2021 SENATE BILL 804

January 6, 2022 – Introduced by Senators Jacque and Nass, cosponsored by Representatives Ramthun, Steffen, Behnke, Brandtjen, Gundrum, Horlacher and Wichgers. Referred to Committee on Elections, Election Process Reform and Ethics.

AUTHORS SUBJECT TO CHANGE

1   AN ACT *to amend* 6.275 (1) (f), 6.32 (4), 6.33 (4), 6.33 (5) (a) 1., 6.36 (1) (d), 6.36

2   (1) (e), 6.47 (6), 6.47 (7) (b), 6.48 (1) (d), 6.48 (2) (b), 6.50 (2), 6.50 (2g), 6.50 (2r)

3   (g), 6.50 (3), 6.50 (4), 6.50 (5), 6.50 (6), 6.50 (7), 6.50 (10), 6.56 (3), 6.56 (4) and

4   7.23 (1) (c) of the statutes; **relating to:** removing ineligible voters from the

5   official voter registration list.

Analysis by the Legislative Reference Bureau

Under current law, if a voter who appears on the official voter registration list maintained by the Elections Commission becomes ineligible to vote for any reason, his or her status is changed from eligible to ineligible on the registration list.

Under this bill, if a voter appearing on the registration list becomes ineligible to vote for any reason, he or she must be removed from the list and the Elections Commission must keep a permanent record of the removal, including the date of and reason for the removal. Consistent with current law, an individual who is removed from the registration list and subsequently becomes eligible to register to vote in Wisconsin may reregister as provided by law.

For further information see the state and local 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. 6.275 (1) (f) of the statutes is amended to read:

2   6.275 **(1)** (f) The total number of postcards sent by the municipal clerk or board

3 of election commissioners under s. 6.56 (3), the total number of such postcards

4 returned to the municipal clerk or board of election commissioners because the

5 elector did not reside at the address given on the postcard, the total number of

6 electors ~~whose status was changed from eligible to ineligible on~~ removed from the

7 registration list as a result of the audit under s. 6.56 (3), and the number of

8 individuals referred to the district attorney under s. 6.56 (3). The municipal clerk

9 or board of election commissioners shall provide the information described under

10 this paragraph to the elections commission and the county clerk or county board of

11 election commissioners at the earliest practicable time after, but no later than 90

12 days after, each primary and election at which a state or national office is filled or

13 a statewide referendum is held, including any special election. The municipal clerk

14 or board of election commissioners shall update the information described under this

15 paragraph on a monthly basis and shall submit, on a monthly basis, any such

16 updated information to the elections commission and the county clerk or county

17 board of election commissioners.

18   SECTION 2. 6.32 (4) of the statutes is amended to read:

19   6.32 **(4)** If the form is sufficient to accomplish registration and the commission

20 or clerk has no reliable information to indicate that the proposed elector is not

21 qualified, the commission or clerk shall enter the elector's name on the registration

22 list and transmit a 1st class letter or postcard to the registrant, specifying the

23 elector's ward or aldermanic district, or both, if any, and polling place. The letter or

24 postcard shall be sent within 10 days of receipt of the form. If the letter or postcard

25 is returned, or if the commission or clerk is informed of a different address than the

1   one specified by the elector, the commission or clerk shall ~~change the status of~~ <u>remove</u>

2   the elector ~~on~~ <u>from</u> the list ~~from eligible to ineligible~~. The letter or postcard shall be

3   marked in accordance with postal regulations to ensure that it will be returned to the

4   commission or clerk if the elector does not reside at the address given on the letter

5   or postcard.

6   SECTION 3. 6.33 (4) of the statutes is amended to read:

7   6.33 **(4)** When an ~~individual's registration is changed from eligible to ineligible~~

8   ~~status~~ <u>individual is removed from the registration list for any reason</u>, the municipal

9   clerk or board of election commissioners shall ~~enter~~ <u>notify the commission, providing</u>

10   the date <u>of</u> and reason for ~~change on~~ <u>removal from</u> the registration list. <u>The</u>

11   <u>commission shall keep a permanent record of the removal, including the date of and</u>

12   <u>reason for the removal.</u>

13   SECTION 4. 6.33 (5) (a) 1. of the statutes is amended to read:

14   6.33 **(5)** (a) 1. Except as provided in par. (b) and this paragraph, whenever a

15   municipal clerk receives a valid registration or valid change of a name or address

16   under an existing registration ~~or changes a registration from eligible to ineligible~~

17   ~~status~~ the municipal clerk or the clerk's designee shall promptly enter electronically

18   on the list maintained by the commission under s. 6.36 (1) the information required

19   under that subsection.

20   SECTION 5. 6.36 (1) (d) of the statutes is amended to read:

21   6.36 **(1)** (d) Upon receipt of official notification by the appropriate election

22   administrative authority of another state, territory, or possession that an elector

23   whose name appears on the list has registered to vote in that state, territory, or

24   possession, the commission or the municipal clerk of the municipality where the

1   elector formerly resided shall ~~change the elector's registration from eligible to~~

2   ~~ineligible status~~ remove the elector's name from the registration list.

