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**WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO**

<b>2011 Senate Bill 6</b>	<b>Senate Substitute Amendment 1, As Amended</b>
<i>Memo published:</i> February 25, 2011	<i>Contact:</i> Jessica Karls-Ruplinger, Staff Attorney (266-2230) Katie Bender-Olson, Staff Attorney (266-2988)

Senate Substitute Amendment 1, as amended by Senate Amendment 1 to Senate Substitute Amendment 1, to 2011 Senate Bill 6 makes changes to statutes, relating to requiring certain identification in order to vote at a polling place or obtain an absentee ballot; absentee voting procedure in certain residential care apartment complexes and adult family homes; a requirement for electors to provide a signature when voting in person at an election; the duration of residency for voting purposes; and issuance of operator’s licenses and identification cards by the Department of Transportation (DOT).

**Residency**

Under *current law*, an individual must be a resident of an election district or ward for 10 days before an election to be eligible to vote in the election. When an elector moves from one ward or municipality in Wisconsin to another within 10 days of an election, the elector may vote in his or her former ward or municipality if otherwise qualified to vote there.

*Senate Bill 6* does not amend this provision.

*Senate Substitute Amendment 1* increases the residency requirement from 10 days to 28 days. The substitute amendment further provides that an elector who moves his or her residence from one ward or municipality in Wisconsin to another later than 28 days before an election may vote in his or her former ward or municipality if otherwise qualified to vote there.

*Senate Amendment 1* to Senate Substitute Amendment 1 provides that the residency requirement in the substitute amendment is 28 *consecutive* days.

**Corroboration**

Under *current law*, an elector who registers to vote less than 20 days prior to an election generally must provide proof of residence or, if the elector cannot provide proof of residence, another elector from the municipality may corroborate the information contained in the elector’s registration form.

*Senate Bill 6* eliminates the use of corroboration as an alternative to providing proof of residence when registering to vote.

*Senate Substitute Amendment 1* also eliminates the use of corroboration as an alternative to providing proof of residence when registering to vote.

### **Proof of Identification**

Under *current law*, an elector voting in person at the polls or by absentee ballot is not required to present identification other than proof of residence.

*Senate Bill 6* requires an elector to present a valid operator's license issued by DOT, a valid, current identification card issued by a U.S. uniformed service, a valid identification card issued by DOT, or, after the state implements the provisions of the federal REAL ID Act, a valid identification certificate issued by DOT, in order to vote.

*Senate Substitute Amendment 1* provides, instead, that an elector must present proof of identification to vote. "Proof of identification" means identification that contains the name of the individual to whom the document was issued, which name conforms to the individual's voter registration form, if the individual is required to register to vote, and that contains a photograph of the individual. "Identification" means any of the following documents issued to an individual:

- One of the following documents that is unexpired or, if expired, has expired after the date of the most recent general election: (1) an operator's license issued by DOT; (2) an identification card issued by DOT; (3) an identification card issued by a U.S. uniformed service; or (4) a U.S. passport.
- A certificate of U.S. naturalization that was issued not earlier than two years before the date of an election at which it is presented.
- An unexpired driving receipt issued by DOT.
- An unexpired identification card receipt issued by DOT.
- An identification card issued by a federally recognized Indian tribe in this state.

In addition, *Senate Substitute Amendment 1* requires that the clerk or election official verify that the name on the proof of identification presented by the elector conforms to the name on the elector's application or registration form and that any photograph appearing on that document reasonably resembles the elector.

### **Exceptions to Requirement for Photo Identification**

*Senate Bill 6* creates exceptions to its general requirement that electors present photo identification or a copy thereof when voting. The bill creates exemptions for electors whose addresses are confidential as a result of domestic abuse, sexual assault, or stalking; electors who have surrendered their operator's licenses to law enforcement within 60 days of an election; electors who are indefinitely confined due to age, physical illness, infirmity, or disability; electors in nursing homes, community-based residential facilities, retirement homes, adult family homes, or residential care apartment complexes; military and overseas electors; and absentee electors who provided a copy of identification with a previous absentee ballot and have not changed their names or addresses.

