



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-0101/1
CMH&TKK:sac

2015 SENATE BILL 678

February 1, 2016 - Introduced by Senators L. TAYLOR, HARRIS DODD and MILLER, cosponsored by Representatives GOYKE, KESSLER, OHNSTAD, POPE, SINICKI, SUBECK, ZEPNICK, JOHNSON and BARNES. Referred to Committee on Elections and Local Government.

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), 301.03 (20m), 302.117, 304.078 (1) and 973.09 (4m); *to renumber*
3 6.55 (3) (a); *to renumber and amend* 6.03 (1) (b) and 304.078 (3); *to amend*
4 6.33 (1), 6.33 (2) (a), 6.36 (1) (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

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 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 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; location
14 of previous residence immediately before moving to current residence location;
15 citizenship; date of birth; age; the number of a current and valid operator's license
16 issued to the elector under ch. 343 or the last 4 digits of the elector's social security
17 account number; whether the applicant has resided within the ward or election
18 district for at least 28 consecutive days; ~~whether the applicant has been convicted of~~
19 ~~a felony for which he or she has not been pardoned, and if so, whether the applicant~~
20 ~~is incarcerated, or on parole, probation, or extended supervision; whether the~~
21 ~~applicant is disqualified on any other ground for any reason~~ from voting; and
22 whether the applicant is currently registered to vote at any other location. The form
23 shall include a space for the applicant's signature. Below the space for the signature,
24 the form shall state "Falsification of information on this form is punishable under
25 Wisconsin law as a Class I felony." The form shall include a space to enter the name

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1 of any special registration deputy under s. 6.26 or 6.55 (6) or inspector, municipal
2 clerk, or deputy clerk under s. 6.55 (2) who obtains the form and a space for the
3 deputy, inspector, clerk, or deputy clerk to sign his or her name, affirming that the
4 deputy, inspector, clerk, or deputy clerk has accepted the form. The form shall
5 include a space for entry of the ward and aldermanic district, if any, where the elector
6 resides and any other information required to determine the offices and referenda
7 for which the elector is certified to vote. The form shall also include a space where
8 the clerk may record an indication of whether the form is received by mail, a space
9 where the clerk shall record an indication of the type of identifying document
10 submitted by the elector as proof of residence under s. 6.34, the name of the entity
11 or institution that issued the identifying document, and, if the identifying document
12 includes a number that applies only to the individual holding that document, that
13 number. The form shall also include a space where the clerk, for any applicant who
14 possesses a valid voting identification card issued to the person under s. 6.47 (3), may
15 record the identification serial number appearing on the voting identification card.
16 Each county clerk shall obtain sufficient registration forms for completion by an
17 elector who desires to register to vote at the office of the county clerk under s. 6.28
18 (4).

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

20 6.33 (2) (a) All information may be recorded by any person, except that the ward
21 and aldermanic district, if any, other geographic information under sub. (1), the
22 indication of whether the registration is received by mail, the type of identifying
23 document submitted by the elector as proof of residence under s. 6.34, and any
24 information relating to an applicant's voting identification card shall be recorded by
25 the clerk. An applicant is not required to provide a copy of any certificate or notice

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1 issued to the applicant under s. 304.078. Each applicant shall sign his or her own
2 name unless the applicant is unable to sign his or her name due to physical disability.
3 In such case, the applicant may authorize another elector to sign the form on his or
4 her behalf. If the applicant so authorizes, the elector signing the form shall attest
5 to a statement that the application is made upon request and by authorization of a
6 named elector who is unable to sign the form due to physical disability.

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

8 6.36 (1) (a) The board shall compile and maintain electronically an official
9 registration list. The list shall contain the name and address of each registered
10 elector in the state;_; the date of birth of the elector;_; the ward and aldermanic district
11 of the elector, if any;_; and, for each elector, a unique registration identification
12 number assigned by the board, the number of a valid operator's license issued to the
13 elector under ch. 343, if any, or the last 4 digits of the elector's social security account
14 number, if any;_; any identification serial number issued to the elector under s. 6.47
15 (3);_; the date of any election in which the elector votes;_; an indication of whether the
16 elector is an overseas elector, as defined in s. 6.24 (1), ~~any information relating to the~~
17 ~~elector that appears on the current list transmitted to the board by the department~~
18 ~~of corrections under s. 301.03 (20m);~~_; an indication of any accommodation required
19 under s. 5.25 (4) (a) to permit voting by the elector;_; an indication of the method by
20 which the elector's registration form was received;_; and an indication of whether the
21 elector was required under s. 6.34 to provide proof of residence and, if so, the type of
22 identifying document submitted as proof of residence, the name of the entity or
23 institution that issued the identifying document, and, if the identifying document
24 included a number that applies only to the individual holding that document, up to
25 the last 4 digits of that number. If the number on the identifying document submitted

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1 by the elector had 6 or fewer digits, the list under this paragraph may not contain
2 more than the last 2 digits of that number. The list under this paragraph may contain
3 such other information as may be determined by the board to facilitate
4 administration of elector registration requirements.

