

1 **AN ACT** *to repeal* 5.02 (6m), 6.26 (2) (am), 6.28 (3), 6.55 (7), 6.87 (3) (c) and 12.13
2 (4); *to renumber* 7.30 (1) and 7.31 (1); *to renumber and amend* 6.55 (3); *to amend*
3 5.35 (6) (a) 4a., 5.90, 6.15 (4) (a) to (e), 6.15 (6), 6.21, 6.22 (4), 6.22 (5), 6.24 (6),
4 6.26 (2) (a), 6.26 (2) (b) and (c), 6.26 (3), 6.28 (1), 6.29 (1), 6.29 (2) (a), 6.30 (4),
5 6.32, 6.33 (1), 6.33 (2) (a) and (b), 6.36 (1) (a), 6.36 (2) (a), 6.36 (2) (c) 2., 6.50 (3),
6 6.55 (2) (a) 1., 6.55 (2) (b), 6.55 (2) (c) 1., 6.56 (3), 6.79 (2) (d), 6.82 (1) (a), 6.86 (1)
7 (a) 2., 6.86 (1) (b), 6.86 (3) (c), 6.865 (3), 6.87 (3) (a), (b), and (d), 6.87 (4), 6.87 (6),
8 6.875 (4) and (6), 6.88 (1) to (3), 6.93, 6.935, 6.97 (1) and (2), 7.03 (1) (a), 7.08 (8)
9 (title), 7.15 (1) (e), 7.15 (11), 7.23 (1) (a), 7.30 (2) (a), 7.30 (2) (am), 7.30 (2) (b),
10 7.30 (2) (c), 7.30 (4) (a), 7.30 (4) (b) (intro.), 7.30 (4) (b) 1., 7.30 (4) (c), 7.30 (6) (a),
11 7.30 (6) (b), 7.30 (6) (c), 7.31 (title), 7.33 (3), 7.41, 7.51 (1), 7.51 (2) (c), 7.51 (2)
12 (e), 7.51 (3) (d), 7.51 (4) (a), 7.51 (5) (a), 7.51 (5) (b), 7.53 (1), 7.53 (2) (a), 7.53 (2)
13 (d), 7.60 (2), 8.10 (3) (intro.), 8.15 (4) (a), 8.20 (3), 8.37, 8.40 (2), 9.01 (1) (b)
14 (intro.), 9.01 (10), 9.10 (2) (b), 9.10 (2) (d), 9.10 (2) (em) 2., 9.10 (4) (a), 10.01 (2)
15 (e), 10.02 (3) (a), 12.03 (title) and (1), 12.03 (4), 12.07 (2), 12.60 (1) (b), 12.60 (1)
16 (c), 12.60 (1) (d), 17.29, 302.117, 880.33 (9), 973.09 (4m) and 973.176 (2); *to repeal*
17 *and recreate* 12.03 (2) and 12.09; and *to create* 5.02 (16g), 5.35 (6) (c), 5.68 (3m),
18 6.22 (5m), 6.28 (4), 6.29 (2) (am), 6.34, 6.36 (5), 6.55 (2) (cs), 6.55 (3) (b), 6.56
19 (3m), 6.79 (2) (dm), 6.855, 6.86 (1) (ac), 6.86 (1) (c), 6.865 (3m), 6.875 (7), 7.10 (1)
20 (d), 7.15 (1m), 7.15 (2m), 7.23 (1) (am), 7.30 (1) (b), 7.30 (6) (am), 7.31 (2m), 7.31
21 (3m), 7.31 (4m), 7.37 (13), 7.41 (5), 7.52, 7.53 (2m), 12.035, 12.13 (3) (ze), 301.03

- 1 (3a) and 301.03 (20) of the statutes; **relating to:** administration of elections; granting
2 rule-making authority; and providing a penalty.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the joint legislative council's special committee on election law review. The draft makes numerous modifications to the election laws, as described below.

VOTER REGISTRATION

Forms of Identification Required to Register to Vote

Beginning in the spring of 2006, all voters, with limited exceptions, will need to be registered before they are allowed to vote. Under current law, an elector may register in person or by mail. Generally, registration must be completed by a certain time before election day. However, a person may register in person on election day at the polls, or after the official close of registration in person in the office of the municipal clerk up until 5 p.m. or the close of business, whichever is later, on the day before the election.

A person who registers to vote at the polls on election day or in person in the municipal clerk's office after the official close of registration must show proof of residence. A document constitutes acceptable proof of residence if it includes the person's current and complete name and a current and complete residential address. The statutes provide a list of examples of documents that constitute acceptable proof of residence if they contain the person's name and address. The statutory list, which is not exhaustive, is set forth below:

1. An operator's license issued under ch. 343 (i.e., a Wisconsin driver's license).
2. An identification card issued under s. 343.50 (i.e., a Wisconsin identification card).
3. Any other official identification card or license issued by a Wisconsin governmental body or unit or by an employer in the normal course of business, but not including a business card.
4. A credit card or plate.
5. A library card.

6. A check-cashing or courtesy card issued by a merchant in the normal course of business.
7. A real estate tax bill or receipt for the current year or the year preceding the date of the election.
8. A residential lease which is effective for a period that includes election day.
9. A university, college, or technical institute fee card.
10. A university, college, or technical institute identification card.
11. An airplane pilot's license.
12. A gas, electric, or telephone service statement for the period commencing not earlier than 90 days before election day.

A person who is required to provide proof of residence under current law but who is unable to provide such proof may have his or her registration information corroborated by another elector who resides in the same municipality. The corroborating elector must then provide proof of his or her residence. In general, under current law, other persons who register to vote need not provide proof of residence.

Under current law, pursuant to requirements of the Federal Help America Vote Act of 2002 (HAVA), a person who registers to vote by mail and who has never voted in a federal election in his or her municipality (until December 31, 2005) or in the state (effective January 1, 2006) must present certain identification before being allowed to cast a ballot. A person who fails to do so may cast a provisional ballot and provide the identification later. The identification required under current law is: (1) a current and valid piece of identification containing a photograph of the person; or (2) a copy of a utility bill, bank statement, paycheck, or a check or other document issued by a unit of government that shows the current name and address of the person.

The draft requires proof of residence to be provided whenever registration to vote is made. It does not alter the corroboration alternative under current law and does not extend that alternative to the new proof of residence requirements contained in the draft.

In addition, the draft establishes one uniform list of documents that may be used as proof of residence by both first-time voters who register by mail and by all persons who are required to register to vote so long as the document contains the full name and residential address of the individual. The list created by the draft is as follows:

1. A current and valid Wisconsin driver's license.

2. A current and valid Wisconsin identification card.
3. Any other official identification card or license issued by a Wisconsin governmental body or unit.
4. An identification card issued by an employer in the normal course of business and bearing a photograph of the card holder, but not including a business card.
5. A real estate tax bill or receipt for the current year or the year preceding the date of the election.
6. A university, college, or technical college fee or identification card bearing a photograph of the card holder.
7. A utility bill for the period commencing not earlier than 90 days before election day.
8. A bank statement.
9. A paycheck.
10. A check or other document issued by a unit of government.

The draft provides that a university, college, or technical college fee or identification card which does not contain the address of the student bearing the card may still be considered acceptable proof of residence if the university, college, or technical college that issued the card provides to the municipal clerk before the election a certified and current list of students who reside in housing sponsored by the university, college, or technical college showing the current address of the students and if the poll worker verifies that the student presenting the card is included on the list.

Deadline for Registration

Under current law, registration for any election must close at 5 p.m. on the second Wednesday preceding the election. Registration may be accepted after this deadline if the municipal clerk determines that the registration list can be revised to incorporate the registration in time for the election. A person may also register to vote after the official date for the close of registration. Generally, a person may register late by filing with the municipal clerk a registration form completed by the person and acceptable proof of residence or corroboration of residence by one other elector of the municipality. The registration form must be filed in person no later than 5 p.m. or the close of business, whichever is later, on the day before the election. Unless the clerk determines that the registration list can be updated in time for the election, the municipal clerk must issue to the late-registering person a certificate addressed to the

inspectors of the proper ward directing that the elector be permitted to vote. The certificate must be presented by the person to the inspectors when he or she arrives at the polling place.

The draft changes the registration deadline from the 2nd Wednesday preceding the election to the 3rd Wednesday preceding the election. Under the draft, registration after this deadline is limited to persons registering in person in the office of the municipal clerk, persons registering at the polls on election day, and hospitalized persons registering via an agent.

In addition, the draft modifies the deadline for late registration in the clerk's office. Under the draft, late, in-person registration must be completed by 5 p.m. or the close of business, whichever is later, on the Friday before an election.

Legibility of Voter Registration Forms

Under current law, an elector must complete a registration form in order to register to vote.

The draft requires that the registration form be completed in a legible manner, and be signed by the election official before whom the form was completed.

Return Postage on Registration Forms

Under current law, voter registration forms are to be provided by each municipality and must be prepostpaid for return when mailed within the United States.

The draft eliminates the requirement that the forms contain prepaid return postage.

Locations for Voter Registration

Under current law, individuals may register to vote at the office of the municipal clerk, at other locations designated by the clerk, at high schools, and at the register of deeds office. In addition, current law authorizes the municipal clerk and the elections board to appoint special registration deputies for the purpose of registering electors of a municipality anywhere throughout the municipality--the so-called "roving registration deputies". Current law also authorizes the appointment of special registration deputies to assist in registering voters at the polls on election day and requires the appointment of special registration deputies at other locations designated for registration by the municipal clerk.

The draft eliminates the “roving registration deputies” appointed by the municipal clerk and elections board. Instead, the draft authorizes a municipal clerk to appoint special registration deputies only for fixed registration locations and eliminates the ability of the elections board to appoint special registration deputies.

The draft also creates an exemption from requiring the clerk to appoint special registration deputies for fixed registration locations established by the municipal clerk when the clerk and deputy clerks can sufficiently staff the locations. The draft also eliminates the statutory requirement that registration be available in the office of the register of deeds and instead requires that registration be available at the office of the county clerk.

Prohibition on Certain Payment for Voter Registration

The draft prohibits any person from compensating any individual who gathers registrations at a rate that varies in relation to the number of voter registrations obtained. Violators are guilty of a misdemeanor and are subject to a fine of not more than \$1,000 or imprisonment for not more than 6 months, or both, for each offense.

Verification of Pre-Election Voter Registration

Under current law, when a municipal clerk receives a voter registration form by mail, the clerk must examine the form for sufficiency. If the form is insufficient to accomplish registration or if the clerk knows or has reliable information that the proposed elector is not qualified, the clerk must notify the proposed elector and request that the elector appear at the clerk’s office or other registration center to complete a proper registration or substantiate the information presented. Similarly, if the form is submitted after the close of registration, the clerk must attempt to notify the elector that registration may be completed in the clerk’s office or at the polls on election day. Under current law, if the form is sufficient and the clerk has no reliable information to believe that the proposed elector is not qualified, the clerk must enter the person’s name on the registration list and transmit a first class letter on postcard to the registrant identifying the registrant’s proper ward or aldermanic district and polling place. If the letter or postcard is returned, the clerk must change the registrant’s status to ineligible.

The draft applies these requirements to any pre-election day registration form not submitted in person by the person seeking registration in the office of the municipal clerk or in person at another approved registration location. In addition, the draft specifies that the clerk must mail the letter or postcard within 10 days of receiving the registration.

Fee for Copy of Registration List

Under current law, the fee for a copy of a public record may not exceed the actual, necessary, and direct cost of reproduction, unless a fee is otherwise specifically established or authorized to be established.

The draft directs the elections board to establish a fee for receiving a copy of the statewide voter registration list. The fee must be established by rule after consultation with county and municipal election officials. The amount of the fee must be set to cover the cost of reproduction and the cost of maintaining the list. The rules must also specify how the fees will be shared between state and local jurisdictions. The draft also authorizes the board to promulgate emergency rules to be in effect until permanent rules are promulgated.

Same-Day Voter Registration Verification by Elections Board

Under current law, after each election the municipal clerk receives a list of all electors who registered to vote on election day. Upon receipt of the list, the clerk is required to make an audit of all such electors. The audit is to be made by 1st class postcard, which is to be marked in such a way so that it will be returned to the clerk if the elector named on the card does not reside at the address given on the postcard. If the postcard is returned undelivered, the clerk is required to change the status of the elector on the registration list from eligible to ineligible and mail the elector a notice of the change in status and provide the name to the district attorney for the county where the polling place is located.

The draft authorizes the state elections board to perform this audit function in lieu of the municipal clerk.

ABSENTEE BALLOTS**Requesting an Absentee Ballot by Fax or Email**

Under current law, any elector who is unable or unwilling to appear at the polling place in his or her ward on election day may vote by absentee ballot. An elector seeking to vote by absentee ballot must generally make a written application to the municipal clerk. An application may be made by one of the following methods: (1) by mail; (2) in person at the office of the municipal clerk; (3) by signing a statement indicating the elector is indefinitely confined or disabled; (4) by agent when the elector is hospitalized; or (5) by delivering an application to a special voting deputy when the elector is an occupant of a nursing home and similar facilities.

The draft authorizes a registered elector, including a registered "overseas elector", or an elector who qualifies as a "military elector", who is

unable or unwilling to appear at the polling place in his or her ward on election day to apply for an absentee ballot by making a written application to the municipal clerk by facsimile transmission (fax) or electronic mail (email). The application must contain a copy of the applicant's original signature. When the absentee ballot is returned, the elector must enclose a copy of the absentee ballot request bearing an original signature of the elector along with the ballot. Ballots cast in contravention of this procedure are not to be counted.

Deadline for Requesting Absentee Ballot by Mail

Under current law, requests for absentee ballots made by an elector by mail must be received by the municipal clerk by 5 p.m. on the Friday preceding the election. The draft changes the deadline for such requests to no later than 5 p.m. on the 6th day immediately preceding the election, except for applications submitted by mail by military electors and indefinitely confined voters. Under the draft, applications by mail from these electors retain the current deadline of 5 p.m. on the Friday before the election.

Absentee Ballots for Military Electors – Permanent Ballots

Under current law, “military electors” are defined to be any of the following:

- Members of a uniformed service (i.e., the U.S. army, navy, air force, marine corps, or coast guard, the commissioned corps of the federal public health service, or the national oceanic and atmospheric administration).
- Members of the U.S. merchant marine.
- Civilian employees of the U.S. and civilians officially attached to a uniformed service who are serving outside the U.S.
- Peace corps volunteers.
- Spouses and dependents of the above who reside with or accompany them.

In general, and with some exceptions, a military elector is to vote in the ward or election district for the address of his or her residence prior to becoming a military elector. In general, military electors are not required to register as a prerequisite to voting in any election.

A military elector may request an absentee ballot for any election, or for all elections until the individual otherwise requests or until the person no longer qualifies as a military elector. An absentee ballot application from a military elector may be received at any time. In general, as an

alternative to a regular absentee ballot request form, a federal postcard registration and absentee ballot request form may be used to apply for an absentee ballot by a military elector if the municipal clerk can determine that the applicant is qualified to vote in the election district where he or she seeks to vote and that the applicant is qualified to receive an absentee ballot as a military elector.

For military electors who are in the uniformed service and on active duty, members of the merchant marine, and the spouse and dependents of such persons who are absent because of the duty or service of the member, current law also provides that such electors may request an absentee ballot for the next 2 general elections. A municipal clerk must comply with such a request except that no absentee ballot may be sent for a succeeding general election if the elector's name appeared on the registration list for a previous general election and no longer appears on the registration list for the succeeding general election. Further, if the elector's address for the succeeding general election is in a municipality that is different from the municipality in which the elector resided for the first general election, current law requires the clerk to forward the request to the clerk of the municipality where the elector resides.

Currently, a municipal clerk must send a ballot, as soon as available, to each military elector who requests a ballot. However, the clerk may not send a ballot for an election if the application is received later than 5 p.m. on the Friday preceding that election. Whenever absentee ballots are sent to military electors, they must be prepared and mailed to make use of the federal free postage laws.

The draft modifies current law to provide that every request by any military elector must be treated as a request for an absentee ballot for all subsequent elections. Under the draft, if a municipal clerk receives a request for an absentee ballot from a military elector, the municipal clerk must send an absentee ballot to the elector for all elections that occur after the request is received. The draft allows a military elector to provide an alternate address on the absentee ballot application and requires the municipal clerk to send an absentee ballot to that alternate address if a ballot sent to the elector's primary address is returned as undeliverable.

The draft authorizes a municipal clerk to stop sending a ballot to a military elector in the following situations: (1) if 2 successive general elections go by and a military elector fails to return an absentee ballot for any election during that time period; (2) if the clerk is reliably informed that the elector is no longer a military elector or no longer resides in the municipality; (3) if the elector is subject to a registration requirement and his or her name no longer appears on the registration list as an

eligible elector; or (4) the elector so requests. Prior to discontinuing sending ballots to a military elector solely for the failure to return absentee ballots, the municipal clerk must notify the elector by mail that no future ballots will be sent unless the elector renews his or her absentee ballot request within 30 days. The draft also requires the municipal clerk to notify a military elector of any action to discontinue sending ballots to the elector not taken at the elector's request within 5 days of taking that action, if possible.

Late-Arriving Absentee Ballots From Military Electors

Under current law, absentee ballots must be returned to the municipal clerk in time for delivery to the polls before the polls close. Any ballot not delivered by this deadline may not be counted.

The draft provides that a ballot cast by a "military elector", as defined above, that is received by the municipal clerk after the close of the polls may, in some situations, still be counted. Under the draft, such a ballot that is received after the polls close is considered a valid ballot if it is received by the clerk by the deadline for requesting a recount and if it contains a postal service cancellation mark dated on or before the election day for which the ballot was cast. However, under the draft these ballots will not be counted unless a recount occurs.

Under the draft, a certificate envelope sent to a military elector must be clearly labeled so that when it is returned the clerk will know that it is from a military elector. If a certificate envelope that is returned by a military elector after the polls close but before the deadline for the return of such ballots has an illegible postmark, or no postmark, it is presumed that the envelope was timely mailed, unless established otherwise.

The draft directs the municipal clerk to post in his or her office on election night and on an internet site a statement announcing the number of absentee ballots that have not been returned by military electors by the closing of the polls. However, the posting may not include the names or addresses of any military electors.

Under the draft, if a recount petition is filed, the municipal clerk must immediately notify the appropriate board of canvassers as to the number of absentee ballots that were timely received after the polls closed and whether any absentee ballots that were sent to military electors have not been returned. If there are unreturned ballots at the time a recount petition has been filed, the draft provides that the recount may not proceed until all timely returned ballots are delivered by the clerk or 9 a.m. on the day following the last day for filing a recount petition, whichever occurs first.

As soon as practicable after receiving the last late-arriving ballot but in no case later than 9 a.m. on the day following the last day for filing a recount petition, the clerk must transmit to the appropriate board of canvassers all of the late arriving military ballots received by the clerk.

When the board of canvassers conducting a recount receives late arriving absentee ballots cast by military electors, the board must first open and record the names of the military electors whose ballots have been received. If the late-arriving ballot cast by a military elector is otherwise valid, the board of canvassers must count the ballot and adjust the original statements, certifications, and determinations. After doing so, the board of canvassers may begin the recount.

Witness for Absentee Ballots

Under current law, military and overseas voters who cast absentee ballots must have a witness who is an adult U.S. citizen. All other absentee ballots must have a witness, but the age and nationality of the witness is not specified. The draft requires all absentee ballots to be witnessed by an adult U.S citizen.

Elimination of Prepaid Return Postage and Notice of Hours

Generally, under current law, if the municipal clerk sends an absentee ballot to an elector, the ballot must include sufficient return postage from anywhere within the United States. The draft deletes this requirement that absentee ballots be sent with return postage paid. Thus, a person who seeks to return an absentee ballot by mail would be required to supply the requisite postage. The draft also modifies the notice that a clerk must post to include the hours that an elector can cast an absentee ballot in the clerk's office.

Absentee Ballots Sent to Permanent or Temporary Residence Only

Under current law, if an elector requests an absentee ballot, the municipal clerk must mail the ballot to the residence of the elector, unless the elector specifies a different mailing address. An elector may not specify that a ballot be sent to the address of a candidate, political party, or campaign finance registrant, unless the elector resides there. If an elector has applied for an absentee ballot and there may not be time to return the ballot, a clerk may send a ballot to a fax number or electronic mail address.

The draft specifies that absentee ballots may only be sent to an elector's permanent or temporary address.

Opening Absentee Ballots in Public

Under current law, absentee ballot envelopes must be opened at the polling place during poll hours and the ballots placed in the ballot box without disclosing how the voter voted. When the envelopes are opened, the inspector is required to publicly announce the names or serial numbers of the absent electors casting the ballots.

The draft adds language to ensure that this opening process is done so that election observers may hear and see the process.

Observation of Absentee Voting in Certain Nursing Homes and Other Facilities

Under current law, there is a separate procedure for absentee voting by residents of nursing homes, qualified community-based residential facilities, and qualified retirement homes. If a resident of such a facility requests an absentee ballot, the clerk will arrange a time to send 2 special deputies to the facility to facilitate the residents in voting absentee.

The draft requires the municipal clerk to maintain a list, available to the public, of all of the facilities where an absentee ballot has been requested and when the special deputies will be visiting the facility. In addition, the clerk must post a notice at the facility indicating when the special deputies will be visiting. The draft also allows one observer from each of the recognized political parties whose candidate for governor or president received the greatest numbers of votes in the municipality at the most recent general election to accompany the deputies to observe the distribution of absentee ballots in the common areas of the facility. The deputies are given the same authority as the chief election inspector to monitor this observer's conduct.

Alternate Absentee Ballot Site

Under current law, persons may apply for and vote an absentee ballot at the municipal clerk's office prior to election day. In addition, absentee ballots that are not voted at the clerk's office are to be returned to the clerk's office in time for delivery to the polls before the polls close on election day.

The draft authorizes the governing body of a municipality (city, village, or town) to establish an alternate absentee ballot site in lieu of the municipal clerk's office to facilitate absentee ballot applications, voting of absentee ballots, and the return of absentee ballots prior to the close of the polls. Generally, the decision to move the absentee ballot functions to this alternate site, and the location of the alternate location, must be established no later than 14 days prior to the time when absentee ballots are available for voting at a primary, if a primary is required (generally

30 days before a September primary and 21 days before other primaries, including the Spring primary) and may expire no earlier than the day after the election following the primary. No absentee ballot functions that are to take place at this alternate site may be conducted at the municipal clerk's office so long as the alternate site is used. The draft requires notice of the alternate site to be prominently displayed in the office of the municipal clerk during the time that absentee ballots are available and requires a notice of the alternate site to be published in a newspaper along with other absentee ballot information required under current law. The draft requires the alternate site to be staffed by the municipal clerk or by employees of the clerk. Observation and electioneering laws would apply to alternate locations established under the draft.

