



## WISCONSIN LEGISLATIVE COUNCIL INFORMATION MEMORANDUM

### Voter Registration

Under Wisconsin law, a voter generally must register before voting in an election. A voter may register online, in person, by mail, or at a polling place on Election Day. When registering to vote, a voter provides certain information, such as name, date of birth, and residence location; certifies that he or she is a qualified voter; and provides proof of residence. After registering, a voter is added to the state's official voter registration list.

This Information Memorandum explains the methods by which a voter may register in Wisconsin; the required contents of registration forms; proof of residence; and the statewide registration list.

#### **REGISTRATION METHODS**

Wisconsin law requires a voter to register to vote before voting in an election, unless the voter is a: (1) new Wisconsin resident who will vote only in the presidential election; (2) former Wisconsin resident who will vote only in the presidential election; or (3) military voter. A voter may register online, in person, by mail, or at a polling place on Election Day. [ss. 6.27, 6.30, and 6.55, Stats.]

#### ***ONLINE***

Under Wisconsin law, a voter may register online<sup>1</sup> at the MyVote Wisconsin website (<https://myvote.wi.gov>) if the voter holds a current and valid Wisconsin driver's license or identification (ID) card. Online voter registration (OVR) closes at 11:59 p.m. on the third Wednesday preceding an election. [ss. 6.28 (1) and 6.30 (5), Stats.]

The Elections Commission is required to maintain a secure, online registration form that allows a voter who holds a current and valid Wisconsin driver's license or ID card to register to vote or make changes to voter registration. The Commission and the Department of Transportation (DOT) must enter into an agreement to match personally identifiable information submitted as part of OVR with information in the DOT record file database and vehicle registration records. The OVR system must verify, on an instant basis, a voter's registration information with the DOT

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<sup>1</sup> The online voter registration system was created by 2015 Wisconsin Act 261 and implemented in January 2017.

system. If a voter enters information into the OVR system that does not match DOT information, the OVR system must redirect the voter to DOT's Internet site so that the voter may update his or her information with DOT. If the voter provides a name, date of birth, and driver's license or ID card number, and the Commission is able to verify that information with DOT, the voter does not have to provide proof of residence when registering. [ss. 6.30 (5), 6.34 (2m) and (4), and 85.61 (1), Stats.]

In addition, the OVR system requires a voter to authorize use of the voter's electronic signature from DOT's database to affirm that the registration information the voter provided is correct. The electronic signature has the same effect as if the voter signed the application personally. [s. 6.30 (5), Stats.]

### ***IN PERSON***

Under Wisconsin law, a voter may register in person at a municipal clerk's office, county clerk's office, office of the board of election commissioners (in the City of Milwaukee), or other registration locations designed by a municipal clerk, municipal governing body, or board of election commissioners. In person voter registration closes at 5:00 p.m. on the third Wednesday preceding an election. [ss. 6.28 (1) and 6.30 (1), Stats.]

However, a voter may register in person after the close of registration until the Friday before an election at a municipal clerk's office or office of the clerk's agent. If a voter registers after the close of registration, the municipal clerk or clerk's agent must issue to the voter a certificate addressed to the election officials of the proper ward or election district directing that the voter be permitted to vote. The voter must present the certificate to the officials when the voter appears at the polling place or, if the voter submits an absentee ballot, the voter must submit the certificate with the returned absentee ballot. [s. 6.29, Stats.]

### ***BY MAIL***

Under Wisconsin law, a voter may register by mail. Registrations made by mail must be delivered to a municipal clerk's office or postmarked no later than the third Wednesday preceding an election. [ss. 6.28 (1) and 6.30 (4), Stats.]

### ***AT POLLING PLACE***

Under Wisconsin law, a voter may register to vote at a polling place on Election Day. The voter must execute the registration form in the presence of an election official. The official prints his or her name on and signs the form, indicating that the official has accepted the form. [s. 6.55 (2) (a) and (b), Stats.]