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

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

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

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

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

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

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

12 7.52 (6) The board of absentee ballot canvassers shall review each certificate
13 envelope to determine whether any absentee ballot is cast by an elector whose name
14 appears on the poll list as ineligible to vote at the election, ~~including ineligibility to~~
15 ~~vote by reason of a felony conviction.~~ If the board of absentee ballot canvassers
16 receives an absentee ballot that has been cast by an elector whose name appears on
17 the poll list as ineligible to vote, the inspectors shall challenge the ballot in the same
18 manner as provided for inspectors making challenges under s. 6.92 and shall treat
19 the ballot in the same manner as provided for treatment of challenged ballots by
20 inspectors under s. 6.95.

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

22 301.03 (3a) (intro.) Subject to all of the following, design a form to provide
23 notice under ~~ss. 302.117, 973.09 (4m), and s. 973.176 (2)~~ of ineligibility to vote under
24 s. 6.03 (1) (b):

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

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

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

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

4 304.078 (2) Except for the right to vote, which is restored as provided in sub.
5 (3), every person who is convicted of a crime obtains a restoration of his or her civil
6 rights by serving out his or her term of imprisonment or otherwise satisfying his or
7 her sentence. The certificate of the department or other responsible supervising
8 agency that a convicted person has served his or her ~~sentence~~ term of imprisonment
9 or otherwise satisfied the ~~judgment~~ sentence against him or her is evidence of that
10 fact and that the person is restored to his or her civil rights. The department or other
11 agency shall list in the person's certificate rights which have been restored and which
12 have not been restored. Persons who served out their terms of imprisonment or
13 otherwise satisfied their sentences prior to August 14, 1947, are likewise restored to
14 their civil rights from and after September 25, 1959.

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

17 304.078 (3) (a) If a person is disqualified ~~from voting~~ under s. 6.03 (1) (b) from
18 voting, his or her right to vote is restored when ~~he or she completes the term of~~
19 ~~imprisonment or probation for the crime that led to the disqualification.~~ The
20 factor under s. 6.03 (1) (b) that disqualified him or her from voting no longer applies
21 to him or her.

22 (b) When a person is placed on parole or extended supervision or when a person
23 is discharged from an incarceration sentence or a confinement period that
24 disqualified him or her under s. 6.03 (1) (b) from voting, the department or, if the
25 person is sentenced to a county jail or house of correction, the jailer shall ~~inform the~~

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1 ~~person in writing at the time his or her~~ provide the person written notice of the right
2 ~~to vote is restored under this subsection and, if the person resided in this state at the~~
3 ~~time of conviction, a voter registration form.~~

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

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

6 973.176 (2) VOTING. Whenever a court imposes a sentence or ~~places a defendant~~
7 ~~on probation for a conviction~~ a condition of probation that disqualifies the defendant
8 from voting under s. 6.03 (1) (b), the court shall inform the defendant in writing that
9 he or she may not vote in any election until ~~his or her civil rights are restored the~~
10 ~~factor under s. 6.03 (1) (b) that disqualified him or her from voting no longer applies~~
11 ~~to him or her.~~ The court shall use the form designed by the department of corrections
12 under s. 301.03 (3a) to inform the defendant, and the defendant and a witness shall
13 sign the form.

14 **SECTION 22. Nonstatutory provisions.**

15 (1) TRAINING. The department of corrections, the government accountability
16 board, and the director of state courts shall include in their ongoing training
17 programs a discussion of the changes to voting rights that this act creates and shall
18 offer the training to judges, attorneys, election officials, employees of the department
19 of corrections, and the public, as appropriate. If this subsection takes effect at least
20 60 days before the first election that follows that effective date, the department, the
21 board, and the director shall endeavor to provide the training before election day.

22 (2) NOTICE. The department of corrections shall, as soon as reasonably possible
23 but no later than 6 months after the effective date of this subsection, mail to each
24 person on parole, extended supervision, or probation, who was released to parole or

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1 extended supervision, or placed on probation, before the effective date of this
2 subsection, notice that the person's right to vote is restored.

3 **SECTION 23. Initial applicability.**

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

9 (END)