Election Observers

Under current law, any member of the public may be present at any polling place for the purpose of observing an election, except a candidate at that election. The chief inspector at the polling place is authorized to "reasonably limit" the number of persons representing the same organization who are permitted to observe an election at the same time. In addition, the chief inspector is authorized to restrict the location of observers to certain areas at a polling place. Such an area is to be clearly designated as an observation area. Observation areas must be positioned to allow observers to readily observe all public aspects of the voting process. The statutes authorize a chief inspector to order the removal from a polling place of any observer who commits an overt act which either disrupts the operation of the polling place or who engages in electioneering in violation of the law.

Under the statutes, an observer may not view the confidential portion of a registration list relating to an individual who has obtained a confidential listing based on domestic abuse. However, the poll workers must disclose to an observer, upon request, the existence of such a list, the number of electors whose names appear on the list, and the number of those electors who have voted at any point during the election. In addition, an observer may not view the certificate of an absent elector who has obtained such a confidential listing. Current law prohibits any person from refusing to obey a lawful order of a poll worker made for the purpose of enforcing the election laws; engaging in disorderly behavior at or near a polling place; or interrupting or disturbing the voting or canvassing proceedings. A person violating this prohibition may be fined not more than \$1,000, or imprisoned for not more than 6 months, or both.

The draft applies the above observation provisions to the municipal clerk's office or an alternate absentee ballot site authorized by the governing body of a municipality on any day that absentee ballots may be cast in that office. However, the observation provisions created by the draft would only apply to offices of municipal clerks that are located in public buildings. Accordingly, these provisions would not apply to clerks whose offices are located in their primary residences. In addition, the prohibition on a "candidate at that election" being an observer is clarified to apply to a candidate whose name appears on the ballot at the polling place or on an absentee ballot to be cast at the clerk's office or alternate site.

Electioneering

Current law prohibits an election official from engaging in "electioneering" on election day. In addition, the law prohibits any person from engaging in "electioneering" during polling hours on any public property on election day within 100 feet of an entrance to a building containing a polling place. This restriction, though, does not apply to the placement of any material on the bumper of a motor vehicle that is located on such property on election day. A municipal clerk, poll worker, or law enforcement officer is authorized to remove posters or other advertising that violates the prohibitions on "electioneering".

The law defines "electioneering" as any activity that is intended to influence voting at an election. Persons who violate the above prohibitions on electioneering may be fined not more than \$1,000, or imprisoned for not more than 6 months, or both. In addition, any election official who is convicted of violating the electioneering prohibitions is disqualified from acting as an election official for a term of 5 years from the time of the conviction.

The draft extends the prohibitions on electioneering to the municipal clerk's office or an alternate absentee ballot site authorized by the governing body of a municipality during times when absentee voting may be conducted in the office or at the alternate site. Specifically, the draft prohibits the clerk, an employee of the clerk, or any other person who assists electors cast absentee ballots at those locations from engaging in electioneering activities at those locations during the hours that absentee ballots may be cast. In addition, the draft prohibits any person from engaging in electioneering activities during the hours that absentee ballots may be cast in the municipal clerk's office or at an alternate absentee ballot site on any public property within 100 feet of an entrance to a building that contains the clerk's office or the alternate site. Violations of these provisions are subject to the same penalties as provided under current law for electioneering at a polling place.

Option to Count Absentee Ballots at a Central Location

Currently, each absentee ballot must be received at the polling place serving an elector's residence no later than 8 p.m. on election night for the ballot to be counted. The municipal clerk or board of election commissioners delivers all absentee ballots received by the clerk or board to the appropriate polling places. The inspectors (poll workers) canvass the absentee ballots, together with the other ballots, publicly on election day by marking the names of the absentee electors on the same poll list that is used to mark the names of the electors who vote in person. Any member of the public may observe the proceedings. Any elector may challenge for cause any absentee ballot that the elector knows or suspects is not cast by a qualified elector, whether the absentee ballot is cast in person at the office of a municipal clerk or board of election commissioners or the ballot is received in some other manner. Unless an absentee ballot is challenged or voted provisionally, it is not identifiable once it is counted, except that an absentee ballot may be distinguished from another ballot because it carries the initials of the municipal clerk or executive director of the board of election commissioners or a designated deputy. The inspectors at each polling place announce the results of each election when the canvass is completed on election night. Each municipal canvass must be completed by 2 p.m. on the day after each election, and each county canvass must begin no later than 9 a.m. on the Thursday following an election.

The draft permits the governing body of any municipality, by ordinance, to discontinue the canvassing of absentee ballots at polling places. Under the draft, if absentee ballots are not canvassed at polling places, a municipal board of absentee ballot canvassers, appointed by the municipal clerk, must publicly convene any time after the polls open and before 10 p.m. on election day for the purpose of counting absentee ballots. Under the draft, the board of absentee ballot canvassers does not announce the results of its count until the canvass of all absentee ballots is completed. The draft provides for the board of absentee ballot canvassers to conduct a cross-check of absentee ballots for any potential duplication by electors who also cast ballots in person. To accomplish the cross-check, the board of absentee ballot canvassers numbers each absentee ballot as it is counted, and if the elector who casts the ballot also casts a ballot in person, the absentee ballot is not counted. The draft permits any elector to challenge any absentee ballot for cause.

PRE-ELECTION PROCEDURES

Qualifications of Circulators of Nomination Papers and Petitions

Under current law, each nomination paper and petition for an election must be circulated by a qualified elector of the jurisdiction or district in which the paper or petition is circulated. However, in *Frami v. Ponto*, 255 F. Supp. 962 (W.D. Wis. 2003), a federal district court ruled that this residency requirement is unconstitutional and prevented the state from enforcing the statutory requirement.

The draft removes the residency requirement by providing that a circulator of a nomination paper or petition must be a qualified elector of this state or a U.S. citizen age 18 or over who, if he or she were a resident of the state, would not be disqualified from voting because he or she is incompetent, a felon whose right to vote has not been restored, or involved in a wager or bet depending upon the result of the election.

Notice of School District Referendum

Currently, proposed constitutional amendments and other measures or questions to be submitted to a vote of the people must be filed with the official or agency responsible for preparing the ballots for the election no later than 42 days prior to the election at which the amendment, measure, or question will appear on the ballot.

The draft requires, in addition, that a copy of a measure or question to be submitted to a vote of the people on behalf of a school district be provided to the clerk of each county having territory within the school district no later than 42 days prior to the election.

Contingency Planning Report

The draft requires the elections board to submit a report and recommendations to the legislature on state and local election-related contingency planning efforts and preparedness regarding natural disasters and terrorist activities that may occur at or near election time. The report is due on July 1, 2006.

Guidance to Local Units of Government Regarding Election-Related Purchases

Under current law, the election administration council consists of members of the public and local election officials appointed by the executive director of the elections board. The council is to assist the elections board to establish the state's election administration plan under HAVA.

The draft requires the election administration council to also provide guidance to local units of government concerning the purchasing of election apparatus, ballot forms, and supplies for use in elections in this state to help ensure that competitive prices are obtained.

Term of Appointment for Certain Election Officials

Under current law, election officials are appointed for a 2-year term. The appointments are made in December of each even-numbered year. The draft changes the date that election officials are appointed to December of each odd-numbered year.

Election Official Training

Under current law, the elections board conducts training programs for chief inspectors (chief officials at polling places). No person may serve as a chief inspector if he or she has not been certified by the elections board as having met the requirements prescribed by the board for certification. The elections board must also prescribe requirements for maintaining certification. The elections board may also conduct training programs for other election officials. Municipal clerks and boards of election commissioners are required to train all election officials, and municipalities may require applicants for election official positions to take examinations. Currently, the elections board and municipal clerks and boards of election commissioners may appoint special registration deputies who obtain voter registrations from electors prior to the close of registration and municipal clerks may appoint special voting deputies to conduct voting at nursing homes and certain retirement homes and community-based residential facilities. Currently, the clerks and boards of election commissioners must train the deputies in accordance with rules prescribed by the elections board.

Beginning for elections held in 2008, the draft requires all municipal clerks to receive election training at least once every 2 years. The draft authorizes the board to produce and periodically update a video program and make the program available electronically through an Internet-based system for training purposes. Also, the draft requires municipal clerks to train all poll workers other than chief inspectors, who would continue to be trained and certified under current law, as well as special registration deputies and special voting deputies pursuant to rules developed by the elections board. The draft provides that no person may serve as a poll worker, special registration deputy, or special voting deputy unless that person has received training required in the draft unless certain unforeseen circumstances occur. Municipalities are required to compensate election officials other than special registration deputies and special voting deputies for attendance at training sessions.

ELECTION DAY PROCEDURES

Election Day Identification for Certain Voters

Under current law, certain electors who register to vote by mail at an election for national office must show identification before being allowed to cast a ballot if the elector has not previously voted in an election for national office in the municipality (or, effective January 1, 2006, in the state).

The draft applies this requirement to such electors who register to vote in advance of election day in any manner other than in person in the office of the municipal clerk or at another approved registration location.

High School Poll Workers

Generally, a pupil who is 16 or 17 years of age, who is enrolled in grades 9 to 12 in a public or private school, and who has at least a 3.0 grade point average (GPA) may serve as an inspector (poll worker) at the polling place serving the pupil's residence. Approval of the pupil's parent or guardian and of the school principal is required. There must be at least one qualified elector of the state serving at the polling place for a pupil to be appointed and a pupil may not serve as chief inspector. The term of appointment of an inspector lasts for 2 years and until his or her successor is appointed and qualified.

The draft eliminates the minimum GPA requirement and instead authorizes school boards to develop criteria for approving students to serve as poll workers. The draft also modifies the term of service of a high school pupil appointed to serve as an inspector. Under the draft, a high school pupil is appointed for one election only rather than for 2 years. The draft does not prohibit such pupil from being appointed to serve at future elections.

Poll Closing Procedures When Voters Waiting to Vote

Under current law, any elector waiting to vote, whether within the polling booth or in the line outside the booth at the time the polls officially close must be permitted to vote.

The draft requires an election inspector (poll worker) to position himself or herself at the end of the line of individuals waiting to vote at the time the polls officially close as a way to mark the end of the line.

Conduct of Election Observers

Under current law, any member of the public may be present at any polling place for the purpose of observing an election, except a candidate at that election. The chief inspector at the polling place is authorized to

“reasonably limit” the number of persons representing the same organization who are permitted to observe an election at the same time. In addition, the chief inspector is authorized to restrict the location of observers to certain areas at a polling place. Such an area is to be clearly designated as an observation area. Observation areas must be positioned to allow observers to readily observe all public aspects of the voting process. The statutes authorize a chief inspector to order the removal from a polling place of any observer who commits an overt act which either disrupts the operation of the polling place or who engages in electioneering.

Under the statutes, an observer may not view the confidential portion of a registration list relating to an individual who has obtained a confidential listing based on domestic abuse. However, the poll workers must disclose to an observer, upon request, the existence of such a list, the number of electors whose names appear on the list, and the number of those electors who have voted at any point during the election. In addition, an observer may not view the certificate of an absent elector who has obtained such a confidential listing.

Currently, any person who refuses to obey a lawful order of a poll worker made for the purpose of enforcing the election laws; who engages in disorderly behavior at or near a polling place; or who interrupts or disturbs the voting or canvassing proceedings may be fined not more than \$1,000, or imprisoned for not more than 6 months, or both.

The draft directs the elections board to promulgate rules regarding the proper conduct of observers at polling places, municipal clerk’s offices, or alternate absentee ballot sites, including the interaction of observers with election officials at polling places. The draft requires the rules to be submitted to the legislative council staff for review by February 1, 2006.

Identification Required of Certain Voters

Under current law, effective January 1, 2006, a person, other than a military elector or an overseas elector, who registers to vote by mail and who has not previously voted in an election for national office in Wisconsin must provide identification, as specified by law, before being allowed to vote at an election for national office. A person who is required to provide identification before voting but who fails to do so may cast a provisional ballot which may be counted if the person subsequently presents identification before 4 p.m. on the day after the election.

The draft applies the identification requirement to persons who do not register to vote in the office of the municipal clerk or other locations

designated by the clerk and who have never voted in the state in any election, not just elections for national office.

Election Threats

Current law, in s. 12.09 of the statutes, prevents the making of various election threats. Violations of that section are punishable as a Class I felony (a fine not to exceed \$10,000 or imprisonment not to exceed 3 years and 6 months, or both).

Presently, s. 12.09 is drafted as one paragraph consisting of 3 distinct components, each of which prohibits different conduct. The provision reads as follows:

No person may personally or through an agent make use of or threaten to make use of force, violence or restraint in order to induce or compel any person to vote or refrain from voting at an election; or, by abduction, duress or any fraudulent device or contrivance, impede or prevent the free exercise of the franchise at an election; or by any act compel, induce or prevail upon an elector either to vote or refrain from voting at any election for or against a particular candidate or referendum.

The draft, in order to improve the readability of the provision, repeals the provision and recreates it with 3 distinct subsections. The draft makes no substantive changes to the law and violations would still be subject to the same penalties as provided under current law.

Prohibition on Certain Election-Related Material

Current law defines “electioneering” as any activity which is intended to influence voting at an election. Under current law, “electioneering” is prohibited at or near the entrances to polling places on election day. Specifically, the law prohibits an election official from engaging in “electioneering” on election day. In addition, the law prohibits any person from engaging in “electioneering” during polling hours on any public property on election day within 100 feet of an entrance to a building containing a polling place. This restriction, though, does not apply to the placement of any material on the bumper of a motor vehicle that is located on such property on election day. A municipal clerk, poll worker, or law enforcement officer is authorized to remove posters or other advertising that violates the prohibitions on “electioneering”.

Persons who violate the above prohibitions on electioneering may be fined not more than \$1,000, or imprisoned for not more than six months, or both. In addition, any election official who is convicted of violating the electioneering prohibitions is disqualified from acting as an election official for a term of five years from the time of the conviction.

The draft modifies the statutory language regarding “electioneering” to provide that the prohibition on electioneering also applies to electioneering at a polling place.

In addition, the draft prohibits the posting or distribution of election-related material during polling hours on any public property on election day at a polling place or within 100 feet of an entrance to a building containing a polling place. Similarly, the draft prohibits such conduct in relation to the municipal clerk’s office or an alternate absentee ballot site during hours that absentee ballots may be cast therein. For purposes of the draft, “election-related material” means any written matter which describes, or purports to describe, the rights or responsibilities of individuals voting or registering to vote at a polling place or voting by absentee ballot. The prohibition would not apply to material posted or distributed by the municipal clerk or other election officials or to a bumper sticker on a motor vehicle. The draft authorizes a municipal clerk, election inspector, or law enforcement officer to remove or confiscate unauthorized election-related material. Finally, the draft provides that a violation of the election-related material prohibition is punishable by a forfeiture not to exceed \$100.

Map of Area Served by Polling Place

The draft requires that the municipal clerk or board of election commissioners in municipalities with multiple polling places to prominently post at each polling place a map of the geographic area served by each polling place for that election. The map must display the boundaries of the ward or wards served by the polling place for that election.

Lists of Felons Ineligible to Vote

Under current law, any person who is convicted of a felony is not eligible to vote. However, if the person is pardoned or the person completes his or her sentence, the person’s voting rights are restored. A person who is on probation, parole, or extended supervision has not completed his or her sentence. Under current law, there is no procedure that election officials must use to identify felons who are ineligible to vote and to prevent them from voting.

The draft directs the department of corrections (DOC) to transmit electronically to the elections board, on a continuous basis, a list containing the names of each person who has been convicted of a felony under the laws of this state and whose voting rights have not been restored, together with the date on which DOC expects his or her voting rights to be restored. The draft directs the board to enter the information received from DOC on the statewide voter registration list and to

maintain the information on that list so that the information is kept current. Under the draft, the information is open to public inspection.

The draft also directs the elections board to enter on the poll list prepared for each election a notation after the name of any elector who is ineligible to vote on that date because the person's name appears on the current list that DOC provides. In addition, the draft directs the board to provide for each polling place at each election a list of persons whose names do not appear on the registration list but whose names appear on the current list that DOC provides and whose addresses are located within the area served by the polling place. These lists are open to public inspection.

The draft requires poll workers to check the lists and to inform any person whose name appears on the lists that they are ineligible to register to vote or to vote. A person whose name appears on a list and who claims to be eligible to vote may still be allowed to vote, but the person must vote by ballot. The ballot is marked for later examination and it may be reviewed and discounted during a canvass or recount if the appropriate board of canvassers determines that the person who cast the ballot is ineligible to vote.

The draft also requires every person who registers to vote, to affirm specifically that he or she has not been convicted of a felony for which he or she has not been pardoned and, if so, whether the person is incarcerated or on probation, parole, or extended supervision resulting from that conviction. Currently, the law requires a person who registers at a polling place only to affirm that he or she is not disqualified on any ground from voting, and does not require any similar affirmation from other late registrants.

In addition, the draft directs the elections board to conduct a postelection audit after each election to determine whether any ineligible felons have been allowed to register and vote after the close of registration. If so, the board is directed to enter a notation reflecting this ineligibility on the registration list and to provide the names of these felons to the district attorney.

Finally, the draft requires DOC to create a form for notifying individuals of their ineligibility to vote. When an inmate who is disqualified from voting is released to parole or extended supervision, the DOC must use the form to notify the person that he or she may not vote until his or her civil rights are restored. The person and a witness must sign the form. The same procedure must be followed for each probationer, and by the court every time it imposes a sentence or places a defendant on probation for a conviction that disqualifies him or her from voting.

Additional Poll Worker: Greeter

Under current law, there must be at least 3 inspectors (poll workers) at each polling place. Municipalities may increase that number and may appoint special registration deputies on a nonpartisan basis to register voters at polling places on election day. Inspectors must be appointed from lists containing the names of eligible electors submitted by party committeemen and committeewomen. If no names or insufficient names are submitted, inspectors are appointed on a nonpartisan basis. Certain high school pupils may also be appointed to serve as inspectors. The party whose candidate for president or governor received the most votes in the area served by the polling place at the most recent general election is entitled to one more appointment than the other party. Alternate officials must also be appointed in a sufficient number to maintain adequate staffing.

The draft provides that each municipality may appoint an additional inspector on a nonpartisan basis who serves as a greeter and substitutes for other inspectors who must leave the voting room temporarily. Under the draft, the additional inspector is not entitled to participate in the canvassing process.

POST-ELECTION PROCEDURES**Time for Delivery of Election Material**

Currently, by 2 p.m. on the day after an election, the municipal clerk must deliver the ballots, statements, tally sheets, lists, and envelopes for the clerk's municipality concerning any county, technical college district, state, or national election to the county clerk. In addition, current law requires the municipal clerk to arrange for delivery of these materials concerning a school district election to the school district clerk, but does not specify a time by which that delivery must take place. The draft sets the deadline for delivery of these materials at 4 p.m. on the day after an election.

Post-Election Inspectors' Statements

Under current law, after ballots have been counted and votes recorded at the polling place on appropriate tally sheets, inspectors' statements must be completed in duplicate, and all materials secured and routed to the appropriate clerk. The draft deletes the requirement that inspectors' statements be completed in duplicate. Instead, under the draft, the municipal clerk must make copies of the inspectors' statement for delivery to the county or school district clerk, or both. The municipal clerk must retain the original statement.

County and Municipal Clerk Serving on Board of Canvassers

Generally, under current law, the municipal and county board of canvassers is composed of the municipal or county clerk and 2 appointed members. No person may serve on the board if he or she is a candidate at an election to be canvassed. The draft allows the county and municipal clerk to continue to serve on the respective board of canvassers if the clerk is a candidate as long as he or she has no opponent on the ballot, or, in the event of a recount, the office the clerk is seeking is not a subject of the recount.

Grounds for Recall of Certain Local Elective Offices

Under current law, a petition for the recall of a city, village, town, or school district officer, in addition to other requirements, must state a reason for the recall that is related to the official responsibilities of the officer. Current law also provides for the removal of elective village, town, and school district officers and certain elective city officers, for cause, after notice and a hearing. Under current law, inefficiency, neglect of duty, official misconduct, or malfeasance in office constitute cause for removal from office.

The draft requires a petition for the recall of a city, village, town, or school district officer to contain a statement of the grounds that constitute each cause for the recall. Under the draft, "cause" means official misconduct or malfeasance in office.

Retention of Unused Ballots After an Election

The draft provides that unused ballots from an election may not be discarded or destroyed until at least the day after the last day for the filing of a recount petition for any office on the ballots. In addition, the draft authorizes the county clerk to store any such unused ballots upon request of a municipal clerk of a municipality within the county and authorizes the county clerk to destroy the ballots pursuant to provisions of the draft.

Recount Procedures

Under current law, the state elections board is required to prescribe standard forms and procedures for the making of recounts. Additionally, when a recount is being conducted, if the ballots are in readable form such that automatic tabulating equipment may be used to count the ballots, the board of canvassers conducting the recount may choose to recount the ballots without the aid of automatic tabulating equipment. If automatic tabulating equipment is to be used, the equipment must be tested prior to the recount.

The draft requires the procedures developed by the elections board to require boards of canvassers in recounts involving more than one board of canvassers to consult with the elections board staff prior to beginning any recount to ensure that uniform procedures are used, to the extent practicable, in conducting such recounts.

In addition, the draft requires boards of canvassers to use automatic tabulating equipment to recount ballots that are in readable form. The draft provides, however, that a candidate, or elector if the recount is for a referendum question, may petition the circuit court for an order requiring ballots in readable form to be counted by hand or by another method approved by the court. The petition must be filed by the close of business on the next business day after the last day for filing a petition for a recount. To prevail, the petitioner must establish by clear and convincing evidence that due to irregularity, defect, or mistake committed during the voting or canvassing process the results of a recount using automatic tabulating equipment will produce incorrect recount results and that there is a substantial probability that recounting the ballots by hand or another method will produce a more correct result and change the outcome of the election. The court with whom the petition is filed must hear the matter as expeditiously as possible, without a jury. Only if the court determines that the petitioner has made the required showing may the court order a recount of the ballots by hand or other method. The procedure created by the draft is not intended to affect the ability of an aggrieved candidate or elector under current law to appeal the outcome of a recount to circuit court upon completion of the recount.

Post-Election Audits

The draft requires the elections board, by no later than December 31, 2006, to prepare recommendations with regard to random post-election audits of local election practices to be conducted in the fall of odd-numbered years. The recommendations must include recommendations on how election practices at the local level may be reviewed by election officials of other, similar-size municipalities and how such audits may be funded by the state. The recommendations must be submitted to the legislature.

1 **SECTION 1.** 5.02 (6m) of the statutes is repealed.

2 **SECTION 2.** 5.02 (16g) of the statutes is created to read:

1 5.02 **(16g)** “Qualified circulator” means a qualified elector of this state or any U.S.
2 citizen age 18 or older who, if he or she were a resident of this state, would not be disqualified
3 from voting under s. 6.03.

