the envelope with the ballot. The clerk shall verify that
16 the name on any required proof of identification presented by the agent conforms to
17 the name on the elector's application. The clerk shall then enter his or her initials
18 on the carrier envelope indicating that the agent presented proof of identification to
19 the clerk. The agent is not required to enter a signature on the registration list. The
20 ballot shall be sealed by the elector and returned to the municipal clerk either by mail
21 or by personal delivery of the agent; but if the ballot is returned on the day of the
22 election, the agent shall make personal delivery to the polling place serving the
23 hospitalized elector's residence before the closing hour or, in municipalities where
24 absentee ballots are canvassed under s. 7.52, to the municipal clerk no later than 8
25 p.m. on election day.

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1 **SECTION 20.** 7.08 (3) (d) to (g) of the statutes are created to read:

2 7.08 (3) (d) Be written in clear, unambiguous language.

3 (e) Be indexed by subject.

4 (f) Contain specific examples of common problems encountered at polling
5 places on election day and detailed, specific procedures for resolving those problems.

6 (g) Include an explanation of all of the following:

7 1. Laws and rules governing solicitation by individuals and groups at a polling
8 place.

9 2. Procedures to be followed with respect to electors whose names do not appear
10 on the registration list.

11 3. Procedures to be followed with respect to electors attempting to vote on
12 election day who have cast an absentee ballot in the election.

13 4. Procedures for assisting voters who need help due to language barriers or
14 disabilities.

15 5. Proper operation of any electronic voting system used at a polling place.

16 6. Procedures for handling ballots.

17 7. Procedures governing spoiled ballots.

18 8. Procedures to be followed after a polling place closes.

19 9. Rights of electors at the polls.

20 10. Procedures for handling emergency situations.

21 11. Procedures for handling and processing provisional ballots.

22 12. Security procedures.

23 **SECTION 21.** 7.08 (13) of the statutes is created to read:

24 7.08 (13) REMEDIES FOR DECEPTIVE ELECTION PRACTICES. Disseminate through
25 the Internet and radio, television, and newspaper advertisements information

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1 concerning complaint procedures and remedies for deceptive election practices
2 under s. 12.17.

3 **SECTION 22.** 7.08 (14) of the statutes is created to read:

4 7.08 (14) WITHHOLD PERSONAL INFORMATION PROVIDED TO COMMISSION. Withhold
5 from public inspection under s. 19.35 (1) the telephone number and electronic mail
6 address of any elector who voluntarily provides that information to the commission
7 or to a county or municipal clerk. The commission may transfer the information to
8 any official or employee who has access to the information in the registration list
9 under s. 6.36 (1) (b) 1. a. to be used for the administration of elections.

10 **SECTION 23.** 7.10 (11) of the statutes is created to read:

11 7.10 (11) WITHHOLD PERSONAL INFORMATION PROVIDED TO CLERK. The county clerk
12 shall withhold from public inspection under s. 19.35 (1) the telephone number and
13 electronic mail address of any elector who voluntarily provides that information to
14 the clerk or to the commission or a municipal clerk. The county clerk may transfer
15 the information to any official or employee who has access to the information in the
16 registration list under s. 6.36 (1) (b) 1. a. to be used for the administration of elections.

17 **SECTION 24.** 7.15 (16) of the statutes is created to read:

18 7.15 (16) WITHHOLD PERSONAL INFORMATION PROVIDED TO CLERK. The municipal
19 clerk shall withhold from public inspection under s. 19.35 (1) the telephone number
20 and electronic mail address of any elector who voluntarily provides that information
21 to the clerk or to the commission or a county clerk. The municipal clerk may transfer
22 the information to any official or employee who has access to the information in the
23 registration list under s. 6.36 (1) (b) 1. a. to be used for the administration of elections.

24 **SECTION 25.** 12.09 (1) of the statutes is amended to read:

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1 12.09 (1) No person may personally or through an agent make use of or
2 threaten to make use of force, violence, ~~or restraint, or any tactic of coercion or~~
3 intimidation in order to induce or compel any person to vote or refrain from voting
4 or to refrain from registering to vote at an election.

5 **SECTION 26.** 12.09 (3) of the statutes is amended to read:

6 12.09 (3) No person may personally or through an agent, by make use of or
7 threaten to make use of force, violence, restraint, or any aet tactic of coercion or
8 intimidation in order to compel, induce, or prevail upon an elector either to vote or
9 refrain from voting at any election for or against a particular candidate or question
10 at a referendum.

11 **SECTION 27.** 12.17 of the statutes is created to read:

12 **12.17 Deceptive election practices. (1)** In this section, “election-related
13 information” means information concerning any of the following:

14 (a) The date, time, place, or manner of conducting an election.