*Senate Substitute Amendment 1* provides the same exceptions to its general requirement for photo identification when voting.

### **Government Accountability Board Requirements**

*Senate Bill 6* requires the Government Accountability Board (GAB) to conduct a public information campaign in conjunction with the first regularly scheduled primary and election at which the voter identification requirements of the bill apply for the purpose of informing prospective voters of the new voter identification requirements. The bill also requires GAB to engage in outreach to identify and contact groups of electors who may need assistance in obtaining or renewing a license or identification card for voting and provide assistance in obtaining or renewing a license or identification card.

*Senate Substitute Amendment 1* includes the same requirements that GAB conduct a public information campaign and engage in outreach efforts.

### **Absentee Voting**

*Senate Bill 6* provides that if a qualified elector applies for an absentee ballot in person at the clerk's office, the clerk may not issue the elector an absentee ballot unless the elector presents a valid operator's license issued by DOT, a valid, current identification card issued by a U.S. uniformed service, or a valid identification card issued by DOT. The clerk must make a copy of the document presented by the elector and must enclose the copy in the certificate envelope.

*Senate Substitute Amendment 1* replaces the copy requirement with a requirement that the clerk enter his or her initials on the certificate envelope indicating that the absentee elector presented proof of identification to the clerk.

In addition, *Senate Bill 6* provides that when an elector returns an absentee ballot, the elector must enclose a copy of the license or identification card in the envelope, unless otherwise exempted.

*Senate Substitute Amendment 1* provides that when an elector makes an application for an absentee ballot, the elector must enclose a copy of his or her proof of identification or any authorized substitute document with his or her application. The municipal clerk must verify that the name on the proof of identification conforms to the name on the application. The clerk may not issue an absentee ballot to an elector who is required to enclose a copy of proof of identification or an authorized substitute document with his or her application unless the copy is enclosed and the proof is verified by the clerk.

Lastly, *Senate Bill 6* provides that an agent may apply for and obtain a ballot for a hospitalized absent elector by presenting a form prescribed by GAB and containing the required information supplied by the hospitalized elector and signed by that elector. The agent must generally present the license or identification card. The clerk must make a copy of the document presented by the agent and must enclose the copy in the certificate envelope.

*Senate Substitute Amendment 1* replaces the copy requirement with a requirement that the GAB form include a space for the municipal clerk or deputy clerk to enter his or her initials indicating the agent presented proof of identification to the clerk on behalf of the elector.

### **Signature Requirement**

*Senate Bill 6* does not contain provisions relating to signature requirements.

***Senate Substitute Amendment 1*** requires that an elector enter his or her signature on the poll list, supplemental list, or other separate list when voting in person at an election, unless exempt by reason of the elector's physical disability. Each registration list prepared for use as a poll list at a polling place or for purposes of canvassing absentee ballots at an election must contain a space for entry of the elector's signature, or, if another person signed the elector's registration form for the elector by reason of the elector's physical disability, the word "exempt."

In addition, ***Senate Substitute Amendment 1*** provides that if an elector previously signed his or her registration form or is exempt from a registration requirement and is unable, due to physical disability, to enter his or her signature at the election, the officials must waive the signature requirement if the officials determine that the elector is unable, due to physical disability, to enter his or her signature. In such case, the officials must enter next to the name and address of the elector on the poll, supplemental, or separate list the words "exempt by order of inspectors." If both officials do not waive the signature requirement and the elector wishes to vote, the official or officials who do not waive the requirement must require the elector to vote by ballot and must challenge the elector's ballot. The challenged elector may then provide evidence of his or her physical disability to the board of canvassers charged with initially canvassing the returns prior to the completion of the initial canvass.

Lastly, ***Senate Substitute Amendment 1*** also applies the signature requirement provisions to absentee voting in person.

***Senate Amendment 1*** to Senate Substitute Amendment 1 removes the signature requirement for absentee voting in person.

### **Challenging Voters**

Under ***current law***, each inspector must challenge for cause any person offering to vote whom the inspector knows or suspects is not a qualified elector.

***Senate Bill 6*** does not amend this provision.

***Senate Substitute Amendment 1*** also requires that an inspector challenge for cause any person offering to vote who does not adhere to any voting requirement under ch. 6, Stats.

