



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4114/1
TKK:ahc

2017 ASSEMBLY BILL 738

December 13, 2017 - Introduced by Representatives SHANKLAND, ANDERSON, BERCEAU, CONSIDINE, CROWLEY, HEBL, POPE, SARGENT, SINICKI, SPREITZER, SUBECK and C. TAYLOR, cosponsored by Senators L. TAYLOR, CARPENTER, LARSON and VINEHOUT. Referred to Committee on Campaigns and Elections.

1 **AN ACT to amend** 5.35 (6) (a) 2., 6.15 (2) (bm), 6.29 (2) (a), 6.33 (1), 6.33 (2) (b),
2 6.55 (2) (b), 6.55 (2) (c) 1., 6.55 (2) (c) 2., 6.79 (4) and 6.86 (3) (a) 2.; and **to create**
3 6.56 (5) and 12.13 (3) (v) of the statutes; **relating to:** use of corroborating
4 witness to establish elector proof of residence.

Analysis by the Legislative Reference Bureau

Under current law, a U.S. citizen age 18 or older who has resided in a ward or election district in this state for ten consecutive days may register to vote in an election in this state only if the individual provides proof of residence. An individual may establish his or her residence by presenting one of a variety of specified documents, including a current and valid Wisconsin operator's license or identification card, a real property tax bill or receipt for the current year or the year preceding the date of the election, a paycheck or bank statement, or a utility bill for the period commencing not earlier than 90 days before the day registration is made.

This bill permits an individual who cannot provide proof of residence through one of the specified documents to register if another elector who lives with the individual and who can provide proof of residence through one of the specified documents corroborates the residence of the individual.

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

ASSEMBLY BILL 738**SECTION 1**

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.** 6.15 (2) (bm) of the statutes is amended to read:

6 6.15 **(2)** (bm) Except as authorized in s. 6.79 (7), when making application in
7 person at the office of the municipal clerk, each applicant shall present proof of
8 identification. If any document presented by the applicant is not proof of residence
9 under s. 6.34, the applicant shall also present proof of residence under s. 6.34. If the
10 elector cannot provide proof of residence, the elector may have his or her residence
11 corroborated in a statement signed by another elector who resides at the same
12 residence as the elector who is casting a ballot. If the residence is corroborated by
13 another elector, that elector shall then present proof of residence under s. 6.34. The
14 clerk shall verify that the name on the proof of identification presented by the elector
15 conforms to the name on the elector's application, shall verify that any photograph
16 appearing on that document reasonably resembles the elector, and shall enter the
17 type of identifying document submitted by the elector as proof of residence, the name
18 of the entity or institution that issued the identifying document, and, if the
19 identifying document includes a number that applies only to the individual holding
20 that document, the last 4 digits of that number on the application form. If the
21 number on the identifying document submitted by the elector has 6 or fewer digits,
22 the clerk shall enter only the last 2 digits of that number.

23 **SECTION 3.** 6.29 (2) (a) of the statutes is amended to read:

24 6.29 **(2)** (a) Any qualified elector of a municipality who has not previously filed
25 a registration form or whose name does not appear on the registration list of the

ASSEMBLY BILL 738

1 municipality may register after the close of registration but not later than 5 p.m. or
2 the close of business, whichever is later, on the Friday before an election at the office
3 of the municipal clerk and at the office of the clerk's agent if the clerk delegates
4 responsibility for electronic maintenance of the registration list to an agent under
5 s. 6.33 (5) (b). The elector shall complete, in the manner provided under s. 6.33 (2),
6 a registration form containing all information required under s. 6.33 (1). The
7 registration form shall also contain the following certification: "I, ..., hereby certify
8 that, to the best of my knowledge, I am a qualified elector, having resided at ... for
9 at least 28 10 consecutive days immediately preceding this election, and I have not
10 voted at this election". The elector shall also provide proof of residence under s. 6.34.
11 Alternatively, if the elector is unable to provide proof of residence under s. 6.34, the
12 elector may have his or her residence corroborated in a statement that is signed by
13 another elector who resides at the same residence as the registering elector. The
14 corroborating elector shall then provide proof of residence under s. 6.34.

