

Summary of LRB 2824/3 Online Voter Registration in Wisconsin

Compiled by Paul Malischke March 5, 2010

General Overview

This bill permits a qualified elector who has a current and valid driver's license or identification card issued by the Department of Transportation (DOT) to register to vote at an election electronically on a secure Internet site maintained by the Government Accountability Board (GAB).

Online registrations will be more accurate, timelier, and more efficient than paper forms. Online registration will reduce the need for manual entry by Wisconsin's election administrators, and reduce typographical errors.

Under the bill, online registration is restricted to those who have a driver's license or a state identification card. The bill also calls for instant matching with the driver's license database. If there is no match, the applicant will not be able to use the online system to register.

The bill follows the successful lead of four other states (Arizona, Washington, Kansas, and Oregon) that have operating systems. Arizona has had online registration since 2002. In 2008, 60% of those who registered used the online system. There are four additional states that passed legislation in 2008, and expect to have systems operating soon.

The bill also follows all the clauses of the Help America Vote Act (HAVA).

"Legislation authorizing electronic voter registration is an important piece of Wisconsin's 2009-2014 Election Administration Plan and it has the support of the Government Accountability Board."¹

Section-by-Section Analysis

Section 1 Agreement Between GAB and DOT

This section deals with the existing agreement between the Government Accountability board (GAB) and the Department of Transportation (DOT) for matching personally identifiable information submitted by registrants, per the Help America Vote Act. This section extends the agreement to include section 9 of this bill, described below.

Section 2 Clerk's Report

This section adds electronic registrations to a report that is currently required by the municipal clerks regarding the total number of registrants.

Section 3 Deadline

Wisconsin's current deadline for open registration is 20 days (the third Wednesday) before the election. This section establishes the same deadline for electronic registration.

Section 4 Drivers License or State Identification Required

This newly created section is the most important. It is the key to maintain the integrity of the voter registration system. Section 4 states, in part:

“Any eligible elector who holds a current and valid operator’s license issued under ch. 343 or a current and valid identification card issued under s. 343.50 may register electronically in the manner prescribed by the board.”

According to the DOT website, for either a drivers license or identification card, an applicant needs to provide documentation including proof of name, date of birth, identity, and residency. Driver’s license applicants who are under 18 must provide all of the above, except that instead of proof of Wisconsin residency, they must have an adult sponsor.

<http://www.dot.state.wi.us/drivers/drivers/apply/idcard.htm>

<http://www.dot.state.wi.us/drivers/drivers/apply/drivrlc.htm>

Section 4 also directs the GAB to promulgate rules concerning “requirements for affirmation and verification of elector information”.

Section 5 Review of the Application

This section amends an existing statute. Currently, the GAB or municipal clerk examines the paper forms for sufficiency. This section adds electronic applications to those examined.

Part of the review process involves a verification postcard per Statute 6.32 (4). Currently, anyone who registers during the open registration time (up until 20 days before the election) is subject to the postcard verification process. Shortly after the registration is entered, the GAB sends a verification postcard, and if the postman cannot deliver it, it goes back to the municipal clerk, who will investigate. With paper forms, initial processing is often delayed, and therefore sending the postcards is also delayed. With online registration, those postcards can be sent promptly. Since data entered online will be more accurate, fewer postcards will be returned due to typographical errors.

Sections 6 and 7 Information on Forms

These sections require that the electronic form contains the same information as the non-electronic form, except that the electronic form is exempted from the signature requirement. “After considerable research, the GAB staff believes that an electronic copy of the elector’s actual signature likely will not be required for electronic registration.”²

Additional information may be required if specified by administrative rule. For example, the Washington rule states, “The applicant must affirmatively assent to use of his or her driver’s license or state identification card signature for voter registration purposes.”

These sections also refer to section 9.

Sections 8 and 9 HAVA Compliance

Sections 8 and 9 are tied together. They modify existing statutes in order to apply HAVA clauses. HAVA states that first time voters who register by mail must show identification on Election Day. HAVA also states that for voters whose identifying data match the records stored by the DOT, the requirement to show identification “shall not apply.”

Section 8 states that electronic applicants will be handled the same as mail-in registrants, as far as the HAVA requirement for first time voters to show proof of residence. Section 9 is a new

statute, which states that the section 8 requirement shall not apply if the GAB can verify the information.

