

Modernize Voter Registration
Summary and Details of LRB 0064/3
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Summary

This bill permits a qualified elector who has a current and valid driver's license or identification card issued by the Department of Transportation (DOT) to complete voter register electronically on a secure Internet site maintained by the Government Accountability Board (GAB).

The bill requires instant checking of name, date of birth, and driver's license or DOT ID card number. This is the same check performed under the Help America Vote Act. If there is no match, the applicant will not be able to use the online system to register.

Registrations will be more accurate, timelier, and more efficient than existing forms. This will reduce the need for manual entry by Wisconsin's election administrators, and will reduce typographical errors.

(Applicants without a driver's license or DOT ID card will be able to use the GAB's "Click and Mail" registration, to be launched in November 2011. This series of web pages will help an applicant complete a form, and give instructions to print, sign, and mail the form.)

This bill follows the successful lead of nine other states (Arizona, Washington, Kansas, Oregon, Colorado, Louisiana, Utah, Indiana, and Nevada) that have similar functioning systems.

The bill follows all the clauses of the federal Help America Vote Act (HAVA).

Legislation authorizing electronic voter registration is an important piece of Wisconsin's 2009-2014 Election Administration Plan and it has the support of the Government Accountability Board.

Section-by-Section Analysis

Section 1 Agreement Between GAB and DOT

This section deals with the existing agreement between the Government Accountability Board (GAB) and the DOT for matching personally identifiable information submitted by registrants, per HAVA. This section extends the agreement to include section 11 of this bill, described below.

Section 2 Overseas voters would be allowed to register online (if they have a Wisconsin driver's license or DOT ID card, per sections 6 and 12).

Section 3 Clerk's Report

This section adds electronic registrations to a report that is currently required by the municipal clerks regarding the total number of registrants.

Section 4 Deadline

Wisconsin's deadline for open registration is 20 days (the third Wednesday) before the election. This section establishes the same deadline for electronic registration.

Section 5 This is a technical change referring to section 6.

Section 6 Drivers License or State Identification Required

This newly created section is the most important section. Section 6 states, in part:

“Any eligible elector who holds a current and valid operator’s license issued under ch. 343 or a current and valid identification card issued under s. 343.50 may register electronically in the manner prescribed by the board.”

According to the DOT website, for either a drivers license or identification card, an applicant needs to provide documentation including proof of name, date of birth, identity, and residency. Driver’s license applicants who are under 18 must provide all of the above, except that instead of proof of Wisconsin residency, they must have an adult sponsor.

<http://www.dot.state.wi.us/drivers/drivers/apply/idcard.htm>

<http://www.dot.state.wi.us/drivers/drivers/apply/drivrlc.htm>

Section 6 Signature

Section 6 also states:

“The form shall contain an authorization for the board to obtain from the department of transportation an electronic copy of the applicant’s signature, which signature shall constitute an affirmation that all information provided by the elector is correct and shall have the same effect as if the applicant had signed the application personally. Upon submittal of the electronic application, the board shall obtain from the department of transportation a copy of the electronic signature of the applicant and shall integrate the signature into the applicant’s electronic application.”

Section 7 Review of the Application

This section amends existing statute 6.32. Currently, the GAB or municipal clerk examines the paper forms for sufficiency. This section adds electronic applications to those examined.

Part of the review process involves a verification postcard per Statute 6.32 (4). Currently, anyone who registers during the open registration time (up until 20 days before the election) is subject to the postcard verification process. Shortly after the registration is entered, the GAB sends a verification postcard. If the postman cannot deliver it, it goes back to the municipal clerk, who will investigate. With paper forms, processing is often delayed during periods of high volume, and therefore sending the postcards is also delayed. With online registration, those postcards can be sent promptly. Since data entered through online registration will be more accurate, fewer postcards will be returned due to typographical errors.

Sections 8 and 9 Information on Forms

These sections require that the electronic form contains the same information as the non-electronic form, except that the digital signature replaces a “wet” signature, as described in section 6. These sections also refer to section 11.