4 **SECTION 3.** 5.35 (6) (a) 4a. of the statutes is amended to read:

5 5.35 **(6)** (a) 4a. Instructions prescribed by the board for electors for whom ~~identification~~
6 proof of residence under s. 6.34 is required under s. 6.36 (2) (c) 2.

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

8 5.35 **(6)** (c) At each polling place located in a municipality that is served by more than
9 one polling place for an election, the municipal clerk or board of election commissioners shall
10 prominently post a map of the geographic area served by the polling place for that election.
11 The posting shall clearly show the boundaries of the ward or wards served by the polling place
12 for that election.

13 **SECTION 5.** 5.68 (3m) of the statutes is created to read:

14 5.68 **(3m)** The election administration council shall provide guidance to local units of
15 government concerning the purchasing of election apparatus, ballot forms, and supplies for
16 use in elections in this state to help ensure that competitive prices are obtained by those units
17 of government.

18 **SECTION 6.** 5.90 of the statutes is amended to read:

19 **5.90 Recounts. (1)** Except as otherwise provided in this subchapter, recounts of votes
20 cast on an electronic voting system shall be conducted in the manner prescribed in s. 9.01. If
21 Except as provided in sub. (2), if the ballots are in readable form, the board of canvassers ~~may~~
22 elect to shall recount the ballots ~~without the aid of~~ with automatic tabulating equipment. If
23 ~~the board of canvassers elects to use automatic tabulating equipment, the~~ The board of
24 canvassers shall test the automatic tabulating equipment to be used prior to the recount as

1 provided in s. 5.84, and then the official ballots or the record of the votes cast shall be recounted
2 on the automatic tabulating equipment. In addition, the board of canvassers shall check the
3 ballots for the presence or absence of the initials and other distinguishing marks, shall examine
4 the ballots marked “Rejected”, “Defective” and “Objected to” to determine the propriety of
5 such labels, and shall compare the “Duplicate Overvoted Ballots” and “Duplicate Damaged
6 Ballots” with their respective originals to determine the correctness of the duplicates.

7 (2) Any candidate, or any elector when for a referendum, may, by the close of business
8 on the next business day after the last day for filing a petition for a recount under s. 9.01,
9 petition the circuit court for an order requiring ballots in readable form under sub. (1) to be
10 counted by hand or by another method approved by the court. The petitioner in such an action
11 bears the burden of establishing by clear and convincing evidence that due to irregularity,
12 defect, or mistake committed during the voting or canvassing process the results of a recount
13 using automatic tabulating equipment will produce incorrect recount results and that there is
14 a substantial probability that recounting the ballots by hand or another method will produce
15 a more correct result and change the outcome of the election.

16 (3) A court with whom a petition under sub. (2) is filed shall hear the matter as
17 expeditiously as possible, without a jury. The court may order a recount of the ballots by hand
18 or other method only if it determines that the petitioner has established by clear and convincing
19 evidence that due to irregularity, defect, or mistake committed during the voting or canvassing
20 process the results of a recount using automatic tabulating equipment will produce incorrect
21 recount results and that there is a substantial probability that recounting the ballots by hand
22 or another method will produce a more correct result and change the outcome of the election.
23 Nothing in this section affects the right of a candidate or elector aggrieved by the recount to
24 appeal to circuit court under s. 9.01 (6) upon completion of the recount.

1 **SECTION 7.** 6.15 (4) (a) to (e) of the statutes are amended to read:

2 6.15 (4) (a) Clerks holding new resident ballots shall deliver them to the election
3 inspectors in the proper ward or election district where the new residents reside or, in
4 municipalities where absentee ballots are canvassed under s. 7.52, to the municipal board of
5 absentee ballot canvassers when it convenes under s. 7.52 (1), as provided by s. 6.88 for
6 absentee ballots.

7 (b) During polling hours, the inspectors shall open each carrier envelope, announce the
8 elector's name, check the affidavit for proper execution, and check the voting qualifications
9 for the ward, if any. In municipalities where absentee ballots are canvassed under s. 7.52, the
10 municipal board of absentee ballot canvassers shall perform this function at a meeting of the
11 board of absentee ballot canvassers.

12 (c) The inspectors or board of absentee ballot canvassers shall open the inner envelope
13 without examination of the ballot other than is necessary to see that the issuing clerk has
14 endorsed it.

15 (d) Upon satisfactory completion of the procedure under pars. (b) and (c) the inspectors
16 or board of absentee ballot canvassers shall deposit the ballot in the ballot box. The inspectors
17 or board of absentee ballot canvassers shall enter the name of each elector voting under this
18 section on the poll list with an indication that the elector is voting under this section or on a
19 separate list maintained for the purpose under s. 6.79 (2) (c).

20 (e) If the person is not a qualified elector in the ward or municipality, or if the envelope
21 is open or has been opened and resealed, the inspectors shall reject the vote. Rejected ballots
22 shall be processed the same as rejected absentee ballots, under s. 6.88 (3) ~~(b)~~.

23 **SECTION 8.** 6.15 (6) of the statutes is amended to read:

1 6.15 (6) DEATH OF ELECTOR. When it appears by due proof to the inspectors or, in
2 municipalities where absentee ballots are canvassed under s. 7.52, when it appears by due
3 proof to the board of absentee ballot canvassers that a person voting ~~under this section~~ at an
4 election has died before the date of the election, the inspectors or board of absentee ballot
5 canvassers shall return the ballot with defective ballots to the issuing official.

6 **SECTION 9.** 6.21 of the statutes is amended to read:

7 **6.21 Deceased electors.** When by due proof it appears to the inspectors or, in
8 municipalities where absentee ballots are canvassed under s. 7.52, when it appears by due
9 proof to the board of absentee ballot canvassers that a person ~~voting under this section~~ casting
10 an absentee ballot at an election has died before the date of the election, ~~they~~ the inspectors
11 or board of absentee ballot canvassers shall return the ballot with defective ballots to the
12 issuing official. The casting of the ballot of a deceased elector does not invalidate the election.

13 **SECTION 10.** 6.22 (4) of the statutes is amended to read:

14 6.22 (4) INSTRUCTIONS AND HANDLING. ~~An (a)~~ A request for an absentee ballot by an
15 individual who qualifies as a military elector ~~may~~ shall be treated as a request for an absentee
16 ballot ~~for any election, or for all elections until the individual otherwise requests or until the~~
17 individual no longer qualifies as a military elector. Upon receiving a request for an absentee
18 ballot by an individual who qualifies as a military elector, the municipal clerk shall send or
19 transmit to the elector an absentee ballot for all elections that occur in the municipality or
20 portion thereof where the elector resides beginning on the date that the clerk receives the
21 request.

22 (b) A military elector's application may be received at any time. The municipal clerk
23 shall not send a ballot for an election if the application is received later than 5 p.m. on the

1 Friday preceding that election unless s. 6.87 (3) (d) applies. The municipal clerk shall send
2 a ballot, as soon as available, to each military elector who requests a ballot.

3 (c) A military elector may indicate an alternate address on his or her absentee ballot
4 application. If the elector's ballot is returned as undeliverable prior to the deadline for receipt
5 and return of absentee ballots under s. 6.87 (6) and the elector remains eligible to receive
6 absentee ballots under this section, the municipal clerk shall immediately send or transmit an
7 absentee ballot to the elector at the alternate address.

8 (d) The board shall prescribe the instructions for marking and returning ballots and the
9 municipal clerk shall enclose instructions with each ballot and shall also enclose supplemental
10 instructions for local elections. The envelope, return envelope and instructions may not
11 contain the name of any candidate appearing on the enclosed ballots other than that of the
12 municipal clerk affixed in the fulfillment of his or her duties. Each certificate envelope that
13 is mailed or transmitted to a military elector under this section shall be clearly labeled as "Cast
14 by a military elector under s. 6.22, Wis. stats., and may be eligible to be counted after election
15 day".

16 (e) Whenever the material is mailed, the material shall be prepared and mailed to make
17 use of the federal free postage laws. The mailing list established under this subsection shall
18 be kept current in the same manner as provided in s. 6.86 (2) (b).

19 (f) If there occur 2 successive general elections at which a military elector fails to return
20 an absentee ballot sent or transmitted to the elector under par. (a) and the elector has not cast
21 an absentee ballot at any intervening election, if the clerk is reliably informed that the elector
22 is no longer a military elector or no longer resides in the municipality, or if the elector so
23 requests, the clerk shall discontinue sending or transmitting absentee ballots to the elector
24 under this subsection. If a military elector is subject to a registration requirement and the name

1 of a military elector no longer appears on the registration list as an eligible elector, the
2 municipal clerk shall discontinue sending or transmitting absentee ballots to the elector under
3 this subsection. If a military elector who has requested an absentee ballot changes his or her
4 residence from the municipality where a request is filed to another municipality in this state,
5 the municipal clerk of the municipality who received the request shall notify the clerk of the
6 municipality to which the elector's residence is changed of the date of the request or the latest
7 renewal under par. (g) and the date of the most recent absentee ballot returned by the clerk.
8 The municipal clerk who is so notified shall treat the request as having been made to him or
9 her.

10 (g) Prior to any discontinuance of the service provided to a military elector under this
11 subsection solely for failure to return absentee ballots, the municipal clerk shall mail the
12 elector a 1st class letter or postcard notifying the elector that an absentee ballot will no longer
13 be sent to the elector unless the elector renews his or her request within 30 days of the date
14 of the notification.

15 (h) The municipal clerk shall notify a military elector of any action under par. (f) that
16 is not taken at the elector's request within 5 days of taking that action, if possible.

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

18 6.22 (5) VOTING PROCEDURE. Except as authorized in sub. (5m) and s. 6.25, the ballot
19 shall be marked and returned, deposited and recorded in the same manner as other absentee
20 ballots. In addition, the certification under s. 6.87 (2) shall have a statement of the elector's
21 birth date. Failure to return any unused ballots in a primary election does not invalidate the
22 ballot on which the elector casts his or her votes.

23 **SECTION 12.** 6.22 (5m) of the statutes is created to read:

1 6.22 **(5m)** (a) A ballot cast under this section that is received by the municipal clerk
2 after the close of the polls but before the deadline for filing a recount under s. 9.01 (1) (a) shall
3 be treated as a valid vote if the envelope in which the ballot was received bears a postal service
4 cancellation mark dated on or before the election day for which the ballot was cast, but may
5 only be counted for purposes of a recount under s. 9.01.

6 (b) For purposes of par. (a), if a certificate envelope is not postmarked or has a postmark
7 that is not legible to the municipal clerk, board of canvassers, or the board of absentee ballot
8 canvassers in municipalities where absentee ballots are canvassed under s. 7.52, and the
9 envelope was received by mail from the U.S. postal service in the manner and within the period
10 prescribed in sub. (3), it is presumed that the envelope was placed in the mail on or before
11 election day, unless established by a preponderance of the evidence to the contrary.

12 (c) No later than the closing hour of the polls, the municipal clerk of each municipality
13 shall post at his or her office, at any alternate site under s. 6.855, and on the Internet at a site
14 announced by the clerk before the polls open, and shall make available to any person upon
15 request, a statement of the number of absentee ballots that the clerk has mailed or transmitted
16 to military electors under this section and that have not been returned by the closing hour on
17 election day. The posting shall not include the names or addresses of any military electors.

18 (d) All ballots received by the municipal clerk under this subsection by the deadline
19 specified in par. (a) shall be carefully preserved, subject to s. 7.23, by the municipal clerk. In
20 the event a petition for a recount is filed under s. 9.01, the clerk shall immediately notify the
21 appropriate board of canvassers as to whether any absentee ballots that have been mailed or
22 transmitted to military electors under this section have been received after the closing of the
23 polls or have not been returned.

1 (dm) If the clerk notifies the board of canvassers that any such ballots have not been
2 returned, the board of canvassers may not proceed with the recount until all such ballots have
3 been returned to the clerk and transmitted to the board of canvassers, or 9 a.m. on the day
4 following the last day for filing of a petition for a recount, whichever occurs first.

5 (e) The clerk shall transmit to the appropriate board of canvassers all ballots received
6 under par. (a) by the clerk as soon as practicable after receiving the last ballot but in no case
7 later than 9 a.m. on the day following the last day for filing a recount petition under s. 9.01.

8 (f) Whenever a board of canvassers conducting a recount receives absentee ballots cast
9 by military electors as provided in par. (e), the board of canvassers shall first proceed to open
10 and record the names of the military electors whose ballots have been received. If the ballot
11 cast by a military elector is otherwise valid, the board of canvassers shall count the ballot and
12 adjust the original statements, certifications, and determinations accordingly.

13 (g) The board of canvassers shall then proceed with the recount under s. 9.01 (1) (b).

14 **SECTION 13.** 6.24 (6) of the statutes is amended to read:

15 6.24 (6) INSTRUCTIONS AND HANDLING. The municipal clerk shall send a ballot, as soon
16 as available, to each overseas elector by whom a request has been made. The board shall
17 prescribe the instructions for marking and returning ballots and the municipal clerk shall
18 enclose such instructions with each ballot. The envelope, return envelope and instructions
19 may not contain the name of any candidate appearing on the enclosed ballots other than that
20 of the municipal clerk affixed in the fulfillment of his or her duties. Except as authorized in
21 s. 6.87 (3), the municipal clerk shall mail the material ~~postage prepaid~~, with sufficient postage
22 to ensure that the elector receives the ballot, to any place in the world. The overseas elector
23 shall provide return postage.

24 **SECTION 14.** 6.26 (2) (a) of the statutes is amended to read:

1 6.26 (2) (a) A qualified elector of the state may apply to any municipal clerk or board
2 of election commissioners to be appointed as a special registration deputy for the purpose of
3 registering electors of the municipality at fixed registration locations established under s. 6.28
4 (1) prior to the close of registration. An applicant may be appointed by more than one
5 municipal clerk or board of election commissioners to serve in more than one municipality.

6 **SECTION 15.** 6.26 (2) (am) of the statutes is repealed.

7 **SECTION 16.** 6.26 (2) (b) and (c) of the statutes are amended to read:

8 6.26 (2) (b) The municipal clerk, or board of election commissioners, ~~or elections board~~
9 may appoint any applicant who qualifies under this subsection, unless the applicant's
10 appointment has been revoked by a municipality ~~or by the board~~ for cause. The municipal
11 clerk, or board of election commissioners, ~~or elections board~~ may revoke an appointment
12 made by the clerk, or board of election commissioners, ~~or elections board~~ for cause at any time.

13 (c) No individual may serve as a special registration deputy in a municipality unless the
14 individual is appointed by the municipal clerk or board of election commissioners of the
15 municipality ~~or the individual is appointed by the elections board to serve all municipalities~~
16 and the individual completes training required under 7.31.

17 **SECTION 17.** 6.26 (3) of the statutes is amended to read:

18 6.26 (3) The board shall, by rule, prescribe procedures for appointment of special
19 registration deputies, for revocation of appointments of special registration deputies, and for
20 training of special registration deputies by municipal clerks and boards of election
21 commissioners. The procedures shall be coordinated with training programs for special
22 registration deputies conducted by municipal clerks under s. 7.31 and shall be formulated to
23 promote increased registration of electors consistent with the needs of municipal clerks and
24 boards of election commissioners to efficiently administer the registration process.

1 **SECTION 18.** 6.28 (1) of the statutes is amended to read:

2 6.28 (1) REGISTRATION LOCATIONS; DEADLINE. Except as authorized in ss. 6.29, 6.55 (2),
3 and 6.86 (3) (a) 2., registration in person for any election shall close at 5 p.m. on the 2nd
4 Wednesday ~~3rd Wednesday~~ preceding the election. Registrations made by mail under s. 6.30
5 (4) must be delivered to the office of the municipal clerk or postmarked no later than the 2nd
6 Wednesday ~~3rd Wednesday~~ preceding the election. ~~An application for registration in person~~
7 ~~or by mail may be accepted for placement on the registration list after the specified deadline,~~
8 ~~if the municipal clerk determines that the registration list can be revised to incorporate the~~
9 ~~registration in time for the election.~~ All applications for registration corrections and additions
10 may be made throughout the year at the office of the city board of election commissioners, at
11 the office of the municipal clerk, ~~at the office of any register of deeds~~ at the offices of the
12 county clerk, or at other fixed locations provided by the board of election commissioners or
13 the common council in cities over 500,000 population or by either or both the municipal clerk,
14 or the common council, village or town board in all other municipalities and may also be made
15 during the school year at any high school by qualified persons under sub. (2) (a). ~~Other~~
16 ~~registration locations may include but are not limited to fire houses, police stations, public~~
17 ~~libraries, institutions of higher education, supermarkets, community centers, plants and~~
18 ~~factories, banks, savings and loan associations and savings banks.~~ Special registration
19 deputies shall be appointed for all fixed locations unless the location can be sufficiently staffed
20 by the clerk and deputy clerks. An elector who wishes to obtain a confidential listing under
21 s. 6.47 (2) shall register at the office of the municipal clerk of the municipality where the
22 elector resides.

23 **SECTION 19.** 6.28 (3) of the statutes is repealed.

24 **SECTION 20.** 6.28 (4) of the statutes is created to read:

1 6.28 (4) AT THE OFFICES OF THE COUNTY CLERK. Any person shall be given an opportunity
2 to register to vote at the office of the county clerk for the county in which the person's residence
3 is located. An applicant may fill out the required registration form under s. 6.33. Upon receipt
4 of a completed form, the county clerk shall forward the form within 5 days to the appropriate
5 municipal clerk, or to the board of election commissioners in cities over 500,000 population.
6 The clerk shall forward the form immediately whenever registration closes within 5 days of
7 receipt.

8 **SECTION 21.** 6.29 (1) of the statutes is amended to read:

9 6.29 (1) No names may be added to a registration list for any election after the close of
10 registration, except as authorized under this section or ~~s. 6.28 (1)~~, s. 6.55 (2), or 6.86 (3) (a)
11 2. Any person whose name is not on the registration list but who is otherwise a qualified
12 elector is entitled to vote at the election upon compliance with this section.

13 **SECTION 22.** 6.29 (2) (a) of the statutes is amended to read:

14 6.29 (2) (a) Any qualified elector of a municipality who has not previously filed a
15 registration form or whose name does not appear on the registration list of the municipality
16 may register after the close of registration but not later than 5 p.m. or the close of business,
17 whichever is later, on the ~~day~~ Friday before an election at the office of the municipal clerk and
18 at the office of the clerk's agent if the clerk delegates responsibility for electronic maintenance
19 of the registration list to an agent under s. 6.33 (5) (b). The elector shall complete, in the
20 manner provided under s. 6.33 (2), a registration form containing all information required
21 under s. 6.33 (1). The registration form shall also contain the following certification: "I,
22 hereby certify that to the best of my knowledge, I am a qualified elector, having resided at ...
23 for at least 10 days immediately preceding this election, and I have not voted at this election".

24 The elector shall also provide acceptable proof of residence under s. ~~6.55 (7)~~ 6.34.

1 Alternatively, if the elector is unable to provide acceptable proof of residence under s. ~~6.55~~
2 ~~(7) 6.34~~, the information contained in the registration form shall be corroborated in a statement
3 that is signed by any other elector of the municipality and that contains the current street
4 address of the corroborating elector. The corroborating elector shall then provide acceptable
5 proof of residence under s. ~~6.55~~ ~~(7) 6.34~~.

6 **SECTION 23.** 6.29 (2) (am) of the statutes is created to read:

7 6.29 (2) (am) The board shall provide to each municipal clerk a list prepared for use at
8 each municipal clerk's office showing the name and address of each person whose name
9 appears on the list provided by the department of corrections under s. 301.03 (20) as ineligible
10 to vote on the date of the election, whose address is located in the municipality, and whose
11 name does not appear on the registration list for that municipality. Prior to permitting an
12 elector to register to vote under this subsection, the municipal clerk shall review the list. If
13 the name of an elector who wishes to register to vote appears on the list, the municipal clerk
14 shall inform the elector that the elector is ineligible to register to vote. If the elector maintains
15 that he or she is eligible to vote in the election, the municipal clerk shall permit the elector to
16 register to vote but shall mark the elector's registration form as "ineligible to vote per
17 Department of Corrections". If the elector wishes to vote, the municipal clerk shall challenge
18 the elector's ballot in the same manner as provided for inspectors who challenge ballots under
19 s. 6.79 (2) (dm).

20 **SECTION 24.** 6.30 (4) of the statutes is amended to read:

21 6.30 (4) BY MAIL. Any eligible elector may register by mail on a form prescribed by
22 the board and provided by each municipality. The form shall be designed to obtain the
23 information required in ~~ss. s.~~ s. 6.33 (1) and to provide for changes authorized under s. 6.40 (1)
24 (a). The form shall contain a certification by the elector that all statements are true and correct.

1 ~~The form shall be prepostpaid for return when mailed at any point within the United States.~~
2 The form shall contain instructions regarding the requirement to provide proof of residence
3 under s. 6.34. The form shall be available in the municipal clerk's office and may be
4 distributed by any elector of the municipality. The clerk shall mail a registration form to any
5 elector upon written or oral request.

6 **SECTION 25.** 6.32 of the statutes is amended to read:

7 **6.32 Verification of mail registrations.** (1) Upon receipt of a registration form which
8 ~~is submitted by mail under s. 6.30 (4)~~ was not submitted in person in the office of the municipal
9 clerk or at another registration location authorized under s. 6.28 (1), and proof of residence
10 under s. 6.34, the municipal clerk shall examine the form and proof of residence for
11 sufficiency.

12 (2) If the form or proof of residence is insufficient to accomplish registration or the clerk
13 knows or has reliable information that the proposed elector is not qualified, the clerk shall
14 notify the proposed elector within 5 days, if possible, and request that the elector appear at the
15 clerk's office or other registration center to complete a proper registration, provide acceptable
16 proof of residence, or substantiate the information presented.

17 (3) If the form or proof of residence is submitted later than the close of registration, the
18 clerk shall make a good faith effort to notify the elector that he or she may register at the clerk's
19 office under s. 6.29 or at the proper polling place or other location designated under s. 6.55
20 (2).

21 (4) If the form and proof of residence is sufficient to accomplish registration and the
22 clerk has no reliable information to indicate that the proposed elector is not qualified, the clerk
23 shall enter the elector's name on the registration list and transmit a 1st class letter or postcard
24 to the registrant, specifying the elector's ward or aldermanic district, or both, if any, and

1 polling place. The letter or postcard shall be sent within 10 days of receipt of the registration
2 form. If the letter or postcard is returned, or if the clerk is informed of a different address than
3 the one specified by the elector, the clerk shall change the status of the elector on the list from
4 eligible to ineligible. The letter or postcard shall be marked in accordance with postal
5 regulations to ensure that it will be returned to the clerk if the elector does not reside at the
6 address given on the letter or postcard.