Section 10 Instant Verification

This section requires that the system verify instantly the key information submitted by the applicant. This includes name, date of birth, and either drivers license number or state identification card number. This means that the applicant must enter the information exactly correctly. GAB staff has expressed their clear support for this provision.³

This instant verification also fulfills the requirement for the “HAVA check”, the verification of submitted data by comparing it to the DOT data. This saves time for the voter and the municipal clerk. For paper registration forms, approximately 10% fail the HAVA check. The municipal clerks spend time investigating these verification failures, many of which are caused by typographical errors.

Sections 11 and 12 Storing Records

These sections require electronic registrations to be stored according to new administrative rules to be promulgated by the GAB.

Section 13 Poll List

This section amends an existing statute, which requires that the Election Day poll list indicate that proof of residence is required for appropriate voters. This refers to section 9.

Section 14 Change of Address

This section amends an existing statute to allow an elector who has either a Wisconsin drivers license or a Wisconsin identification card to change their address electronically.

Section 15 Name Change

This section amends an existing statute to allow an elector who has either a Wisconsin Drivers license or Wisconsin identification card, and who has legally changed their name, to change their name on the voter registration list. (In order for the voter to successfully use the online voter registration system, they would need to have previously notified the DOT of the name change, or else the instant verification will fail. Name changes with the DOT must be done in person and require documentation as described below.)

Section 16 Infrequent Voters

Currently, voters who have not voted in four years are subject to being declared ineligible. They may regain their eligibility by reregistering, using existing methods. This section allows them to reregister electronically if they have a driver’s license or state identification card.

Section 17 Hospitalized Voters

This section amends an existing statute to extend conformance with HAVA to hospitalized electors who have registered electronically. It references section 9.

Section 18 Absentee Voters

This section amends an existing statute to extend conformance with HAVA to absentee voters who have registered electronically. It references Section 9.

Section 19 Registration Forms

This section creates a new statute to include electronic registration in the list of forms to be prescribed by the GAB. Section 19 states in part: “The form shall contain a statement of the penalty applicable to false or fraudulent registration or voting through use of the form.”

Section 20 Agreement Between GAB and DOT

This section is similar to section 1. It deals with the existing agreement between the GAB and the DOT for matching personally identifiable information submitted by registrants, per the Help America Vote Act. This section extends the agreement to include section 9 of this bill.

Section 21 Legislative Oversight

This non-statutory provision requires the GAB and DOT to file quarterly reports with standing legislative committees until implementation is complete.

Section 22 Fiscal Impact

A fiscal note is not currently available.

Section 23 Initial Applicability

“This act first applies with respect to registration for voting at the 2012 spring primary election”. This clause allows the GAB to start the system between the April 2011 election and the February 2012 presidential primary.

1. Letter dated January 20, 2010, from Nathaniel E. Robinson, Elections Division Administrator, Government accountability Board, to Representative Terese Berceau. p.1.

2. *Ibid.* p.3

3. *Ibid.* p.2

Excerpt from the Help America Vote Act, Section 303. (Emphasis added)

(b) Requirements for **Voters Who Register by Mail**.--

(1) In general.--Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4(c)) and subject to paragraph (3), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if--

(A) the individual **registered to vote in a jurisdiction by mail**; and

(B) (i) the individual has **not previously voted** in an election for Federal office in the State; or

(ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of subsection (a).

(2) Requirements.--

(A) In general.--An individual meets the requirements of this paragraph if the individual--

(i) in the case of an individual who votes in person--

(I) **presents to the appropriate State or local election official a**

**current and valid photo identification;
or**

(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or

(ii) in the case of an individual who votes by mail, submits with the ballot--

(I) a copy of a current and valid photo identification; or

(II) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

(B) Fail-safe voting.--

(i) In person.--An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A) (i), may cast a provisional ballot under section 302(a).

(ii) By mail.--An individual who desires to vote by mail but who does not meet the requirements of subparagraph (A) (ii) may cast such a ballot by mail and the ballot shall be counted as a provisional ballot in accordance with section 302(a).

(3) Inapplicability.--Paragraph (1) **shall not apply** in the case of a person--

(A) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) and submits as part of such registration either--

(i) a copy of a current and valid photo identification; or

(ii) a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter;

(B) (i) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) and submits with such registration either--

(I) a driver's license number; or

(II) at least the last 4 digits of the individual's social security number; and

(ii) with respect to whom a State or local **election official matches the information submitted under clause (i) with an existing State identification record bearing the same number, name and date of birth as provided in such registration;**