



2011 SENATE BILL 329

December 8, 2011 - Introduced by Senators TAYLOR and S. COGGS, cosponsored by Representatives GRIGSBY, PASCH, POCAN, BERCEAU, C. TAYLOR, HEBL, ROYS, E. COGGS, ZAMARRIPA, BERNARD SCHABER, FIELDS, KESSLER, BEWLEY, TURNER and TOLES. Referred to Committee on Transportation and Elections.

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

Analysis by the Legislative Reference Bureau

Under current law, when a person is barred from voting as the result of a felony conviction (a “disqualifying offense”), the person’s right to vote may be restored through a pardon. Otherwise, it is restored when the person 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

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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 returned to prison after the revocation of extended supervision or parole or is sent to prison or a jail or house of correction after the revocation of 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 the Department of Corrections (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.

The bill also requires DOC, the Government Accountability Board, 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.

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

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

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

14 6.33 (2) (a) All information may be recorded by any person, except that the ward
15 and aldermanic district, if any, other geographic information under sub. (1), the
16 indication of whether the registration is received by mail, the type of identifying
17 document submitted by the elector as proof of residence under s. 6.34, whenever
18 required, and any information relating to an applicant's voting identification card
19 shall be recorded by the clerk. An applicant is not required to provide a copy of any
20 certificate or notice issued to the applicant under s. 304.078. Each applicant shall
21 sign his or her own name unless the applicant is unable to sign his or her name due
22 to physical disability. In such case, the applicant may authorize another elector to
23 sign the form on his or her behalf. If the applicant so authorizes, the elector signing
24 the form shall attest to a statement that the application is made upon request and

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1 by authorization of a named elector who is unable to sign the form due to physical
2 disability.

3 **SECTION 6.** 6.36 (1) (a) of the statutes is amended to read:

4 6.36 (1) (a) The board shall compile and maintain electronically an official
5 registration list. The list shall contain the name and address of each registered
6 elector in the state, the date of birth of the elector, the ward and aldermanic district
7 of the elector, if any, and, for each elector, a unique registration identification number
8 assigned by the board, the number of a valid operator's license issued to the elector
9 under ch. 343, if any, or the last 4 digits of the elector's social security account
10 number, if any, any identification serial number issued to the elector under s. 6.47
11 (3), the date of any election in which the elector votes, an indication of whether the
12 elector is a military elector, as defined in sub. (2) (c), who has so certified under s.
13 6.865 (3m), an indication of whether the elector is an overseas elector, as defined in
14 s. 6.24 (1), ~~any information relating to the elector that appears on the current list~~
15 ~~transmitted to the board by the department of corrections under s. 301.03 (20m), an~~
16 ~~indication of any accommodation required under s. 5.25 (4) (a) to permit voting by~~
17 ~~the elector, an indication of the method by which the elector's registration form was~~
18 ~~received, and such other information as may be determined by the board to facilitate~~
19 ~~administration of elector registration requirements.~~

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

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

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

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

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

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

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1 **SECTION 13.** 7.52 (6) (a) of the statutes is repealed.

2 **SECTION 14.** 7.52 (6) (b) of the statutes is renumbered 7.52 (6).

3 **SECTION 15.** 301.03 (3a) (intro.) of the statutes is amended to read:

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

7 **SECTION 16.** 301.03 (20m) of the statutes is repealed.

8 **SECTION 17.** 302.117 of the statutes is repealed.

9 **SECTION 18.** 304.078 (1) of the statutes is repealed.

10 **SECTION 19.** 304.078 (2) of the statutes is amended to read:

11 304.078 (**2**) Except for the right to vote, which is restored as provided in sub.
12 (3), every person who is convicted of a crime obtains a restoration of his or her civil
13 rights by serving out his or her term of imprisonment or otherwise satisfying his or
14 her sentence. The certificate of the department or other responsible supervising
15 agency that a convicted person has served his or her sentence term of imprisonment
16 or otherwise satisfied the ~~judgment~~ sentence against him or her is evidence of that
17 fact and that the person is restored to his or her civil rights. The department or other
18 agency shall list in the person's certificate rights which have been restored and which
19 have not been restored. Persons who served out their terms of imprisonment or
20 otherwise satisfied their sentences prior to August 14, 1947, are likewise restored to
21 their civil rights from and after September 25, 1959.

22 **SECTION 20.** 304.078 (3) of the statutes is renumbered 304.078 (3) (a) and
23 amended to read:

24 304.078 (**3**) (a) If a person is disqualified ~~from voting~~ under s. 6.03 (1) (b) from
25 voting, his or her right to vote is restored when ~~he or she completes the term of~~

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1 ~~imprisonment or probation for the crime that led to the disqualification. The~~ the
2 factor under s. 6.03 (1) (b) that disqualified him or her from voting no longer applies
3 to him or her.

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

11 **SECTION 21.** 973.09 (4m) of the statutes is repealed.

12 **SECTION 22.** 973.176 (2) of the statutes is amended to read:

13 973.176 (2) VOTING. Whenever a court imposes a sentence or places a defendant
14 ~~on probation for a conviction~~ a condition of probation that disqualifies the defendant
15 from voting under s. 6.03 (1) (b), the court shall inform the defendant in writing that
16 he or she may not vote in any election until ~~his or her civil rights are restored~~ the
17 factor under s. 6.03 (1) (b) that disqualified him or her from voting no longer applies
18 to him or her. The court shall use the form designed by the department of corrections
19 under s. 301.03 (3a) to inform the defendant, and the defendant and a witness shall
20 sign the form.

21 **SECTION 23. Nonstatutory provisions.**

22 (1) TRAINING. The department of corrections, the government accountability
23 board, and the director of state courts shall include in their ongoing training
24 programs a discussion of the changes to voting rights that this act creates and shall
25 offer the training to judges, attorneys, election officials, employees of the department

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1 of corrections, and the public, as appropriate. If this subsection takes effect at least
2 60 days before the first election that follows that effective date, the department, the
3 board, and the director shall endeavor to provide the training before election day.

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

9 **SECTION 24. Initial applicability.**

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

15 (END)