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

16 6.33 (1) The commission shall prescribe the format, size, and shape of
17 registration forms. All nonelectronic forms shall be printed and each item of
18 information shall be of uniform font size, as prescribed by the commission. Except
19 as otherwise provided in this subsection, electronic forms shall contain the same
20 information as nonelectronic forms. The municipal clerk shall supply sufficient
21 forms to meet voter registration needs. The commission shall design the form to
22 obtain from each elector information as to name; date; residence location; location of
23 previous residence immediately before moving to current residence location;
24 citizenship; date of birth; age; the number of a current and valid operator's license
25 issued to the elector under ch. 343 or the last 4 digits of the elector's social security

ASSEMBLY BILL 738**SECTION 4**

1 account number; whether the elector has resided within the ward or election district
2 for the number of consecutive days specified in s. 6.02 (1); whether the elector has
3 been convicted of a felony for which he or she has not been pardoned, and if so,
4 whether the elector is incarcerated, or on parole, probation, or extended supervision;
5 whether the elector is disqualified on any other ground from voting; and whether the
6 elector is currently registered to vote at any other location. The commission shall
7 include on the nonelectronic form a space for the elector's signature and the
8 signature of any corroborating elector when required under s. 6.29 (2) (a), 6.55 (2),
9 6.86 (3) (a) 2. The commission shall include on the electronic form the authorization
10 specified under s. 6.30 (5). Below the space for the signature or authorization,
11 respectively, the commission shall include the following statement: "Falsification of
12 information on this form is punishable under Wisconsin law as a Class I felony." The
13 commission shall include on the form a space to enter the name of any inspector,
14 municipal clerk, or deputy clerk under s. 6.55 (2) who obtains the form and a space
15 for the inspector, clerk, or deputy clerk to sign his or her name, affirming that the
16 inspector, clerk, or deputy clerk has accepted the form. The commission shall include
17 on the form a space for entry of the ward and aldermanic district, if any, where the
18 elector resides and any other information required to determine the offices and
19 referenda for which the elector is certified to vote. The commission shall also include
20 on the form a space where the clerk may record an indication of whether the form is
21 received by mail or by electronic application, a space where the clerk shall record an
22 indication of the type of identifying document submitted by the elector as proof of
23 residence under s. 6.34 or an indication that the elector's information in lieu of proof
24 of residence was verified under s. 6.34 (2m), the name of the entity or institution that
25 issued the identifying document, and, if the identifying document includes a number

ASSEMBLY BILL 738

1 that applies only to the individual holding that document, that number. The
2 commission shall also include on the form a space where the clerk, for any elector who
3 possesses a valid voting identification card issued to the person under s. 6.47 (3), may
4 record the identification serial number appearing on the voting identification card.
5 Each county clerk shall obtain sufficient registration forms for completion by an
6 elector who desires to register to vote at the office of the county clerk under s. 6.28
7 (4).

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

9 6.33 (2) (b) Except as provided in s. 6.86 (3) (a) 2., the registration form shall
10 be signed by the registering elector and any corroborating elector under s. 6.29 (2)
11 (a) or 6.55 (2) before the clerk, issuing officer, or election registration official. The
12 form shall contain a certification by the registering elector that all statements are
13 true and correct.

14 **SECTION 6.** 6.55 (2) (b) of the statutes is amended to read:

15 6.55 (2) (b) Upon executing the registration form under par. (a), the elector
16 shall provide proof of residence under s. 6.34. If the elector cannot provide proof of
17 residence, the elector may have his or her residence corroborated in a statement that
18 is signed by another elector who resides at the same residence as the registering
19 elector. The corroborator shall then provide proof of residence under s. 6.34. The
20 ~~signing by the elector executing~~ and any corroborating elector who signs the
21 registration form shall be sign the form in the presence of the election registration
22 official or inspector. Upon receipt of the registration form, the official or inspector
23 shall enter both the type of identifying document submitted by the elector as proof
24 of residence and the name of the entity or institution that issued the identifying
25 document, and, if the identifying document includes a number that applies only to

ASSEMBLY BILL 738**SECTION 6**

1 the individual holding that document, that number in the space provided on the
2 form. The official or inspector shall then print his or her name on and sign the form,
3 indicating that the official or inspector has accepted the form. Upon compliance with
4 this procedure, the elector shall be permitted to cast his or her vote, if the elector
5 complies with all other requirements for voting at the polling place.

6 **SECTION 7.** 6.55 (2) (c) 1. of the statutes is amended to read:

7 6.55 (2) (c) 1. As an alternative to registration at the polling place under pars.
8 (a) and (b), the board of election commissioners, or the governing body of any
9 municipality, may by resolution require a person who qualifies as an elector and who
10 is not registered and desires to register on the day of an election to do so at another
11 readily accessible location in the same building as the polling place serving the
12 elector's residence or at an alternate polling place assigned under s. 5.25 (5) (b),
13 instead of at the polling place serving the elector's residence. In such case, the
14 municipal clerk shall prominently post a notice of the registration location at the
15 polling place. An eligible elector who desires to register shall execute a registration
16 form as prescribed under par. (a) and provide proof of residence as provided under
17 s. 6.34. If the elector cannot provide proof of residence, the elector may have his or
18 her residence corroborated in the same manner as provided in par. (b). The signing
19 ~~by the person executing~~ and any corroborating elector who signs the registration
20 form shall be sign the form in the presence of the municipal clerk, deputy clerk, or
21 election registration official. Upon receipt of the registration form, the municipal
22 clerk, deputy clerk, or election registration official shall enter the type of identifying
23 document submitted by the elector as proof of residence, the name of the entity or
24 institution that issued the identifying document, and, if the identifying document
25 includes a number that applies only to the individual holding that document, the last

