

State of Wisconsin



2023 Assembly Bill 572

Date of enactment:
Date of publication*:

2023 WISCONSIN ACT

AN ACT to amend 6.33 (1), 12.60 (1) (a) and 54.25 (2) (c) 1. g.; to repeal and recreate 6.875 (6) (c) 2.; and to create 5.057 of the statutes; relating to: absentee voting in certain residential care facilities and retirement homes and court determinations of incompetency and ineligibility to vote.

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

SECTION 1. 5.057 of the statutes is created to read:

5.057 Determination of ineligibility to vote due to incompetency. (1) Upon receipt of a determination of ineligibility to register to vote or to vote under s. 54.25 (2) (c) 1. g., the commission shall, no later than 3 business days after receiving the determination, change the status of the elector subject to the determination to inactive on the official registration list under s. 6.36, note on the list that the elector is ineligible to vote in accordance with s. 6.03 (3), and notify the elector and the elector's municipal clerk of the elector's change in status. If the commission does not have a record of the elector upon receipt of a determination of ineligibility, the commission shall create a record listing the elector as ineligible to vote in accordance with s. 6.03 (3) and provide a copy of that record to the elector's municipal clerk. Upon receipt of a registration to vote, the municipal clerk shall examine the registration list to determine whether the elector is ineligible to vote in accordance with s. 6.03 (3) and shall notify the elector if the clerk determines that the elector is ineligible. The clerk shall examine the registration list before issuing a ballot to any potential elector.

(2) If under s. 54.64 (2) (a) a court subsequently reviews a determination of ineligibility to vote under s.

54.25 (2) (c) 1. g. and restores an elector's right to vote, as provided under s. 54.64 (2) (c), upon receipt of the reviewing court's determination, the commission shall, no later than 3 business days after receiving the determination, notify the elector that the elector is eligible to vote, but is required to complete a new voter registration if the elector intends to vote. The commission shall submit with the notice a registration form for the elector to complete and return to the municipal clerk, if the elector intends to vote.

SECTION 2. 6.33 (1) of the statutes is amended to read:

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

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

its of the elector's social security account number; whether the elector has resided within the ward or election district for the number of consecutive days specified in s. 6.02 (1); whether the elector has been convicted of a felony for which he or she has not been pardoned, and if so, whether the elector is incarcerated, or on parole, probation, or extended supervision; whether the elector is disqualified on any other ground from voting, including being adjudicated incompetent to exercise the right to register to vote or to vote in an election; and whether the elector is currently registered to vote at any other location. The forms shall provide check boxes for the elector to indicate whether he or she is disqualified to vote and, if disqualified to vote, the grounds for which the elector is so disqualified. The commission shall include on the nonelectronic form a space for the elector's signature and on the electronic form the authorization specified under s. 6.30 (5). Below the space for the signature or authorization, respectively, the commission shall include the following statement: "Falsification of information on this form is punishable under Wisconsin law as a Class I felony." The commission shall include on the form a space to enter the name of any inspector, municipal clerk, or deputy clerk under s. 6.55 (2) who obtains the form and a space for the inspector, clerk, or deputy clerk to sign his or her name, affirming that the inspector, clerk, or deputy clerk has accepted the form. The commission shall include on the form a space for entry of the ward and aldermanic district, if any, where the elector resides and any other information required to determine the offices and referenda for which the elector is certified to vote. The commission shall also include on the form a space where the clerk may record an indication of whether the form is received by mail or by electronic application, a space where the clerk shall record an indication of the type of identifying document submitted by the elector as proof of residence under s. 6.34 or an indication that the elector's information in lieu of proof of residence was verified under s. 6.34 (2m), the name of the entity or institution that issued the identifying document, and, if the identifying document includes a number that applies only to the individual holding that document, that number. The commission shall also include on the form a space where the clerk, for any elector who possesses a valid voting identification card issued to the person under s. 6.47 (3), may record the identification serial number appearing on the voting identification card. Each county clerk shall obtain sufficient registration forms for completion by an elector who desires to register to vote at the office of the county clerk under s. 6.28 (4).

SECTION 3. 6.875 (6) (c) 2. of the statutes is repealed and recreated to read:

6.875 (6) (c) 2. The administrator of a qualified retirement home or residential care facility, or the administrator's designee, shall provide notice by email of the dates and times when the special voting deputies will be

visiting the home or facility to each individual designated as a contact by the occupant who intends to vote by absentee ballot with the deputies. The content of the email shall contain a disclaimer that the occupant maintains the right of privacy and that the notice is for information purposes only. The administrator, or administrator's designee, may provide the same notice to any other individual upon the occupant's request. Any individual receiving a notice under this subdivision may be present in the room where the voting is conducted.

SECTION 4. 12.60 (1) (a) of the statutes is amended to read:

12.60 (1) (a) Whoever violates s. 12.09, 12.11 or 12.13 (1), (2) (b) 1. to 7. or (3) (a), (e), (f), (j), (k), (L), (m), (y) or (z) is guilty of a Class I felony. This paragraph does not apply to a violation of s. 12.13 (1) (a) by an individual who is determined ineligible to register to vote or to vote under s. 54.25 (2) (c) 1. g., but the individual's vote shall not be included in the final tally for that election.

SECTION 5. 54.25 (2) (c) 1. g. of the statutes is amended to read:

54.25 (2) (c) 1. g. The right to register to vote or to vote in an election, if the court finds that the individual is incapable of understanding the objective of the elective process. Also, in accordance with s. 6.03 (3), any elector of a municipality may petition the circuit court for a determination that an individual residing in the municipality is incapable of understanding the objective of the elective process and thereby ineligible to register to vote or to vote in an election. This determination shall be made by the court in accordance with the procedures specified in this paragraph. If a petition is filed under this subd. 1. g., the finding of the court shall be limited to a determination as to voting eligibility. The appointment of a guardian is not required for an individual whose sole limitation is ineligibility to vote. The court shall, no later than 3 days after the determination, notify the elections commission by email of the determination of the court shall be communicated in writing by the clerk of court to the election official or agency charged under s. 6.48, 6.92, 6.925, 6.93, or 7.52 (5) with the responsibility for determining challenges to registration and voting that may be directed against that elector. An email notification sent to the elections commission under this subd. 1. g. shall remain confidential, except as otherwise provided under s. 19.36. The court shall also, at the time of the determination, provide the determination in writing to the elector and the elector's guardian, if applicable. The determination may be reviewed as provided in s. 54.64 (2), and the court shall notify the elections commission, the elector, and the elector's guardian, if applicable, by mail and email of any subsequent determination of the court shall be likewise communicated by the clerk of court. All notices provided to the elections commission under this subd. 1. g. shall include the full name; residential address, including city, state, and zip code; mailing

address, if different than the residential address; and date of birth of the individual subject to the determination. If the court appoints a guardian for an individual who is ineligible to vote, the guardian shall immediately report any residential or mailing address change for the individual to the court, and the court shall, no later than 3 days

after the determination, notify the elections commission of that address by email. The court shall use a standardized notice of eligibility form to communicate its determinations to the elector and the elector's guardian, if applicable.
