



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4290/1
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2019 ASSEMBLY BILL 477

September 26, 2019 - Introduced by Representatives EMERSON, CROWLEY, STUBBS, SARGENT, HEBL, L. MYERS, ZAMARRIPA, FIELDS, BOWEN, SPREITZER, NEUBAUER, SUBECK, ANDERSON, GOYKE, OHNSTAD, C. TAYLOR and CABRERA, cosponsored by Senators L. TAYLOR, RISSER, LARSON, SMITH, JOHNSON and CARPENTER. Referred to Committee on Campaigns and Elections.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to repeal** 6.29 (2) (am), 6.36 (1) (a) 9., 6.55 (2) (cs), 6.55 (3) (b), 6.56 (3m),
2 6.79 (2) (dm), 6.88 (3) (c), 301.03 (20m), 302.117, 304.078 (1) and 973.09 (4m);
3 **to renumber** 6.55 (3) (a); **to renumber and amend** 6.03 (1) (b) and 304.078
4 (3); **to amend** 6.33 (1), 6.33 (2) (a), 7.52 (6), 301.03 (3a) (intro.), 304.078 (2) and
5 973.176 (2); and **to create** 6.03 (1) (b) 1., 2., 3. and 4. of the statutes; **relating**
6 **to:** restoring the right to vote to certain persons barred from voting as a result
7 of a felony conviction, changing the information required on voter registration
8 forms, and changing voting procedure for certain persons who are convicted of
9 felonies.

Analysis by the Legislative Reference Bureau

This bill changes the circumstances under which a person may be barred from voting as the result of a disqualifying offense, and requires the Department of Corrections, the Elections Commission, and the Director of State Courts to include in their ongoing training programs a discussion of the changes in law made by this bill and to offer the training to judges, attorneys, election officials, employees of DOC, and the public.

Under current law, a person convicted of treason, felony, or bribery may not vote unless the person's right to vote is restored through a pardon or until the person

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completes his or her sentence, including extended supervision or parole, or any term of probation imposed. Under this bill, a person loses his or her right to vote based on a disqualifying offense only while he or she is incarcerated for that offense. A person released to extended supervision or parole may resume voting. In addition, a person convicted of a disqualifying offense and on probation retains the right to vote while on probation unless he or she is confined as a condition of probation. But if a person who committed a disqualifying offense is incarcerated after the revocation of extended supervision, parole, or probation, the person loses the right to vote until he or she is released.

Currently, an applicant for voter registration must affirm 1) whether he or she has been convicted of a felony for which he or she has not been pardoned and, if so, whether the applicant is incarcerated or on parole, probation, or extended supervision; and 2) whether the applicant is disqualified on any other ground from voting. This bill deletes the requirement that an applicant provide any information relating to a felony conviction but retains the requirement that an applicant affirm that he or she is not disqualified on any ground from voting.

Currently, election officials are required to verify the eligibility of electors who vote at an election or who register to vote at an election after the close of voter registration for that election by checking each elector's name against a list provided by DOC that contains the names of convicted felons who have not completed their sentences and have not been pardoned. If a person's name appears on the list, the election officials are directed to allow the person to vote if he or she is otherwise eligible, but to mark and challenge the elector's ballot for possible later review. This bill deletes the requirements for DOC to provide the list of convicted felons and for election officials to review the names on the list.

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

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

1 **SECTION 1.** 6.03 (1) (b) of the statutes is renumbered 6.03 (1) (b) (intro.) and
2 amended to read:

3 6.03 (1) (b) (intro.) Any person ~~convicted of treason, who, as a result of a felony~~
4 ~~or bribery, unless the person's right to vote is restored through a pardon or under s.~~
5 ~~304.078 (3).~~ conviction, is any of the following:

6 **SECTION 2.** 6.03 (1) (b) 1., 2., 3. and 4. of the statutes are created to read:

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1 6.03 (1) (b) 1. Incarcerated while serving a sentence that was not imposed
2 under s. 973.01.

3 2. Serving a term of confinement, or incarcerated after revocation of extended
4 supervision, while serving a sentence that was imposed under s. 973.01.

5 3. Incarcerated following the revocation of probation.

6 4. Confined as a condition of probation under s. 973.09 (4) (a).

7 **SECTION 3.** 6.29 (2) (am) of the statutes is repealed.