7 **SECTION 26.** 6.33 (1) of the statutes is amended to read:

8 6.33 (1) The municipal clerk shall supply sufficient registration forms as prescribed by
9 the board printed on loose-leaf sheets or cards to obtain from each applicant information as
10 to name; date; residence location; citizenship; date of birth; age; the number of a valid
11 operator's license issued to the elector under ch. 343 or the last 4 digits of the elector's social
12 security account number; whether the applicant has resided within the ward or election district
13 for at least 10 days; whether the applicant has ~~lost his or her right to vote;~~ been convicted of
14 a felony for which he or she has not been pardoned, and if so, whether the applicant is
15 incarcerated, or on parole, probation, or extended supervision; whether the applicant is
16 disqualified on any other ground from voting; and whether the applicant is currently registered
17 to vote at any other location. The forms shall also provide a space for the applicant's signature
18 and the ward and aldermanic district, if any, where the elector resides and any other
19 information required to determine the offices and referenda for which the elector is certified
20 to vote. The forms shall also include a space where the clerk may record an indication of
21 whether the form ~~is received by mail~~ was submitted in person in the office of the municipal
22 clerk or another registration location authorized under s. 6.28 (1), a space where the clerk may
23 record an indication of the type of identifying document submitted by the elector as proof of
24 residence under s. 6.34, and a space where the clerk, for any applicant who possesses a valid

1 voting identification card issued to the person under s. 6.47 (3), may record the identification
2 serial number appearing on the voting identification card. ~~Each register of deeds shall obtain~~
3 ~~sufficient registration forms at the expense of the unit of government by which he or she is~~
4 ~~employed for completion by any elector who desires to register to vote at the office of the~~
5 ~~register of deeds under s. 6.28 (3).~~ The form shall contain instructions regarding the
6 requirement to provide proof of residence under s. 6.34. Each county clerk shall obtain
7 sufficient registration forms for completion by an elector who desires to register to vote at the
8 office of the county clerk under s. 6.28 (4).

9 **SECTION 27.** 6.33 (2) (a) and (b) of the statutes are amended to read:

10 6.33 (2) (a) All information may be recorded by any person, except that the ward and
11 aldermanic district, if any, other geographic information under sub. (1), the indication of
12 whether the registration is ~~received by mail~~ was submitted in person in the office of the
13 municipal clerk or another registration location authorized under s. 6.28 (1) shall be recorded
14 by the clerk. All information shall be recorded in a legible manner. Each applicant shall sign
15 his or her own name unless the applicant is unable to sign his or her name due to physical
16 disability. In such case, the applicant may authorize another elector to sign the form on his
17 or her behalf. If the applicant 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 elector
19 who is unable to sign the form due to physical disability.

20 (b) Except as provided in s. 6.86 (3) (a) 2., the registration form shall be signed by the
21 registering elector and any corroborating elector under s. 6.29 (2) (a) or 6.55 (2) before the
22 clerk, issuing officer or registration deputy. The form shall contain a certification by the
23 registering elector that all statements are true and correct and a certification by the clerk,
24 issuing officer, or registration deputy that the completed form is legible.

1 **SECTION 28.** 6.34 of the statutes is created to read:

2 **6.34 Proof of residence required. (1)** Upon completion of a registration form
3 prescribed under s. 6.33, each elector required to register under s. 6.27 shall provide an
4 identifying document establishing proof of residence under sub. (2) or a copy of such
5 document if registering by mail.

6 **(2)** (a) Identifying documents used to establish proof of an elector's residence under
7 sub. (1) shall contain the information required under par. (b) and shall be limited to the
8 following:

9 1. A current and valid operator's license issued under ch. 343.

10 2. A current and valid identification card issued under s. 343.50.

11 3. Any other official identification card or license issued by a Wisconsin governmental
12 body or unit.

13 4. An official identification card or license issued by an employer in the normal course
14 of business that contains a photograph of the cardholder or licenseholder, but not including
15 a business card.

16 5. A real estate tax bill or receipt for the current year or the year preceding the date of
17 the election.

18 6. A university, college, or technical college fee or identification card that contains a
19 photograph of the cardholder. A card under this subdivision that does not contain the
20 information specified in par. (b) shall be considered acceptable proof of residence if the
21 university, college, or technical college that issued the card provides a certified and current
22 list of students who reside in housing sponsored by the university, college, or technical college
23 to the municipal clerk prior to the election showing the current address of the students and if

1 the municipal clerk, special registration deputy, or inspector verifies that the student
2 presenting the card is included on the list.

3 7. A utility bill for the period commencing not earlier than 90 days before the day
4 registration is made.

5 8. A bank statement.

6 9. A paycheck.

7 10. A check or other document issued by a unit of government.

8 (b) The identifying documents prescribed in par. (a) shall contain all of the following
9 in order to be considered acceptable proof of residence:

10 1. A current and complete name, including both the given and family name.

11 2. A current and complete residential address, including a numbered street address, if
12 any, and the name of a municipality.

13 (c) Identifying documents specified in par. (a) which are valid for use during a specified
14 period shall be valid on the day that registration is made in order to constitute acceptable proof
15 of residence at the election.

16 **SECTION 29.** 6.36 (1) (a) of the statutes is amended to read:

17 6.36 (1) (a) The board shall compile and maintain electronically an official registration
18 list. The list shall contain the name and address of each registered elector in the state, the date
19 of birth of the elector, the ward and aldermanic district of the elector, if any, and, for each
20 elector, a unique registration identification number assigned by the board, the number of a
21 valid operator's license issued to the elector under ch. 343, if any, or the last 4 digits of the
22 elector's social security account number, if any, any identification serial number issued to the
23 elector under s. 6.47 (3), the date of any election in which the elector votes, an indication of
24 whether the elector is an overseas elector, as defined in s. 6.24 (1), any information relating

1 to the elector that appears on the current list transmitted to the board by the department of
2 corrections under s. 301.03 (20), an indication of any accommodation required under s. 5.25
3 (4) (a) to permit voting by the elector, an indication of the method by which the elector's
4 registration form was received, and such other information as may be determined by the board
5 to facilitate administration of elector registration requirements.

6 **SECTION 30.** 6.36 (2) (a) of the statutes, as affected by 2003 Wisconsin Act 265, section
7 58b, is amended to read:

8 6.36 (2) (a) Except as provided in pars. (b) and (c), each registration list prepared for
9 use as a poll list at a polling place or for purposes of canvassing absentee ballots shall contain
10 the full name and address of each registered elector; a blank column for the entry of the serial
11 number of the electors when they vote; ~~if the list is prepared for use at an election for national~~
12 ~~office, or the poll list number used by the municipal board of absentee ballot canvassers in~~
13 canvassing absentee ballots; an indication next to the name of each elector for whom
14 identification is required under par. (c) 2.; and a form of certificate bearing the certification
15 of the executive director of the board stating that the list is a true and complete registration list
16 of the municipality or the ward or wards for which the list is prepared.

17 **SECTION 31.** 6.36 (2) (c) 2. of the statutes, as affected by 2003 Wisconsin Act 265, is
18 amended to read:

19 6.36 (2) (c) 2. ~~If the registration list is prepared for use at an election for national office,~~
20 ~~the~~ The list shall contain, next to the name of each elector, an indication of whether
21 ~~identification~~ proof of residence under s. 6.34 is required for the elector to be permitted to vote.
22 ~~Identification~~ Proof of residence under s. 6.34 is required if the elector is not a military elector
23 or an overseas elector and the elector ~~registers by mail~~ does not register in person in the office

1 of the municipal clerk or at another registration location authorized under s. 6.28 (1) and has
2 not previously voted in an election ~~for national office~~ in this state.

3 **SECTION 32.** 6.36 (5) of the statutes is created to read:

4 6.36 (5) The board shall establish by rule the fee for obtaining a copy of the official
5 registration list, or a portion of the list. The amount of the fee shall be set, after consultation
6 with county and municipal election officials, at an amount estimated to cover both the cost of
7 reproduction and the cost of maintaining the list at the state and local level. The rules shall
8 require that fees received be shared between state and local jurisdictions, and shall specify a
9 method for such allocation.

10 **SECTION 33.** 6.50 (3) of the statutes is amended to read:

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

24 **SECTION 34.** 6.55 (2) (a) 1. of the statutes is amended to read:

1 6.55 (2) (a) 1. Except where the procedure under par. (c) or (cm) is employed, any
2 person who qualifies as an elector in the ward or election district where he or she desires to
3 vote, but has not previously filed a registration form, or was registered at another location, may
4 request permission to vote at the polling place for that ward or election district, or at an
5 alternate polling place assigned under s. 5.25 (5) (b). When a proper request is made, the
6 inspector shall require the person to execute a registration form prescribed by the board. The
7 registration form shall be completed in the manner provided under s. 6.33 (2) and shall contain
8 all information required under s. 6.33 (1), together with the following certification:

9 “I,, hereby certify that to the best of my knowledge, I am a qualified elector, having
10 resided at for at least 10 days immediately preceding this election, ~~and that I am not~~
11 ~~disqualified on any ground from voting~~, and I have not voted, at this election.”

12 **SECTION 35.** 6.55 (2) (b) of the statutes is amended to read:

13 6.55 (2) (b) Upon executing the registration form under par. (a), the elector shall provide
14 acceptable proof of residence under ~~sub. (7)~~ s. 6.34. If the elector cannot provide acceptable
15 proof of residence, the information contained in the registration form shall be corroborated
16 in a statement that is signed by any elector who resides in the same municipality as the
17 registering elector and that contains the current street address of the corroborating elector. The
18 corroborator shall then provide acceptable proof of residence as provided in ~~sub. (7)~~ s. 6.34.
19 The signing by the elector executing the registration form and by any corroborator shall be in
20 the presence of the special registration deputy or inspector who shall ensure that the form is
21 completed in a legible manner and who shall then sign the form. Upon compliance with this
22 procedure, the elector shall be permitted to cast his or her vote, if the elector complies with
23 all other requirements for voting at the polling place.

24 **SECTION 36.** 6.55 (2) (c) 1. of the statutes is amended to read:

1 6.55 (2) (c) 1. As an alternative to registration at the polling place under pars. (a) and
2 (b), the board of election commissioners, or the governing body of any municipality may by
3 resolution require a person who qualifies as an elector and who is not registered and desires
4 to register on the day of an election to do so at another readily accessible location in the same
5 building as the polling place serving the elector's residence or at an alternate polling place
6 assigned under s. 5.25 (5) (b), instead of at the polling place serving the elector's residence.
7 In such case, the municipal clerk shall prominently post a notice of the registration location
8 at the polling place. ~~The municipal clerk, deputy clerk or special registration deputy at the~~
9 ~~registration location shall require such person to execute~~ The elector who desires to register
10 shall execute a registration form as prescribed under par. (a) and to provide acceptable proof
11 of residence as provided under ~~sub. (7) s. 6.34~~. If the elector cannot provide acceptable proof
12 of residence, the information contained in the registration form shall be corroborated in the
13 manner provided in par. (b). The signing by the elector executing the registration form and
14 by any corroborator shall be in the presence of the municipal clerk, deputy clerk or special
15 registration deputy. Upon ensuring that the form has been completed in a legible manner, the
16 municipal clerk, the deputy clerk, or the special registration deputy shall sign the form. Upon
17 proper completion of registration, the municipal clerk, deputy clerk or special registration
18 deputy shall serially number the registration and give one copy to the elector for presentation
19 at the polling place serving the elector's residence or an alternate polling place assigned under
20 s. 5.25 (5) (b).

21 **SECTION 37.** 6.55 (2) (cs) of the statutes is created to read:

22 6.55 (2) (cs) The board shall provide to each municipal clerk a list prepared for use at
23 each polling place showing the name and address of each person whose name appears on the
24 list provided by the department of corrections under s. 301.03 (20) as ineligible to vote on the

1 date of the election, whose address is located in the area served by that polling place, and
2 whose name does not appear on the poll list for that polling place. Prior to permitting an elector
3 to register to vote under this subsection or s. 6.86 (3) (a) 2., the special registration deputies
4 shall review the list. If the name of an elector who wishes to register to vote appears on the
5 list, the special registration deputies shall inform the elector or the elector's agent that the
6 elector is ineligible to register to vote. If the elector or the elector's agent maintains that the
7 elector is eligible to vote in the election, the special registration deputies shall permit the
8 elector to register but shall mark the elector's registration form as "ineligible to vote per
9 Department of Corrections." If the elector wishes to vote, the inspectors shall require the
10 elector to vote by ballot and shall challenge the ballot as provided in s. 6.79 (2) (dm).

11 **SECTION 38.** 6.55 (3) of the statutes is renumbered 6.55 (3) (a) and amended to read:

12 6.55 (3) (a) Any qualified elector in the ward or election district where the elector
13 desires to vote whose name does not appear on the registration list but who claims to be
14 registered to vote in the election may request permission to vote at the polling place for that
15 ward or election district. When the request is made, the inspector shall require the person to
16 give his or her name and address. If the elector is not at the polling place which serves the ward
17 or election district where the elector resides, the inspector shall provide the elector with
18 directions to the correct polling place. If the elector is at the correct polling place, the elector
19 shall then execute the following written statement: "I, ..., hereby certify that to the best of my
20 knowledge, I am a qualified elector, having resided at for at least 10 days immediately
21 preceding this election, and that I am not disqualified on any ground from voting, and I have
22 not voted at this election and am properly registered to vote in this election." The person shall
23 be required to provide acceptable proof of residence as provided under sub. (7) and shall then
24 be given the right to vote. If the elector cannot provide acceptable proof of residence, the

1 statement shall be certified by the elector and shall be corroborated in a statement that is signed
2 by any other elector who resides in the municipality and that contains the current street address
3 of the corroborating elector. The corroborator shall then provide acceptable proof of residence
4 as provided in sub. (7). Whenever the question of identity or residence cannot be satisfactorily
5 resolved and the elector cannot be permitted to vote, an inspector shall telephone the office
6 of the municipal clerk to reconcile the records at the polling place with those at the office
7 complete registration as provided in sub. (2).

8 **SECTION 39.** 6.55 (3) (b) of the statutes is created to read:

9 6.55 (3) (b) Prior to permitting an elector to vote under this subsection, the inspectors
10 shall review the list provided by the board under sub. (2) (cs). If the name of the elector appears
11 on the list, the inspectors shall inform the elector that he or she is ineligible to vote at the
12 election. If the elector maintains that he or she is eligible to vote in the election, the inspectors
13 shall permit the elector to vote, but shall require the elector to vote by ballot, and shall
14 challenge the ballot as provided in s. 6.79 (2) (dm).

15 **SECTION 40.** 6.55 (7) of the statutes is repealed.

16 **SECTION 41.** 6.56 (3) of the statutes is amended to read:

17 6.56 (3) Upon receipt of the list under sub. (1), the municipal clerk or, board of election
18 commissioners, or board shall make an audit of all electors registering to vote at the polling
19 place or other registration location under s. 6.55 (2) and all electors registering by agent on
20 election day under s. 6.86 (3) (a) 2. The audit shall be made by 1st class postcard. The postcard
21 shall be marked in accordance with postal regulations to ensure that it will be returned to the
22 clerk or, board of election commissioners, or board if the elector does not reside at the address
23 given on the postcard. If any postcard is returned undelivered, or if the clerk or, board of
24 election commissioners, or board is informed of a different address than the one specified by

1 the elector which was apparently improper on the day of the election, the clerk ~~or~~ board of
2 election commissioners, or board shall change the status of the elector from eligible to
3 ineligible on the registration list and mail the elector a notice of the change in status and
4 provide the name to the district attorney for the county where the polling place is located.

5 **SECTION 42.** 6.56 (3m) of the statutes is created to read:

6 6.56 (3m) As soon as possible after all information relating to registrations after the
7 close of registration for an election is entered on the registration list following the election
8 under s. 6.33 (5) (a), the board shall compare the list of new registrants with the list containing
9 the names transmitted to the board by the department of corrections under s. 301.03 (20) as
10 of election day but whose names do not appear on the poll lists for the election because the
11 names were added after the board certified the poll lists for use at the election. If the board
12 finds that the name of any person whose name appears on the list transmitted under s. 301.03
13 (20) has been added to the registration list, the board shall enter on the list the information
14 transmitted to the board under s. 301.03 (20) and shall notify the district attorney that the
15 person appears to have voted illegally at the election.

16 **SECTION 43.** 6.79 (2) (d) of the statutes, as affected by 2003 Wisconsin Act 265, is
17 amended to read:

18 6.79 (2) (d) If the poll list indicates that ~~identification~~ proof of residence under s. 6.34
19 is required, the officials shall require the elector to provide ~~identification~~ proof of residence.
20 If ~~identification~~ proof of residence is provided, the officials shall verify that the name and
21 address on the ~~identification~~ proof of residence provided is the same as the name and address
22 shown on the registration list. If ~~identification~~ proof of residence is required and not provided,
23 the officials shall offer the opportunity for the elector to vote under s. 6.97.

24 **SECTION 44.** 6.79 (2) (dm) of the statutes is created to read:

1 6.79 (2) (dm) If the poll list indicates that the elector is ineligible to vote because the
2 elector's name appears on the current list provided by the department of corrections under s.
3 301.03 (20), the inspectors shall inform the elector of this fact. If the elector maintains that he
4 or she is eligible to vote in the election, the inspectors shall provide the elector with a ballot
5 and, after the elector casts his or her vote, shall challenge the ballot as provided in s. 6.92 and
6 treat the ballot in the manner provided in s. 6.95.

7 **SECTION 45.** 6.82 (1) (a) of the statutes is amended to read:

8 6.82 (1) (a) When any inspectors are informed that an elector is at the entrance to the
9 polling place who as a result of disability is unable to enter the polling place, they shall permit
10 the elector to be assisted in marking a ballot by any individual selected by the elector, except
11 the elector's employer or an agent of that employer or an officer or agent of a labor
12 organization which represents the elector. The individual selected by the elector shall provide
13 identification proof of residence under s. 6.34 for the assisted elector, whenever required, and
14 all other information necessary for the elector to obtain a ballot under s. 6.79 (2). The
15 inspectors shall issue a ballot to the individual selected by the elector and shall accompany the
16 individual to the polling place entrance where the assistance is to be given. If the ballot is a
17 paper ballot, the assisting individual shall fold the ballot after the ballot is marked by the
18 assisting individual. The assisting individual shall then immediately take the ballot into the
19 polling place and give the ballot to an inspector. The inspector shall distinctly announce that
20 he or she has "a ballot offered by (stating person's name), an elector who, as a result of
21 disability, is unable to enter the polling place without assistance". The inspector shall then ask,
22 "Does anyone object to the reception of this ballot?" If no objection is made, the inspectors
23 shall record the elector's name under s. 6.79 and deposit the ballot in the ballot box, and shall
24 make a notation on the poll list: "Ballot received at poll entrance".

1 **SECTION 46.** 6.855 of the statutes is created to read:

2 **6.855 Alternate absentee ballot site. (1)** The governing body of a municipality may
3 elect to designate a site other than the office of the municipal clerk or board of election
4 commissioners as the location from which electors of the municipality may request and vote
5 absentee ballots and to which voted absentee ballots are returned by an elector. An election
6 by a governing body to establish an alternate site under this section must be made no fewer
7 than 14 days prior to the time that absentee ballots are available for a primary under s. 7.15
8 (1) (cm) and shall remain in effect until at least the day after the election. If the governing body
9 of a municipality makes an election under this section, no function related to absentee ballots
10 that are to be conducted at the alternate site may be conducted in the office of the municipal
11 clerk or board of election commissioners.

12 **(2)** Notice of the establishment of the alternate site selected under sub. (1) shall be
13 prominently displayed in the office of the municipal clerk or board of election commissioners
14 during the time that absentee ballots are available under s. 7.15 (1) (cm).

15 **(3)** An alternate site under sub. (1) shall be staffed by the municipal clerk or the
16 executive director of the board of election commissioners, or employees of the clerk or the
17 board of election commissioners.

18 **(4)** An alternate site under sub. (1) shall be accessible to all individuals with disabilities.

19 **SECTION 47.** 6.86 (1) (a) 2. of the statutes is amended to read:

20 6.86 (1) (a) 2. In person at the office of the municipal clerk or at an alternate site under
21 s. 6.855, if applicable.

22 **SECTION 48.** 6.86 (1) (ac) of the statutes is created to read:

23 6.86 (1) (ac) Any registered elector qualifying under ss. 6.20 and 6.85 as an absent
24 elector, or any military elector under s. 6.22 or 6.36 (2) (c) 1. a., may make written application

1 to the municipal clerk for an official ballot by means of facsimile transmission or electronic
2 mail. Any application under this paragraph shall contain a copy of the applicant's original
3 signature. An elector requesting a ballot under this paragraph shall return with the voted ballot
4 a copy of the request bearing an original signature of the elector as provided in s. 6.87 (4).

5 **SECTION 49.** 6.86 (1) (b) of the statutes is amended to read:

6 6.86 (1) (b) Except as provided in this section, if application is made ~~in writing~~ by mail,
7 the application, signed by the elector, shall be received no later than 5 p.m. on the Friday 6th
8 day immediately preceding the election. If application is made in person, the application shall
9 be made no later than 5 p.m. on the day preceding the election. If the elector is making written
10 application and the application indicates that the reason for requesting an absentee ballot is
11 that the elector is a sequestered juror, the application shall be received no later than 5 p.m. on
12 election day. If the application is received after 5 p.m. on the Friday immediately preceding
13 the election, the municipal clerk or the clerk's agent shall immediately take the ballot to the
14 court in which the elector is serving as a juror and deposit it with the judge. The judge shall
15 recess court, as soon as convenient, and give the elector the ballot. The judge shall then
16 witness the voting procedure as provided in s. 6.87 and shall deliver the ballot to the clerk or
17 agent of the clerk who shall deliver it to the polling place or, in municipalities where absentee
18 ballots are canvassed under s. 7.52, to the municipal clerk as required in s. 6.88. If application
19 is made under sub. (2), the application may be received no later than 5 p.m. on the Friday
20 immediately preceding the election.

21 **SECTION 50.** 6.86 (1) (c) of the statutes is created to read:

22 6.86 (1) (c) If an application is made by mail by a military elector, as defined in s. 6.22
23 (1) (b), the application shall be received no later than 5 p.m. on the Friday immediately
24 preceding the election.

1 **SECTION 51.** 6.86 (3) (c) of the statutes is amended to read:

2 6.86 (3) (c) An application under par. (a) 1. may be made and a registration form under
3 par. (a) 2. may be filed in person at the office of the municipal clerk not earlier than 7 days
4 before an election and not later than 5 p.m. on the day of the election. A list of hospitalized
5 electors applying for ballots under par. (a) 1. shall be made by the municipal clerk and used
6 to check that the electors vote only once, and by absentee ballot. If ~~identification~~ proof of
7 residence under s. 6.34 is required, the municipal clerk shall so inform the agent and the elector
8 shall enclose ~~identification~~ proof of residence in the envelope with the ballot. The ballot shall
9 be sealed by the elector and returned to the municipal clerk either by mail or by personal
10 delivery of the agent; but if the ballot is returned on the day of the election, the agent shall make
11 personal delivery ~~at to~~ the polling place serving the hospitalized elector's residence before the
12 closing hour ~~for the ballot to be counted or, in municipalities where absentee ballots are~~
13 canvassed under s. 7.52, to the municipal clerk no later than 8 p.m. on election day.