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

4   6.36 **(1)** (e) If the commission adds the name of any elector to the list, the

5   commission shall promptly notify the municipal clerk of the municipality where the

6   elector resides. If the commission ~~changes the registration of any elector from~~

7   ~~eligible to ineligible status~~ removes an elector from the list, the commission shall

8   promptly notify the municipal clerk of the municipality where the elector resides or,

9   if the elector has changed his or her residence from one municipality to another

10   municipality in this state, shall promptly notify the municipal clerk of the

11   municipality where the elector resided prior to the ~~change~~ removal. Notification

12   shall be made in writing or by electronic transmission. If the commission ~~changes~~

13   ~~the registration of any elector from eligible to ineligible status~~ removes an elector

14   from the list for any reason, the commission shall ~~make an entry on the list~~ keep a

15   permanent record giving the date of and the reason for ~~the change~~ the removal.

16   SECTION 7. 6.47 (6) of the statutes is amended to read:

17   6.47 **(6)** Upon expiration of a confidential listing on a registration list under

18   sub. (2), the municipal clerk shall ~~change the registration of~~ remove the protected

19   individual ~~to ineligible status~~ from the registration list unless the individual files a

20   new request and qualifies under sub. (2) to obtain a renewal of the listing or unless

21   the individual applies for and qualifies to obtain a nonconfidential voter registration.

22   Except as authorized in sub. (8), the municipal clerk shall withhold from public

23   inspection under s. 19.35 (1) the name and address of any individual whose

24   registration is ~~changed~~ removed under this subsection if the individual qualified for

25   a confidential listing at the time of that listing.

1   SECTION 8. 6.47 (7) (b) of the statutes is amended to read:

2   6.47 **(7)** (b) If notice to a protected individual is not provided under par. (a), the

3   municipal clerk shall provide notice to the subject individual upon ~~changing a listed~~

4   ~~individual to ineligible status~~ removing a listed individual from the registration list

5   under sub. (6).

6   SECTION 9. 6.48 (1) (d) of the statutes is amended to read:

7   6.48 **(1)** (d) If the clerk determines that the challenged elector is not qualified,

8   the clerk shall ~~change the challenged elector's registration from eligible to ineligible~~

9   ~~status on~~ remove the elector from the registration list and notify the inspectors for

10   the ward or election district where the elector was registered.

11   SECTION 10. 6.48 (2) (b) of the statutes is amended to read:

12   6.48 **(2)** (b) Upon appearing in person, objectors shall be examined, under oath,

13   by the commissioners and testimony taken. Judgment rests with the board of

14   election commissioners and decisions shall be rendered as soon as heard. All cases

15   are heard and decided summarily. The commissioners shall determine whether the

16   person objected to is qualified. If ~~they~~ the commissioners determine that a person

17   is not qualified, the executive director of the board of election commissioners shall

18   ~~change the elector from eligible to ineligible status on~~ remove the elector from the

19   registration list and shall notify the proper ward officials of the change immediately.

20   SECTION 11. 6.50 (2) of the statutes is amended to read:

21   6.50 **(2)** If an elector to whom a notice of suspension was mailed under sub. (1)

22   has not applied for continuation of registration within 30 days of the date of mailing,

23   the commission shall ~~change the registration status of that elector from eligible to~~

24   ~~ineligible~~ remove the elector from the registration list on the day that falls 30 days

25   after the date of mailing.

1   **SECTION 12.** 6.50 (2g) of the statutes is amended to read:

2   6.50 **(2g)** The commission may delegate to a municipal clerk or board of election

3   commissioners of a municipality the responsibility to ~~change the registration status~~

4   ~~of~~ remove electors from the registration list when required under sub. (2).

5   **SECTION 13.** 6.50 (2r) (g) of the statutes is amended to read:

6   6.50 **(2r)** (g) The number of electors who received notices under sub. (1) and

7   ~~whose status changed from eligible to ineligible~~ who were removed from the

8   registration list.

9   **SECTION 14.** 6.50 (3) of the statutes is amended to read:

10   6.50 **(3)** Upon receipt of reliable information that a registered elector has

11   changed his or her residence to a location outside of the municipality, the municipal

12   clerk or board of election commissioners shall notify the elector by mailing a notice

13   by 1st class mail to the elector's registration address stating the source of the

14   information. All municipal departments and agencies receiving information that a

15   registered elector has changed his or her residence shall notify the clerk or board of

16   election commissioners. If the elector no longer resides in the municipality or fails

17   to apply for continuation of registration within 30 days of the date the notice is

18   mailed, the clerk or board of election commissioners shall ~~change the elector's~~

19   ~~registration from eligible to ineligible status~~ remove the elector from the registration

20   list. Upon receipt of reliable information that a registered elector has changed his

21   or her residence within the municipality, the municipal clerk or board of election

22   commissioners shall change the elector's registration and mail the elector a notice

23   of the change. This subsection does not restrict the right of an elector to challenge

24   any registration under s. 6.325, 6.48, 6.925, 6.93, or 7.52 (5).

