



## 2009 SENATE BILL 199

May 7, 2009 – Introduced by Senators LEIBHAM, LAZICH, CARPENTER, DARLING, GROTHMAN, HARSDORF, HOPPER, KANAVAS, KEDZIE, A. LASEE, OLSEN, PLALE, SCHULTZ and SULLIVAN, cosponsored by Representatives STONE, VUKMIR, BIES, BROOKS, DAVIS, GUNDRUM, HONADEL, HUEBSCH, KAUFERT, KERKMAN, KESTELL, KRAMER, LEMAHIEU, LOTHIAN, MEYER, MONTGOMERY, MURTHA, NASS, A. OTT, J. OTT, PETERSEN, PRIDEMORE, SPANBAUER, STRACHOTA, SUDER, TAUCHEN, TOWNSEND, VAN ROY, VOS and ZIPPERER. Referred to Committee on Labor, Elections and Urban Affairs.

1     **AN ACT** *to repeal* 6.56 (5), 12.13 (3) (v) and 343.50 (4g); *to renumber* 6.79 (3);  
2           *to renumber and amend* 6.87 (4) and 6.97 (3); *to amend* 5.35 (6) (a) 2., 5.35  
3           (6) (a) 4a., 6.15 (2) (d) 1r., 6.15 (3), 6.29 (1), 6.29 (2) (a), 6.33 (1), 6.33 (2) (b), 6.34  
4           (2), 6.55 (2) (b), 6.55 (2) (c) 1., 6.55 (2) (c) 2., 6.79 (2) (a) and (d), 6.79 (3) (title),  
5           6.79 (4), 6.79 (6), 6.82 (1) (a), 6.86 (1) (ac), 6.86 (1) (ar), 6.86 (3) (a) 1., 6.86 (3)  
6           (a) 2., 6.869, 6.87 (3) (d), 6.875 (title), 6.875 (2) (a), 6.875 (3) and (4), 6.875 (6)  
7           (a), (b) and (c), 6.875 (6) (e), 6.875 (7), 6.88 (3) (a), 6.97 (title), (1) and (2), 6.97  
8           (4), 7.08 (8) (title), 7.52 (3) (a), 10.02 (3) (form) (a), 12.03 (2) (a) 3., 12.13 (2) (b)  
9           6m., 343.50 (3), 343.50 (4), 343.50 (5), 343.50 (5m) and 343.50 (6); *to repeal and*  
10           *recreate* 343.50 (3), 343.50 (4), 343.50 (5) and 343.50 (6); and *to create* 6.15  
11           (2) (bm), 6.15 (2) (d) 1g., 6.79 (3) (b), 6.79 (7), 6.87 (4) (a), 6.87 (4) (b) 2. to 5., 6.875  
12           (1) (ap) and (asm), 6.875 (2) (d), 6.965, 6.97 (3) (a) and (c) and 343.50 (4g) of the  
13           statutes; **relating to:** requiring certain identification in order to vote at a

**SENATE BILL 199**

1 polling place or obtain an absentee ballot, verification of the addresses of  
2 electors, absentee voting procedure in certain residential care apartment  
3 complexes and adult family homes, and the fee for an identification card issued  
4 by the Department of Transportation.

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***Analysis by the Legislative Reference Bureau***

With certain limited exceptions, before being permitted to vote at any polling place, an elector currently must provide his or her name and address. If the elector is not registered, the elector must provide a specified form of proof of residence in order to register. If an elector is not able to present any required proof of residence, as an alternative, current law permits an elector's registration information to be corroborated by another qualified elector who resides in the same municipality. In addition, an elector other than a military elector or an overseas elector, as defined by federal law, who registers by mail and who has not voted in an election in this state must provide one of the forms of identification specified by federal law, or a copy thereof if voting by absentee ballot, in order to be permitted to vote. Corroboration may not be substituted for this identification requirement, but an elector who cannot provide the required identification may cast a provisional ballot. The municipal clerk or board of election commissioners must determine whether electors casting provisional ballots are qualified to vote by 4 p.m. on the day after an election.

With certain limited exceptions, this bill requires each person attempting to register or vote at the polls on election day to present a valid Wisconsin driver's license issued by the Department of Transportation (DOT) to the person, a valid, current identification card issued to the person by a U.S. uniformed service, or a valid Wisconsin identification card issued by DOT to the person. A person whose address is confidential as a result of domestic abuse or in certain cases a person who has been required by a law enforcement officer to surrender his or her license (see below) is exempted from the requirement. Under the bill, any person who applies for an absentee ballot by mail, except a military or overseas elector, as defined by federal law, or a person whose address is confidential as a result of domestic abuse, must provide a copy of the license or identification card, unless: 1) the person has already provided a copy of his or her license or identification card in connection with an absentee ballot cast at a previous election and has not changed his or her name or address since that election; 2) the person has been required by a law enforcement officer to surrender his or her license (see below); 3) the person is indefinitely confined, in which case the person may submit a statement signed by the person who witnesses his or her absentee ballot verifying his or her identity; or 4) the person is an occupant of any nursing home, or of a community-based residential facility, retirement home, adult family home, or residential care apartment complex where a municipality sends special voting deputies, in which case the person may submit a statement signed by the deputies verifying his or her identity. The bill continues

**SENATE BILL 199**

current requirements for certain electors to provide proof of residence in order to register or to vote, but discontinues the use of corroborating electors to verify residence. If a person who votes at a polling place fails to provide a license or identification card, the person may vote provisionally. If a person votes by absentee ballot and fails to provide a copy of the license or identification card, unless exempted from the requirement, the ballot is treated as a provisional ballot. A provisional ballot is marked by the poll workers, who immediately contact the municipal clerk or board of election commissioners. The person may then provide the required identification either at the polling place before the closing hour or at the office of the clerk or board. If the person does not provide the required identification to the clerk or board by 4 p.m. on the day following the election, the person's vote is not counted. If a person receives a citation from a law enforcement officer in any jurisdiction that is dated within 60 days of the date of an election and is required to surrender his or her Wisconsin operator's license at the time the citation is issued, the elector may present an original copy of the citation or notice of intent to revoke or suspend the elector's operator's license in lieu of his or her operator's license or, if the elector is voting an absentee ballot by mail, may enclose a copy of the citation or notice in lieu of a copy of his or her operator's license. In this case, the bill provides that the elector's ballot is received and counted if otherwise valid, but the ballot is marked so it can be identified during the canvassing and recount process if the validity of the ballot is questioned.

The bill also permits an elector who is eligible to obtain a Wisconsin identification card to obtain the card from DOT free of charge, if the elector specifically requests not to be charged. The bill permits, until DOT completes implementation of the federal REAL ID Act, an applicant to receive a Wisconsin identification card without a photograph being taken, if the applicant provides an affidavit stating that he or she has sincerely held religious beliefs against being photographed, that he or she is a member of a religious organization or identifies with the tenets of a religious organization and names that organization, and that the religious tenets of that organization prohibit such photographing.

Currently, municipalities must send two special voting deputies (one designated by each major political party if the party wishes) to conduct absentee voting in nursing homes. Municipalities may also send the deputies to conduct absentee voting in community-based residential facilities and retirement homes that qualify for the service in accordance with standards prescribed by law. This bill permits municipal clerks and boards of election commissioners to send two special voting deputies to conduct absentee voting in adult family homes and residential care apartment complexes that qualify for the service in accordance with similar standards prescribed by law.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

**SENATE BILL 199**

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

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

5           **SECTION 2.** 5.35 (6) (a) 4a. of the statutes is amended to read:

6           5.35 **(6)** (a) 4a. Instructions prescribed by the board for electors for whom a  
7 license or identification card is required under s. 6.79 (2) or for whom proof of  
8 residence under s. 6.34 is required under s. 6.55 (2).

9           **SECTION 3.** 6.15 (2) (bm) of the statutes is created to read:

10          6.15 **(2)** (bm) Except as authorized in s. 6.79 (7), when making application in  
11 person at the office of the municipal clerk, each applicant shall present a valid  
12 operator's license issued to the person under ch. 343, a valid, current identification  
13 card issued to the person by a U.S. uniformed service, or a valid identification card  
14 issued to the person under s. 343.50. If any document presented by the applicant is  
15 not proof of residence under s. 6.34, the applicant shall also present proof of residence  
16 under s. 6.34.

17          **SECTION 4.** 6.15 (2) (d) 1g. of the statutes is created to read:

18          6.15 **(2)** (d) 1g. If the elector makes application in person at the office of the  
19 municipal clerk, the clerk shall verify that the name on the license or identification  
20 card provided by the elector under par. (bm) is the same as the name on the elector's  
21 application and shall verify that any photograph appearing on that document  
22 reasonably resembles the elector.

