

1 **AN ACT** *to repeal* 6.56 (5); and *to amend* 5.35 (6) (a) 2., 6.15 (2) (d) 1r., 6.15 (3), 6.29
2 (2) (a), 6.33 (2) (b), 6.55 (2) (b), 6.55 (2) (c) 1., 6.55 (2) (c) 2., 6.55 (3), 6.79 (4),
3 6.86 (3) (a) 1. and 6.86 (3) (a) 2. of the statutes; **relating to:** eliminating
4 corroboration as proof of residence for voter registration.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on election law review.

With certain limited exceptions, before being permitted to vote at any polling place, an elector currently must provide his or her name and address. If registration is required in order to vote and the elector is not registered, the elector must provide a specified form of proof of residence in order to register. If an elector claims to be registered but his or her name does not appear on the appropriate registration list, the elector must complete a certification of eligibility and present acceptable proof of residence in order to vote. In addition, an elector may be required to provide acceptable proof of residence even if registration is not required. (Beginning with the 2006 spring primary election, registration will be required on a statewide basis.) If an elector is not able to present any required proof of residence, as an alternative, current law permits another qualified elector who resides in the same municipality to corroborate the elector's information.

This draft discontinues the use of corroborating electors to verify residence.

This draft contains an effective date of January 1, 2006.

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

5 **SECTION 1g.** 5.35 (6) (a) 2. of the statutes is amended to read:

1 5.35 (6) (a) 2. A copy of the election fraud laws provided in s. 12.13 (1) and (3) (intro.),
2 (d), (f), (g), (k), (L), (o), (q), (r), (u), ~~(v)~~ and (x), together with the applicable penalties provided
3 in s. 12.60 (1).

NOTE: This SECTION eliminates a cross-reference to the prohibition on
 falsely corroborating information.

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

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

14 **SECTION 2.** 6.15 (3) of the statutes is amended to read:

15 6.15 (3) PROCEDURE AT POLLING PLACE. An eligible elector may appear at the polling
16 place for the ward or election district where he or she resides and make application for a ballot
17 under sub. (2). Except as otherwise provided in this subsection, an elector who casts a ballot
18 under this subsection shall follow the same procedure required for casting a ballot at the
19 municipal clerk's office under sub. (2). The inspectors shall perform the duties of the
20 municipal clerk, except that the inspectors shall return the cancellation card under sub. (2) (b)
21 to the municipal clerk and the clerk shall forward the card as provided in sub. (2) (c) if required.
22 Upon proper completion of the application and cancellation card and submittal of acceptable

1 proof of residence under s. 6.55 (7) ~~or providing corroboration of residence~~, the inspectors
2 shall permit the elector to cast his or her ballot for president and vice president. The elector
3 shall mark the ballot and, unless the ballot is utilized with an electronic voting system, the
4 elector shall fold the ballot, and deposit the ballot into the ballot box or give it to the inspector.
5 The inspector shall deposit it directly into the ballot box. Voting machines or ballots utilized
6 with electronic voting systems may only be used by electors voting under this section if they
7 permit voting for president and vice president only.

8 **SECTION 8g.** 6.29 (2) (a) of the statutes is amended to read:

9 6.29 (2) (a) Any qualified elector of a municipality who has not previously filed a
10 registration form or whose name does not appear on the registration list of the municipality
11 may register after the close of registration but not later than 5 p.m. or the close of business,
12 whichever is later, on the day before an election at the office of the municipal clerk and at the
13 office of the clerk's agent if the clerk delegates responsibility for electronic maintenance of
14 the registration list to an agent under s. 6.33 (5) (b). The elector shall complete, in the manner
15 provided under s. 6.33 (2), a registration form containing all information required under s. 6.33
16 (1). The elector shall also provide acceptable proof of residence under s. 6.55 (7).
17 Alternatively, if the elector is unable to provide acceptable proof of residence under s. 6.55
18 (7), the information contained in the registration form shall be corroborated in a statement that
19 is signed by any other elector of the municipality and that contains the current street address
20 of the corroborating elector. The corroborating elector shall then provide acceptable proof of
21 residence under s. 6.55 (7).

22 **SECTION 8r.** 6.33 (2) (b) of the statutes is amended to read:

23 6.33 (2) (b) Except as provided in s. 6.86 (3) (a) 2., the registration form shall be signed
24 by the registering elector and any corroborating elector under s. 6.29 (2) (a) or 6.55 (2) before

1 the clerk, issuing officer or registration deputy. The form shall contain a certification by the
2 registering elector that all statements are true and correct.

3 **SECTION 3.** 6.55 (2) (b) of the statutes is amended to read:

4 6.55 (2) (b) Upon executing the registration form under par. (a), the elector shall provide
5 acceptable proof of residence under sub. (7). ~~If the elector cannot provide acceptable proof~~
6 ~~of residence, the information contained in the registration form shall be corroborated in a~~
7 ~~statement that is signed by any elector who resides in the same municipality as the registering~~
8 ~~elector and that contains the current street address of the corroborating elector. The~~
9 ~~corroborator shall then provide acceptable proof of residence as provided in sub. (7).~~ The
10 signing by the elector executing the registration form and by any corroborator shall be in the
11 presence of the special registration deputy or inspector. Upon compliance with this procedure,
12 the elector shall be permitted to cast his or her vote, if the elector complies with all other
13 requirements for voting at the polling place.

14 **SECTION 4.** 6.55 (2) (c) 1. of the statutes is amended to read:

15 6.55 (2) (c) 1. As an alternative to registration at the polling place under pars. (a) and
16 (b), the board of election commissioners, or the governing body of any municipality may by
17 resolution require a person who qualifies as an elector and who is not registered and desires
18 to register on the day of an election to do so at another readily accessible location in the same
19 building as the polling place serving the elector's residence or at an alternate polling place
20 assigned under s. 5.25 (5) (b), instead of at the polling place serving the elector's residence.
21 In such case, the municipal clerk shall prominently post a notice of the registration location
22 at the polling place. The municipal clerk, deputy clerk or special registration deputy at the
23 registration location shall require such person to execute a registration form as prescribed
24 under par. (a) and to provide acceptable proof of residence as provided under sub. (7). ~~If the~~

1 ~~elector cannot provide acceptable proof of residence, the information contained in the~~
2 ~~registration form shall be corroborated in the manner provided in par. (b).~~ The signing by the
3 elector executing the registration form ~~and by any corroborator~~ shall be in the presence of the
4 municipal clerk, deputy clerk, or special registration deputy. Upon proper completion of
5 registration, the municipal clerk, deputy clerk, or special registration deputy shall serially
6 number the registration and give one copy to the elector for presentation at the polling place
7 serving the elector's residence or an alternate polling place assigned under s. 5.25 (5) (b).

8 **SECTION 5.** 6.55 (2) (c) 2. of the statutes is amended to read:

9 6.55 (2) (c) 2. Upon compliance with the procedures under subd. 1., the municipal clerk
10 or deputy clerk shall issue a certificate addressed to the inspectors of the proper polling place
11 directing that the elector be permitted to cast his or her vote if the elector complies with all
12 requirements for voting at the polling place. The clerk shall enter the name and address of the
13 elector on the face of the certificate. ~~If the elector's registration is corroborated, the clerk shall~~
14 ~~also enter the name and address of the corroborator on the face of the certificate.~~ The
15 certificate shall be numbered serially and prepared in duplicate. The municipal clerk shall
16 preserve one copy in his or her office.

17 **SECTION 6.** 6.55 (3) of the statutes is amended to read:

18 6.55 (3) Any qualified elector in the ward or election district where the elector desires
19 to vote whose name does not appear on the registration list but who claims to be registered to
20 vote in the election may request permission to vote at the polling place for that ward or election
21 district. When the request is made, the inspector shall require the person to give his or her
22 name and address. If the elector is not at the polling place which serves the ward or election
23 district where the elector resides, the inspector shall provide the elector with directions to the
24 correct polling place. If the elector is at the correct polling place, the elector shall then execute

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

13 **SECTION 7.** 6.56 (5) of the statutes is repealed.

14 **SECTION 8.** 6.79 (4) of the statutes is amended to read:

15 6.79 (4) SUPPLEMENTAL INFORMATION. When any elector provides acceptable proof of
16 residence under s. 6.15, 6.29 or 6.55 (2) or (3), the election officials shall enter the type of
17 identifying document provided on the poll list, or separate list maintained under sub. (2) (c).
18 If the document submitted as proof of identity or residence includes a number which applies
19 only to the individual holding that document, the election officials shall also enter that number
20 on the list. ~~When any elector corroborates the registration identity or residence of any person~~
21 ~~offering to vote under s. 6.55 (2) (b) or (c) or (3), or the registration identity or residence of~~
22 ~~any person registering on election day under s. 6.86 (3) (a) 2., the election officials shall also~~
23 ~~enter the name and address of the corroborator next to the name of the elector whose~~
24 ~~information is being corroborated on the poll list, or the separate list maintained under sub.~~

1 ~~(2)-(c).~~ When any person offering to vote has been challenged and taken the oath, following
2 the person's name on the poll list, the officials shall enter the word "Sworn".

3 **SECTION 9.** 6.86 (3) (a) 1. of the statutes is amended to read:

4 6.86 **(3)** (a) 1. Any elector who is registered and who is hospitalized, may apply for and
5 obtain an official ballot by agent. The agent may apply for and obtain a ballot for the
6 hospitalized absent elector by presenting a form prescribed by the board and containing the
7 required information supplied by the hospitalized elector and signed by that elector ~~and any~~
8 ~~other elector residing in the same municipality as the hospitalized elector, corroborating the~~
9 ~~information contained therein. The corroborating elector shall state on the form his or her full~~
10 ~~name and address.~~

11 **SECTION 10.** 6.86 (3) (a) 2. of the statutes is amended to read:

12 6.86 **(3)** (a) 2. If a hospitalized elector is not registered, the elector may register by agent
13 under this subdivision at the same time that the elector applies for an official ballot by agent
14 under subd. 1. To register the elector under this subdivision, the agent shall present a
15 completed registration form that contains the required information supplied by the elector and
16 the elector's signature, unless the elector is unable to sign due to physical disability. In this
17 case, the elector may authorize another elector to sign on his or her behalf. Any elector signing
18 a form on another elector's behalf shall attest to a statement that the application is made on
19 request and by authorization of the named elector, who is unable to sign the form due to
20 physical disability. The agent shall present this statement along with all other information
21 required under this subdivision. ~~Except as otherwise provided in this subdivision, the~~ The
22 ~~agent shall in every case provide acceptable proof of the elector's residence under s. 6.55 (7).~~
23 ~~If the agent cannot present this proof, the registration form shall be signed and substantiated~~
24 ~~by another elector residing in the elector's municipality of residence, corroborating the~~

1 ~~information in the form. The form shall contain the full name and address of the corroborating~~
2 ~~elector. The agent shall then present acceptable proof of the corroborating elector's residence~~
3 ~~under s. 6.55 (7).~~

4 **SECTION 11. Effective date.**

5 (1) This act takes effect on January 1, 2006, or the day after publication, whichever is
6 later.

7 (END)