14 **SECTION 52.** 6.865 (3) of the statutes is amended to read:

15 6.865 (3) If the elector making a timely request for an absentee ballot is ~~a military elector~~
16 ~~or~~ an overseas elector and the elector requests that he or she be sent an absentee ballot for the
17 next 2 general elections, the municipal clerk or board of election commissioners shall comply
18 with the request except that no ballot shall be sent for a succeeding general election if the
19 elector's name appeared on the registration list for a previous general election and no longer
20 appears on the registration list for the succeeding general election. If the elector's address for
21 the succeeding general election is in a municipality that is different from the municipality in
22 which the elector resided for the first general election, the clerk or board of election
23 commissioners shall forward the request to the clerk or board of election commissioners of
24 the municipality where the elector resides.

1 **SECTION 53.** 6.865 (3m) of the statutes is created to read:

2 6.865 **(3m)** If the elector making a timely request for an absentee ballot is a military
3 elector, the request shall be treated as provided under s. 6.22 (4).

4 **SECTION 54.** 6.87 (3) (a), (b), and (d) of the statutes are amended to read:

5 6.87 **(3)** (a) Except as authorized under par. (d) and as otherwise provided in s. 6.875,
6 the municipal clerk shall mail the absentee ballot ~~postage prepaid for return~~ to the elector's
7 temporary or permanent residence ~~unless otherwise~~ of the elector, as directed by the elector,
8 or shall deliver it to the elector personally at the clerk's office or at an alternate site under s.
9 6.855. If the ballot is mailed, the elector shall provide return postage. If the ballot is delivered
10 to the elector at the clerk's office, or an alternate site under s. 6.855, the ballot shall be voted
11 at the office or alternate site and may not be removed therefrom.

12 (b) ~~No elector may direct that a ballot be sent to the address of a candidate, political party~~
13 ~~or other registrant under s. 11.05 unless the elector permanently or temporarily resides at that~~
14 ~~address.~~ Upon receipt of reliable information that an address given by an elector is not eligible
15 to receive ballots under this ~~paragraph~~ subsection, the municipal clerk shall refrain from
16 ~~sending~~ mailing or transmitting ballots to that address. Whenever possible, the municipal
17 clerk shall notify an elector if his or her ballot cannot be mailed or transmitted to the address
18 directed by the elector.

19 (d) A municipal clerk ~~of a municipality~~ may, if the clerk is reliably informed by an
20 absent elector of a facsimile transmission number located at the permanent or temporary
21 address of the elector or electronic mail address where the elector can receive an absentee
22 ballot, transmit a facsimile or electronic copy of the absent elector's ballot to that elector in
23 lieu of mailing under this subsection if, in the judgment of the clerk, the time required to send
24 the ballot through the mail may not be sufficient to enable return of the ballot by the time

1 provided under sub. (6). An elector may receive an absentee ballot under this subsection only
2 if the elector has filed a valid application for the ballot under sub. (1). If the clerk transmits
3 an absentee ballot under this paragraph, the clerk shall also transmit a facsimile or electronic
4 copy of the text of the material that appears on the certificate envelope prescribed in sub. (2),
5 together with instructions prescribed by the board. The instructions shall require the absent
6 elector to make and subscribe to the certification as required under sub. (4) and to enclose the
7 absentee ballot in a separate envelope contained within a larger envelope, that shall include
8 the completed certificate. The elector shall then mail the absentee ballot ~~with postage prepaid~~
9 to the municipal clerk. Except as authorized in s. 6.97 (2), an absentee ballot received under
10 this paragraph shall not be counted unless it is cast in the manner prescribed in this paragraph
11 and in accordance with the instructions provided by the board.

12 **SECTION 55.** 6.87 (3) (c) of the statutes is repealed.

13 **SECTION 56.** 6.87 (4) of the statutes, as affected by 2003 Wisconsin Act 265, is amended
14 to read:

15 6.87 (4) Except as otherwise provided in s. 6.875, the elector voting absentee shall make
16 and subscribe to the certification before one witness who is an adult U.S. citizen. The absent
17 elector, in the presence of the witness, shall mark the ballot in a manner that will not disclose
18 how the elector's vote is cast. The elector shall then, still in the presence of the witness, fold
19 the ballots so each is separate and so that the elector conceals the markings thereon and deposit
20 them in the proper envelope. If a consolidated ballot under s. 5.655 is used, the elector shall
21 fold the ballot so that the elector conceals the markings thereon and deposit the ballot in the
22 proper envelope. If the elector has registered by mail and has not, or is not certain whether
23 the elector has, previously voted in an election ~~for national office~~ in this state, the elector shall
24 enclose ~~identification~~ proof of residence under s. 6.34 in the envelope. ~~Identification Proof~~

1 of residence is required if the elector is not a military elector or an overseas elector, as defined
2 in s. 6.36 (2) (c), and the elector ~~registered by mail~~ did not register in person in the office of
3 the municipal clerk or other location authorized under s. 6.28 (1) and has not voted in an
4 election for national office in this state. If the elector requested a ballot by means of facsimile
5 transmission or electronic mail under s. 6.86 (1) (ac), the elector shall enclose in the envelope
6 a copy of the request which bears an original signature of the elector. The elector may receive
7 assistance under sub. (5). The return envelope shall then be sealed. The witness may not be
8 a candidate. The envelope shall be mailed by the elector, ~~postage prepaid~~, or delivered in
9 person, to the municipal clerk issuing the ballot or ballots. Failure to return an unused ballot
10 in a primary does not invalidate the ballot on which the elector's votes are cast. Return of more
11 than one marked ballot in a primary or return of a ballot prepared under s. 5.655 or a ballot
12 used with an electronic voting system in a primary which is marked for candidates of more
13 than one party invalidates all votes cast by the elector for candidates in the primary.

14 **SECTION 57.** 6.87 (6) of the statutes is amended to read:

15 6.87 (6) ~~The~~ Except as provided in s. 6.22 (5m), the ballot shall be returned so it is
16 received by the municipal clerk ~~in time for delivery~~ no later than 8 p.m. on election day. ~~Except~~
17 in municipalities where absentee ballots are canvassed under s. 7.52, if the municipal clerk
18 receives an absentee ballot on election day, the clerk shall secure the ballot and cause the ballot
19 to be delivered to the polls polling place serving the elector's residence before the closing hour.
20 Any ~~Except as provided in s. 6.22 (5m), any~~ ballot not mailed or delivered as provided in this
21 subsection may not be counted.

22 **SECTION 58.** 6.875 (4) and (6) of the statutes are amended to read:

23 6.875 (4) For the purpose of absentee voting in nursing homes and qualified retirement
24 homes and qualified community-based residential facilities, the municipal clerk or board of

1 election commissioners of each municipality in which one or more nursing homes or qualified
2 retirement homes or qualified community-based residential facilities are located shall appoint
3 at least 2 special voting deputies for the municipality. Upon application under s. 6.86 (1) or
4 (2) by one or more qualified electors who are occupants of such a nursing home or qualified
5 retirement home or qualified community-based residential facility, the clerk or board of
6 election commissioners shall dispatch 2 special voting deputies to visit the home or qualified
7 community-based residential facility for the purpose of supervising absentee voting
8 procedure by occupants of the home or qualified community-based residential facility. The
9 clerk shall maintain a list, available to the public upon request, of each nursing home or
10 qualified retirement home or qualified community-based residential facility where an elector
11 has requested an absentee ballot. The list shall include the date and time the deputies intend
12 to visit each facility. The 2 deputies designated to visit each nursing home or qualified
13 retirement home and qualified community-based residential facility shall be affiliated with
14 different political parties whenever deputies representing different parties are available.
15 Nominations for deputy positions may be submitted by the 2 recognized political parties
16 whose candidates for governor or president received the greatest numbers of votes in the
17 municipality at the most recent general election. The deputies shall be specially appointed to
18 carry out duties under this section for the period specified in s. 7.30 (6) (a). The clerk or board
19 of election commissioners may revoke an appointment at any time. No individual who is
20 employed or retained, or within the 2 years preceding appointment has been employed or
21 retained at a nursing home or qualified retirement home or qualified community-based
22 residential facility in the municipality, or any member of the immediate family of such an
23 individual as defined in s. 19.42 (7), may be appointed to serve as a deputy.

1 (6) Special voting deputies in each municipality shall, not later than 5 p.m. on the Friday
2 preceding an election, arrange one or more convenient times with the administrator of each
3 nursing home, qualified retirement home, and qualified community-based residential facility
4 in the municipality from which one or more occupants have filed an application under s. 6.86
5 to conduct absentee voting for the election. The time may be no earlier than the 4th Monday
6 preceding the election and no later than 5 p.m. on the Monday preceding the election. Upon
7 request of a relative of an occupant of a nursing home or qualified retirement home or qualified
8 community-based residential facility, the administrator may notify the relative of the time or
9 times at which special voting deputies will conduct absentee voting at the home or facility, and
10 permit the relative to be present in the room where the voting is conducted. The municipal
11 clerk shall post a notice at the facility indicating the date and time that absentee voting will
12 take place at that facility. The notice shall be posted as soon as practicable after arranging
13 the visit but in no case less than 24 hours before the visit. At the designated time, 2 deputies
14 appointed under sub. (4) shall visit the home or facility. The municipal clerk or executive
15 director of the board of election commissioners shall issue a supply of absentee ballots to the
16 deputies sufficient to provide for the number of valid applications received by the clerk, and
17 a reasonable additional number of ballots. Each deputy may exercise the authority granted
18 to the chief inspector under s. 7.41. The municipal clerk or executive director shall keep a
19 careful record of all ballots issued to the deputies and shall require the deputies to return every
20 ballot issued to them. The deputies shall personally offer each elector who has filed a proper
21 application the opportunity to cast his or her absentee ballot. If an elector is present who has
22 not filed a proper application, the 2 deputies may accept an application from the elector and
23 shall issue a ballot to the elector if the elector is qualified and the application is proper. The
24 deputies shall each witness the certification and may, upon request of the elector, assist the

1 elector in marking the elector's ballot. Upon request of the elector, a relative of the elector
2 who is present in the room may assist the elector in marking the elector's ballot. All voting
3 shall be conducted in the presence of the deputies. No individual other than a deputy may
4 witness the certification and no individual other than a deputy or relative of an elector may
5 render voting assistance to the elector. Upon completion of the voting, the deputies shall
6 promptly deliver, either personally or by 1st class mail, any absentee ballot applications and
7 the sealed certificate envelope containing each ballot to the clerk or board of election
8 commissioners of the municipality in which the elector casting the ballot resides, within such
9 time as will permit delivery to the polling place serving the elector's residence on election day.
10 Personal delivery may be made by the deputies no later than noon on election day. If a
11 qualified elector is not able to cast his or her ballot on 2 separate visits by the deputies to the
12 home or facility, they shall so inform the municipal clerk or executive director of the board
13 of election commissioners, who may then send the ballot to the elector no later than 5 p.m. on
14 the Friday preceding the election.

15 **SECTION 59.** 6.875 (7) of the statutes is created to read:

16 6.875 (7) One observer from each of the 2 recognized political parties whose candidate
17 for governor or president received the greatest number of votes in the municipality at the most
18 recent general election may accompany the deputies to each facility where absentee voting
19 will take place under this section. The observers may observe the process of absentee ballot
20 distribution in the common areas of the facility. Each party wishing to have an observer
21 present shall submit the name of the observer to the clerk or board of election commissioners
22 one day prior to the visit.

23 **SECTION 60.** 6.88 (1) to (3) of the statutes are amended to read:

1 6.88 (1) When an absentee ballot arrives at the office of the municipal clerk, or at an
2 alternate site under s. 6.855, if applicable, the clerk shall enclose it, unopened, in a carrier
3 envelope which shall be securely sealed and endorsed with the name and official title of the
4 clerk, and the words "This envelope contains the ballot of an absent elector and must be opened
5 in the same room where votes are being cast at the polls during polling hours on election day
6 or, in municipalities where absentee ballots are canvassed under s. 7.52, at a meeting of the
7 municipal board of absentee ballot canvassers under s. 7.52". If the ballot was received by
8 the elector by facsimile transmission or electronic mail and is accompanied by a separate
9 certificate, the clerk shall enclose the ballot in a certificate envelope and securely append the
10 completed certificate to the outside of the envelope before enclosing the ballot in the carrier
11 envelope. The clerk shall keep the ballot in the clerk's office or at the alternate site, if
12 applicable until delivered, as required in sub. (2).

13 (2) When an absentee ballot is received by the municipal clerk prior to the delivery of
14 the official ballots to the election officials of the ward in which the elector resides or, where
15 absentee ballots are canvassed under s. 7.52, to the municipal board of absentee ballot
16 canvassers, the municipal clerk shall seal the ballot envelope in the carrier envelope as
17 provided under sub. (1), and shall enclose the envelope in a package and deliver the package
18 to the election inspectors of the proper ward or election district or, in municipalities where
19 absentee ballots are canvassed under s. 7.52, to the municipal board of absentee ballot
20 canvassers when it convenes under s. 7.52. When the official ballots for the ward or election
21 district have been delivered to the election ~~officials~~ inspectors before the receipt of an absentee
22 ballot, the clerk shall immediately enclose the envelope containing the absentee ballot in a
23 carrier envelope as provided under sub. (1) and deliver it in person to the proper election
24 officials.

1 (3) (a) Any Except in municipalities where absentee ballots are canvassed under s. 7.52,
2 at any time between the opening and closing of the polls on election day, the inspectors shall,
3 in the same room where votes are being cast, open the carrier envelope only, and in such a
4 manner that a member of the public, if he or she desired, could hear and see the procedures
5 announce the name of the absent elector or the identification serial number of the absent
6 elector if the elector has a confidential listing under s. 6.47 (2). When the inspectors find that
7 the certification has been properly executed, the applicant is a qualified elector of the ward
8 or election district, and the applicant has not voted in the election, they shall enter an indication
9 on the poll list next to the applicant's name indicating an absentee ballot is cast by the elector.
10 They shall then open the envelope containing the ballot in a manner so as not to deface or
11 destroy the certification thereon. The inspectors shall take out the ballot without unfolding
12 it or permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95, the
13 inspectors shall verify that the ballot has been endorsed by the issuing clerk. If the poll list
14 indicates that identification proof of residence under s. 6.34 is required and no identification
15 proof of residence is enclosed or the name or address on the document that is provided is not
16 the same as the name and address shown on the poll list, the inspectors shall proceed as
17 provided under s. 6.97 (2). The inspectors shall then deposit the ballot into the proper ballot
18 box and enter the absent elector's name or voting number after his or her name on the poll list
19 in the same manner as if the elector had been present and voted in person.

20 (b) When the inspectors find that a certification is insufficient, that the applicant is not
21 a qualified elector in the ward or election district, that the ballot envelope is open or has been
22 opened and resealed, that the ballot envelope contains more than one ballot of any one kind
23 or, except in municipalities where absentee ballots are canvassed under s. 7.52, that the
24 certificate of an elector who received an absentee ballot by facsimile transmission or

1 electronic mail is missing, or if proof is submitted to the inspectors that an elector voting an
2 absentee ballot has since died, the inspectors shall not count the ballot. The inspectors shall
3 endorse every ballot not counted on the back, "rejected (giving the reason)". The inspectors
4 shall reinsert each rejected ballot into the certificate envelope in which it was delivered and
5 enclose the certificate envelopes and ballots, and securely seal the ballots and envelopes in an
6 envelope marked for rejected absentee ballots. The inspectors shall endorse the envelope,
7 "rejected ballots" with a statement of the ward or election district and date of the election,
8 signed by the chief inspector and one of the inspectors representing each of the 2 major
9 political parties and returned to the municipal clerk in the same manner as official ballots voted
10 at the election.

11 (c) The inspectors shall review each certificate envelope to determine whether any
12 absentee ballot is cast by an elector whose name appears on the poll list as ineligible to vote
13 at the election by reason of a felony conviction. If the inspectors receive an absentee ballot that
14 has been cast by an elector whose name appears on the poll list as ineligible for that reason,
15 the inspectors shall challenge the ballot as provided in s. 6.92 and treat the ballot in the manner
16 provided in s. 6.95.

17 **SECTION 61.** 6.93 of the statutes is amended to read:

18 **6.93 Challenging the absent elector.** The vote of any absent elector may be challenged
19 for cause and the inspectors of election shall have all the power and authority given them to
20 hear and determine the legality of the ballot the same as if the ballot had been voted in person.
21 In municipalities where absentee ballots are canvassed under s. 7.52, the vote of an absentee
22 elector may be challenged as provided in s. 7.52 (5).

23 **SECTION 62.** 6.935 of the statutes is amended to read:

1 **6.935 Challenge based on incompetency.** Section 6.03 (3) applies to any challenge
2 of a person's right to vote under s. 6.92, 6.925 ~~or~~, 6.93, or 7.52 (5) based on an allegation that
3 an elector is incapable of understanding the objective of the elective process and thereby
4 ineligible to vote.

5 **SECTION 63.** 6.97 (1) and (2) of the statutes are amended to read:

6 6.97 (1) Whenever any individual who is required to provide ~~identification~~ proof of
7 residence under s. 6.34 in order to be permitted to vote appears to vote at a polling place and
8 cannot provide the required ~~identification~~ proof of residence, or the individual has not
9 provided proof of residence as provided in s. 6.88 (3) (a) or 7.52 (3) (a), the inspectors shall
10 offer the opportunity for the individual to vote under this section. If the individual wishes to
11 vote, the inspectors shall provide the elector with an envelope marked "Ballot under s. 6.97,
12 stats." on which the serial number of the elector is entered and shall require the individual to
13 execute on the envelope a written affirmation stating that the individual is a qualified elector
14 of the ward or election district where he or she offers to vote and is eligible to vote in the
15 election. The inspectors shall, before giving the elector a ballot, write on the back of the ballot
16 the serial number of the individual corresponding to the number kept at the election on the poll
17 list or other list maintained under s. 6.79 and the notation "s. 6.97". If voting machines are
18 used in the municipality where the individual is voting, the individual's vote may be received
19 only upon an absentee ballot furnished by the municipal clerk which shall have the
20 corresponding number from the poll list or other list maintained under s. 6.79 and the notation
21 "s. 6.97" written on the back of the ballot by the inspectors before the ballot is given to the
22 elector. When receiving the individual's ballot, the inspectors shall provide the individual
23 with written voting information prescribed by the board under s. 7.08 (8). The inspectors shall
24 indicate on the list the fact that the individual is required to provide ~~identification~~ proof of

1 residence but did not do so. The inspectors shall notify the individual that he or she may
2 provide ~~identification~~ proof of residence to the municipal clerk or executive director of the
3 municipal board of election commissioners. The inspectors shall also promptly notify the
4 municipal clerk or executive director of the name, address, and serial number of the individual.
5 The inspectors shall then place the ballot inside the envelope and place the envelope in a
6 separate carrier envelope.

7 (2) Whenever any individual who votes by absentee ballot is required to provide
8 ~~identification~~ proof of residence under s. 6.34 in order to be permitted to vote and does not
9 provide the required ~~identification~~ proof of residence, the inspectors or, in municipalities
10 where absentee ballots are canvassed under s. 7.52, the municipal board of absentee
11 canvassers shall write on the back of the absentee ballot the serial number of the individual
12 corresponding to the number kept at the election on the poll list or other list maintained under
13 s. 6.79 and the notation "s. 6.97". The inspectors or board of absentee ballot canvassers shall
14 indicate on the list the fact that the individual is required to provide identification but did not
15 do so. The inspectors or board of absentee ballot canvassers shall promptly notify the
16 municipal clerk or executive director of the municipal board of election commissioners of the
17 name, address, and serial number, or in municipalities where absentee ballots are canvassed
18 under s. 7.52, the poll list number of the individual. The inspectors or board of absentee ballot
19 canvassers shall then place the ballot inside an envelope on which the name and serial or poll
20 list number of the elector is entered and shall place the envelope in a separate carrier envelope.

21 **SECTION 64.** 7.03 (1) (a) of the statutes is amended to read:

22 7.03 (1) (a) Except as authorized under this paragraph, a reasonable daily compensation
23 shall be paid to each inspector, voting machine custodian, automatic tabulating equipment
24 technician, member of a board of canvassers, messenger, and tabulator who is employed and

1 performing duties under chs. 5 to 12. Daily compensation shall also be provided to officials
2 inspectors and inspector trainees for attendance at training programs conducted by the board
3 municipal clerks under s. 7.31. Alternatively, such election officials and trainees may be paid
4 by the hour at a proportionate rate for each hour actually worked. Any election official or
5 trainee may choose to volunteer his or her services by filing with the municipal clerk of the
6 municipality in which he or she serves a written declination to accept compensation. The
7 volunteer status of the election official or trainee remains effective until the official or trainee
8 files a written revocation with the municipal clerk.

9 **SECTION 65.** 7.08 (8) (title) of the statutes is amended to read:

10 7.08 (8) (title) ELECTORS VOTING WITHOUT IDENTIFICATION PROOF OF RESIDENCE OR
11 PURSUANT TO COURT ORDER.

12 **SECTION 66.** 7.10 (1) (d) of the statutes is created to read:

13 7.10 (1) (d) The county clerk may receive and store any unused ballots after an election
14 upon request of any municipal clerk of a municipality within the county, and may destroy such
15 ballots pursuant to s. 7.23 (1) (am).

16 **SECTION 67.** 7.15 (1) (e) of the statutes is amended to read:

17 7.15 (1) (e) ~~In coordination with the board, instruct~~ Train election officials in their
18 duties, calling them together whenever advisable, advise them of changes in laws, rules and
19 procedures affecting the performance of their duties, and administer examinations as
20 authorized under s. 7.30 (2) (c). The training shall meet the requirements promulgated in rules
21 by the board under s. 7.31. The clerk shall assure that officials who serve at polling places
22 where an electronic voting system is used are familiar with the system and competent to
23 instruct electors in its proper use. The clerk shall inspect systematically and thoroughly the

1 conduct of elections in the municipality so that elections are honestly, efficiently and
2 uniformly conducted.

3 **SECTION 68.** 7.15 (1m) of the statutes is created to read:

4 7.15 **(1m)** ATTEND TRAINING. Each municipal clerk shall, at least once every two years,
5 attend training sponsored by the board under 7.31.

6 **SECTION 69.** 7.15 (2m) of the statutes is created to read:

7 7.15 **(2m)** OPERATION OF ALTERNATE ABSENTEE BALLOT SITE. In a municipality in which
8 the governing body has elected to establish an alternate absentee ballot site under s. 6.855, the
9 municipal clerk shall operate such site as though it were his or her office for absentee ballot
10 purposes and shall ensure that such site is adequately staffed.