23          **SECTION 5.** 6.15 (2) (d) 1r. of the statutes is amended to read:

24          6.15 **(2)** (d) 1r. Upon proper completion of the application and cancellation card,  
25 the municipal clerk shall ~~require the elector to provide proof of residence under s.~~

**SENATE BILL 199**

1 ~~6.34. If the elector cannot provide proof of residence, the elector may have his or her~~  
2 ~~residence corroborated in a statement that is signed by another elector of the~~  
3 ~~municipality and that contains the current street address of the corroborating~~  
4 ~~elector. If the residence is corroborated by another elector, that elector shall then~~  
5 ~~provide proof of residence under s. 6.34~~ permit the elector to cast his or her ballot for  
6 president and vice president. The elector shall then mark the ballot in the clerk's  
7 presence in a manner that will not disclose his or her vote. The elector shall then fold  
8 the ballot so as to conceal his or her vote. The clerk or elector shall then place the  
9 ballot in an envelope furnished by the clerk.

10 **SECTION 6.** 6.15 (3) of the statutes is amended to read:

11 6.15 (3) PROCEDURE AT POLLING PLACE. An eligible elector may appear at the  
12 polling place for the ward or election district where he or she resides and make  
13 application for a ballot under sub. (2). Except as otherwise provided in this  
14 subsection, an elector who casts a ballot under this subsection shall follow the same  
15 procedure required for casting a ballot at the municipal clerk's office under sub. (2).  
16 The inspectors shall perform the duties of the municipal clerk, except that the  
17 inspectors shall return the cancellation card under sub. (2) (b) to the municipal clerk  
18 and the clerk shall forward the card as provided in sub. (2) (c) if required. Upon  
19 proper completion of the application and cancellation card and ~~submittal of proof of~~  
20 ~~residence under s. 6.34 or providing corroboration of residence~~ verification of the  
21 elector's license or identification card as provided in sub. (2) (d) 1g., the inspectors  
22 shall permit the elector to cast his or her ballot for president and vice president. The  
23 elector shall mark the ballot and, unless the ballot is utilized with an electronic  
24 voting system, the elector shall fold the ballot, and deposit the ballot into the ballot  
25 box or give it to the inspector. The inspector shall deposit it directly into the ballot

**SENATE BILL 199****SECTION 6**

1 box. Voting machines or ballots utilized with electronic voting systems may only be  
2 used by electors voting under this section if they permit voting for president and vice  
3 president only.

4 **SECTION 7.** 6.29 (1) of the statutes is amended to read:

5 6.29 (1) No names may be added to a registration list for any election after the  
6 close of registration, except as authorized under this section or s. 6.55 (2) or 6.86 (3)  
7 (a) 2. Any person whose name is not on the registration list but who is otherwise a  
8 qualified elector is entitled to vote at the election upon compliance with this section,  
9 if the person complies with all other requirements for voting at the polling place.

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

11 6.29 (2) (a) Any qualified elector of a municipality who has not previously filed  
12 a registration form or whose name does not appear on the registration list of the  
13 municipality may register after the close of registration but not later than 5 p.m. or  
14 the close of business, whichever is later, on the day before an election at the office of  
15 the municipal clerk and at the office of the clerk's agent if the clerk delegates  
16 responsibility for electronic maintenance of the registration list to an agent under  
17 s. 6.33 (5) (b). The elector shall complete, in the manner provided under s. 6.33 (2),  
18 a registration form containing all information required under s. 6.33 (1). The  
19 registration form shall also contain the following certification: "I, ..., hereby certify  
20 that, to the best of my knowledge, I am a qualified elector, having resided at ... for  
21 at least 10 days immediately preceding this election, and I have not voted at this  
22 election". The elector shall also provide proof of residence under s. 6.34.  
23 ~~Alternatively, if the elector is unable to provide proof of residence under s. 6.34, the~~  
24 ~~information contained in the registration form shall be corroborated in a statement~~  
25 ~~that is signed by any other elector of the municipality and that contains the current~~

**SENATE BILL 199**

1 ~~street address of the corroborating elector. The corroborating elector shall then~~  
2 ~~provide proof of residence under s. 6.34.~~ If the elector is registering after the close  
3 of registration for the general election and the elector presents a valid driver's license  
4 issued by another state, the municipal clerk or agent shall record on a separate list  
5 the name and address of the elector, the name of the state, and the license number  
6 and expiration date of the license.

7 **SECTION 9.** 6.33 (1) of the statutes is amended to read:

8 **6.33 (1)** The board shall prescribe the format, size, and shape of registration  
9 forms. All forms shall be printed on cards and each item of information shall be of  
10 uniform font size, as prescribed by the board. The municipal clerk shall supply  
11 sufficient forms to meet voter registration needs. The forms shall be designed to  
12 obtain from each applicant information as to name; date; residence location;  
13 citizenship; date of birth; age; the number of a valid operator's license issued to the  
14 elector under ch. 343 or the last 4 digits of the elector's social security account  
15 number; whether the applicant has resided within the ward or election district for  
16 at least 10 days; whether the applicant has been convicted of a felony for which he  
17 or she has not been pardoned, and if so, whether the applicant is incarcerated, or on  
18 parole, probation, or extended supervision; whether the applicant is disqualified on  
19 any other ground from voting; and whether the applicant is currently registered to  
20 vote at any other location. The form shall include a space for the applicant's  
21 signature ~~and the signature of any corroborating elector.~~ The form shall include a  
22 space to enter the name of any special registration deputy under s. 6.26 or 6.55 (6)  
23 or inspector, municipal clerk, or deputy clerk under s. 6.55 (2) who obtains the form  
24 and a space for the deputy, inspector, clerk, or deputy clerk to sign his or her name,  
25 affirming that the deputy, inspector, clerk, or deputy clerk has accepted the form.

**SENATE BILL 199****SECTION 9**

1 The form shall include a space for entry of the ward and aldermanic district, if any,  
2 where the elector resides and any other information required to determine the offices  
3 and referenda for which the elector is certified to vote. The form shall also include  
4 a space where the clerk may record an indication of whether the form is received by  
5 mail, a space where the clerk may record an indication of the type of identifying  
6 document submitted by the elector as proof of residence under s. 6.34, whenever  
7 required, and a space where the clerk, for any applicant who possesses a valid voting  
8 identification card issued to the person under s. 6.47 (3), may record the  
9 identification serial number appearing on the voting identification card. Each  
10 county clerk shall obtain sufficient registration forms for completion by an elector  
11 who desires to register to vote at the office of the county clerk under s. 6.28 (4).

12 **SECTION 10.** 6.33 (2) (b) of the statutes is amended to read:

13 6.33 (2) (b) Except as provided in s. 6.86 (3) (a) 2., the registration form shall  
14 be signed by the registering elector ~~and any corroborating elector under s. 6.29 (2)~~  
15 ~~(a) or 6.55 (2)~~ before the clerk, issuing officer or registration deputy. The form shall  
16 contain a certification by the registering elector that all statements are true and  
17 correct.

18 **SECTION 11.** 6.34 (2) of the statutes is amended to read:

19 6.34 (2) ~~Except as authorized in ss. 6.29 (2) (a) and 6.86 (3) (a) 2., upon~~ Upon  
20 completion of a registration form prescribed under s. 6.33, each elector who is  
21 required to register under s. 6.27, who is not a military elector or an overseas elector  
22 and who registers after the close of registration under s. 6.29 or 6.86 (3) (a) 2., shall  
23 provide an identifying document that establishes proof of residence under sub. (3).  
24 Each elector who is required to register under s. 6.27 who is not a military elector or  
25 an overseas elector who registers by mail, and who has not voted in an election in this



**SENATE BILL 199**

1 state shall, if voting in person, provide an identifying document that establishes  
2 proof of residence under sub. (3) or, if voting by absentee ballot, provide a copy of an  
3 identifying document that establishes proof of residence under sub. (3). If the elector  
4 registered by mail, the identifying document may not be a residential lease.

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

6 6.55 (2) (b) Upon executing the registration form under par. (a), except as  
7 authorized under s. 6.79 (7), the elector shall be required by a special registration  
8 deputy or inspector to present a valid operator's license issued to the elector under  
9 ch. 343, a valid, current identification card issued to the elector by a U.S. uniformed  
10 service, or a valid identification card issued to the elector under s. 343.50. If any  
11 document presented is not proof of residence under s. 6.34, the elector shall also  
12 provide proof of residence under s. 6.34. If the elector cannot provide proof of  
13 residence, the information contained in the registration form shall be corroborated  
14 in a statement that is signed by any elector who resides in the same municipality as  
15 the registering elector and that contains the current street address of the  
16 corroborating elector. The corroborator shall then provide proof of residence as  
17 provided in s. 6.34. If the elector is registering to vote in the general election and the  
18 elector presents a valid driver's license issued by another state, the inspector or  
19 deputy shall record on a separate list the name and address of the elector, the name  
20 of the state, and the license number and expiration date of the license. The signing  
21 by the elector executing the registration form and by any corroborator shall be in the  
22 presence of the special registration deputy or inspector who shall then print his or  
23 her name on and sign the form, indicating that the deputy or inspector has accepted  
24 the form. Upon compliance with this procedure, the elector shall be permitted to cast

**SENATE BILL 199****SECTION 12**

1 his or her vote, if the elector complies with all other requirements for voting at the  
2 polling place.