A municipal governing body or the board of election commissioners may, by resolution, require voters who wish to register on Election Day to do so at another readily accessible location in the same building as a polling place, instead of at a polling place. If a voter registers at an alternative location, the municipal clerk or deputy clerk must issue to the voter a certificate addressed to the election officials of the proper polling place directing that the voter be permitted to vote. The voter must present the certificate to the officials when the voter appears at the polling place. [s. 6.55 (2) (c), Stats.]

## **CONTENTS OF REGISTRATION FORM**

Wisconsin law requires a voter to submit certain information when registering to vote. If a voter registers online, the information is entered online at the MyVote Wisconsin website. If a voter registers in person, by mail, or at a polling place, the voter enters the information on a paper registration form (which can be filled out in advance and printed using the MyVote Wisconsin website).<sup>2</sup>

The Elections Commission is required to prescribe the format, size, and shape of voter registration forms. A registration form<sup>3</sup> must contain all of the following information about the voter: (1) name; (2) residence; (3) prior residence; (4) citizenship; (5) date of birth; (6) age; (7) the number of the voter's current and valid Wisconsin driver's license or last four digits of the voter's Social Security number; (8) whether the voter has resided within the ward or election district for 10 days<sup>4</sup> prior to the election; (9) whether the voter has been convicted of a felony for which the voter has not been pardoned and, if so, whether the voter is incarcerated or on parole, probation, or extended supervision; (10) whether the voter is disqualified on any ground from voting; and (11) whether the voter is currently registered to vote at any other location.

In addition, a registration form must include a date, as well as spaces for all of the following purposes:

- For the voter's signature on the paper form and for the voter's authorization, described above, on the online form.
- To enter the name and signature of any election official who obtains the form, affirming that the official has accepted the form.
- To enter the ward and aldermanic district, if any, where the voter resides and any other information required to determine the offices and referenda for which the voter is certified to vote.
- To record whether the form is received by mail or online.
- To record the type of identifying document submitted by the voter as proof of residence, along with certain information about the identifying document.

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<sup>2</sup> If a municipality uses an electronic poll book, a voter may be able to register using a tablet or laptop, if registering on Election Day.

<sup>3</sup> Generally, the online registration form contains the same information as a paper registration form. [s. 6.33 (1), Stats.]

<sup>4</sup> As of the date of publication of this Information Memorandum, the residency requirement is 10 days prior to an election, pursuant to a 2016 decision of the U.S. District Court for the Western District of Wisconsin. For additional information, see Legislative Council Information Memorandum IM 2018-07, *Voter Qualifications and Residence* (July 27, 2018).

- To record the identification serial number appearing on a voting ID card issued to a voter who is a victim of domestic abuse, sexual assault, or stalking and who has a confidential listing under s. 6.47, Stats.

Lastly, a registration form must include a statement that reads: “Falsification of information on this form is punishable under Wisconsin law as a Class I felony.”

[s. 6.33 (1), Stats.]

### **PROOF OF RESIDENCE**

Under Wisconsin law, a voter must provide proof of residence when the voter registers to vote, unless the voter: (1) is a military voter<sup>5</sup>; (2) is an overseas voter<sup>6</sup>; or (3) registers online and the Elections Commission verifies the voter’s information with DOT, as described above.

Any of the following documents are considered proof of residence if they contain a current and complete name and residential address, except that a university, college, or technical college ID card is not required to contain a residential address:

- Current and valid Wisconsin driver’s license.
- Current and valid Wisconsin ID card.
- Any other official ID license or card issued by a Wisconsin governmental unit or body, subject to s. 66.0438, Stats., which places limitations on ID cards issued by counties, cities, villages, and towns.
- ID license or card issued by an employer in the normal course of business that contains a photograph of the voter, excluding a business card.
- Real estate tax bill or receipt for the current or previous year.
- Residential lease (except for voters registering online or by mail).
- University, college, or technical college ID card that includes a photograph of the voter, accompanied by certain other documentation.
- Utility bill for the period beginning not earlier than 90 days prior to the date of registration.