11 **SECTION 70.** 7.15 (11) of the statutes is amended to read:

12 7.15 **(11)** TRAINING OF ELECTION OFFICIALS. Each municipal clerk shall assist the board
13 ~~in the training of~~ train election officials under ss. 5.05 (7) and s. 7.31.

14 **SECTION 71.** 7.23 (1) (a) of the statutes is amended to read:

15 7.23 **(1)** (a) ~~Any~~ Except as provided in par. (am), unused materials after an election and
16 the contents of the blank ballot box after a primary may be destroyed at a time and in a manner
17 designated by the appropriate clerk.

18 **SECTION 72.** 7.23 (1) (am) of the statutes is created to read:

19 7.23 **(1)** (am) Unused ballots may be discarded or destroyed no earlier than the day after
20 the last day for the filing of a petition for a recount under s. 9.01 for any office on the ballots.

21 **SECTION 73.** 7.30 (1) of the statutes is renumbered 7.30 (1) (a).

22 **SECTION 74.** 7.30 (1) (b) of the statutes is created to read:

23 7.30 **(1)** (b) Each municipality may appoint one additional inspector to serve at each
24 polling place without regard to party affiliation who shall serve as a greeter to answer

1 questions and to direct electors to the proper locations for registration and voting and who shall
2 be available to substitute for other election officials who must leave the room during the voting
3 process.

4 **SECTION 75.** 7.30 (2) (a) of the statutes, as affected by 2005 Wisconsin Act 27, is
5 amended to read:

6 7.30 (2) (a) Only election officials appointed under this section or s. 6.875 may conduct
7 an election. Except as otherwise provided in this paragraph and in s. 7.15 (1) (k), each election
8 official shall be a qualified elector of the ward or wards, or the election district, for which the
9 polling place is established. A special registration deputy who is appointed under s. 6.55 (6)
10 or an election official who is appointed under this section to fill a vacancy under par. (b) need
11 not be a resident of the ward or wards, or the election district, but shall be a resident of the
12 municipality, except that if a municipal clerk or deputy clerk serves as a registration deputy
13 or is appointed to fill a vacancy under par. (b), the clerk or deputy clerk need not be a resident
14 of the municipality, but shall be a resident of the state. No more than 2 individuals holding
15 the office of clerk or deputy clerk may serve without regard to municipal residency in any
16 municipality at any election. Special registration deputies who are appointed under s. 6.55 (6)
17 may be appointed to serve more than one polling place. All officials appointed under this
18 section shall be able to read and write the English language, be capable, and be of good
19 understanding, and may not be a candidate for any office to be voted for at an election at which
20 they serve. In 1st class cities, they may hold no public office other than notary public. Except
21 as authorized under ~~sub.~~ subs. (1) (b) and (4) (c), all inspectors shall be affiliated with one of
22 the 2 recognized political parties which received the largest number of votes for president, or
23 governor in nonpresidential general election years, in the ward or combination of wards served
24 by the polling place at the last election. The Excluding the inspector who may be appointed

1 under sub. (1) (b), the party which received the largest number of votes is entitled to one more
2 inspector than the party receiving the next largest number of votes at each polling place. The
3 ~~same-election~~ Election officials appointed under this section may serve the electors of more
4 than one ward where wards are combined under s. 5.15 (6) (b). If a municipality is not divided
5 into wards, the ward requirements in this paragraph apply to the municipality at large.

6 **SECTION 76.** 7.30 (2) (am) of the statutes is amended to read:

7 7.30 (2) (am) Except as otherwise provided in this paragraph, a pupil who is 16 or 17
8 years of age, and who is enrolled in grades 9 to 12 in a public or private school, ~~and who has~~
9 ~~at least a 3.0 grade point average or the equivalent~~ may serve as an inspector at the polling place
10 serving the pupil's residence, with the approval of the pupil's parent or guardian and of the
11 principal of the school in which the pupil is enrolled. A school board or governing body of
12 a private school may establish criteria for participation by a pupil as an inspector. A pupil may
13 serve as an inspector at a polling place under this paragraph only if at least one election official
14 at the polling place other than the chief inspector is a qualified elector of this state. No pupil
15 may serve as chief inspector at a polling place under this paragraph. Before appointment by
16 any municipality of a pupil as an inspector under this paragraph, the municipal clerk shall
17 obtain written authorization from the pupil's parent or guardian and from the principal of the
18 school where the pupil is enrolled for the pupil to serve for the ~~entire term~~ election for which
19 he or she is appointed. Upon appointment of a pupil to serve as an inspector, the municipal
20 clerk shall notify the principal of the school where the pupil is enrolled of the date of ~~expiration~~
21 ~~of the pupil's term of office~~ the election at which the pupil has been appointed to serve.

22 **SECTION 77.** 7.30 (2) (b) of the statutes, as affected by 2005 Wisconsin Act 27, is
23 amended to read:

1 7.30 (2) (b) When a vacancy occurs in an office under this section, the vacancy shall
2 be filled by appointment of the municipal clerk. ~~The~~ Unless the vacancy occurs in the position
3 of an inspector appointed under sub. (1) (b), the vacancy shall be filled from the remaining
4 names on the lists submitted under sub. (4) or from additional names submitted by the
5 chairperson of the county party committee of the appropriate party under sub. (4) whenever
6 names are submitted under sub. (4) (d). If the vacancy is due to candidacy, sickness or any
7 other temporary cause, the appointment shall be a temporary appointment and effective only
8 for the election at which the temporary vacancy occurs. The same qualifications shall be
9 required of persons who fill vacancies. Vacancies may be filled in cases of emergency or
10 because of time limitations by a person from another aldermanic district or ward within the
11 municipality.

12 **SECTION 78.** 7.30 (2) (c) of the statutes is amended to read:

13 7.30 (2) (c) The governing body of any municipality may require all persons serving
14 as election officials to prove their ability to read and write English and to have a general
15 knowledge of the election laws. Examinations may be given to prove the qualifications can
16 be met. The municipal clerk shall ensure that all training meets the training requirements
17 promulgated in rules by the board under s. 7.31.

18 **SECTION 79.** 7.30 (4) (a) of the statutes is amended to read:

19 7.30 (4) (a) Except in cities where there is a board of election commissioners, the mayor,
20 president or board chairperson of each municipality shall nominate to the governing body no
21 later than their last regular meeting in December of each ~~even-numbered~~ odd-numbered year
22 the necessary election officials for each polling place. If no regular meeting is scheduled, the
23 mayor, president or chairperson shall call a special meeting for the purpose of considering
24 nominations no later than December 31.

1 **SECTION 80.** 7.30 (4) (b) (intro.) of the statutes is amended to read:

2 7.30 (4) (b) (intro.) The 2 dominant parties, under sub. (2), are each responsible for
3 submitting a list of names from which ~~the~~ all appointees to inspector positions, other than
4 appointees to inspector positions authorized under sub. (1) (b), shall be chosen.

5 **SECTION 81.** 7.30 (4) (b) 1. of the statutes is amended to read:

6 7.30 (4) (b) 1. In cities where there is a board of election commissioners, the aldermanic
7 district committeemen or committeewomen under s. 8.17 of each of the 2 dominant
8 recognized political parties shall submit a certified list no later than November 30 of each
9 ~~even-numbered~~ odd-numbered year containing the names of at least as many nominees as
10 there are inspectors from that party for each of the voting wards in the aldermanic district. The
11 chairperson may designate any individual whose name is submitted as a first choice nominee.
12 The board of election commissioners shall appoint, no later than December 31 of
13 even-numbered years, at least 5 inspectors for each ward. The board of election
14 commissioners shall appoint all first choice nominees for so long as positions are available,
15 unless nonappointment is authorized under par. (e), and shall appoint other individuals in its
16 discretion. The board of election commissioners may designate such alternates as it deems
17 advisable.

18 **SECTION 82.** 7.30 (4) (c) of the statutes is amended to read:

19 7.30 (4) (c) ~~For~~ Except with respect to inspectors who are appointed under sub. (1) (b),
20 for so long as nominees are made available by the political parties under this section,
21 appointments may be made only from the lists of submitted nominees. If the lists are not
22 submitted by November 30 of the year in which appointments are to be made, the board of
23 election commissioners shall appoint, or the mayor, president or chairperson of a municipality
24 shall nominate qualified persons whose names have not been submitted. If an insufficient

1 number of nominees appears on the lists as of November 30, the board of election
2 commissioners shall similarly appoint, or the mayor, president or chairperson shall similarly
3 nominate sufficient individuals to fill the remaining vacancies. In addition, the mayor,
4 president, or board chairperson of the municipality shall similarly nominate qualified persons
5 to serve in the inspector positions authorized under sub. (1) (b). Any appointment which is
6 made due to the lack of availability of names submitted under par. (b) may be made without
7 regard to party affiliation.

8 **SECTION 83.** 7.30 (6) (a) of the statutes is amended to read:

9 7.30 (6) (a) The Except as provided in par. (am), the appointed election officials shall
10 hold office for 2 years and until their successors are appointed and qualified. They shall serve
11 at every election held in their ward during their term of office.

12 **SECTION 84.** 7.30 (6) (am) of the statutes is created to read:

13 7.30 (6) (am) A pupil appointed as an inspector under sub. (2) (am) shall serve as an
14 inspector only for the election for which he or she is appointed. Nothing in this paragraph shall
15 be construed to limit the number of times a pupil may be appointed as an inspector.

16 **SECTION 85.** 7.30 (6) (b) of the statutes is amended to read:

17 7.30 (6) (b) Prior to the first election following the appointment of the inspectors, the
18 municipal clerk shall appoint one of the inspectors at each polling place, other than an
19 inspector who is appointed under sub. (1) (b), to serve as chief inspector. No person may serve
20 as chief inspector at any election who is not certified by the board under s. 7.31 at the time of
21 the election. The chief inspector shall hold the position for the remainder of the term unless
22 the inspector is removed by the clerk or the inspector ceases to be certified under s. 7.31, ~~except~~
23 ~~that whenever,~~ Whenever wards are combined or separated under s. 5.15 (6) (b), the municipal
24 clerk shall appoint another inspector who is certified under s. 7.31 to serve as chief inspector

1 at each polling place designated under s. 5.15 (6) (b). If a vacancy occurs in the position of
2 chief inspector at any polling place, the municipal clerk shall appoint one of the other
3 inspectors who is certified under s. 7.31 to fill the vacancy.

4 **SECTION 86.** 7.30 (6) (c) of the statutes is amended to read:

5 7.30 (6) (c) If any election official appointed under this section lacks the qualifications
6 set forth in this section, fails to attend training sessions required under s. 7.15 (1) (e) unless
7 excused therefrom, is guilty of neglecting his or her official duties or commits official
8 misconduct, the municipal clerk or board of election commissioners shall summarily remove
9 the official from office and the vacancy shall be filled under sub. (2) (b).

10 **SECTION 87.** 7.31 (title) of the statutes is amended to read:

11 **7.31 (title) Training and certification of chief inspectors, other election officials,**
12 **special voting deputies, and special registration deputies.**

13 **SECTION 88.** 7.31 (1) is renumbered (1) (a) and 7.31 (2) to (5) of the statutes are
14 renumbered (b) to (e).

15 **SECTION 89.** 7.31 (2m) of the statutes is created to read:

16 7.31 (2m) (a) The board shall, by rule, prescribe the contents of the training that
17 municipal clerks must provide to municipal election officials, other than chief inspectors, and
18 to special voting deputies under s. 6.875 and special registration deputies under s. 6.26.

19 (b) 1. Except as provided in subd. 2., no individual may serve as an election official,
20 other than a chief inspector, or as a special voting deputy under s. 6.875 or a special registration
21 deputy under s. 6.26 unless the individual has completed training provided by the municipal
22 clerk pursuant to rules promulgated under par. (a).

23 2. Only when an individual who has received training under subd. 1. is unavailable to
24 perform his or her election duties due to sickness, injury, or other unforeseen occurrence may

1 an individual who has not received training under subd. 1. be appointed to serve as an election
2 official, other than chief inspector, or a special voting or registration deputy. The appointment
3 of an individual to serve under this subdivision shall last no longer than one day and no
4 individual may be appointed under this subdivision more than one time in a two–year period.

5 **SECTION 90.** 7.31 (3m) of the statutes is created to read:

6 7.31 (3m) The board shall, by rule, prescribe requirements for, and the content of,
7 training required of municipal clerks under s. 7.15 (1m). The board may provide such training
8 directly or arrange for such training to be provided by other organizations. The rules may not
9 require training more than once every two years. The rules shall provide a method for
10 notifying the relevant municipal governing body if a municipal clerk fails to attend required
11 training.

12 **SECTION 91.** 7.31 (4m) of the statutes is created to read:

13 7.31 (4m) The board may produce and periodically reissue as necessary a video
14 program for the purpose of training election officials, special voting deputies and special
15 registration deputies. The board shall make any such program available for viewing
16 electronically through an Internet–based system.

17 **SECTION 92.** 7.33 (3) of the statutes is amended to read:

18 7.33 (3) Every employer shall grant to each employee who is appointed to serve as an
19 election official under s. 7.30 a leave of absence for the entire 24–hour period of each election
20 day in which the official serves in his or her official capacity. An employee who serves as an
21 election official shall provide his or her employer with at least 7 days’ notice of application
22 for a leave. The municipal clerk shall verify appointments upon request of any employer.

23 **SECTION 93.** 7.37 (13) of the statutes is created to read:

1 7.37 (13) At the time the polls officially close, an inspector, including an inspector
2 appointed under s. 7.30 (1) (b), shall position himself or herself at the end of the line of
3 individuals waiting to vote, if any. Only individuals in line ahead of the inspector shall be
4 permitted to vote under s. 6.78 (4).

5 **SECTION 94.** 7.41 of the statutes is amended to read:

6 **7.41 Public's right to access. (1)** Any member of the public may be present at any
7 polling place, in the office of any municipal clerk whose office is located in a public building
8 on any day that absentee ballots may be cast in that office, or at an alternate site under s. 6.855,
9 on any day that absentee ballots may be cast at that site for the purpose of observation of an
10 election and the absentee ballot process, except a candidate whose name appears on the ballot
11 at the polling place or on an absentee ballot to be cast at the clerk's office or alternate site at
12 that election. The chief inspector or municipal clerk may reasonably limit the number of
13 persons representing the same organization who are permitted to observe ~~an election~~ under
14 this subsection at the same time.

15 (2) The chief inspector or municipal clerk may restrict the location of any individual
16 exercising the right under sub. (1) to certain areas within a polling place, the clerk's office or
17 alternate site under s. 6.855. The chief inspector or municipal clerk shall clearly designate
18 such an area as an observation area. Designated observation areas shall be so positioned to
19 permit any authorized individual to readily observe all public aspects of the voting process.

20 (3) The chief inspector or municipal clerk may order the removal of any individual
21 exercising the right under sub. (1) if that individual commits an overt act which:

22 (a) Disrupts the operation of the polling place, clerk's office, or alternate site under s.
23 6.855; or

24 (b) Violates s. 12.03 (2).

1 (4) No individual exercising the right under sub. (1) may view the confidential portion
2 of a registration list maintained under s. 6.36 (4) or a poll list maintained under s. 6.79 (6).
3 However, the inspectors or municipal clerk shall disclose to such an individual, upon request,
4 the existence of such a list, the number of electors whose names appear on the list, and the
5 number of those electors who have voted at any point in the proceedings. No such individual
6 may view the certificate of an absent elector who obtains a confidential listing under s. 6.47
7 (2).

8 **SECTION 95.** 7.41 (5) of the statutes is created to read:

9 7.41 (5) The board shall promulgate rules regarding the proper conduct of individuals
10 exercising the right under sub. (1), including the interaction of those individuals with
11 inspectors and other election officials.

12 **SECTION 96.** 7.51 (1) of the statutes is amended to read:

13 7.51 (1) CANVASS PROCEDURE. Immediately after the polls close the inspectors except
14 any inspector appointed under s. 7.30 (1) (b) shall proceed to canvass publicly all votes
15 received at the polling place. In any municipality where an electronic voting system is used,
16 the municipal governing body or board of election commissioners may provide or authorize
17 the municipal clerk or executive director of the board of election commissioners to provide
18 for the adjournment of the canvass to one or more central counting locations for specified
19 polling places in the manner prescribed in subch. III of ch. 5. No central counting location
20 may be used to count votes at a polling place where an electronic voting system is not
21 employed. The canvass, whether conducted at the polling place or at a central counting
22 location, shall continue without adjournment until the canvass is completed and the return
23 statements are made or, in municipalities where absentee ballots are canvassed under s. 7.52,
24 until the canvass of all ballots cast is completed and the return statements for those ballots are

1 made. The inspectors shall not permit access to the name of any elector who has obtained a
2 confidential listing under s. 6.47 (2) during the canvass, except as authorized in s. 6.47 (8).

3 **SECTION 97.** 7.51 (2) (c) of the statutes is amended to read:

4 7.51 (2) (c) Whenever the number of ballots exceeds the number of voting electors as
5 indicated on the poll list, the inspectors shall place all ballots face up to check for blank ballots.
6 In this paragraph, "blank ballot" means a ballot on which no votes are cast for any office or
7 question. The inspectors shall mark, lay aside and preserve any blank ballots. If Except in
8 municipalities where absentee ballots are canvassed under s. 7.52, if the number of ballots still
9 exceeds the number of voting electors, the inspectors shall place all ballots face down and
10 proceed to check for the initials. The inspectors shall mark, lay aside and preserve any ballot
11 not bearing the initials of 2 inspectors or any absentee ballot not bearing the initials of the
12 municipal clerk. During the count the inspectors shall count those ballots cast by challenged
13 electors the same as the other ballots.

14 **SECTION 98.** 7.51 (2) (e) of the statutes is amended to read:

15 7.51 (2) (e) If, Except in municipalities where absentee ballots are canvassed under s.
16 7.52, if after any ballots have been laid aside, the number of ballots still exceeds the total
17 number of electors recorded on the poll list, the inspectors shall separate the absentee ballots
18 from the other ballots. If there is an excess number of absentee ballots, the inspectors shall
19 place the absentee ballots in the ballot box and one of the inspectors shall publicly and without
20 examination draw therefrom by chance the number of ballots equal to the excess number of
21 absentee ballots. If there is an excess number of ~~other~~ nonabsentee ballots, the inspectors shall
22 place those ballots in the ballot box and one of the inspectors shall publicly and without
23 examination draw therefrom by chance the number of ballots equal to the excess number of
24 those ballots. All ballots so removed may not be counted but shall be specially marked as

1 having been removed by the inspectors on original canvass due to an excess number of ballots,
2 set aside and preserved. When the number of ballots and total shown on the poll list agree,
3 the inspectors shall return all ballots to be counted to the ballot box and shall turn the ballot
4 box in such manner as to thoroughly mix the ballots. The inspectors shall then open, count
5 and record the number of votes. When the ballots are counted, the inspectors shall separate
6 them into piles for ballots similarly voted. Objections may be made to placement of ballots
7 in the piles at the time the separation is made.

8 **SECTION 99.** 7.51 (3) (d) of the statutes is amended to read:

9 7.51 (3) (d) ~~All~~ Except in municipalities where absentee ballots are canvassed under
10 s. 7.52, all absentee certificate envelopes which have been opened shall be returned by the
11 inspectors to the municipal clerk in a securely sealed carrier envelope which is clearly marked
12 “used absentee certificate envelopes”. The envelopes shall be signed by the chief inspector
13 and 2 other inspectors. Except when the ballots are used in a municipal or school district
14 election only, the municipal clerk shall transmit the used envelopes to the county clerk.

15 **SECTION 100.** 7.51 (4) (a) of the statutes is amended to read:

16 7.51 (4) (a) The tally sheets shall state the total number of votes cast for each office and
17 for each individual receiving votes for that office, whether or not the individual’s name
18 appears on the ballot, and shall state the vote for and against each proposition voted on. Upon
19 completion of the tally sheets, the inspectors shall immediately complete the inspectors’
20 ~~statements in duplicate~~ statement. The inspectors shall state the excess, if any, by which the
21 number of ballots exceeds the number of electors voting as shown by the poll list and shall state
22 the number of the last elector as shown by the poll lists. At least 3 inspectors, including the
23 chief inspector and, unless election officials are appointed under s. 7.30 (4) (c) without regard
24 to party affiliation, at least one inspector representing each political party, but not including

1 any inspector appointed under s. 7.30 (1) (b). shall then certify to the correctness of the
2 ~~statements~~ statement and tally sheets and sign their names. All other election officials
3 assisting with the tally shall also certify to the correctness of the tally sheets. When the tally
4 is complete, the inspectors shall publicly announce the results from the ~~statements~~ statement.

5 **SECTION 101.** 7.51 (5) (a) of the statutes is amended to read:

6 7.51 (5) (a) 1. The inspectors shall make full and accurate return of the votes cast for
7 each candidate and proposition on tally sheet forms provided by the municipal clerk for that
8 purpose. Each tally sheet shall record the returns for each office or referendum by ward, unless
9 combined returns are authorized in accordance with s. 5.15 (6) (b) in which case the tally sheet
10 shall record the returns for each group of combined wards.

11 2. After recording the votes, the inspectors shall seal in a carrier envelope outside the
12 ballot bag or container ~~one inspectors' statement under sub. (4) (a),~~ one tally sheet, and one
13 poll list for delivery to the county clerk, unless the election relates only to municipal or school
14 district offices or referenda.

15 3. The inspectors shall also similarly seal ~~one inspectors' statement,~~ one tally sheet, and
16 one poll list for delivery to the municipal clerk. For school district elections, except in 1st class
17 cities, the inspectors shall similarly seal ~~one inspectors' statement,~~ one tally sheet, and one poll
18 list for delivery to the school district clerk.

19 4. The inspectors shall immediately deliver all ballots, statements, tally sheets, lists, and
20 envelopes to the municipal clerk.

21 5. Upon receipt of the materials under subd. 4., the municipal clerk shall make sufficient
22 copies of the inspectors' statement under sub. (4) (a) and include a copy with any materials
23 required to be delivered to the county clerk and school district clerk. The municipal clerk shall
24 retain the original inspectors' statement.

1 **SECTION 102.** 7.51 (5) (b) of the statutes is amended to read:

2 7.51 (5) (b) The municipal clerk shall ~~arrange for delivery of~~ deliver all ballots,
3 statements, tally sheets, lists, and envelopes relating to a school district election to the school
4 district clerk by 4 p.m. on the day following each such election. The municipal clerk shall
5 deliver the ballots, statements, tally sheets, lists, and envelopes for his or her municipality
6 relating to any county, technical college district, state, or national election to the county clerk
7 by ~~2~~ 4 p.m. on the day following each such election. The person delivering the returns shall
8 be paid out of the municipal treasury. Each clerk shall retain ballots, statements, tally sheets,
9 or envelopes received by the clerk until destruction is authorized under s. 7.23 (1).