3 **SECTION 13.** 6.55 (2) (c) 1. of the statutes is amended to read:

4 6.55 (2) (c) 1. As an alternative to registration at the polling place under pars.  
5 (a) and (b), the board of election commissioners, or the governing body of any  
6 municipality may by resolution require a person who qualifies as an elector and who  
7 is not registered and desires to register on the day of an election to do so at another  
8 readily accessible location in the same building as the polling place serving the  
9 elector's residence or at an alternate polling place assigned under s. 5.25 (5) (b),  
10 instead of at the polling place serving the elector's residence. In such case, the  
11 municipal clerk shall prominently post a notice of the registration location at the  
12 polling place. The elector who desires to register shall execute a registration form  
13 as prescribed under par. (a) and, except as authorized in s. 6.79 (7), present a valid  
14 operator's license issued to the person under ch. 343, a valid, current identification  
15 card issued to the person by a U.S. uniformed service, or a valid identification card  
16 issued to the person under s. 343.50. If any document presented by the person is not  
17 acceptable proof of residence under s. 6.34, the person shall also provide proof of  
18 residence as provided under s. 6.34. If the elector cannot provide proof of residence,  
19 the information contained in the registration form shall be corroborated in the  
20 manner provided in par. (b). If the elector a person is registering to vote in the general  
21 election and the elector person presents a valid driver's license issued by another  
22 state, the municipal clerk, deputy clerk, or special registration deputy shall record  
23 on a separate list the name and address of the elector person, the name of the state,  
24 and the license number and expiration date of the license. The signing by the elector  
25 person executing the registration form and by any corroborator, except as provided

**SENATE BILL 199**

1 under par. (a), shall be in the presence of the municipal clerk, deputy clerk or special  
2 registration deputy. The municipal clerk, the deputy clerk, or the special registration  
3 deputy shall then print his or her name and sign the form, indicating that the clerk,  
4 deputy clerk, or deputy has accepted the form. Upon proper completion of  
5 registration, the municipal clerk, deputy clerk or special registration deputy shall  
6 serially number the registration and give one copy to the ~~elector~~ person for  
7 presentation at the polling place serving the ~~elector's~~ person's residence or an  
8 alternate polling place assigned under s. 5.25 (5) (b).

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

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

19 **SECTION 15.** 6.56 (5) of the statutes is repealed.

20 **SECTION 16.** 6.79 (2) (a) and (d) of the statutes are amended to read:

21 6.79 **(2)** (a) Unless information on the poll list is entered electronically, the  
22 municipal clerk shall supply the inspectors with 2 copies of the most current official  
23 registration list or lists prepared under s. 6.36 (2) (a) for use as poll lists at the polling  
24 place. Except as provided in ~~sub.~~ subs. (6) and (7), each ~~person~~ elector, before  
25 receiving a serial number, shall state his or her full name and address and present

**SENATE BILL 199****SECTION 16**

1 to the officials a valid operator's license issued to the elector under ch. 343, a valid,  
2 current identification card issued to the elector by a U.S. uniformed service, or a valid  
3 identification card issued to the elector under s. 343.50. The officials shall verify that  
4 the name and address ~~provided~~ stated by the ~~person~~ elector are the same as the  
5 ~~person's~~ elector's name and address on the poll list.

6 (d) If the poll list indicates that proof of residence under s. 6.34 is required and  
7 the document provided by the elector under par. (a) does not constitute proof of  
8 residence under s. 6.34, the officials shall require the elector to provide proof of  
9 residence. If proof of residence is provided, the officials shall verify that the name  
10 and address on the document submitted as proof of residence provided is the same  
11 as the name and address shown on the registration list. If proof of residence is  
12 required and not provided, or if the elector does not present a license or identification  
13 card under par. (a), whenever required, the officials shall offer the opportunity for  
14 the elector to vote under s. 6.97.

15 **SECTION 17.** 6.79 (3) (title) of the statutes is amended to read:

16 6.79 (3) (title) ~~REFUSAL TO GIVE NAME AND ADDRESS~~ PROVIDE NAME, ADDRESS,  
17 LICENSE, OR IDENTIFICATION CARD.

18 **SECTION 18.** 6.79 (3) of the statutes is renumbered 6.79 (3) (a).

19 **SECTION 19.** 6.79 (3) (b) of the statutes is created to read:

20 6.79 (3) (b) If a license or identification card under sub. (2) is not provided by  
21 the elector or if the name or any photograph appearing on the document that is  
22 provided cannot be verified by the officials, the elector shall not be permitted to vote,  
23 except as authorized under sub. (6) or (7), but if the elector is entitled to cast a  
24 provisional ballot under s. 6.97, the officials shall offer the opportunity for the elector  
25 to vote under s. 6.97.

**SENATE BILL 199**

1           **SECTION 20.** 6.79 (4) of the statutes is amended to read:

2           **6.79 (4) SUPPLEMENTAL INFORMATION.** When any elector provides proof of  
3 residence under s. 6.15, 6.29 or 6.55 (2), the election officials shall enter the type of  
4 identifying document provided on the poll list, or separate list maintained under sub.  
5 (2) (c). If the document submitted as proof of identity or residence includes a number  
6 which applies only to the individual holding that document, the election officials  
7 shall also enter that number on the list. ~~When any elector corroborates the~~  
8 ~~registration identity or residence of any person offering to vote under s. 6.55 (2) (b)~~  
9 ~~or (c), or the registration identity or residence of any person registering on election~~  
10 ~~day under s. 6.86 (3) (a) 2., the election officials shall also enter the name and address~~  
11 ~~of the corroborator next to the name of the elector whose information is being~~  
12 ~~corroborated on the poll list, or the separate list maintained under sub. (2) (c).~~ When  
13 any person offering to vote has been challenged and taken the oath, following the  
14 person's name on the poll list, the officials shall enter the word "Sworn".

15           **SECTION 21.** 6.79 (6) of the statutes is amended to read:

16           **6.79 (6) CONFIDENTIAL NAMES AND ADDRESSES.** An elector who has a confidential  
17 listing under s. 6.47 (2) may present his or her identification card issued under s. 6.47  
18 (3), or give his or her name and identification serial number issued under s. 6.47 (3),  
19 in lieu of stating his or her name and address and presenting a license or  
20 identification card under sub. (2). If the elector's name and identification serial  
21 number appear on the confidential portion of the list, the inspectors shall issue a  
22 voting serial number to the elector, record that number on the poll list and permit  
23 the elector to vote.

24           **SECTION 22.** 6.79 (7) of the statutes is created to read:

**SENATE BILL 199****SECTION 22**

1           **6.79 (7) LICENSE SURRENDER.** If an elector receives a citation or notice of intent  
2 to revoke or suspend an operator's license from a law enforcement officer in any  
3 jurisdiction that is dated within 60 days of the date of an election and is required to  
4 surrender his or her operator's license issued to the elector under ch. 343 at the time  
5 the citation or notice is issued, the elector may present an original copy of the citation  
6 or notice in lieu of an operator's license under ch. 343. In such case, the elector shall  
7 cast his or her ballot under s. 6.965.

8           **SECTION 23.** 6.82 (1) (a) of the statutes is amended to read:

9           **6.82 (1) (a)** When any inspectors are informed that an elector is at the entrance  
10 to the polling place who as a result of disability is unable to enter the polling place,  
11 they shall permit the elector to be assisted in marking a ballot by any individual  
12 selected by the elector, except the elector's employer or an agent of that employer or  
13 an officer or agent of a labor organization which represents the elector. The **Except**  
14 as authorized in s. 6.79 (6) and (7), the individual selected by the elector shall **present**  
15 to the inspectors a valid operator's license issued to the elector under ch. 343, a valid,  
16 current identification card issued to the elector by a U.S. uniformed service, or a valid  
17 identification card issued to the elector under s. 343.50 and, if the license or  
18 identification card does not constitute proof of residence under s. 6.34, shall also  
19 provide proof of residence under s. 6.34 for the assisted elector, whenever required,  
20 and all other information necessary for the elector to obtain a ballot under s. 6.79 (2).  
21 The inspectors shall issue a ballot to the individual selected by the elector and shall  
22 accompany the individual to the polling place entrance where the assistance is to be  
23 given. If the ballot is a paper ballot, the assisting individual shall fold the ballot after  
24 the ballot is marked by the assisting individual. The assisting individual shall then  
25 immediately take the ballot into the polling place and give the ballot to an inspector.

**SENATE BILL 199**

1 The inspector shall distinctly announce that he or she has “a ballot offered by ...  
2 (stating person’s name), an elector who, as a result of disability, is unable to enter the  
3 polling place without assistance”. The inspector shall then ask, “Does anyone object  
4 to the reception of this ballot?” If no objection is made, the inspectors shall record  
5 the elector’s name under s. 6.79 and deposit the ballot in the ballot box, and shall  
6 make a notation on the poll list: “Ballot received at poll entrance”.

7 **SECTION 24.** 6.86 (1) (ac) of the statutes is amended to read:

8 6.86 (1) (ac) Any elector qualifying under par. (a) may make written application  
9 to the municipal clerk for an official ballot by means of facsimile transmission or  
10 electronic mail. Any application under this paragraph shall contain a copy of the  
11 applicant’s original signature. An elector requesting a ballot under this paragraph  
12 shall return with the voted ballot a copy of the request bearing an original signature  
13 of the elector as provided in s. 6.87 (4) (b).