8 **SECTION 4.** 6.33 (1) of the statutes is amended to read:

9 6.33 (1) The commission shall prescribe the format, size, and shape of
10 registration forms. All nonelectronic forms shall be printed and each item of
11 information shall be of uniform font size, as prescribed by the commission. Except
12 as otherwise provided in this subsection, electronic forms shall contain the same
13 information as nonelectronic forms. The municipal clerk shall supply sufficient
14 forms to meet voter registration needs. The commission shall design the form to
15 obtain from each elector information as to name; date; residence location; location of
16 previous residence immediately before moving to current residence location;
17 citizenship; date of birth; age; the number of a current and valid operator's license
18 issued to the elector under ch. 343 or the last 4 digits of the elector's social security
19 account number; whether the elector has resided within the ward or election district
20 for the number of consecutive days specified in s. 6.02 (1); ~~whether the elector has~~
21 ~~been convicted of a felony for which he or she has not been pardoned, and if so,~~
22 ~~whether the elector is incarcerated, or on parole, probation, or extended supervision;~~
23 ~~whether the elector is disqualified on any other ground for any reason~~ from voting;
24 and whether the elector is currently registered to vote at any other location. The
25 commission shall include on the nonelectronic form a space for the elector's signature

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1 and on the electronic form the authorization specified under s. 6.30 (5). Below the
2 space for the signature or authorization, respectively, the commission shall include
3 the following statement: “Falsification of information on this form is punishable
4 under Wisconsin law as a Class I felony.” The commission shall include on the form
5 a space to enter the name of any inspector, municipal clerk, or deputy clerk under s.
6 6.55 (2) who obtains the form and a space for the inspector, clerk, or deputy clerk to
7 sign his or her name, affirming that the inspector, clerk, or deputy clerk has accepted
8 the form. The commission shall include on the form a space for entry of the ward and
9 aldermanic district, if any, where the elector resides and any other information
10 required to determine the offices and referenda for which the elector is certified to
11 vote. The commission shall also include on the form a space where the clerk may
12 record an indication of whether the form is received by mail or by electronic
13 application, a space where the clerk shall record an indication of the type of
14 identifying document submitted by the elector as proof of residence under s. 6.34 or
15 an indication that the elector’s information in lieu of proof of residence was verified
16 under s. 6.34 (2m), the name of the entity or institution that issued the identifying
17 document, and, if the identifying document includes a number that applies only to
18 the individual holding that document, that number. The commission shall also
19 include on the form a space where the clerk, for any elector who possesses a valid
20 voting identification card issued to the person under s. 6.47 (3), may record the
21 identification serial number appearing on the voting identification card. Each
22 county clerk shall obtain sufficient registration forms for completion by an elector
23 who desires to register to vote at the office of the county clerk under s. 6.28 (4).

24 **SECTION 5.** 6.33 (2) (a) of the statutes is amended to read:

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1 6.33 (2) (a) All information may be recorded by any person, except that the clerk
2 shall record the ward and aldermanic district, if any, other geographic information
3 under sub. (1), the indication of whether the registration is received by mail, and the
4 type of identifying document submitted by the elector as proof of residence under s.
5 6.34. An elector is not required to provide a copy of any certificate or notice issued
6 to the applicant under s. 304.078. Except as provided in s. 6.30 (5), each elector shall
7 sign his or her own name unless the elector is unable to sign his or her name due to
8 physical disability. In such case, the elector may authorize another elector to sign
9 the form on his or her behalf. If the elector so authorizes, the elector signing the form
10 shall attest to a statement that the application is made upon request and by
11 authorization of a named elector who is unable to sign the form due to physical
12 disability.

13 **SECTION 6.** 6.36 (1) (a) 9. of the statutes is repealed.

14 **SECTION 7.** 6.55 (2) (cs) of the statutes is repealed.

15 **SECTION 8.** 6.55 (3) (a) of the statutes is renumbered 6.55 (3).

16 **SECTION 9.** 6.55 (3) (b) of the statutes is repealed.

17 **SECTION 10.** 6.56 (3m) of the statutes is repealed.

18 **SECTION 11.** 6.79 (2) (dm) of the statutes is repealed.

19 **SECTION 12.** 6.88 (3) (c) of the statutes is repealed.

20 **SECTION 13.** 7.52 (6) of the statutes is amended to read:

21 7.52 (6) The board of absentee ballot canvassers shall review each certificate
22 envelope to determine whether any absentee ballot is cast by an elector whose name
23 appears on the poll list as ineligible to vote at the election, ~~including ineligibility to~~
24 ~~vote by reason of a felony conviction.~~ If the board of absentee ballot canvassers
25 receives an absentee ballot that has been cast by an elector whose name appears on

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1 the poll list as ineligible to vote, the inspectors shall challenge the ballot in the same
2 manner as provided for inspectors making challenges under s. 6.92 and shall treat
3 the ballot in the same manner as provided for treatment of challenged ballots by
4 inspectors under s. 6.95.