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<sup>5</sup> For purposes of proof of residence, “military voter” means a member of a uniformed service on active duty who, by reason of that duty, is absent from the residence where the member is otherwise qualified to vote; a member of the merchant marine who, by reason of service in the merchant marine, is absent from the residence where the member is otherwise qualified to vote; or the spouse or dependent of any such member who, by reason of the duty or service of the member, is absent from the residence where the spouse or dependent is otherwise qualified to vote. [s. 6.34 (1) (a), Stats.]

<sup>6</sup> For purposes of proof of residence, “overseas voter” means an voter who resides outside the United States and who is qualified under federal law to vote in elections for national office in this state because the voter was last domiciled in this state immediately prior to the voter’s departure from the United States. [s. 6.34 (1) (b), Stats.]

- Bank statement.
- Paycheck.
- Check or other document issued by a governmental unit.
- Contract or intake document prepared by a residential care facility that specifies that the voter currently resides in the facility.
- Wisconsin tribal ID card.

[s. 6.34, Stats.]

### **REGISTRATION LIST**

Under Wisconsin law, the Ethics Commission must compile and maintain electronically an official registration list (as part of its WisVote system). The list contains information about voters in this state, including all of the following information: (1) the name and address of each registered voter; (2) the voter's date of birth; (3) the ward and aldermanic district of the voter, if any; (4) the number of the voter's Wisconsin driver's license or the last four digits of the voter's Social Security number; and (5) the date of any election at which the voter votes. Only an employee of the Elections Commission, a municipal clerk, or an election official authorized by a municipal clerk may make a change in the list. [s. 6.36 (1) (a) and (b) 1. b., Stats.]

Generally, the registration list is open to public inspection and is electronically accessible by any person. However, no person may view any of the following information, unless the person is an employee of the Elections Commission, a county clerk, a deputy county clerk, an executive director of a county board of election commissioners (in Milwaukee County), a deputy designated by the executive director, a municipal clerk, a deputy municipal clerk, an executive director of a city board of election commissioners (in the City of Milwaukee), or a deputy designated by the executive director:

- A voter's date of birth.
- A voter's driver's license number or Social Security number.
- The name and address of a voter who is a victim of domestic abuse, sexual assault, or stalking and has a confidential listing under s. 6.47, Stats.
- Any indication of an accommodation required to permit voting by a voter.

In addition, information in the registration list, including the confidential information described above, may be shared with: (1) the Electronic Registration Information Center, Inc.<sup>7</sup> (ERIC), a

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<sup>7</sup> State law requires the chief election officer to enter into a membership agreement with ERIC for the purpose of maintaining the official registration list. Before entering into an agreement, the chief election officer must ensure that the agreement satisfies a specified list of conditions, including that the agreement safeguards the confidentiality of registration information or data; prohibits the sale or distribution of registration data to a third-party vendor; and does not affect the state's exemption under the federal National Voter Registration Act. [s. 6.36 (1) (ae), Stats.]

system in which voter registration information is shared between states and governmental units who are ERIC members; (2) a law enforcement agency to be used for law enforcement purposes; or (3) a subunit of the state government of another state to be used for official purposes. [ss. 6.36 (1) and 6.47 (2), Stats.]

This memorandum is not a policy statement of the Joint Legislative Council or its staff.

This memorandum was prepared by Jessica Karls-Ruplinger, Deputy Director, on July 27, 2018.

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**WISCONSIN LEGISLATIVE COUNCIL**

One East Main Street, Suite 401 • Madison, WI 53703-3382

Telephone: (608) 266-1304 • Fax: (608) 266-3830

Email: [leg.council@legis.wisconsin.gov](mailto:leg.council@legis.wisconsin.gov)

<http://www.legis.wisconsin.gov/lc>