14 **SECTION 25.** 6.86 (1) (ar) of the statutes is amended to read:

15 6.86 (1) (ar) Except as authorized in s. 6.875 (6), the municipal clerk shall not  
16 issue an absentee ballot unless the clerk receives a written application therefor from  
17 a qualified elector of the municipality. The clerk shall retain each absentee ballot  
18 application until destruction is authorized under s. 7.23 (1). Except as authorized  
19 in s. 6.79 (6) and (7), if an elector applies for an absentee ballot in person at the clerk’s  
20 office, the clerk shall not issue the elector an absentee ballot unless the elector  
21 presents a valid operator’s license issued to the elector under ch. 343, a valid, current  
22 identification card issued to the elector by a U.S. uniformed service, or a valid  
23 identification card issued to the elector under s. 343.50. The clerk shall make a copy  
24 of the document presented by the elector and shall enclose the copy in the certificate  
25 envelope.

**SENATE BILL 199****SECTION 26**

1           **SECTION 26.** 6.86 (3) (a) 1. of the statutes is amended to read:

2           6.86 (3) (a) 1. Any elector who is registered and who is hospitalized, may apply  
3 for and obtain an official ballot by agent. The agent may apply for and obtain a ballot  
4 for the hospitalized absent elector by presenting a form prescribed by the board and  
5 containing the required information supplied by the hospitalized elector and signed  
6 by that elector ~~and any other elector residing in the same municipality as the~~  
7 ~~hospitalized elector, corroborating the information contained therein. The~~  
8 ~~corroborating elector shall state on the form his or her full name and address. Except~~  
9 as authorized for an elector who has a confidential listing under s. 6.47 (2) or as  
10 authorized in s. 6.87 (4) (b) 4., the agent shall present the license or identification  
11 card required under sub. (1) (ar). The clerk shall make a copy of the document  
12 presented by the agent and shall enclose the copy in the certificate envelope.

13           **SECTION 27.** 6.86 (3) (a) 2. of the statutes is amended to read:

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



**SENATE BILL 199**

1 under s. 6.34. If the elector is registering to vote in the general election and the agent  
2 presents a valid driver's license issued to the elector by another state, the municipal  
3 clerk shall record on a separate list the name and address of the elector, the name  
4 of the state, and the license number and expiration date of the license. ~~If the agent  
5 cannot present proof of residence, the registration form shall be signed and  
6 substantiated by another elector residing in the elector's municipality of residence,  
7 corroborating the information in the form. The form shall contain the full name and  
8 address of the corroborating elector. The agent shall then present proof of the  
9 corroborating elector's residence under s. 6.34.~~

10 **SECTION 28.** 6.869 of the statutes is amended to read:

11 **6.869 Uniform instructions.** The board shall prescribe uniform instructions  
12 for absentee voters. The instructions shall include information concerning whether  
13 a copy of a license or identification card is required under s. 6.86 (1) (ar) or 6.87 (4)  
14 (b). The instructions shall also include information concerning the procedure for  
15 correcting errors in marking a ballot and obtaining a replacement for a spoiled ballot.  
16 The procedure shall, to the extent possible, respect the privacy of each elector and  
17 preserve the confidentiality of each elector's vote.

18 **SECTION 29.** 6.87 (3) (d) of the statutes is amended to read:

19 **6.87 (3) (d)** A municipal clerk may, if the clerk is reliably informed by an absent  
20 elector of a facsimile transmission number or electronic mail address where the  
21 elector can receive an absentee ballot, transmit a facsimile or electronic copy of the  
22 absent elector's ballot to that elector in lieu of mailing under this subsection if, in the  
23 judgment of the clerk, the time required to send the ballot through the mail may not  
24 be sufficient to enable return of the ballot by the time provided under sub. (6). An  
25 elector may receive an absentee ballot under this subsection only if the elector has

**SENATE BILL 199****SECTION 29**

1 filed a valid application for the ballot under s. 6.86 (1). If the clerk transmits an  
2 absentee ballot under this paragraph, the clerk shall also transmit a facsimile or  
3 electronic copy of the text of the material that appears on the certificate envelope  
4 prescribed in sub. (2), together with instructions prescribed by the board. The  
5 instructions shall require the absent elector to make and subscribe to the  
6 certification as required under sub. (4) (b) and to enclose the absentee ballot in a  
7 separate envelope contained within a larger envelope, that shall include the  
8 completed certificate. The elector shall then affix sufficient postage unless the  
9 absentee ballot qualifies for mailing free of postage under federal free postage laws  
10 and shall mail the absentee ballot to the municipal clerk. Except as authorized in  
11 s. 6.97 (2), an absentee ballot received under this paragraph shall not be counted  
12 unless it is cast in the manner prescribed in this paragraph and in accordance with  
13 the instructions provided by the board.

14 **SECTION 30.** 6.87 (4) of the statutes is renumbered 6.87 (4) (b) 1. and amended  
15 to read:

16 **6.87 (4) (b) 1.** Except as otherwise provided in s. 6.875, the elector voting  
17 absentee shall make and subscribe to the certification before one witness who is an  
18 adult U.S. citizen. The absent elector, in the presence of the witness, shall mark the  
19 ballot in a manner that will not disclose how the elector's vote is cast. The elector  
20 shall then, still in the presence of the witness, fold the ballots so each is separate and  
21 so that the elector conceals the markings thereon and deposit them in the proper  
22 envelope. If a consolidated ballot under s. 5.655 is used, the elector shall fold the  
23 ballot so that the elector conceals the markings thereon and deposit the ballot in the  
24 proper envelope. If proof of residence is required Except as authorized in subds. 2.  
25 to 5. and s. 6.875 (6) and notwithstanding s. 343.43 (1) (f), the elector shall enclose

**SENATE BILL 199**

1 a copy of the license or identification card required under s. 6.86 (1) (ar) in the  
2 envelope, unless the elector is a military elector or an overseas elector or the elector  
3 has a confidential listing under s. 6.47 (2). If proof of residence under s. 6.34 is  
4 required and the document enclosed by the elector under this subdivision does not  
5 constitute proof of residence under s. 6.34, the elector shall also enclose proof of  
6 residence under s. 6.34 in the envelope. Proof of residence is required if the elector  
7 is not a military elector or an overseas elector, ~~as defined in s. 6.34 (1),~~ and the elector  
8 registered by mail and has not voted in an election in this state. If the elector  
9 requested a ballot by means of facsimile transmission or electronic mail under s. 6.86  
10 (1) (ac), the elector shall enclose in the envelope a copy of the request which bears an  
11 original signature of the elector. The elector may receive assistance under sub. (5).  
12 The return envelope shall then be sealed. The witness may not be a candidate. The  
13 envelope shall be mailed by the elector, or delivered in person, to the municipal clerk  
14 issuing the ballot or ballots. If the envelope is mailed from a location outside the  
15 United States, the elector shall affix sufficient postage unless the ballot qualifies for  
16 delivery free of postage under federal law. Failure to return an unused ballot in a  
17 primary does not invalidate the ballot on which the elector's votes are cast. Return  
18 of more than one marked ballot in a primary or return of a ballot prepared under s.  
19 5.655 or a ballot used with an electronic voting system in a primary which is marked  
20 for candidates of more than one party invalidates all votes cast by the elector for  
21 candidates in the primary.

22 **SECTION 31.** 6.87 (4) (a) of the statutes is created to read:

23 **6.87 (4) (a)** In this subsection:

- 24 1. "Military elector" has the meaning given in s. 6.34 (1) (a).
- 25 2. "Overseas elector" has the meaning given in s. 6.34 (1) (b).

**SENATE BILL 199****SECTION 32**

1           **SECTION 32.** 6.87 (4) (b) 2. to 5. of the statutes are created to read:

2           6.87 (4) (b) 2. Unless subd. 3. applies, if the absentee elector has applied for and  
3 qualified to receive absentee ballots automatically under s. 6.86 (2) (a), the elector  
4 may, in lieu of providing a copy of a license or identification card required under s.  
5 6.86 (1) (ar), submit with his or her absentee ballot a statement signed by the same  
6 individual who witnesses voting of the ballot which contains the name and address  
7 of the elector and verifies that the name and address are correct.

8           3. If the absentee elector has received an absentee ballot from the municipal  
9 clerk by mail for a previous election, has provided a copy of a license or identification  
10 card required under s. 6.86 (1) (ar) with that ballot, and has not changed his or her  
11 name or address since providing that identification, the elector is not required to  
12 provide a copy of the identification required under s. 6.86 (1) (ar).

13           4. If the absentee elector has received a citation or notice of intent to revoke or  
14 suspend an operator's license from a law enforcement officer in any jurisdiction that  
15 is dated within 60 days of the date of the election and is required to surrender his or  
16 her operator's license issued to the elector under ch. 343 at the time the citation or  
17 notice is issued, the elector may enclose a copy of the citation or notice in lieu of an  
18 operator's license under ch. 343 if the elector is voting by mail, or may present an  
19 original copy of the citation or notice in lieu of an operator's license under ch. 343 if  
20 the elector is voting at the office of the municipal clerk.

21           5. Unless subd. 3. or 4. applies, if the absentee elector resides in a residential  
22 care apartment complex that is certified or registered under s. 50.034 (1) or an adult  
23 family home that is certified under s. 50.032 and the municipal clerk or board of  
24 election commissioners of the municipality where the complex or home is located  
25 does not send special voting deputies to visit the complex or home at the election

**SENATE BILL 199**

1 under s. 6.875, the elector may, in lieu of providing a copy of a license or identification  
2 card required under s. 6.86 (1) (ar), submit with his or her absentee ballot a  
3 statement signed by the same individual who witnesses voting of the ballot that  
4 contains the certification of the manager of the complex or home that the elector  
5 resides in the complex or home and the complex or home is certified or registered as  
6 required by law, that contains the name and address of the elector, and that verifies  
7 that the name and address are correct.

8 **SECTION 33.** 6.875 (title) of the statutes is amended to read:

9 **6.875 (title) Absentee voting in nursing and retirement certain homes**  
10 **and certain community-based residential, facilities, and complexes.**

11 **SECTION 34.** 6.875 (1) (ap) and (asm) of the statutes are created to read:

12 6.875 (1) (ap) “Qualified adult family home” means a facility that is certified  
13 to operate as an adult family home under s. 50.032 that qualifies under sub. (2) (d)  
14 to utilize the procedures under this section.

15 (asm) “Qualified residential care apartment complex” means a facility that is  
16 certified or registered to operate as a residential care apartment complex under s.  
17 50.034 (1) that qualifies under sub. (2) (d) to utilize the procedures under this section.

18 **SECTION 35.** 6.875 (2) (a) of the statutes is amended to read:

19 6.875 (2) (a) The procedures prescribed in this section are the exclusive means  
20 of absentee voting for electors who are occupants of nursing homes, qualified  
21 community-based residential facilities ~~or~~, qualified retirement homes, qualified  
22 residential care apartment complexes, and qualified adult family homes.

23 **SECTION 36.** 6.875 (2) (d) of the statutes is created to read:

24 6.875 (2) (d) The municipal clerk or board of election commissioners of any  
25 municipality where a residential care apartment complex certified or registered

**SENATE BILL 199****SECTION 36**

1 under s. 50.034 (1) or an adult family home certified under s. 50.032 is located may  
2 adopt the procedures under this section for absentee voting in any residential care  
3 apartment complex or adult family home located in the municipality if the municipal  
4 clerk or board of election commissioners finds that there are a significant number of  
5 the occupants of the complex or home who lack adequate transportation to the  
6 appropriate polling place, a significant number of the occupants of the complex or  
7 home may need assistance in voting, there are a significant number of the occupants  
8 of the complex or home aged 60 or over, or there are a significant number of  
9 indefinitely confined electors who are occupants of the complex or home.

10 **SECTION 37.** 6.875 (3) and (4) of the statutes are amended to read:

11 6.875 (3) An occupant of a nursing home or qualified retirement home ~~or,~~  
12 qualified community-based residential facility, qualified residential care apartment  
13 complex, or qualified adult family home who qualifies as an absent elector and  
14 desires to receive an absentee ballot shall make application under s. 6.86 (1), (2), or  
15 (2m) with the municipal clerk or board of election commissioners of the municipality  
16 in which the elector is a resident. The clerk or board of election commissioners of a  
17 municipality receiving an application from an elector who is an occupant of a nursing  
18 home or qualified retirement home ~~or, qualified community-based residential~~  
19 facility, qualified residential care apartment complex, or qualified adult family home  
20 located in a different municipality shall, as soon as possible, notify and transmit an  
21 absentee ballot for the elector to the clerk or board of election commissioners of the  
22 municipality in which the home ~~or qualified community-based residential, facility~~  
23 or complex is located. The clerk or board of election commissioners of a municipality  
24 receiving an application from an elector who is an occupant of a nursing home or  
25 qualified retirement home ~~or, qualified community-based residential facility,~~

**SENATE BILL 199**

1 qualified residential care apartment complex, or qualified adult family home located  
2 in the municipality but who is a resident of a different municipality shall, as soon as  
3 possible, notify and request transmission of an absentee ballot from the clerk or  
4 board of election commissioners of the municipality in which the elector is a resident.  
5 The clerk or board of election commissioners shall make a record of all absentee  
6 ballots to be transmitted, delivered, and voted under this section.

7 (4) (a) For the purpose of absentee voting in nursing homes ~~and~~, qualified  
8 retirement homes and, qualified community-based residential facilities, qualified  
9 residential care apartment complexes, and qualified adult family homes, the  
10 municipal clerk or board of election commissioners of each municipality in which one  
11 or more nursing homes ~~or~~, qualified retirement homes or, qualified  
12 community-based residential facilities, qualified residential care apartment  
13 complexes, or qualified adult family homes are located shall appoint at least 2 special  
14 voting deputies for the municipality. Upon application under s. 6.86 (1), (2), or (2m)  
15 by one or more qualified electors who are occupants of a ~~nursing home or qualified~~  
16 ~~retirement home or qualified community-based residential, facility, or complex~~, the  
17 municipal clerk or board of election commissioners of the municipality in which the  
18 ~~home or~~, facility, or complex is located shall dispatch 2 special voting deputies to visit  
19 the ~~home or qualified community-based residential, facility, or complex~~ for the  
20 purpose of supervising absentee voting procedure by occupants of the ~~home or~~  
21 ~~qualified community-based residential, facility, or complex~~. The clerk shall  
22 maintain a list, available to the public upon request, of each ~~nursing home or~~  
23 ~~qualified retirement home or qualified community-based residential, facility, or~~  
24 complex where an elector has requested an absentee ballot. The list shall include the  
25 date and time the deputies intend to visit each home or facility. The 2 deputies

**SENATE BILL 199****SECTION 37**

1 designated to visit each nursing home ~~or~~, qualified retirement home ~~or~~, qualified  
2 community-based residential facility, qualified residential care apartment complex,  
3 and qualified adult family home shall be affiliated with different political parties  
4 whenever deputies representing different parties are available.

5 (b) Nominations for the special voting deputy positions described in par. (a)  
6 may be submitted by the 2 recognized political parties whose candidates for governor  
7 or president received the greatest numbers of votes in the municipality at the most  
8 recent general election. The deputies shall be specially appointed to carry out the  
9 duties under par. (a) for the period specified in s. 7.30 (6) (a). The clerk or board of  
10 election commissioners may revoke an appointment at any time. No individual who  
11 is employed or retained, or within the 2 years preceding appointment has been  
12 employed or retained, at a nursing home ~~or~~, qualified retirement home ~~or~~, qualified  
13 community-based residential facility, qualified residential care apartment complex,  
14 or qualified adult family home in the municipality, or any member of the individual's  
15 immediate family, as defined in s. 19.42 (7), may be appointed to serve as a deputy.

16 **SECTION 38.** 6.875 (6) (a), (b) and (c) of the statutes are amended to read:

17 6.875 **(6)** (a) Special voting deputies in each municipality shall, not later than  
18 5 p.m. on the Friday preceding an election, arrange one or more convenient times  
19 with the administrator of each nursing home, qualified retirement home ~~and~~,  
20 qualified community-based residential facility, qualified residential care apartment  
21 complex, and qualified adult family home in the municipality from which one or more  
22 occupants have filed an application under s. 6.86 to conduct absentee voting for the  
23 election. The time may be no earlier than the 4th Monday preceding the election and  
24 no later than 5 p.m. on the Monday preceding the election. The municipal clerk shall  
25 post a notice at the home ~~or~~, facility, or complex indicating the date and time that



**SENATE BILL 199**

1 absentee voting will take place at that home ~~or~~, facility, or complex. The notice shall  
2 be posted as soon as practicable after arranging the visit but in no case less than 24  
3 hours before the visit. At the designated time, 2 deputies appointed under sub. (4)  
4 shall visit the home ~~or~~, facility, or complex.

5 (b) The municipal clerk or executive director of the board of election  
6 commissioners shall issue a supply of absentee ballots to the deputies sufficient to  
7 provide for the number of valid applications for an absentee ballot received by the  
8 clerk, and a reasonable additional number of ballots. The deputies may exercise the  
9 authority granted to the chief inspector under s. 7.41 to regulate the conduct of  
10 observers. For purposes of the application of s. 7.41, the home ~~or~~, facility, or complex  
11 shall be treated as a polling place. The municipal clerk or executive director shall  
12 keep a careful record of all ballots issued to the deputies and shall require the  
13 deputies to return every ballot issued to them.