25   **SECTION 15.** 6.50 (4) of the statutes is amended to read:

6.50 **(4)** The municipal clerk or board of election commissioners shall ~~change~~

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~~the registration of~~ underline{remove} deceased electors from ~~eligible to ineligible status~~ <u>the</u>

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<u>registration list</u> by means of checking vital statistics reports. No notice need be sent

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of registration changes made under this subsection.

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SECTION 16. 6.50 (5) of the statutes is amended to read:

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6.50 **(5)** The registration of any elector whose address is listed at a building

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~~which~~ <u>that</u> has been condemned for human habitation by the municipality under s.

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66.0413 (1) (j) shall be investigated by the municipal clerk or board of election

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commissioners. If the clerk or board of election commissioners can find no reason

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why ~~the~~ <u>such an elector should remain on the</u> registration ~~of such an elector should~~

10

~~not be changed from eligible to ineligible status~~ <u>list</u>, the clerk or board of election

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commissioners shall ~~change the elector's registration status~~ <u>remove the elector from</u>

12

<u>the list</u>. If the elector has left a forwarding address with the U.S. postal service, a

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notice of ~~change in status~~ <u>removal</u> shall be mailed by the clerk or board of election

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commissioners to the forwarding address.

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SECTION 17. 6.50 (6) of the statutes is amended to read:

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6.50 **(6)** The municipal clerk, upon authorization by an elector, shall ~~change the~~

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~~elector's registration from eligible to ineligible status~~ <u>remove the elector from the</u>

18

<u>registration list</u>.

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SECTION 18. 6.50 (7) of the statutes is amended to read:

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6.50 **(7)** When an ~~elector's registration is changed from eligible to ineligible~~

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~~status~~ <u>elector is removed from the registration list</u>, the commission, municipal clerk,

22

or board of election commissioners shall ~~make an entry on the registration list~~ <u>keep</u>

23

<u>a permanent record of the removal</u>, giving the date of and reason for the change.

24

SECTION 19. 6.50 (10) of the statutes is amended to read:

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1   6.50 **(10)** Any qualified elector ~~whose registration is changed from eligible to~~

2   ~~ineligible status~~ <u>who is removed from the registration list</u> under this section may

3   reregister as provided under s. 6.28 (1), 6.29 (2), or 6.55 (2), or, if the elector has a

4   current and valid operator's license issued to the elector under ch. 343 or a current

5   and valid identification card issued under s. 343.50, may reregister under s. 6.30 (5).

6   SECTION 20. 6.56 (3) of the statutes is amended to read:

7   6.56 **(3)** Upon receipt of the list under sub. (1), the municipal clerk or board of

8   election commissioners shall make an audit of all electors registering to vote at the

9   polling place or other registration location under s. 6.55 (2) and all electors

10   registering by agent on election day under s. 6.86 (3) (a) 2. unless the clerk or board

11   of election commissioners receives notice from the elections commission under sub.

12   (7) that the elections commission will perform the audit. The audit shall be made by

13   1st class postcard. The postcard shall be marked in accordance with postal

14   regulations to ensure that it will be returned to the clerk, board of election

15   commissioners, or elections commission if the elector does not reside at the address

16   given on the postcard. If any postcard is returned undelivered, or if the clerk, board

17   of election commissioners, or elections commission is informed of a different address

18   than the one specified by the elector which was apparently improper on the day of

19   the election, the clerk, board of election commissioners, or elections commission shall

20   ~~change the status of the elector from eligible to ineligible on~~ <u>remove the elector from</u>

21   <u>the registration list,</u> mail the elector a notice of the ~~change in status~~ <u>removal</u>, and

22   provide the name of the elector to the district attorney for the county where the

23   polling place is located and the elections commission.

24   SECTION 21. 6.56 (4) of the statutes is amended to read:

1   6.56 **(4)** After each election, the municipal clerk shall perform an audit to

2   assure that no person has been allowed to vote more than once. Whenever the

3   municipal clerk has good reason to believe that a person has voted more than once

4   in an election, the clerk shall send the person a 1st class letter marked in accordance

5   with postal regulations to ensure that it will be returned to the clerk if the elector

6   does not reside at the address given on the letter. The letter shall inform the person

7   that all registrations relating to that person may be ~~changed from eligible to~~

8   ~~ineligible status~~ <u>removed from the registration list</u> within 7 days unless the person

9   contacts the office of the clerk to clarify the matter. A copy of the letter and of any

10   subsequent information received from or about the addressee shall be sent to the

11   district attorney for the county where the person resides and the commission.

12   SECTION 22. 7.23 (1) (c) of the statutes is amended to read:

13   7.23 **(1)** (c) Registration forms of electors ~~whose registrations are changed to~~

14   ~~ineligible status~~ <u>removed from the registration list</u> under s. 6.50 (7) may be destroyed

15   4 years after the ~~change~~ <u>removal</u>, unless an elector ~~becomes eligible again~~ <u>reregisters</u>

16   during that period.

17   **(END)**