10 **SECTION 103.** 7.52 of the statutes is created to read:

11 **7.52 Canvassing of absentee ballots. (1)** The governing body of any municipality
12 may provide by ordinance that, in lieu of canvassing absentee ballots at polling places under
13 s. 6.88, the municipal board of absentee ballot canvassers designated under s. 7.53 (2m) shall
14 canvass all absentee ballots at all elections held in the municipality. Thereafter, at every
15 election, the board of absentee ballot canvassers shall, any time after the opening of the polls
16 and before 10 p.m. on election day, publicly convene to count the absentee ballots for the
17 municipality. The municipal clerk shall give at least 48 hours' notice of any meeting under
18 this subsection. Any member of the public has the same right of access to a meeting of the
19 municipal absentee ballot board of canvassers under this subsection that the individual would
20 have under s. 7.41 to observe the proceedings at a polling place. The board of absentee ballot
21 canvassers may order the removal of any individual exercising the right to observe the
22 proceedings if the individual disrupts the meeting.

23 **(2)** In counting the absentee ballots, the board of absentee ballot canvassers shall use
24 2 duplicate copies of a single poll list for the entire municipality prepared in accordance with

1 s. 6.36 (2). Upon accepting each absentee ballot, the board of absentee ballot canvassers shall
2 enter a poll list number on the poll list next to the name of the elector who voted the ballot,
3 beginning with the number one. If the elector's name does not appear on the poll list, the board
4 of absentee ballot canvassers shall enter the number on a separate list maintained under this
5 subsection.

6 (3) (a) The board of absentee ballot canvassers shall first open the carrier envelope only,
7 and, in such a manner that a member of the public, if he or she desired, could hear, announce
8 the name of the absent elector or the identification serial number of the absent elector if the
9 elector has a confidential listing under s. 6.47 (2). When the board of absentee ballot
10 canvassers finds that the certification has been properly executed, the applicant is a qualified
11 elector of the ward or election district, and the applicant has not voted in the election, the board
12 of absentee ballot canvassers shall enter an indication on the poll list next to the applicant's
13 name indicating an absentee ballot is cast by the elector. The board of absentee ballot
14 canvassers shall then open the envelope containing the ballot in a manner so as not to deface
15 or destroy the certification thereon. The board of absentee ballot canvassers shall take out the
16 ballot without unfolding it or permitting it to be unfolded or examined. Unless the ballot is
17 cast under s. 6.95, the board of absentee ballot canvassers shall verify that the ballot has been
18 endorsed by the issuing clerk. If the poll list indicates that proof of residence is required and
19 no proof of residence is enclosed or the name or address on the document that is provided is
20 not the same as the name and address shown on the poll list, the board of absentee ballot
21 canvassers shall proceed as provided under s. 6.97 (2). The board of absentee ballot
22 canvassers shall mark the poll list number of each elector who casts an absentee ballot on the
23 back of the elector's ballot. The board of absentee ballot canvassers shall then deposit the

1 ballot into the proper ballot box and enter the absent elector's name or poll list number after
2 his or her name on the poll list.

3 (b) When the board of absentee ballot canvassers finds that a certification is insufficient,
4 that the applicant is not a qualified elector in the ward or election district, that the ballot
5 envelope is open or has been opened and resealed, that the ballot envelope contains more than
6 one ballot of any one kind, or that the certificate of an elector who received an absentee ballot
7 by facsimile transmission or electronic mail is missing, or if proof is submitted to the board
8 of absentee ballot canvassers that an elector voting an absentee ballot has since died, the board
9 of absentee ballot canvassers shall not count the ballot. Each member of the board of absentee
10 ballot canvassers shall endorse every ballot not counted on the back as "rejected (giving the
11 reason)." The board of absentee ballot canvassers shall reinsert each rejected ballot into the
12 certificate envelope in which it was delivered and enclose the certificate envelopes and ballots,
13 and securely seal the ballots and envelopes in an envelope marked for rejected absentee
14 ballots. The board of absentee ballot canvassers shall endorse the envelope as "rejected
15 ballots," with a statement of the ward or election district and date of the election, and each
16 member of the board of absentee ballot canvassers shall sign the statement. The board of
17 absentee ballot canvassers shall then return the envelope containing the ballots to the
18 municipal clerk.

19 (4) (a) The board of absentee ballot canvassers shall then open the ballot box and
20 remove and count the number of ballots therein without examination except as is necessary
21 to ascertain that each is a single ballot. If 2 or more ballots are folded together so as to appear
22 as a single ballot, the board of absentee ballot canvassers shall lay them aside until the count
23 is completed; and if, after a comparison of the count and the appearance of the ballots it appears
24 to the board of absentee ballot canvassers that the ballots folded together were voted by the

1 same person they shall not be counted but the board of absentee ballot canvassers shall mark
2 them as to the reason for removal, set them aside, and carefully preserve them. The board of
3 absentee ballot canvassers shall then proceed under par. (b).

4 (b) When during the counting of the ballots cast at an election the board of absentee
5 ballot canvassers finds that a ballot is so defective that it cannot determine with reasonable
6 certainty for whom it was cast, the board of absentee ballot canvassers shall so mark the ballot
7 and preserve it. The board of absentee ballot canvassers shall not count the vote cast on the
8 ballot for any office for which it determines the ballot to be defective.

9 (c) Whenever the number of ballots exceeds the number of voting electors as indicated
10 on the poll list, the board of absentee ballot canvassers shall place all ballots face up to check
11 for blank ballots. In this paragraph, "blank ballot" means a ballot on which no votes are cast
12 for any office or question. The board of absentee ballot canvassers shall mark, lay aside, and
13 preserve any blank ballots. If the number of ballots still exceeds the number of voting electors,
14 the board of absentee ballot canvassers shall place all ballots face down and proceed to check
15 for the initials. The board of absentee ballot canvassers shall mark, lay aside, and preserve
16 any ballot not bearing the initials of the municipal clerk. During the count, the board of
17 absentee ballot canvassers shall count those ballots cast by challenged electors the same as the
18 other ballots.

19 (d) The board of absentee ballot canvassers shall keep a written statement, in duplicate,
20 of the number of ballots set aside and the number of defective ballots and challenged ballots.
21 The statement shall contain a record of the reasons for setting aside each ballot and the reasons
22 why each defective or challenged ballot is defective or challenged. The board of absentee
23 ballot canvassers shall certify that the statement is correct, sign it, and attach it to the tally
24 sheets.

1 (e) If, after any ballots have been set aside, the number of ballots still exceeds the total
2 number of electors recorded on the poll list, the board of absentee ballot canvassers shall place
3 the absentee ballots in the ballot box and one of the members shall publicly and without
4 examination draw therefrom by chance the number of ballots equal to the excess number of
5 ballots. All ballots so removed shall not be counted but shall be specially marked as having
6 been removed by the board of absentee ballot canvassers on original canvass due to an excess
7 number of ballots, set aside, and preserved. When the number of ballots and total shown on
8 the poll list agree, the board of absentee ballot canvassers shall return all ballots to be counted
9 to the ballot box and shall turn the ballot box in such manner as to thoroughly mix the ballots.
10 The board of absentee ballot canvassers shall then open, count, and record the number of votes.
11 When the ballots are counted, the board of absentee ballot canvassers shall separate them into
12 piles for ballots similarly voted. Objections may be made to placement of ballots in the piles
13 at the time the separation is made.

14 (f) If corrected ballots under s. 5.06 (6) or 5.72 (3) are distributed under s. 7.10 (3), only
15 the votes cast on the corrected ballots may be counted for any office or referendum in which
16 the original ballots differ from the corrected ballots.

17 (g) The board of absentee ballot canvassers shall place together all ballots counted by
18 it which relate to any national, state, or county office or any state, county, or technical college
19 district referendum and secure them together so that they cannot be untied or tampered with
20 without breaking the seal. The secured ballots, together with any ballots marked "Defective,"
21 shall then be secured by the board of absentee ballot canvassers in the ballot container in such
22 a manner that the container cannot be opened without breaking the seals or locks, or destroying
23 the container. The board of absentee ballot canvassers shall place the ballots cast under s. 6.97
24 in a separate, securely sealed carrier envelope which is clearly marked "Section 6.97 ballots."

1 Each member of the board of absentee ballot canvassers shall sign the carrier envelope. The
2 carrier envelope shall not be placed in the ballot container. The board of absentee ballot
3 canvassers shall then deliver the ballots to the municipal clerk in the ballot container and
4 carrier envelope.

5 (h) For ballots that relate only to municipal or school district offices or referenda, the
6 board of absentee ballot canvassers, in lieu of par. (a), after counting the ballots shall return
7 them to the proper ballot boxes, lock the boxes, paste paper over the slots, sign their names
8 to the paper, and deliver them and the keys therefor to the municipal or school district clerk.
9 The clerk shall retain the ballots until destruction is authorized under s. 7.23.

10 (i) All absentee certificate envelopes which have been opened shall be returned by the
11 board of absentee ballot canvassers to the municipal clerk in a securely sealed carrier envelope
12 that is clearly marked "used absentee certificate envelopes." The envelopes shall be signed
13 by each member of the board of absentee ballot canvassers. Except when the ballots are used
14 in a municipal or school district election only, the municipal clerk shall transmit the used
15 envelopes to the county clerk.

16 (5) The vote of any absent elector may be challenged for cause and the board of absentee
17 ballot canvassers shall have all the power and authority given the inspectors to hear and
18 determine the legality of the ballot the same as if the ballot had been voted in person.

19 (6) (a) The board of absentee ballot canvassers shall review each certificate envelope
20 to determine whether any absentee ballot is cast by an elector whose name appears on the poll
21 list as ineligible to vote at the election, including ineligibility to vote by reason of a felony
22 conviction. If the board of absentee ballot canvassers receives an absentee ballot that has been
23 cast by an elector whose name appears on the poll list as ineligible to vote, the inspectors shall
24 challenge the ballot in the same manner as provided for inspectors making challenges under

1 s. 6.92 and shall treat the ballot in the manner as provided for treatment of challenged ballots
2 by inspectors under s. 6.95.

3 (b) Any elector may challenge for cause any absentee ballot other than a ballot that was
4 cast in person under s. 6.86 (1) (a) 2. or under s. 6.873. For the purpose of deciding upon ballots
5 that are challenged for any reason, the board of absentee ballot canvassers may call before it
6 any person whose absentee ballot is challenged if the person is available to be called. If the
7 person challenged refuses to answer fully any relevant questions put to him or her by the board
8 of absentee ballot canvassers under s. 6.92, the board of absentee ballot canvassers shall reject
9 the elector's vote. If the challenge is not withdrawn after the person offering to vote has
10 answered the questions, one of the members of the board of absentee ballot canvassers shall
11 administer to the person the following oath or affirmation: "You do solemnly swear (or affirm)
12 that: you are 18 years of age; you are a citizen of the United States; you are now and for 10
13 days have been a resident of this ward except under s. 6.02 (2); you have not voted at this
14 election; you have not made any bet or wager or become directly or indirectly interested in
15 any bet or wager depending upon the result of this election; you are not on any other ground
16 disqualified to vote at this election." If the person challenged refuses to take the oath or
17 affirmation, the person's vote shall be rejected. If the person challenged answers fully all
18 relevant questions put to the elector by the board of absentee ballot canvassers under s. 6.92,
19 takes the oath or affirmation, and fulfills the applicable registration requirements, and if the
20 answers to the questions given by the person indicate that the person meets the voting
21 qualification requirements, the person's vote shall be received.

22 (7) The board of absentee ballot canvassers shall maintain tally sheets on forms
23 provided by the municipal clerk, which shall state the total number of votes cast for each office
24 and for each individual receiving votes for that office, whether or not the individual's name

1 appears on the ballot, and shall state the vote for and against each proposition voted on. Upon
2 completion of the canvass of the absentee ballots, the board of absentee ballot canvassers shall
3 immediately complete statements in duplicate. The statements shall state the excess, if any,
4 by which the number of ballots exceeds the number of electors voting as shown by the poll
5 list used by the board of absentee ballot canvassers under this section and shall state the poll
6 list number of the last elector as shown by the poll list. Each member of the board of absentee
7 ballot canvassers shall then certify to the correctness of the statements and tally sheets and sign
8 their names. All other election officials assisting with the tally shall also certify to the
9 correctness of the tally sheets. When the tally is complete, the board of absentee ballot
10 canvassers shall publicly announce the results from the statements and the records of the count
11 are open to public inspection and copying under s. 19.35 (1).

12 (8) The board of absentee ballot canvassers shall make full and accurate return of the
13 votes cast for each candidate and proposition on the tally sheet forms. Each tally sheet shall
14 record the returns for each office or referendum by ward, unless combined returns are
15 authorized in accordance with s. 5.15 (6) (b), in which case the tally sheet shall record the
16 returns for each group of combined wards. After recording the votes, the board of absentee
17 ballot canvassers shall seal in a carrier envelope outside the ballot bag or container one
18 inspector's statement under sub. (4) (d), one tally sheet, and one poll list for delivery to the
19 county clerk, unless the election relates only to municipal or school district offices or
20 referenda. The board of absentee ballot canvassers shall also similarly seal one statement, one
21 tally sheet, and one poll list for delivery to the municipal clerk.

22 (9) The governing body of any municipality that has provided by ordinance enacted
23 under sub. (1) for the canvassing of absentee ballots at all elections held in the municipality

1 under this section may by similar action rescind that decision. Thereafter, the absentee ballots
2 at all elections held in the municipality shall be canvassed as provided in s. 6.88.

3 **SECTION 104.** 7.53 (1) of the statutes is amended to read:

4 7.53 (1) MUNICIPALITIES WITH ONE POLLING PLACE. Where the municipality constitutes
5 one ward or combines all wards to utilize a single polling place under s. 5.15 (6) (b), the
6 canvass of the votes cast at the polling place shall be conducted publicly under s. 7.51 and the
7 inspectors, other than any inspector appointed under s. 7.30 (1) (b), shall act as the municipal
8 board of canvassers. In municipalities where absentee ballots are canvassed under ss. 7.52,
9 after the canvass of the absentee ballots is completed under s. 7.52, the board of absentee ballot
10 canvassers shall reconcile the poll list of the electors who vote by absentee ballot with the
11 corresponding poll list of the electors who vote in person to ensure that no elector is allowed
12 to cast more than one ballot. If an elector who votes in person has submitted an absentee ballot,
13 the absentee ballot is void. Upon completion of the canvass under this section and any canvass
14 that is conducted under s. 7.52 and ascertainment of the results by the inspectors or, in
15 municipalities where absentee ballots are canvassed under s. 7.52, by the inspectors and the
16 board of absentee ballot canvassers, the municipal clerk shall publicly read to the inspectors
17 or the board of absentee ballot canvassers the names of the persons voted for and the number
18 of votes for each person for each municipal office, the names of the persons declared by the
19 inspectors or board of absentee ballot canvassers to have won nomination or election to each
20 municipal office, and the number of votes cast for and against each municipal referendum
21 question.

22 **SECTION 105.** 7.53 (2) (a) of the statutes is amended to read:

23 7.53 (2) (a) 1. Except as provided in par. (c), the municipal board of canvassers for
24 municipal elections in each municipality utilizing more than one polling place shall be

1 composed of the municipal clerk and 2 other qualified electors of the municipality appointed
2 by the clerk. The members of the board of canvassers shall serve for 2-year terms
3 commencing on January 1 of each odd-numbered year, except that any member who is
4 appointed to fill a permanent vacancy shall serve for the unexpired term of the original
5 appointee.

6 2. If the municipal clerk's office is vacant, or if the clerk cannot perform his or her duties
7 ~~or if the clerk is a candidate at an election being canvassed,~~ the mayor, president or board
8 chairperson of the municipality shall designate another qualified elector of the municipality
9 to serve in lieu of the clerk for that election.

10 3. If the clerk is a candidate at an election being canvassed, the clerk may perform his
11 or her duties on the board only if the clerk does not have an opponent whose name appears
12 on the ballot, or, in the case of a recount, if the office the clerk is seeking is not a subject of
13 the recount. If the clerk is a candidate at the election being canvassed and has an opponent
14 whose name appears on the ballot, or if the office the clerk is seeking is a subject of a recount,
15 the mayor, president, or board chairperson of the municipality shall designate another
16 qualified elector of the municipality to serve in lieu of the clerk for that election.

17 4. If any other member of the board of canvassers is a candidate at the election being
18 canvassed, the clerk shall appoint another qualified elector of the municipality to temporarily
19 fill the vacancy.

20 **SECTION 106.** 7.53 (2) (d) of the statutes is amended to read:

21 7.53 (2) (d) The municipal board of canvassers shall publicly canvass the returns of
22 every municipal election. The canvass shall begin within 24 hours after the polls close. After
23 any canvass of the absentee ballots is completed under s. 7.52, the board of canvassers shall
24 reconcile the poll list of the electors who vote by absentee ballot with the corresponding poll

1 list of the electors who vote in person to ensure that no elector is allowed to cast more than
2 one ballot. If an elector who votes in person has submitted an absentee ballot, the absentee
3 ballot is void. At the spring election, the board of canvassers shall publicly declare the results
4 on or before the 2nd Tuesday in April. The board of canvassers shall prepare a statement
5 showing the results of each election for any municipal office and each municipal referendum.
6 After each primary for municipal offices, the board of canvassers shall prepare a statement
7 certifying the names of those persons who have won nomination to office. After each other
8 election for a municipal office and each municipal referendum, the board of canvassers shall
9 prepare a determination showing the names of the persons who are elected to each municipal
10 office and the results of each municipal referendum. The board of canvassers shall file each
11 statement and determination in the office of the municipal clerk or board of election
12 commissioners.

13 **SECTION 107.** 7.53 (2m) of the statutes is created to read:

14 **7.53 (2m) BOARD OF ABSENTEE BALLOT CANVASSERS.** (a) If a municipality elects to count
15 absentee ballots in the manner provided for in s. 7.52, the municipality shall establish a board
16 of absentee ballot canvassers as provided in sub. (b).

17 (b) Except as provided in par. (c), the municipal board of absentee ballot canvassers shall
18 be composed of the municipal clerk, or a designated representative of the clerk, and 2 other
19 qualified electors of the municipality appointed by the clerk. The members of the absentee
20 ballot board of canvassers shall serve for 2-year terms commencing on January 1 of each
21 odd-numbered year, except that any member who is appointed to fill a permanent vacancy
22 shall serve for the unexpired term of the original appointee. If the municipal clerk's office is
23 vacant or if the clerk and the clerk's designee cannot perform his or her duties, the mayor,
24 president or board chairperson of the municipality shall designate another qualified elector of

1 the municipality to serve in lieu of the clerk for that election. If the clerk is a candidate at an
2 election being canvassed, the clerk or the clerk's designee may perform the clerk's duties on
3 the board of absentee ballot canvassers only if the clerk does not have an opponent whose
4 name appears on the ballot. If the clerk is a candidate at the election being canvassed by the
5 board of absentee ballot canvassers and has an opponent whose name appears on the ballot,
6 the mayor, president, or board chairperson of the municipality shall designate another
7 qualified elector of the municipality to serve in lieu of the clerk and his or her designee for that
8 election. If any other member of the board of absentee ballot canvassers is a candidate at the
9 election being canvassed, the clerk shall appoint another qualified elector of the municipality
10 to temporarily fill the vacancy.

11 (c) Nothing in this subsection shall preclude the municipal clerk from appointing
12 individuals to the board of absentee ballot canvassers who are simultaneously serving on any
13 other board of canvassers.

14 **SECTION 108.** 7.60 (2) of the statutes is amended to read:

15 7.60 (2) COUNTY BOARD OF CANVASSERS. The county clerk and 2 qualified electors of
16 the county appointed by the clerk constitute the county board of canvassers. The members
17 of the board of canvassers shall serve for 2-year terms commencing on January 1 of each
18 odd-numbered year, except that any member who is appointed to fill a permanent vacancy
19 shall serve for the unexpired term of the original appointee. One member of the board of
20 canvassers shall belong to a political party other than the clerk's. The county clerk shall
21 designate a deputy clerk who shall perform the clerk's duties as a member of the board of
22 canvassers in the event that the county clerk's office is vacant, or the clerk cannot perform his
23 or her duties, ~~or the clerk is a candidate at an election being canvassed~~. If the county clerk and
24 designated deputy clerk are both unable to perform their duties, the county executive or, if

1 there is no county executive, the chairperson of the county board of supervisors shall designate
2 another qualified elector of the county to perform the clerk's duties. If a member other than
3 the clerk cannot perform his or her duties, the clerk shall appoint another member to serve.
4 ~~No~~ Except as otherwise provided in this subsection, no person may serve on the county board
5 of canvassers if the person is a candidate for an office to be canvassed by that board. If the
6 clerk is a candidate at an election being canvassed, the clerk may perform his or her duties on
7 the board only if the clerk has no opponent whose name appears on the ballot, or, in the case
8 of a recount, if the office the clerk is seeking is not a subject of the recount. If lists of candidates
9 for the county board of canvassers are submitted to the county clerk by political party county
10 committees, the lists shall consist of at least 3 names and the clerk shall choose the board
11 members from the lists. Where there is a county board of election commissioners, it shall serve
12 as the board of canvassers. If the county board of election commissioners serves as the board
13 of canvassers, the executive director of the county board of election commissioners shall serve
14 as a member of the board of canvassers to fill a temporary vacancy on that board.

15 **SECTION 109.** 8.10 (3) (intro.) of the statutes is amended to read:

16 8.10 (3) (intro.) The certification of a qualified elector circulator under s. 8.15 (4) (a)
17 shall be appended to each nomination paper. The number of required signatures on
18 nomination papers filed under this section is as follows:

19 **SECTION 110.** 8.15 (4) (a) of the statutes is amended to read:

20 8.15 (4) (a) The certification of a qualified elector circulator stating his or her residence
21 with street and number, if any, shall appear at the bottom of each nomination paper, stating
22 he or she personally circulated the nomination paper and personally obtained each of the
23 signatures; he or she knows they are electors of the ward, aldermanic district, municipality or
24 county, as the nomination papers require; he or she knows they signed the paper with full

1 knowledge of its content; he or she knows their respective residences given; he or she knows
2 each signer signed on the date stated opposite his or her name; and, that he or she, the
3 circulator, ~~resides within the district which the candidate named therein will represent, if~~
4 ~~elected~~ is a qualified circulator; that he or she intends to support the candidate; and that he or
5 she is aware that falsifying the certification is punishable under s. 12.13 (3) (a), Wis. stats.
6 The circulator shall indicate the date that he or she makes the certification next to his or her
7 signature. The certification may be made by the candidate or any qualified elector circulator.