14 (c) 1. Upon their visit to the home ~~or~~, facility, or complex under par. (a), the  
15 deputies shall personally offer each elector who has filed a proper application for an  
16 absentee ballot the opportunity to cast his or her absentee ballot. In lieu of providing  
17 a copy of a license or identification card under s. 6.87 (4) (b) 1. with his or her absentee  
18 ballot, the elector may submit with his or her ballot a statement signed by both  
19 deputies that contains the name and address of the elector and verifies that the name  
20 and address are correct. The deputies shall enclose the statement in the certificate  
21 envelope. If an elector presents a license or identification card under s. 6.87 (4) (b)  
22 1., the deputies shall make a copy of the document presented by the elector and shall  
23 enclose the copy in the certificate envelope. If an elector is present who has not filed  
24 a proper application for an absentee ballot, the 2 deputies may accept an application  
25 from the elector and shall issue a ballot to the elector if the elector is qualified, the

**SENATE BILL 199****SECTION 38**

1 elector presents a license or identification card, whenever required, or submits a  
2 statement containing his or her name and address under this subdivision, and the  
3 application is proper. The deputies shall each witness the certification and may,  
4 upon request of the elector, assist the elector in marking the elector's ballot. All  
5 voting shall be conducted in the presence of the deputies. Upon request of the elector,  
6 a relative of the elector who is present in the room may assist the elector in marking  
7 the elector's ballot. No individual other than a deputy may witness the certification  
8 and no individual other than a deputy or relative of an elector may render voting  
9 assistance to the elector.

10 2. Upon the request of a relative of an occupant of a nursing home ~~or~~, qualified  
11 retirement home ~~or~~, qualified community-based residential facility, qualified  
12 residential care apartment complex, or qualified adult family home, the  
13 administrator of the home ~~or~~, facility, or complex may notify the relative of the time  
14 or times at which special voting deputies will conduct absentee voting at the home  
15 ~~or~~, facility, or complex and permit the relative to be present in the room where the  
16 voting is conducted. The municipal clerk shall post a notice at the home ~~or~~, facility,  
17 or complex indicating the date and time that absentee voting will take place at that  
18 home ~~or~~, facility, or complex. The notice shall be posted as soon as practicable after  
19 arranging the visit but in no case less than 24 hours before the visit.

20 **SECTION 39.** 6.875 (6) (e) of the statutes is amended to read:

21 6.875 **(6)** (e) If a qualified elector is not able to cast his or her ballot on 2 separate  
22 visits by the deputies to the home ~~or~~, facility, or complex, the deputies shall so inform  
23 the municipal clerk or executive director of the board of election commissioners, who  
24 may then send the ballot to the elector no later than 5 p.m. on the Friday preceding  
25 the election.

**SENATE BILL 199**

1           **SECTION 40.** 6.875 (7) of the statutes is amended to read:

2           6.875 (7) One observer from each of the 2 recognized political parties whose  
3 candidate for governor or president received the greatest number of votes in the  
4 municipality at the most recent general election may accompany the deputies to each  
5 home or facility, or complex where absentee voting will take place under this section.  
6 The observers may observe the process of absentee ballot distribution in the common  
7 areas of the home or facility, or complex. Each party wishing to have an observer  
8 present shall submit the name of the observer to the clerk or board of election  
9 commissioners no later than the close of business on the last business day prior to  
10 the visit.

11           **SECTION 41.** 6.88 (3) (a) of the statutes is amended to read:

12           6.88 (3) (a) Except in municipalities where absentee ballots are canvassed  
13 under s. 7.52, at any time between the opening and closing of the polls on election day,  
14 the inspectors shall, in the same room where votes are being cast, in such a manner  
15 that members of the public can hear and see the procedures, open the carrier  
16 envelope only, and announce the name of the absent elector or the identification  
17 serial number of the absent elector if the elector has a confidential listing under s.  
18 6.47 (2). When the inspectors find that the certification has been properly executed,  
19 the applicant is a qualified elector of the ward or election district, and the applicant  
20 has not voted in the election, they shall enter an indication on the poll list next to the  
21 applicant's name indicating an absentee ballot is cast by the elector. They shall then  
22 open the envelope containing the ballot in a manner so as not to deface or destroy the  
23 certification thereon. The inspectors shall take out the ballot without unfolding it  
24 or permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95,  
25 the inspectors shall verify that the ballot has been endorsed by the issuing clerk. If

**SENATE BILL 199****SECTION 41**

1 the poll list indicates that proof of residence under s. 6.34 is required and no proof  
2 of residence is enclosed or the name or address on the document that is provided is  
3 not the same as the name and address shown on the poll list, or if the elector is not  
4 a military elector or an overseas elector, as defined in s. 6.34 (1), and the elector is  
5 required to provide a copy of a license or identification card specified in s. 6.86 (1) (ar)  
6 and no copy of the license or identification card is enclosed or the name on the  
7 document cannot be verified by the inspectors, the inspectors shall proceed as  
8 provided under s. 6.97 (2). The inspectors shall then deposit the ballot into the proper  
9 ballot box and enter the absent elector's name or voting number after his or her name  
10 on the poll list in the same manner as if the elector had been present and voted in  
11 person.

12 **SECTION 42.** 6.965 of the statutes is created to read:

13 **6.965 Voting procedure for electors presenting citation or notice in**  
14 **lieu of license.** Whenever any elector is allowed to vote at a polling place under s.  
15 6.79 (7) by presenting a citation or notice of intent to revoke or suspend an operator's  
16 license in lieu of an operator's license issued to the elector under ch. 343, the  
17 inspectors shall, before giving the elector a ballot, write on the back of the ballot the  
18 serial number of the elector corresponding to the number kept at the election on the  
19 poll list or other list maintained under s. 6.79 and the notation "s. 6.965." If voting  
20 machines are used in the municipality where the elector is voting, the elector's vote  
21 may be received only upon an absentee ballot furnished by the municipal clerk which  
22 shall have the notation "s. 6.965" written on the back of the ballot by the inspectors  
23 before the ballot is given to the elector. If the municipal clerk receives an absentee  
24 ballot from an elector who presents a citation or notice, or copy thereof, under s. 6.87  
25 (4) (b) 4., the clerk shall enter a notation on the certificate envelope "Ballot under s.

**SENATE BILL 199**

1 6.965, stats.” Upon receiving the envelope, the inspectors shall open and write on  
2 the back of the ballot the serial number of the elector corresponding to the number  
3 kept at the election on the poll list or other list maintained under s. 6.79 and the  
4 notation “s. 6.965.” The inspectors shall indicate on the poll list or other list  
5 maintained under s. 6.79 the fact that the elector is voting by using a citation or  
6 notice in lieu of a license. The inspectors shall then deposit the ballot. The ballot  
7 shall then be counted under s. 5.85, or under s. 7.51 or 7.52.

8 **SECTION 43.** 6.97 (title), (1) and (2) of the statutes are amended to read:

9 **6.97 (title) Voting procedure for individuals not providing required**  
10 **proof of residence or identification. (1)** Whenever any individual who is  
11 required to provide proof of residence under s. 6.34 in order to be permitted to vote  
12 appears to vote at a polling place and cannot provide the required proof of residence,  
13 the inspectors shall offer the opportunity for the individual to vote under this section.  
14 Whenever any individual, other than a military elector or an overseas elector, as  
15 defined in s. 6.34 (1), or an elector who has a confidential listing under s. 6.47 (2),  
16 appears to vote at a polling place and does not present a license or identification card  
17 under s. 6.79 (2), whenever required, the inspectors or the municipal clerk shall  
18 similarly offer the opportunity for the individual to vote under this section. If the  
19 individual wishes to vote, the inspectors shall provide the elector with an envelope  
20 marked “Ballot under s. 6.97, stats.” on which the serial number of the elector is  
21 entered and shall require the individual to execute on the envelope a written  
22 affirmation stating that the individual is a qualified elector of the ward or election  
23 district where he or she offers to vote and is eligible to vote in the election. The  
24 inspectors shall, before giving the elector a ballot, write on the back of the ballot the  
25 serial number of the individual corresponding to the number kept at the election on

**SENATE BILL 199****SECTION 43**

1 the poll list or other list maintained under s. 6.79 and the notation “s. 6.97”. If voting  
2 machines are used in the municipality where the individual is voting, the  
3 individual’s vote may be received only upon an absentee ballot furnished by the  
4 municipal clerk which shall have the corresponding number from the poll list or  
5 other list maintained under s. 6.79 and the notation “s. 6.97” written on the back of  
6 the ballot by the inspectors before the ballot is given to the elector. When receiving  
7 the individual’s ballot, the inspectors shall provide the individual with written  
8 voting information prescribed by the board under s. 7.08 (8). The inspectors shall  
9 indicate on the list the fact that the individual is required to provide proof of  
10 residence or a license or identification card under s. 6.79 (2) but did not do so. The  
11 inspectors shall notify the individual that he or she may provide proof of residence  
12 or a license or identification card to the municipal clerk or executive director of the  
13 municipal board of election commissioners. The inspectors shall also promptly notify  
14 the municipal clerk or executive director of the name, address, and serial number of  
15 the individual. The inspectors shall then place the ballot inside the envelope and  
16 place the envelope in a separate carrier envelope.

