WISCONSIN LEGISLATIVE COUNCIL
INFORMATION MEMORANDUM

Recent Election Law Changes

This Information Memorandum describes several provisions of 2011 Wisconsin Act 23 that first apply to the recall and special elections scheduled to be held in 2011. Specifically, this Information Memorandum describes provisions in Act 23 relating to residency, the signature requirement, in-person absentee voting, the registration deadline, and corroboration.

Act 23 also created a requirement that voters present proof of identification when voting at a polling place or by absentee ballot. However, this Information Memorandum does not describe that proof of identification requirement. IM-2011-12 describes the proof of identification requirement and its applicability to elections held prior to the 2012 Spring Primary.

RESIDENCY

Under current and prior law, a voter must be a resident of an election district or ward to be eligible to vote in an election in that district or ward. Act 23 increased the duration of the residency requirement.

Act 23 requires that a voter be a resident of a district or ward for 28 consecutive days prior to an election to be an eligible voter in that district or ward. The Act also requires that a voter who moves from one district or ward in Wisconsin to another district or ward in Wisconsin later than 28 days before an election vote at his or her previous district or ward.

Prior to Act 23, a voter had to be a resident of a district or ward for 10 days prior to an election to be an eligible voter in that district or ward. In addition, prior to Act 23, a voter who moved from one district or ward in Wisconsin to another district or ward in Wisconsin later than 10 days before an election had to vote at his or her previous district or ward.

SIGNATURE REQUIREMENT

Act 23 requires that a voter sign the poll list when voting in person at an election, unless the voter is physically disabled.

Act 23 provides an exemption from the signature requirement for a physically disabled voter who is unable to sign the poll list. If the poll workers determine that the elector is unable, due

to physical disability, to sign the poll list, the poll workers are required to waive the signature requirement. If a poll worker does not waive the signature requirement and the voter wishes to vote, the voter is allowed to vote, but the poll worker who does not waive the signature requirement must challenge the ballot. The challenged voter may then provide evidence of his or her physical disability to the board of canvassers prior to the completion of the initial canvass.

Prior to Act 23, there was no requirement that a voter sign the poll list.

IN-PERSON ABSENTEE VOTING

Under current and prior law, a voter may vote by absentee ballot in person at the municipal clerk's office prior to an election. Act 23 created a specific timeframe within which a voter may cast an absentee ballot at the clerk's office.

Act 23 provides that a voter may vote by absentee ballot in person at the clerk's office no earlier than the third Monday preceding an election and no later than 5 p.m. or the close of business, whichever is later, on the Friday preceding the election.

Prior to Act 23, a voter could vote by absentee ballot in person at the clerk's office when absentee ballots became available, which is generally 30 days before a fall primary or election or 21 days before a spring primary or election, but no later than 5 p.m. on the day preceding the election.

REGISTRATION DEADLINE

Under current and prior law, a voter is generally required to register to vote before he or she may vote in an election. Act 23 changed the deadline by which a voter can register to vote prior to an election.

Act 23 provides that a voter may register at the clerk's office until 5 p.m. or the close of business, whichever is later, on the Friday before an election. However, Act 23 continues to allow a voter to register at a polling place on Election Day.

Prior to Act 23, a voter could register at the clerk's office until 5 p.m. or the close of business, whichever is later, on the day before an election.

CORROBORATION

Act 23 eliminates the use of corroboration as an alternative to providing proof of residence when registering to vote.

Prior to Act 23, a voter who registered to vote after the third Wednesday preceding an election generally had to provide proof of residence or, if the elector could not provide proof of residence, another elector of the municipality could corroborate the information contained in the voter's registration form.

This memorandum is not a policy statement of the Joint Legislative Council or its staff.

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