8 **SECTION 111.** 8.20 (3) of the statutes is amended to read:

9 8.20 (3) The certification of ~~an elector~~ a qualified circulator under s. 8.15 (4) (a) shall
10 be appended to each nomination paper.

11 **SECTION 112.** 8.37 of the statutes is amended to read:

12 **8.37 Filing of referenda petitions or questions.** Unless otherwise required by law,
13 all proposed constitutional amendments and any other measure or question that is to be
14 submitted to a vote of the people, or any petitions requesting that a measure or question be
15 submitted to a vote of the people, if applicable, shall be filed with the official or agency
16 responsible for preparing the ballots for the election no later than 42 days prior to the election
17 at which the amendment, measure or question will appear on the ballot. A copy of any such
18 measure or question filed on behalf of a school district shall also be provided to the clerk of
19 each county having territory within the school district no later than 42 days prior to the election
20 at which such measure or question will appear on the ballot.

21 **SECTION 113.** 8.40 (2) of the statutes is amended to read:

22 8.40 (2) The certification of a qualified ~~elector~~ circulator stating his or her residence
23 with street and number, if any, shall appear at the bottom of each separate sheet of each petition
24 specified in sub. (1), stating that he or she personally circulated the petition and personally

1 obtained each of the signatures; that the circulator knows that they are electors of the
2 jurisdiction or district in which the petition is circulated; that the circulator knows that they
3 signed the paper with full knowledge of its content; that the circulator knows their respective
4 residences given; that the circulator knows that each signer signed on the date stated opposite
5 his or her name; that the circulator ~~resides within the jurisdiction or district in which the~~
6 ~~petition is circulated~~ is a qualified circulator; and that the circulator is aware that falsifying
7 the certification is punishable under s. 12.13 (3) (a). The circulator shall indicate the date that
8 he or she makes the certification next to his or her signature.

9 **SECTION 114.** 9.01 (1) (b) (intro.) of the statutes is amended to read:

10 9.01 (1) (b) (intro.) The Except as provided in this paragraph, the proper board of
11 canvassers shall reconvene no earlier than 9 a.m. on the day following delivery of notice to
12 all candidates under sub. (2) and no later than 9 a.m. on the day following the last day for filing
13 of a petition and proceed to recount the ballots in the wards or municipalities specified and
14 to review the allegations of fact contained in the petition or petitions. If s. 6.22 (5m) (dm)
15 applies, the board of canvassers may not proceed with the recount until 9 a.m. on the day
16 following the last day for filing of a petition and, if s. 6.22 (5m) (e) applies, may not proceed
17 with the recount until it complies with s. 6.22 (5m) (f). The recount shall proceed for each ward
18 or municipality as follows:

19 **SECTION 115.** 9.01 (10) of the statutes is amended to read:

20 9.01 (10) STANDARD FORMS AND METHODS. The elections board shall prescribe standard
21 forms and procedures for the making of recounts under this section. The procedures
22 prescribed by the elections board shall require the boards of canvassers in recounts involving
23 more than one board of canvassers to consult with the elections board staff prior to beginning

1 any recount in order to ensure that uniform procedures are used, to the extent practicable, in
2 such recounts.

3 **SECTION 116.** 9.10 (2) (b) of the statutes is amended to read:

4 9.10 (2) (b) A recall petition for requesting the recall of a city, village, town or school
5 district office officer shall contain a statement of ~~a reason for the recall which is related to the~~
6 ~~official responsibilities of the official for whom removal is sought~~ each cause for the recall
7 and the grounds that constitute each cause. In this paragraph, “cause” means official
8 misconduct or malfeasance in office.

9 **SECTION 117.** 9.10 (2) (d) of the statutes is amended to read:

10 9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless the
11 petitioner first files a registration statement under s. 11.05 (1) or (2) with the filing officer with
12 whom the petition is filed. The petitioner shall append to the registration a statement
13 indicating his or her intent to circulate a recall petition, the name of the officer for whom recall
14 is sought and, in the case of a petition for the recall of a city, village, town or school district
15 officer, a statement of ~~a reason for the recall which is related to the official responsibilities of~~
16 ~~the official for whom removal is sought~~ each cause, as defined in par. (b), for the recall and
17 the grounds that constitute each cause. No petitioner may circulate a petition for the recall of
18 an officer prior to completing registration. The last date that a petition for the recall of a state,
19 congressional, legislative, judicial or county officer may be offered for filing is 5 p.m. on the
20 60th day commencing after registration. The last date that a petition for the recall of a city,
21 village, town or school district officer may be offered for filing is 5 p.m. on the 30th day
22 commencing after registration. After the recall petition has been offered for filing, no name
23 may be added or removed. No signature may be counted unless the date of the signature is
24 within the period provided in this paragraph.

1 **SECTION 118.** 9.10 (2) (em) 2. of the statutes is amended to read:

2 9.10 (2) (em) 2. ~~The residency of the circulator cannot be determined by the information~~
3 ~~given on the petition~~ is not a qualified circulator.

4 **SECTION 119.** 9.10 (4) (a) of the statutes is amended to read:

5 9.10 (4) (a) Within 10 days after a petition for the recall of a city, village, town, or school
6 district ~~official~~, officer is offered for filing, the officer against whom the petition is filed may
7 file a written challenge with the municipal clerk or board of election commissioners or school
8 district clerk with whom it is filed, specifying any alleged insufficiency. If a challenge is filed,
9 the petitioner may file a written rebuttal to the challenge with the clerk or board of election
10 commissioners within 5 days after the challenge is filed. If a rebuttal is filed, the officer against
11 whom the petition is filed may file a reply to any new matter raised in the rebuttal within 2 days
12 after the rebuttal is filed. Within 14 days after the expiration of the time allowed for filing a
13 reply to a rebuttal, the clerk or board of election commissioners shall file the certificate or an
14 amended certificate. Within 31 days after the petition is offered for filing, the clerk or board
15 of election commissioners shall determine by careful examination of the face of the petition
16 whether the petition is sufficient and shall so state in a certificate attached to the petition. If
17 the petition is found to be insufficient, the certificate shall state the particulars creating the
18 insufficiency. The petition may be amended to correct any insufficiency within 5 days
19 following the affixing of the original certificate. Within 2 days after the offering of the
20 amended petition for filing, the clerk or board of election commissioners shall again carefully
21 examine the face of the petition to determine sufficiency and shall attach to the petition a
22 certificate stating the findings. Immediately upon finding an original or amended petition
23 sufficient, except in cities over 500,000 population, the municipal clerk or, school district
24 clerk shall transmit the petition to the governing body or to the school board. Immediately

1 upon finding an original or amended petition sufficient, in cities over 500,000 population, the
2 board of election commissioners shall file the petition in its office.

3 **SECTION 120.** 10.01 (2) (e) of the statutes is amended to read:

4 10.01 (2) (e) Type E—The type E notice shall state the qualifications for absentee
5 voting, the procedures for obtaining an absentee ballot in the case of registered and
6 unregistered voters, and the places and the deadlines for application and return of application,
7 including any alternate site under s. 6.855, and the office hours during which an elector may
8 cast an absentee ballot in the municipal clerk's office or at an alternate site under s. 6.855. The
9 municipal clerk shall publish a type E notice on the 4th Tuesday preceding each spring primary
10 and election, on the 4th Tuesday preceding each September primary and general election, on
11 the 4th Tuesday preceding the primary for each special national, state, county or municipal
12 election if any, on the 4th Tuesday preceding a special county or municipal referendum, and
13 on the 3rd Tuesday preceding each special national, state, county or municipal election to fill
14 an office which is not held concurrently with the spring or general election. The clerk of each
15 special purpose district which calls a special election shall publish a type E notice on the 4th
16 Tuesday preceding the primary for the special election, if any, on the 4th Tuesday preceding
17 a special referendum, and on the 3rd Tuesday preceding a special election for an office which
18 is not held concurrently with the spring or general election except as authorized in s. 8.55 (3).

19 **SECTION 121.** 10.02 (3) (a) of the statutes is amended to read:

20 10.02 (3) (a) Upon entering the polling place and before being permitted to vote, an
21 elector shall state his or her name and address and provide ~~identification~~ proof of residence
22 under s. 6.34 if required by ~~federal law~~. Where ballots are distributed to electors, the initials
23 of 2 inspectors must appear on the ballot. Upon being permitted to vote, the elector shall retire
24 alone to a voting booth or machine and cast his or her ballot, except that an elector who is a

1 parent or guardian may be accompanied by the elector's minor child or minor ward. An
2 election official may inform the elector of the proper manner for casting a vote, but the official
3 may not in any manner advise or indicate a particular voting choice.

4 **SECTION 122.** 12.03 (title) and (1) of the statutes are amended to read:

5 12.03 (title) ~~Election-day campaigning~~ **Campaigning restricted.** (1) No election
6 official may engage in electioneering on election day. No municipal clerk, employee of the
7 clerk, or other person who assists electors cast absentee ballots in the clerk's office or at an
8 alternate site under s. 6.855 may engage in electioneering in the clerk's office or at the alternate
9 site during the hours that ballots may be cast at those locations.

10 **SECTION 123.** 12.03 (2) of the statutes is repealed and recreated to read:

11 12.03 (2) (a) 1. No person may engage in electioneering during polling hours on
12 election day at a polling place.

13 2. No person may engage in electioneering during the hours that absentee ballots may
14 be cast in the municipal clerk's office or at an alternate site under s. 6.855.

15 (b) 1. No person may engage in electioneering during polling hours on any public
16 property on election day within 100 feet of an entrance to a building containing a polling place.

17 2. No person may engage in electioneering during the hours that absentee ballots may
18 be cast on any public property within 100 feet of an entrance to a building containing the
19 municipal clerk's office or an alternate site under s. 6.855.

20 (c) This subsection does not apply to the placement of any material on the bumper of
21 a motor vehicle that is located on such property on election day or during the hours that
22 absentee ballots may be cast.

23 **SECTION 124.** 12.03 (4) of the statutes is amended to read:

1 12.03 (4) In this section, “electioneering” means any activity which is intended to
2 influence voting at an election or voting by absentee ballot.

3 **SECTION 125.** 12.035 of the statutes is created to read:

4 **12.035 (1)** In this section, “election–related material” means any written matter which
5 describes, or purports to describe, the rights or responsibilities of individuals voting or
6 registering to vote at a polling place or voting an absentee ballot at the office of the municipal
7 clerk or an alternate site under s. 6.855.

8 **(2)** The legislature finds that posting or distributing election–related material at the
9 polling place, at locations where absentee ballots may be cast, or near the entrance to such
10 locations when voting is taking place may mislead and confuse electors about their rights and
11 responsibilities regarding the exercise of the franchise and tends to disrupt the flow of voting
12 activities at such locations. The legislature finds that the restrictions imposed by this section
13 on the posting or distribution of election–related material are necessary to protect the
14 compelling governmental interest in orderly and fair elections.

15 **(3) (a)** No person may post or distribute any election–related material during polling
16 hours on election day at a polling place.

17 **(b)** No person may post or distribute any election–related material during polling hours
18 on any public property on election day within 100 feet of an entrance to a building containing
19 a polling place.

20 **(c)** No person may post or distribute any election–related material during hours that
21 absentee ballots may be cast at the office of the municipal clerk or at an alternate site under
22 s. 6.855.

1 (d) No person may post or distribute election–related material during the hours that
2 absentee ballots may be cast on any public property within 100 feet of an entrance to a building
3 containing the office of the municipal clerk or an alternate site under s. 6.855.

4 (4) Subsection (3) does not apply to any of the following:

5 (a) Election–related material posted or distributed by the municipal clerk or other
6 election officials.

7 (b) The placement of any material on the bumper of a motor vehicle located on such
8 property.

9 (5) A municipal clerk, election inspector, or law enforcement officer may remove
10 election–related material posted in violation of sub. (3) and may confiscate election–related
11 material distributed in violation of sub. (3).

12 **SECTION 126.** 12.07 (2) of the statutes is amended to read:

13 12.07 (2) No employer may refuse to allow an employee to serve as an election official
14 under s. 7.30 or make any threats or offer any inducements of any kind to the employee for
15 the purpose of preventing the employee from so serving.

16 **SECTION 127.** 12.09 of the statutes is repealed and recreated to read:

17 **12.09 Election Threats. (1)** No person may personally or through an agent make use
18 of or threaten to make use of force, violence, or restraint in order to induce or compel any
19 person to vote or refrain from voting at an election.

20 (2) No person may personally or through an agent, by abduction, duress or any
21 fraudulent device or contrivance, impede or prevent the free exercise of the franchise at an
22 election.

1 **(3)** No person may personally or through an agent, by any act compel, induce, or prevail
2 upon an elector either to vote or refrain from voting at any election for or against a particular
3 candidate or referendum.

4 **SECTION 128.** 12.13 (3) (ze) of the statutes is created to read:

5 12.13 **(3)** (ze) Compensate an individual at a rate that varies in relation to the number
6 of voter registrations gathered.

7 **SECTION 129.** 12.13 (4) of the statutes is repealed.

8 **SECTION 130.** 12.60 (1) (b) of the statutes is amended to read:

9 12.60 **(1)** (b) Whoever violates s. 12.03, 12.05, 12.07, 12.08 or 12.13 (2) (b) 8.,(3) (b),
10 (c), (d), (g), (i), (n) to (x), (ze), (zm) or (zn) may be fined not more than \$1,000, or imprisoned
11 not more than 6 months or both.

12 **SECTION 131.** 12.60 (1) (c) of the statutes is amended to read:

13 12.60 **(1)** (c) Whoever violates s. 12.13 (3) (am) ~~or (4)~~ may be required to forfeit not
14 more than \$500.

15 **SECTION 132.** 12.60 (1) (d) of the statutes is amended to read:

16 12.60 **(1)** (d) Whoever violates s. 12.035 or 12.13 (3) (h) may be required to forfeit not
17 more than \$100.

18 **SECTION 133.** 17.29 of the statutes is amended to read:

19 **17.29 Effect of chapter.** The provisions of this chapter supersede all contrary
20 provisions in either the general law or in special acts, except ~~ch. 7 ss. 6.26 (2) (b), 6.28 (2) (b),~~
21 6.55 (6), 6.873, and 7.30 relating to appointed election officers ~~appointed for the election~~
22 ~~wards or polling places in the state~~ officials and ch. 21 relating to the military staff of the
23 governor and to officers of the Wisconsin national guard; and shall govern all offices whether
24 created by general law or special act, unless otherwise specially provided.

1 **SECTION 134.** 301.03 (3a) of the statutes is created to read:

2 301.03 (3a) Subject to all of the following, design a form to provide notice under ss.
3 302.117, 973.09 (4m), and 973.176 (2) of ineligibility to vote under s. 6.03 (1) (b):

4 (a) The form shall inform the person who is ineligible to vote that he or she may not vote
5 in any election until his or her civil rights are restored.

6 (b) The form shall inform the person who is ineligible to vote when his or her civil rights
7 are expected to be restored.

8 (c) The form shall include a place for the person to sign indicating that he or she
9 understands that he or she may not vote in any election until his or her civil rights are restored.
10 The form shall include a place also for a witness signature.

11 (d) The form shall be kept in the person's file and a copy shall be given to the person.

12 **SECTION 135.** 301.03 (20) of the statutes is created to read:

13 301.03 (20) Transmit to the elections board, on a continuous basis, a list containing the
14 name of each living person who has been convicted of a felony under the laws of this state and
15 whose civil rights have not been restored, together with his or her residential address and the
16 date on which the department expects his or her civil rights to be restored.

17 **SECTION 136.** 302.117 of the statutes is amended to read:

18 **302.117 Notice regarding ineligibility to vote.** When an inmate who is disqualified
19 from voting under s. 6.03 (1) (b) is released to parole or extended supervision, the department
20 shall inform the person in writing that he or she may not vote in any election until his or her
21 civil rights are restored. The department shall use the form designed under s. 301.03 (3a) to
22 inform the person, and the person and a witness must sign the form.

23 **SECTION 137.** 880.33 (9) of the statutes is amended to read:

1 880.33 (9) All the rights and privileges afforded a proposed incompetent under this
2 section shall be given to any person who is alleged to be ineligible to register to vote or to vote
3 in an election by reason that such person is incapable of understanding the objective of the
4 elective process. The determination of the court shall be limited to a finding that the elector
5 is either eligible or ineligible to register to vote or to vote in an election by reason that the
6 person is or is not capable of understanding the objective of the elective process. The
7 determination of the court shall be communicated in writing by the clerk of court to the
8 election official or agency charged under s. 6.48, 6.92, 6.925 or, 6.93, or 7.52 (5) with the
9 responsibility for determining challenges to registration and voting which may be directed
10 against that elector. The determination may be reviewed as provided in s. 880.34 (4) and (5)
11 and any subsequent determination of the court shall be likewise communicated by the clerk
12 of court.

13 **SECTION 138.** 973.09 (4m) of the statutes is amended to read:

14 973.09 (4m) The department shall inform each probationer who is disqualified from
15 voting under s. 6.03 (1) (b) that he or she may not vote in any election until his or her civil rights
16 are restored. The department shall use the form designed under s. 301.03 (3a) to inform the
17 probationer, and the probationer and a witness must sign the form.

18 **SECTION 139.** 973.176 (2) of the statutes is amended to read:

19 973.176 (2) VOTING. Whenever a court imposes a sentence or places a defendant on
20 probation for a conviction that disqualifies the defendant from voting under s. 6.03 (1) (b), the
21 court shall inform the defendant in writing that he or she may not vote in any election until
22 his or her civil rights are restored. The court shall use the form designed by the department
23 of corrections under s. 301.03 (3a) to inform the defendant, and the defendant and a witness
24 must sign the form.

1 **SECTION 140. Initial applicability.** (1) NOTICE OF SCHOOL DISTRICT REFERENDA. The
2 treatment of section 8.37 first applies to a measure or question required to be filed under
3 section 8.37 of the statutes on or after the effective date of this act.

4 (2) RECOUNTS. The treatment of section 5.90 by this act first applies to recount petitions
5 filed on the effective date of this act.

6 (3) TERMS OF CERTAIN POLL WORKERS. The treatment of sections 7.30 (2) (am), (6) (a),
7 and (6) (am) first applies to appointments made on or after the effective date of this act.

8 (1) PETITIONS FOR RECALL. The treatment of sections 9.10 (2) (b), (d), and (4) (a) first
9 applies with respect to petitions for recall that are offered for filing on the effective date of this
10 subsection.

11 (2) CIRCULATORS OF NOMINATION PAPERS AND PETITIONS. The treatment of sections 5.02
12 (16g), 8.10 (3) (intro.), 8.15 (4) (a), 8.20 (3), 8.40 (2), and 9.10 (2) (am) 2., first applies with
13 respect to nomination paper circulation periods that begin and petitions that are initially
14 circulated on the effective date of this subsection.

15 (6) NOTIFICATION REGARDING INELIGIBILITY TO VOTE DURING PAROLE OR EXTENDED
16 SUPERVISION. The treatment of section 302.117 of the statutes first applies to persons whom
17 the department of corrections releases to parole or extended supervision on the effective date
18 of this subsection.

19 (7) NOTIFICATION REGARDING INELIGIBILITY TO VOTE DURING PROBATION. The treatment
20 of section 973.09 (4m) of the statutes first applies to persons whom the court places on
21 probation on the effective date of this subsection.

22 (8) NOTIFICATION AT SENTENCING REGARDING INELIGIBILITY TO VOTE. The treatment of
23 section 973.176 (2) of the statutes first applies to persons whom the court sentences on the
24 effective date of this subsection.

1 (9) ELECTION OFFICIAL TRAINING. The treatment of sections 7.15 (1m), 7.30 (2) (c), and
2 7.31 by this act first applies to election officials appointed to serve for elections held in 2008.

3 **SECTION 141. Nonstatutory provisions.** (1) The elections board shall prepare a report
4 and recommendations with regard to state and local election-related contingency planning
5 efforts and preparedness regarding natural disasters or terrorist activities that may occur at or
6 near election time. No later than July 1, 2006, the elections board shall submit the report and
7 recommendations to the chief clerk of each house of the legislature for distribution to the
8 appropriate standing committees of the legislature in the manner provided under section
9 13.172 (3) of the statutes.

10 (1) The elections board shall prepare recommendations with regard to random
11 post-election audits of local election practices to be conducted in the fall of odd-numbered
12 years. The recommendations must include recommendations on how local election practices
13 may be reviewed by election officials of other, similar-size municipalities and how the state
14 will fund such audits. No later than December 31, 2006, the elections board shall submit the
15 recommendations to the chief clerk of each house of the legislature for distribution to the
16 appropriate standing committees of the legislature in the manner provided under s. 13.172 (3)
17 of the statutes.

18 (2) Polling place observation: rules.

19 (a) The elections board shall submit in proposed form the rules required under section
20 7.41 (5) of the statutes, as created by this act, to the legislative council staff under section
21 227.15 (1) of the statutes no later than February 1, 2006.

22 (b) Using the procedure under section 227.24 of the statutes, the elections board may
23 promulgate rules required under s. 7.41 (5) of the statutes, as created by this act, for the period
24 before the effective date of the rules submitted under paragraph (a), but not to exceed the

1 period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section
2 227.24 (1) (a), (2) (b), and (3) of the statutes, the board is not required to provide evidence that
3 promulgating a rule under this paragraph as an emergency rule is necessary for the
4 preservation of the public peace, health, safety, or welfare and is not required to provide a
5 finding of emergency for a rule promulgated under this paragraph.

6 (4) The elections board may promulgate emergency rules under section 227.24 of the
7 statutes implementing section 6.36 (5), as created by this act. Notwithstanding section 227.24
8 (1) (c) and (2) of the statutes, emergency rules promulgate under this subsection remain in
9 effect until the date on which permanent rules take effect. Notwithstanding section 227.24 (1)
10 (a) and (3) of the statutes, the elections board is not required to provide evidence that
11 promulgating a rule under this subsection as an emergency rule is necessary for the
12 preservation of public peace, health, safety, or welfare and is not required to provide a finding
13 of emergency for a rule promulgated under this subsection.

14 (5) No later than the first day of the 6th month beginning after the effective date of this
15 subsection, the department of corrections shall distribute, and have signed in front of a witness,
16 a copy of the form designed under section 301.03 (3a) of the statutes, as created by this act,
17 to each person who is on probation, parole, or extended supervision on that date and who is
18 disqualified from voting in any election under section 6.03 (1) (b) of the statutes.

19 **SECTION 142. Effective date.** This act takes effect on January 1, 2006, except as
20 follows:

21 (1) **EFFECTIVE DATE FOR NOTIFICATION.** The treatment of sections 302.117, 973.09 (4m),
22 and 973.176 (2) of the statutes and section 133 (6), (7), and (8) of this act take effect on the
23 first day of the 6th month beginning after publication.

(2) EFFECTIVE DATE FOR FORMS. The treatment of section 301.03 (3a) of the statutes and section 132 (5) of this act take effect on the day after publication.

3 (END)