ASSEMBLY BILL 738

1 4 digits of that number in the space provided on the form. If the number on the
2 identifying document submitted by the elector has 6 or fewer digits, the clerk shall
3 enter only the last 2 digits of that number. The municipal clerk, the deputy clerk,
4 or the election registration official shall then print his or her name and sign the form,
5 indicating that the clerk, deputy clerk, or official has accepted the form. Upon proper
6 completion of registration, the municipal clerk, deputy clerk, or election registration
7 official shall serially number the registration and give one copy to the person for
8 presentation at the polling place serving the person's residence or an alternate
9 polling place assigned under s. 5.25 (5) (b).

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

11 6.55 (2) (c) 2. Upon compliance with the procedures under subd. 1., the
12 municipal clerk or deputy clerk shall issue a certificate addressed to the inspectors
13 of the proper polling place directing that the elector be permitted to cast his or her
14 vote if the elector complies with all requirements for voting at the polling place. The
15 clerk shall enter the name and address of the elector on the face of the certificate.
16 If the elector's registration is corroborated under this subsection or on election day
17 under s. 6.86 (3) (a) 2., the clerk shall also enter the name and address of the
18 corroborator on the face of the certificate. The certificate shall be numbered serially
19 and prepared in duplicate. The municipal clerk shall preserve one copy in his or her
20 office.

21 **SECTION 9.** 6.56 (5) of the statutes is created to read:

22 6.56 (5) Whenever any letter or postcard mailed under this section is returned
23 undelivered, or whenever the U.S. postal service notifies the clerk of an incorrect
24 address that was apparently incorrect on the day of the election, or whenever it
25 otherwise appears that an individual who has voted is not qualified or has voted more

ASSEMBLY BILL 738**SECTION 9**

1 than once in an election, and the individual was permitted to vote after corroboration
2 was made under s. 6.55 (2) or 6.86 (3) (a) 2., the municipal clerk shall provide the
3 name of the corroborating elector to the district attorney for the county where the
4 individual resides and the commission.

5 **SECTION 10.** 6.79 (4) of the statutes is amended to read:

6 6.79 (4) SUPPLEMENTAL INFORMATION. When any elector provides proof of
7 residence under s. 6.15, 6.29 or 6.55 (2), the election officials shall enter both the type
8 of identifying document provided and the name of the entity or institution that
9 issued the identifying document on the poll list, or separate list maintained under
10 sub. (2) (c). When any elector corroborates the residence of any person offering to vote
11 under s. 6.55 (2) (b) or (c), or the residence of any person registering on election day
12 under s. 6.86 (3) (a) 2., the election officials shall also enter the name and address of
13 the corroborator next to the name of the elector whose residence is corroborated on
14 the poll list or the separate list maintained under sub. (2) (c). When any person
15 offering to vote has been challenged and taken the oath, following the person's name
16 on the poll list, the officials shall enter the word "Sworn".

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

18 6.86 (3) (a) 2. If a hospitalized elector is not registered, the elector may register
19 by agent under this subdivision at the same time that the elector applies for an
20 official ballot by agent under subd. 1. To register the elector under this subdivision,
21 the agent shall present a completed registration form that contains the required
22 information supplied by the elector and the elector's signature, unless the elector is
23 unable to sign due to physical disability. In this case, the elector may authorize
24 another elector to sign on his or her behalf. Any elector signing a form on another
25 elector's behalf shall attest to a statement that the application is made on request

ASSEMBLY BILL 738**SECTION 11**

1 and by authorization of the named elector, who is unable to sign the form due to
2 physical disability. The agent shall present this statement along with all other
3 information required under this subdivision. The agent shall provide proof of the
4 elector's residence under s. 6.34. If the agent cannot present proof of residence, the
5 agent shall ensure that the registration form is signed and substantiated by another
6 elector who resides in the same residence as the hospitalized elector, corroborating
7 the residence of the hospitalized elector. The form shall contain the full name of the
8 corroborating elector. The agent shall then present proof of the corroborating
9 elector's residence under s. 6.34.

10 **SECTION 12.** 12.13 (3) (v) of the statutes is created to read:

11 12.13 (3) (v) Corroborate any information offered by a proposed elector for the
12 purpose of permitting the person the register to vote or to vote, knowing such
13 information to be false.

14 (END)