17 (2) Whenever any individual who votes by absentee ballot is required to  
18 provide proof of residence in order to be permitted to vote and does not provide the  
19 required proof of residence under s. 6.34, the inspectors shall treat the ballot as a  
20 provisional ballot under this section. Whenever any individual, other than a military  
21 elector or an overseas elector, as defined in s. 6.34 (1), an individual who has a  
22 confidential listing under s. 6.47 (2), or an individual who is exempted under s. 6.87  
23 (4) or s. 6.875 (6), votes by absentee ballot and does not enclose a copy of the license  
24 or identification card specified in s. 6.86 (1) (ar), the inspectors shall similarly treat  
25 the ballot as a provisional ballot under this section. Upon removing the ballot from

**SENATE BILL 199**

1 the envelope, the inspectors shall write on the back of the absentee ballot the serial  
2 number of the individual corresponding to the number kept at the election on the poll  
3 list or other list maintained under s. 6.79 and the notation “s. 6.97”. The inspectors  
4 shall indicate on the list the fact that the individual is required to provide proof of  
5 residence or a copy of a license or identification card specified in s. 6.86 (1) (ar) but  
6 did not do so. The inspectors shall promptly notify the municipal clerk or executive  
7 director of the municipal board of election commissioners of the name, address, and  
8 serial number of the individual. The inspectors shall then place the ballot inside an  
9 envelope on which the name and serial number of the elector is entered and shall  
10 place the envelope in a separate carrier envelope.

11 **SECTION 44.** 6.97 (3) of the statutes is renumbered 6.97 (3) (b) and amended to  
12 read:

13 6.97 (3) (b) Whenever the municipal clerk or executive director of the municipal  
14 board of election commissioners is informed by the inspectors that a ballot has been  
15 cast under this section, the clerk or executive director shall promptly provide written  
16 notice to the board of canvassers of each municipality, special purpose district, and  
17 county that is responsible for canvassing the election of the number of ballots cast  
18 under this section in each ward or election district. The municipal clerk or executive  
19 director then shall determine whether each individual voting under this section is  
20 qualified to vote in the ward or election district where the individual’s ballot is cast.  
21 If the elector is required to provide a license or identification card or copy thereof  
22 under s. 6.79 (2) or 6.87 (4) and fails to do so, the elector bears the burden of correcting  
23 the omission by providing the license or identification card or copy thereof at the  
24 polling place before the closing hour or at the office of the municipal clerk or board  
25 of election commissioners no later than 4 p.m. on the day after the election. The

**SENATE BILL 199****SECTION 44**

1 municipal clerk or executive director shall make a record of the procedure used to  
2 determine the validity of each ballot cast under this section. If, prior to 4 p.m. on the  
3 day after the election, the municipal clerk or executive director determines that the  
4 individual is qualified to vote in the ward or election district where the individual's  
5 ballot is cast, the municipal clerk or executive director shall notify the board of  
6 canvassers for each municipality, special purpose district and county that is  
7 responsible for canvassing the election of that fact.

8 **SECTION 45.** 6.97 (3) (a) and (c) of the statutes are created to read:

9 6.97 (3) (a) Whenever an elector who votes by provisional ballot under sub. (1)  
10 or (2) because the elector does not provide a license or identification card or copy  
11 thereof under s. 6.79 (2) or 6.87 (4) later appears at the polling place where the ballot  
12 is cast before the closing hour and provides the license or identification card, the  
13 inspectors shall remove the elector's ballot from the separate carrier envelope, shall  
14 note on the poll list that the elector's provisional ballot is withdrawn, and shall  
15 deposit the elector's ballot in the ballot box. If the inspectors have notified the  
16 municipal clerk or executive director of the board of election commissioners that the  
17 elector's ballot was cast under this section, the inspectors shall notify the clerk or  
18 executive director that the elector's provisional ballot is withdrawn.

19 (c) A ballot cast under this section by an elector for whom a valid license or  
20 identification card or copy thereof is required under s. 6.79 (2) or 6.87 (4) shall not  
21 be counted unless the municipal clerk or executive director of the board of election  
22 commissioners provides timely notification that the elector has provided a valid  
23 license or identification card or copy thereof under this section.

24 **SECTION 46.** 6.97 (4) of the statutes is amended to read:



**SENATE BILL 199**

1           6.97 (4) Whenever a board of canvassers receives timely notification from the  
2           municipal clerk or executive director of the board of election commissioners under  
3           sub. (3) (b) that an individual who has voted under this section is qualified to vote  
4           in the ward or election district where the individual's ballot is cast, the board of  
5           canvassers shall promptly reconvene and, if the ballot cast by the individual is  
6           otherwise valid, shall count the ballot and adjust the statements, certifications and  
7           determinations accordingly. If the municipal clerk or executive director transmits  
8           returns of the election to the county clerk or board of election commissioners, the  
9           municipal clerk or executive director shall transmit to the county clerk or board of  
10          election commissioners a copy of the amended returns together with all additional  
11          ballots counted by each board of canvassers.

12           **SECTION 47.** 7.08 (8) (title) of the statutes is amended to read:

13           7.08 (8) (title) ELECTORS VOTING WITHOUT PROOF OF RESIDENCE OR IDENTIFICATION  
14          OR PURSUANT TO COURT ORDER.

15           **SECTION 48.** 7.52 (3) (a) of the statutes is amended to read:

16           7.52 (3) (a) The board of absentee ballot canvassers shall first open the carrier  
17          envelope only, and, in such a manner that a member of the public, if he or she desired,  
18          could hear, announce the name of the absent elector or the identification serial  
19          number of the absent elector if the elector has a confidential listing under s. 6.47 (2).  
20          When the board of absentee ballot canvassers finds that the certification has been  
21          properly executed and the applicant is a qualified elector of the ward or election  
22          district, the board of absentee ballot canvassers shall enter an indication on the poll  
23          list next to the applicant's name indicating an absentee ballot is cast by the elector.  
24          The board of absentee ballot canvassers shall then open the envelope containing the  
25          ballot in a manner so as not to deface or destroy the certification thereon. The board

**SENATE BILL 199****SECTION 48**

1 of absentee ballot canvassers shall take out the ballot without unfolding it or  
2 permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95, the  
3 board of absentee ballot canvassers shall verify that the ballot has been endorsed by  
4 the issuing clerk. If the poll list indicates that proof of residence is required and no  
5 proof of residence is enclosed or the name or address on the document that is provided  
6 is not the same as the name and address shown on the poll list, or if the elector is not  
7 a military elector or an overseas elector, as defined in s. 6.34 (1), and the elector is  
8 required to provide a copy of a license or identification card under s. 6.87 (4) and no  
9 copy of the license or identification card is enclosed or the name on the document  
10 cannot be verified by the canvassers, the board of absentee ballot canvassers shall  
11 proceed as provided under s. 6.97 (2). The board of absentee ballot canvassers shall  
12 mark the poll list number of each elector who casts an absentee ballot on the back  
13 of the elector's ballot. The board of absentee ballot canvassers shall then deposit the  
14 ballot into the proper ballot box and enter the absent elector's name or poll list  
15 number after his or her name on the poll list.

16 **SECTION 49.** 10.02 (3) (form) (a) of the statutes is amended to read:

17 10.02 (3) (form) (a) Upon entering the polling place and before being permitted  
18 to vote, an elector shall state his or her name and address. If an elector is not  
19 registered to vote, an elector may register to vote at the polling place serving his or  
20 her residence if the elector ~~provides proof of residence or the elector's registration is~~  
21 ~~verified by another elector of the same municipality where the elector resides~~  
22 presents a valid Wisconsin operator's license, a valid, current identification card  
23 issued to the elector by a U.S. uniformed service, or a valid Wisconsin identification  
24 card unless the elector is exempted from this requirement, and, if the document  
25 presented does not constitute proof of residence, if the elector provides proof of

**SENATE BILL 199**

1 residence. Where ballots are distributed to electors, the initials of 2 inspectors must  
2 appear on the ballot. Upon being permitted to vote, the elector shall retire alone to  
3 a voting booth or machine and cast his or her ballot, except that an elector who is a  
4 parent or guardian may be accompanied by the elector's minor child or minor ward.  
5 An election official may inform the elector of the proper manner for casting a vote,  
6 but the official may not in any manner advise or indicate a particular voting choice.

7 **SECTION 50.** 12.03 (2) (b) 3. of the statutes is amended to read:

8 12.03 (2) (b) 3. No person may engage in electioneering within 100 feet of an  
9 entrance to or within a nursing home ~~or~~, qualified retirement home or, qualified  
10 community-based residential facility, qualified residential care apartment complex,  
11 or qualified adult family home while special voting deputies are present at the home  
12 or facility.

13 **SECTION 51.** 12.13 (2) (b) 6m. of the statutes is amended to read:

14 12.13 (2) (b) 6m. Obtain an absentee ballot for voting in a nursing home or  
15 qualified retirement home ~~or~~, qualified community-based residential facility,  
16 qualified residential care apartment complex, or qualified adult family home under  
17 s. 6.875 (6) and fail to return the ballot to the issuing officer.

18 **SECTION 52.** 12.13 (3) (v) of the statutes is repealed.