5 **SECTION 14.** 301.03 (3a) (intro.) of the statutes is amended to read:

6 301.03 **(3a)** (intro.) Subject to all of the following, design a form to provide
7 notice under ~~ss. 302.117, 973.09 (4m), and s. 973.176~~ (2) of ineligibility to vote under
8 s. 6.03 (1) (b):

9 **SECTION 15.** 301.03 (20m) of the statutes is repealed.

10 **SECTION 16.** 302.117 of the statutes is repealed.

11 **SECTION 17.** 304.078 (1) of the statutes is repealed.

12 **SECTION 18.** 304.078 (2) of the statutes is amended to read:

13 304.078 **(2)** Except for the right to vote, which is restored as provided in sub.
14 (3), every person who is convicted of a crime obtains a restoration of his or her civil
15 rights by serving out his or her term of imprisonment or otherwise satisfying his or
16 her sentence. The certificate of the department or other responsible supervising
17 agency that a convicted person has served his or her ~~sentene~~ term of imprisonment
18 or otherwise satisfied the ~~judgment~~ sentence against him or her is evidence of that
19 fact and that the person is restored to his or her civil rights. The department or other
20 agency shall list in the person's certificate rights which have been restored and which
21 have not been restored. Persons who served out their terms of imprisonment or
22 otherwise satisfied their sentences prior to August 14, 1947, are likewise restored to
23 their civil rights from and after September 25, 1959.

24 **SECTION 19.** 304.078 (3) of the statutes is renumbered 304.078 (3) (a) and
25 amended to read:

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1 304.078 (3) (a) If a person is disqualified ~~from voting~~ under s. 6.03 (1) (b) from
2 voting, his or her right to vote is restored when ~~he or she completes the term of~~
3 ~~imprisonment or probation for the crime that led to the disqualification.~~ The the
4 factor under s. 6.03 (1) (b) that disqualified him or her from voting no longer applies
5 to him or her.

6 (b) When a person is placed on parole or extended supervision or when a person
7 is discharged from an incarceration sentence or a confinement period that
8 disqualified him or her under s. 6.03 (1) (b) from voting, the department or, if the
9 person is sentenced to a county jail or house of correction, the jailer shall inform the
10 person in writing at the time his or her provide the person written notice of the right
11 to vote is restored under this subsection and, if the person resided in this state at the
12 time of conviction, a voter registration form.

13 **SECTION 20.** 973.09 (4m) of the statutes is repealed.

14 **SECTION 21.** 973.176 (2) of the statutes is amended to read:

15 973.176 (2) VOTING. Whenever a court imposes a sentence or places a defendant
16 ~~on probation for a conviction~~ a condition of probation that disqualifies the defendant
17 from voting under s. 6.03 (1) (b), the court shall inform the defendant in writing that
18 he or she may not vote in any election until ~~his or her civil rights are restored~~ the
19 factor under s. 6.03 (1) (b) that disqualified him or her from voting no longer applies
20 to him or her. The court shall use the form designed by the department of corrections
21 under s. 301.03 (3a) to inform the defendant, and the defendant and a witness shall
22 sign the form.

23 **SECTION 22. Nonstatutory provisions.**

24 (1) TRAINING. The department of corrections, the elections commission, and the
25 director of state courts shall include in their ongoing training programs a discussion

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1 of the changes to voting rights that this act creates and shall offer the training to
2 judges, attorneys, election officials, employees of the department of corrections, and
3 the public, as appropriate. If this subsection takes effect at least 60 days before the
4 first election that follows that effective date, the department, the commission, and
5 the director shall endeavor to provide the training before election day.

6 (2) NOTICE. The department of corrections shall, as soon as reasonably possible
7 but no later than 6 months after the effective date of this subsection, mail to each
8 person on parole, extended supervision, or probation, who was released to parole or
9 extended supervision, or placed on probation, before the effective date of this
10 subsection, notice that the person's right to vote is restored.

SECTION 23. Initial applicability.

11 (1) The renumbering and amendment of s. 6.03 (1) (b) and the creation of s. 6.03
12 (1) (b) 1., 2., 3., and 4. first apply to persons who are on or released to parole or
13 extended supervision on the effective date of this subsection and to persons who are
14 on or placed on probation on the effective date of this subsection.

15
16 (END)