### **Voters Not Providing Proof of Identification**

***Senate Bill 6*** provides that if an elector is required to provide a license or identification card or copy thereof and fails to do so, the elector bears the burden of correcting the omission by providing the license or identification card or copy thereof at the polling place before the closing hour or at the office of the municipal clerk or board of election commissioners *no later than 4 p.m. on the day after the election*.

***Senate Substitute Amendment 1*** provides that if an elector is required to provide proof of identification or a copy thereof and fails to do so, the elector bears the burden of correcting the omission by providing the proof of identification or copy thereof at the polling place before the closing hour or at the office of the municipal clerk or board of election commissioners *no later than 4 p.m. on the Friday after the election*.

### **Identification Certificates**

*Senate Bill 6* creates an identification certificate to be issued by DOT that would be available when DOT implements the provisions of the federal REAL ID Act. Under the bill, an elector may present a valid identification certificate issued by DOT, instead of a license or identification, to vote.

*Senate Substitute Amendment 1* removes the provisions relating to identification certificates.

### **Operator's Licenses and Identification Cards**

*Senate Substitute Amendment 1* creates REAL ID noncompliant operator's licenses and identification cards to be issued by DOT. Such licenses and identification cards will be available when REAL ID is implemented in this state.

In addition, prior to the implementation of REAL ID in this state, *Senate Substitute Amendment 1* allows identification cards to be issued without a photo if the applicant provides to DOT an affidavit stating that the applicant has a sincerely held religious belief against being photographed; identifying the religion to which he or she belongs or the tenets of which he or she adheres to; and stating that the tenets of the religion prohibit him or her from being photographed.

*Senate Substitute Amendment 1* also provides that DOT may issue an identification card without charge to an elector who is a U.S. citizen and will be at least 18 years of age on the date of the next election, if the elector requests that the identification card be provided without charge for purposes of voting.

Lastly, *Senate Substitute Amendment 1* provides that DOT may issue driving receipts and identification card receipts that constitute temporary operator's licenses and identification cards that are valid for a period not to exceed 60 days.

### **Elections Held Prior to 2012 Spring Primary**

*Senate Substitute Amendment 1* provides that no elector who votes by absentee ballot at an election held prior to the 2012 Spring Primary is required to provide proof of identification, and an elector who votes at a polling place at an election held prior to the date of the 2012 Spring Primary must be requested by the election officials to present proof of identification. However, if the elector does not present proof of identification, and the elector is otherwise qualified, the elector's ballot must be counted without the necessity of presenting proof of identification and without the necessity of casting a provisional ballot.

Further, *Senate Substitute Amendment 1* provides that if any elector who votes at a polling place at an election held prior to the 2012 Spring Primary does not provide proof of identification and would be required to provide proof of identification but for this provision, the election official who provides that elector with a ballot must also provide to the elector written information prescribed by GAB. The GAB information must briefly describing the voter identification requirement created by this bill and inform the elector that he or she will be required to comply with that requirement when voting at future elections beginning with the 2012 Spring Primary unless an exemption applies.

*Senate Amendment 1* to Senate Substitute Amendment 1 also provides that no elector who has resided in the ward or election district where he or she offers to vote for at least 10 days is required to meet any increased durational residency requirement at any election held prior to the 2012 Spring Primary.

**Initial Applicability**

*Senate Bill 6* provides that the bill, if enacted, first applies with respect to voting at the first spring or September primary election that follows the effective date of the bill by at least 60 days.

*Senate Substitute Amendment 1* removes the initial applicability provision.

**Legislative History**

Senate Substitute Amendment 1 was offered by Senators Lazich and Leibham. On February 22, 2011, the Senate Committee on Transportation and Elections recommended adoption of the substitute amendment and recommended passage of Senate Bill 6, as amended, on votes of Ayes, 3, Noes, 0.

Senate Amendment 1 to Senate Substitute Amendment 1 was offered by Senator Leibham. On February 24, 2011, the Senate adopted Senate Amendment 1 on a voice vote and adopted Senate Substitute Amendment 1 on a vote of Ayes, 19; Noes, 0.

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