19 **SECTION 53.** 343.50 (3) of the statutes is amended to read:

20 343.50 (3) DESIGN AND CONTENTS OF CARD. The card shall be the same size as  
21 an operator's license but shall be of a design which is readily distinguishable from  
22 the design of an operator's license and bear upon it the words "IDENTIFICATION  
23 CARD ONLY". The information on the card shall be the same as specified under s.  
24 343.17 (3). The card may serve as a record of gift under s. 157.06 (2) (t) and the holder  
25 may affix a sticker thereto as provided in s. 343.175 (3). The card may also serve as

**SENATE BILL 199****SECTION 53**

1 a record of refusal under s. 157.06 (2) (u). ~~The Except as provided in sub. (4g), the~~  
2 card shall contain the holder's photograph and, if applicable, shall be of the design  
3 specified under s. 343.17 (3) (a) 12.

4 **SECTION 54.** 343.50 (3) of the statutes, as affected by 2007 Wisconsin Act 20 and  
5 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

6 **343.50 (3) DESIGN AND CONTENTS OF CARD.** The card shall be the same size as  
7 an operator's license but shall be of a design which is readily distinguishable from  
8 the design of an operator's license and bear upon it the words "IDENTIFICATION  
9 CARD ONLY." The information on the card shall be the same as specified under s.  
10 343.17 (3). If the issuance of the card requires the applicant to present any  
11 documentary proof specified in s. 343.14 (2) (es) 4. to 7., the card shall display, on the  
12 front side of the card, a legend identifying the card as temporary. The card shall  
13 contain physical security features consistent with any requirement under federal  
14 law. The card may serve as a record of gift under s. 157.06 (2) (t) and the holder may  
15 affix a sticker thereto as provided in s. 343.175 (3). The card may also serve as a  
16 record of refusal under s. 157.06 (2) (u). The card shall contain the holder's  
17 photograph and, if applicable, shall be of the design specified under s. 343.17 (3) (a)  
18 12.

19 **SECTION 55.** 343.50 (4) of the statutes is amended to read:

20 **343.50 (4) APPLICATION.** The application for an identification card shall include  
21 any information required under ss. 85.103 (2) and 343.14 (2) (a), (b), (bm), (br), (em),  
22 and (er), and such further information as the department may reasonably require to  
23 enable it to determine whether the applicant is entitled by law to an identification  
24 card. ~~The Except as provided in sub. (4g), the~~ department shall, as part of the  
25 application process, take a photograph of the applicant to comply with sub. (3). ~~No~~

**SENATE BILL 199**

1 Except as provided in sub. (4g), no application may be processed without the  
2 photograph being taken. Misrepresentations in violation of s. 343.14 (5) are  
3 punishable as provided in s. 343.14 (9).

4 **SECTION 56.** 343.50 (4) of the statutes, as affected by 2007 Wisconsin Act 20 and  
5 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

6 343.50 (4) APPLICATION. The application for an identification card shall include  
7 any information required under ss. 85.103 (2) and 343.14 (2) (a), (b), (bm), (br), (em),  
8 and (es), and such further information as the department may reasonably require to  
9 enable it to determine whether the applicant is entitled by law to an identification  
10 card. Except with respect to renewals described in s. 343.165 (4) (d), the department  
11 shall, as part of the application process, take a digital photograph including facial  
12 image capture of the applicant to comply with sub. (3). Except with respect to  
13 renewals described in s. 343.165 (4) (d), no application may be processed without the  
14 photograph being taken. Misrepresentations in violation of s. 343.14 (5) are  
15 punishable as provided in s. 343.14 (9).

16 **SECTION 57.** 343.50 (4g) of the statutes is created to read:

17 343.50 (4g) PHOTOGRAPH REQUIREMENT; EXCEPTION. An application may be  
18 processed and an original or renewal identification card issued under this section  
19 without a photograph being taken to comply with subs. (3) and (4) to an applicant  
20 who requests the identification card without charge under sub. (5) or (6) and who  
21 provides to the department an affidavit stating that the applicant has a sincerely  
22 held religious belief against being photographed; identifying the religion to which he  
23 or she belongs or the tenets of which he or she adheres to; and stating that the tenets  
24 of the religion prohibit him or her from being photographed.

**SENATE BILL 199****SECTION 58**

1           **SECTION 58.** 343.50 (4g) of the statutes, as created by 2009 Wisconsin Act ...  
2 (this act), is repealed.

3           **SECTION 59.** 343.50 (5) of the statutes is amended to read:

4           **343.50 (5) VALID PERIOD; FEES.** The fee for an original card and for the  
5 reinstatement of an identification card after cancellation under sub. (10) shall be \$18  
6 or, upon request of the applicant, without charge. The card shall be valid for the  
7 succeeding period of 8 years from the applicant's next birthday after the date of  
8 issuance, except that a card that is issued to a person who is not a United States  
9 citizen and who provides documentary proof of legal status as provided under s.  
10 343.14 (2) (er) shall expire on the date that the person's legal presence in the United  
11 States is no longer authorized. If the documentary proof as provided under s. 343.14  
12 (2) (er) does not state the date that the person's legal presence in the United States  
13 is no longer authorized, then the card shall be valid for the succeeding period of 8  
14 years from the applicant's next birthday after the date of issuance.

15           **SECTION 60.** 343.50 (5) of the statutes, as affected by 2007 Wisconsin Act 20,  
16 section 3381, and 2009 Wisconsin Act ... (this act), is repealed and recreated to read:

17           **343.50 (5) VALID PERIOD; FEES.** (a) The fee for an original card, for renewal of  
18 a card, and for the reinstatement of an identification card after cancellation under  
19 sub. (10) shall be \$18 or, upon request of the applicant, without charge.

20           (b) Except as provided in par. (c) and s. 343.165 (4) (c), an original or reinstated  
21 card shall be valid for the succeeding period of 8 years from the applicant's next  
22 birthday after the date of issuance, and a renewed card shall be valid for the  
23 succeeding period of 8 years from the card's last expiration date.

24           (c) Except as provided in s. 343.165 (4) (c) and as otherwise provided in this  
25 paragraph, an identification card that is issued to a person who is not a United States

**SENATE BILL 199**

1 citizen and who provides documentary proof of legal status as provided under s.  
2 343.14 (2) (es) shall expire on the date that the person's legal presence in the United  
3 States is no longer authorized or on the expiration date determined under par. (b),  
4 whichever date is earlier. If the documentary proof as provided under s. 343.14 (2)  
5 (es) does not state the date that the person's legal presence in the United States is  
6 no longer authorized, then the card shall be valid for the period specified in par. (b)  
7 except that, if the card was issued or renewed based upon the person's presenting of  
8 any documentary proof specified in s. 343.14 (2) (es) 4. to 7., the card shall, subject  
9 to s. 343.165 (4) (c), expire one year after the date of issuance or renewal.

10 **SECTION 61.** 343.50 (5m) of the statutes is amended to read:

11 343.50 (5m) FEDERAL SECURITY VERIFICATION MANDATE FEE. In addition to any  
12 other fee under this section, for the issuance of an original identification card or  
13 duplicate identification card or for the renewal or reinstatement of an identification  
14 card after cancellation under sub. (10), a federal security verification mandate fee of  
15 \$10 shall be paid to the department unless the applicant requests that the  
16 identification card be issued without charge.

17 **SECTION 62.** 343.50 (6) of the statutes, as affected by 2007 Wisconsin Act 20,  
18 section 3384, is amended to read:

19 343.50 (6) RENEWAL. At least 30 days prior to the expiration of the card, the  
20 department shall mail a renewal application to the last-known address of each  
21 identification card holder. The department shall include with the application  
22 information, as developed by all organ procurement organizations in cooperation  
23 with the department, that promotes anatomical donations and which relates to the  
24 anatomical donation opportunity available under s. 343.175. The fee for a renewal  
25 identification card shall be \$18, which or, upon request of the identification card

**SENATE BILL 199****SECTION 62**

1 holder, without charge. The renewal identification card shall be valid for 8 years,  
2 except that a card that is issued to a person who is not a United States citizen and  
3 who provides documentary proof of legal status as provided under s. 343.14 (2) (er)  
4 shall expire on the date that the person's legal presence in the United States is no  
5 longer authorized. If the documentary proof as provided under s. 343.14 (2) (er) does  
6 not state the date that the person's legal presence in the United States is no longer  
7 authorized, then the card shall be valid for 8 years.

8 **SECTION 63.** 343.50 (6) of the statutes, as affected by 2007 Wisconsin Act 20,  
9 section 3383, and 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

10 343.50 (6) RENEWAL NOTICE. At least 30 days prior to the expiration of an  
11 identification card, the department shall mail a renewal application to the  
12 last-known address of the card holder. If the card was issued or last renewed based  
13 upon the person's presenting of any documentary proof specified in s. 343.14 (2) (es)  
14 4. to 7., the notice shall inform the card holder of the requirement under s. 343.165  
15 (4) (c). The department shall include with the application information, as developed  
16 by all organ procurement organizations in cooperation with the department, that  
17 promotes anatomical donations and which relates to the anatomical donation  
18 opportunity available under s. 343.175.

19 **SECTION 64. Initial applicability.**

20 (1) This act first applies with respect to voting at the 2010 September primary  
21 election.

22 **SECTION 65. Effective dates.** This act takes effect on July 1, 2010, except as  
23 follows:

24 (1) The repeal of section 343.50 (4g) of the statutes and the repeal and  
25 recreation of sections 343.50 (3), (4), (5), and (6) of the statutes take effect on July 1,