15 (b) The qualifications for or restrictions on the eligibility of electors voting at
16 an election, including any criminal penalties associated with voting in an election or
17 a voter’s registration status or eligibility.

18 (c) The explicit endorsement by any person of a candidate at an election.

19 **(2)** No person, whether acting under color of law or otherwise, may
20 intentionally induce another person to refrain from registering or voting at an
21 election by knowingly providing that person with false election-related information.

22 **(3)** Any person who is aggrieved by an alleged violation of sub. (2) may bring
23 an action for injunctive relief in circuit court for the county where the violation is
24 alleged to occur.

SENATE BILL 159**SECTION 27**

1 **(4)** Any person may file a verified complaint with the commission alleging facts
2 that the person believes to constitute a violation of sub. (2). The complaint shall be
3 filed under s. 5.05 (2m) (c).

4 **(5)** (a) Notwithstanding s. 5.05 (2m) (c), the commission shall promptly review
5 each complaint received under sub. (4), and if the commission finds that the facts
6 alleged in the complaint, if true, would constitute a violation of sub. (2), the
7 commission shall promptly investigate the complaint. Notwithstanding s. 5.05 (2m)
8 (c) 11., if the commission finds that a violation of sub. (2) has occurred or is occurring,
9 the commission shall take all measures necessary to provide correct information to
10 electors who may have been deceived by the actions of the alleged violator, and shall
11 refer the matter to the appropriate authority for prosecution in accordance with ss.
12 5.05 (2m) (i) and 12.60 (4).

13 (b) The commission shall promulgate rules concerning the methods and means
14 of providing corrective information to electors under par. (a).

15 **(6)** (a) No later than 90 days after each each general election, the commission
16 shall report to the chief clerk of each house of the legislature for referral to the
17 appropriate standing committees under s. 13.172 (2) concerning any complaints
18 under sub. (4) that were acted upon or referred by the commission under sub. (5)
19 during the period beginning with the date of the 2nd preceding general election and
20 ending with the preceding general election. Except as provided in par. (b), the report
21 shall include all of the following:

22 1. A description of the alleged deceptive election practices that were the subject
23 of each complaint.

24 2. Any corrective measures taken by the commission with regard to the subject
25 matter of each complaint.

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1 3. The commission's evaluation of the effectiveness of those corrective
2 measures.

3 4. The status of any prosecution relating to the subject matter of each
4 complaint.

5 5. A compilation of the number and types of allegations made that were acted
6 upon or referred by the commission under sub. (5).

7 6. The locations and segments of the population that were affected by the
8 alleged deceptive election practices.

9 7. The status of any investigations conducted by the commission under sub. (5).

10 (b) The commission may exclude from the report under par. (a) any information
11 that, if disclosed, would interfere with a pending investigation of a violation of the
12 law.

13 (c) The commission shall post a copy of each report submitted under this
14 subsection on the Internet.

15 **SECTION 28.** 12.19 of the statutes is created to read:

16 **12.19 Voter suppression.** No person may knowingly attempt to prevent or
17 deter another person from voting or registering to vote based upon fraudulent,
18 deceptive, or spurious grounds or information. Violations of this section include any
19 of the following:

20 **(1)** Challenging another person's right to register or vote at an election based
21 upon information the person knows is false.

22 **(2)** Attempting to induce another person to refrain from registering or voting
23 by providing that person with information the person knows is false.

24 **SECTION 29.** 12.60 (1) (a) of the statutes is amended to read:

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1 12.60 (1) (a) Whoever violates s. ~~12.09~~, 12.11 or 12.13 (1), (2) (b) 1. to 7. or (3)
2 (a), (e), (f), (j), (k), (L), (m), (y) or (z) is guilty of a Class I felony.

3 **SECTION 30.** 12.60 (1) (am) of the statutes is created to read:

4 12.60 (1) (am) Whoever violates s. 12.17 (2) with the intent to prevent any
5 person from exercising the right to vote in an election is guilty of a Class D felony,
6 except that the term of imprisonment may not exceed 5 years.

7 **SECTION 31.** 12.60 (1) (an) of the statutes is created to read:

8 12.60 (1) (an) Whoever violates s. 12.09 is guilty of a Class D felony, except that
9 the term of imprisonment may not exceed 3 years.

10 **SECTION 32.** 12.60 (1) (ap) of the statutes is created to read:

11 12.60 (1) (ap) Whoever violates s. 12.19 is guilty of a Class E felony, except that
12 the term of imprisonment may not exceed 2 years.

