



2023 SENATE BILL 26

January 27, 2023 - Introduced by Senators JACQUE, CABRAL-GUEVARA, FELZKOWSKI, FEYEN, MARKLEIN, NASS, QUINN, STAFSHOLT and TOMCZYK, cosponsored by Representatives BODDEN, ARMSTRONG, BEHNKE, BINSFELD, BRANDTJEN, BROOKS, DONOVAN, EDMING, GUNDRUM, GUSTAFSON, KITCHENS, MURPHY, MURSAU, PENTERMAN, PLUMER, RETTINGER, SCHRAA, SCHUTT, TITTL, TUSLER and WICHGERS. Referred to Committee on Government Operations, Elections and Consumer Protection.

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:

SENATE BILL 26**SECTION 1**

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

SENATE BILL 26**SECTION 2**

1 one specified by the elector, the commission or clerk shall ~~change the status of~~ remove
2 the elector ~~on~~ from 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 individual is removed from the registration list for any reason, the municipal
9 clerk or board of election commissioners shall ~~enter~~ notify the commission, providing
10 the date of and reason for ~~change on~~ removal from the registration list. The
11 commission shall keep a permanent record of the removal, including the date of and
12 reason for the removal.

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

SENATE BILL 26**SECTION 5**

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.

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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.

SENATE BILL 26**SECTION 12**

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:

SENATE BILL 26**SECTION 15**

1 6.50 (4) The municipal clerk or board of election commissioners shall ~~change~~
2 ~~the registration of~~ remove deceased electors from ~~eligible to ineligible status~~ the
3 registration list by means of checking vital statistics reports. No notice need be sent
4 of registration changes made under this subsection.

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

6 6.50 (5) The registration of any elector whose address is listed at a building
7 ~~which~~ that has been condemned for human habitation by the municipality under s.
8 66.0413 (1) (j) shall be investigated by the municipal clerk or board of election
9 commissioners. If the clerk or board of election commissioners can find no reason
10 why ~~the~~ such an elector should remain on the registration of ~~such an elector should~~
11 ~~not be changed from eligible to ineligible status~~ list, the clerk or board of election
12 commissioners shall ~~change the elector's registration status~~ remove the elector from
13 the list. If the elector has left a forwarding address with the U.S. postal service, a
14 notice of ~~change in status~~ removal shall be mailed by the clerk or board of election
15 commissioners to the forwarding address.

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

17 6.50 (6) The municipal clerk, upon authorization by an elector, shall ~~change the~~
18 ~~elector's registration from eligible to ineligible status~~ remove the elector from the
19 registration list.

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

21 6.50 (7) When an elector's registration is ~~changed from eligible to ineligible~~
22 ~~status~~ elector is removed from the registration list, the commission, municipal clerk,
23 or board of election commissioners shall ~~make an entry on the registration list~~ keep
24 a permanent record of the removal, giving the date of and reason for the change.

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

SENATE BILL 26**SECTION 19**

1 6.50 (10) Any qualified elector ~~whose registration is changed from eligible to~~
2 ~~ineligible status~~ who is removed from the registration list 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~~ remove the elector from
21 ~~the registration list, mail the elector a notice of the change in status~~ removal, 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:

