

REPORT
OF
STATE ELECTIONS BOARD

Clearinghouse Rule 07-059
Rules Sections ElBd. 3.01, 3.02, 3.03,
3.10, 3.11, 3.12, 3.13, and 3.20
Wisconsin Administrative Code

The State of Wisconsin Elections Board proposes an order to create ElBd 3.01, repeal and recreate ElBd 3.02, and create ElBd 3.03, 3.10, 3.11, 3.12, 3.13 and 3.20, relating to voter registration.

ANALYSIS PREPARED BY STATE ELECTIONS BOARD:

1. Statute(s) interpreted: subchapter II of ch.6 of the Wisconsin Statutes, ss.6.26 – 6.57, Stats., Voter Registration
2. Statutory authority: ss.5.05(1)(f), 6.26(3), and 227.11(2)(a), Stats.
3. Explanation of agency authority: This new rule interprets and implements subchapter II of ch.6 of the Wisconsin Statutes, ss.6.26 – 6.57, Stats. Section 6.26(3), Stats., provides that the Elections Board “shall, by rule, prescribe procedures for appointment of special registration deputies, for revocation of appointments of special registration deputies, and for training of special registration deputies by municipal clerks and boards of election commissioners.” The rule implements that statute by providing for the appointment of special registration deputies; for the revocation of those appointments; and for the training of special registration deputies in coordination with the program designed by the board; and also sets forth the procedures for voter registration and for the conduct of voter registration drives to implement the legislature’s directive in s.6.26, Stats., that the board shall, by rule, prescribe procedures “to promote increased registration of electors consistent with the needs of municipal clerks and boards of election commissioners to efficiently administer the registration process.”
4. Related statute(s) or rule(s): s.19.35, Stats.
5. Plain language analysis: The rule provides the methods by which voter registration is conducted in Wisconsin, including registration through the appointment of special registration deputies and the conduct of voter registration drives. The rule also provides the contents of the voter registration application.

6. Summary of, and comparison with, existing or proposed federal regulations: The federal government does not have a voter registration system, but to implement the requirements of the Help America Vote Act and the plan adopted by the State Elections Board to implement the Help America Vote Act, Wisconsin is required to establish a system of statewide voter registration. This rule facilitates and clarifies the implementation of that system.
7. Comparison with rules in adjacent states: The Help America Vote Act requires the development of “a single, uniform, official, centralized, interactive, computerized statewide voter registration list defined, maintained and administered at the state level that contains the name and registration information of every legally registered voter in the state and assigns a unique identifier to each legally registered voter in the state” Illinois, Iowa, Michigan and Minnesota all have statewide voter registration systems to bring them into compliance with the Help America Vote Act and similar rules to implement that system.

Like Wisconsin, each of the four states (Illinois, Iowa, Michigan and Minnesota) has a system of statewide voter registration in which only persons registered to vote are eligible to vote. The objective in each of the five states, including Wisconsin, is to register every eligible elector. Illinois and Iowa register their voters on a county-wide basis, Michigan and Minnesota register their voters on a county or district basis and Wisconsin registers its voters on the basis of municipality. Registration and voter participation in all five states is tracked through a statewide voter data base, except in Illinois where the statewide voter data base is not complete. Minnesota and Iowa, like Wisconsin, have election-day voter registration. Illinois and Michigan do not.

8. List of persons appearing at the public hearing:

No public hearing was held. The rule was submitted pursuant to the 30-day notice procedure of s. 227.16(2)(e), Stats. No person who will be affected by the rule filed a petition for a public hearing within the 30-day period provided by that statute.

9. Explanations of modifications to the proposed rule:

The State Elections Board makes no substantive modifications to this rule.

10. Response to Legislative Council staff report:

The State Elections Board adopts the Legislative Council’s staff’s comments and has incorporated the suggested changes in the rule. Some of the Legislative Council’s comments relate to rules that will be incorporated into Chapter ElBd 3 at a later date or relate to a new rule that has already been promulgated (Elbd s.3.04).

Conclusion and recommended action:

The State Elections Board unanimously concludes that El.Bd 3.01 and ElBd 3.03, 3.10, 3.11, 3.12, 3.13 and 3.20, should be created and ElBd 3.02 should be repealed and recreated. The establishment of these rules is necessary to facilitate and ensure full compliance with the voter registration requirements of the Help America Vote Act and Wisconsin's new registration system enacted to implement that act.

The Board recommends promulgation of this rule.

Respectfully submitted,

August 16, 2007

STATE ELECTIONS BOARD

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