13 **SECTION 33.** 12.60 (1) (bn) of the statutes is created to read:

14 12.60 (1) (bn) If a municipal clerk or executive director of a board of election
15 commissioners fails to ensure compliance with s. 5.25 (4) (b) or to post the materials
16 specified in s. 5.35 (6) (a) at each polling place located in the municipality served by
17 the clerk or executive director at any election, except as authorized in s. 5.35 (6) (d),
18 or the administrator of the elections commission fails to include any of the materials
19 specified in s. 7.08 (3) in the election manual, the violator may be required to forfeit
20 not more than \$500 for each violation.

21 **SECTION 34.** 12.60 (4) of the statutes is amended to read:

22 12.60 (4) Prosecutions of civil offenses under this chapter shall be conducted
23 in the manner prescribed in s. 11.1400 (5). Prosecutions of criminal offenses under
24 this chapter shall be conducted in accordance with s. 11.1401 (2).

25 **SECTION 35.** 85.61 (1) of the statutes is amended to read:

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1 85.61 (1) The secretary of transportation and the administrator of the elections
2 commission shall enter into an agreement to match personally identifiable
3 information on the official registration list maintained by the commission under s.
4 6.36 (1) and the information specified in ~~s. ss. 6.256 (2) and 6.34 (2m)~~ with personally
5 identifiable information in the operating record file database under ch. 343 and
6 vehicle registration records under ch. 341 to the extent required to enable the
7 secretary of transportation and the administrator of the elections commission to
8 verify the accuracy of the information provided for the purpose of voter registration.
9 Notwithstanding ss. 110.09 (2), 342.06 (1) (eg), and 343.14 (2j), but subject to s.
10 343.14 (2p) (b), the agreement shall provide for the transfer of electronic information
11 under s. 6.256 (2) to the commission on a continuous basis, no less often than
12 monthly.

13 **SECTION 36.** 343.14 (2p) of the statutes is created to read:

14 343.14 (2p) (a) The forms for application for a license or identification card or
15 for renewal thereof shall inform the applicant of the department's duty to make
16 available to the elections commission the information described in s. 6.256 (2) for the
17 purposes specified in s. 6.256 (1) and (3) and shall provide the applicant an
18 opportunity to elect not to have this information made available for these purposes.

19 (b) If the applicant elects not to have the information described in s. 6.256 (2)
20 made available for the purposes specified in s. 6.256 (1) and (3), the department shall
21 not make this information available for these purposes. This paragraph does not
22 preclude the department from making available to the elections commission
23 information for the purposes specified in s. 6.34 (2m) or for any purpose other than
24 those specified in s. 6.256 (1) and (3).

25 **SECTION 37. Nonstatutory provisions.**

SENATE BILL 159**SECTION 37**

1 (1) INITIAL SHARING OF REGISTRATION INFORMATION. Notwithstanding ss. 85.61
2 (1), 110.09 (2), 342.06 (1) (eg), and 343.14 (2j), the department of transportation shall
3 enter into and begin transferring information under a revised agreement with the
4 elections commission administrator pursuant to s. 85.61 (1) no later than the first
5 day of the 4th month beginning after the effective date of this subsection.

6 (2) REPORT ON VOTER REGISTRATION INFORMATION INTEGRATION. No later than July
7 1, 2021, the elections commission shall report to the appropriate standing
8 committees of the legislature, in the manner specified in s. 13.172 (3), its progress
9 in initially implementing a system to ensure the complete and continuous
10 registration of all eligible electors in this state, specifically including the operability
11 and utility of information integration with the department of transportation and the
12 feasibility and desirability of integrating public information maintained by other
13 state agencies and by technical colleges with the commission's registration
14 information to enhance the completeness and accuracy of the information. At a
15 minimum, the report shall contain an assessment of the feasibility and desirability
16 of the integration of registration information with information maintained by the
17 departments of health services, children and families, workforce development,
18 revenue, safety and professional services, and natural resources; the University of
19 Wisconsin System; and the technical college system board, as well as the technical
20 colleges within each technical college district.

21 (3) STUDY OF OPTIONS FOR CORRECTIVE ACTION. The elections commission, in
22 consultation with the department of justice and the federal election assistance
23 commission, shall study the feasibility of providing corrective information that may
24 be required under s. 12.17 (5) (a) through public service announcements, other uses
25 of broadcast, Internet, or social media, or an emergency alert system. No later than

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1 the first day of the 7th month beginning after the effective date of this subsection,
2 the elections commission shall report its findings and recommendations to the
3 appropriate standing committees of the legislature, in the manner specified in s.
4 13.172 (3).

5 (END)