Sections 10 and 11 HAVA Compliance

Sections 10 and 11 are tied together. They modify existing statutes in order to apply HAVA clauses. HAVA states that first time voters who register by mail must show identification on Election Day. HAVA also states that for voters whose identifying data match the records stored by the DOT, the requirement to show identification “shall not apply.”

Section 10 states that electronic applicants will be handled the same as mail-in registrants, as far as the HAVA requirement for first time voters to show proof of residence.

Section 11 is a new statute, which states that the section 10 requirement shall not apply if the GAB can verify the information.

Section 12 Instant Verification

This section requires that the system verify instantly the key information submitted by the applicant. This includes name, date of birth, and either drivers license number or state identification card number. This forces the applicant to enter the information exactly as on the driver's license or ID card.

This instant verification also fulfills a requirement of the "HAVA check", the verification of submitted data by comparing it to the DOT data. For paper registration forms, approximately 10% fail the HAVA check. The municipal clerks spend time investigating these verification failures, many of which are caused by typographical errors. By reducing failed HAVA checks, online registration under this bill will save time for the voter and the municipal clerk. It will increase security, since the HAVA check is performed before the voter's online application is accepted.

Sections 13 and 14 Storing Records

These sections require electronic registrations to be stored according to a new administrative rule to be promulgated by the GAB.

Section 15 Poll List

This section amends an existing statute, which requires that the Election Day poll list indicate that proof of residence is required for appropriate voters. This refers to section 11.

Section 16 Change of Address

This section amends an existing statute to allow an elector who has either a Wisconsin driver's license or a DOT identification card to change their address electronically.

Section 17 Name Change

This section amends an existing statute to allow an elector who has either a Wisconsin Drivers license or Wisconsin identification card, and who has legally changed their name, to change their name on the voter registration list. (In order for the voter to successfully use the online voter registration system, they would need to have previously notified the DOT of the name change, or else the instant verification will fail. Name changes with the DOT must be done in person and require documentation as described below.)

Section 18 Infrequent Voters

Currently, voters who have not voted in four years are subject to being declared ineligible. They may regain their eligibility by reregistering, using existing methods. This section allows them to reregister electronically if they have a driver's license or state identification card.

Section 19 This is a wording change to clarify an existing statute.

Section 20 Hospitalized Voters

This section amends an existing statute to extend conformance with HAVA to hospitalized electors who have registered electronically. It references section 11.

Section 21 Absentee Voters

This section amends an existing statute to extend conformance with HAVA to absentee voters who have registered electronically. It references Section 11.

Section 22 Registration Forms

This section includes electronic registration in the list of forms to be prescribed by the GAB. Section 22 states in part: “All such forms shall contain a statement of the penalty applicable to false or fraudulent registration or voting through use of the form.”

Section 23 Agreement Between GAB and DOT

This section is similar to section 1. It deals with the existing agreement between the GAB and the DOT for matching personally identifiable information submitted by registrants, per HAVA. This section extends the agreement to include section 11 of this bill.

Section 24 Confidentiality of signatures

This section allows the GAB access to the signatures and requires the GAB to keep the signatures confidential.

Section 25 duplicates much of section 24, but goes into effect and replaces section 24 upon full implementation of the REAL ID act. See section 29.

Section 26 Legislative Oversight

This non-statutory provision requires the GAB and DOT to file quarterly progress reports with standing legislative committees until implementation is complete.

Section 27 Fiscal Impact

A fiscal note is not currently available.

Section 28 Initial Applicability

“This act first applies with respect to registration for voting at the first spring or September primary election that follows the effective date of this subsection by at least 6 months”.

Section 29 Effective dates

This section delays section 25 until REAL ID is fully implemented.

Excerpt from the Help America Vote Act, Section 303. (Emphasis added)

(b) Requirements for **Voters Who Register by Mail**.--

(1) In general.--Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4(c)) and subject to paragraph (3), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if--

(A) the individual **registered to vote in a jurisdiction by mail**; and

(B) (i) the individual has **not previously voted** in an election for Federal office in the State; or

(ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of subsection (a).

(2) Requirements.--

(A) In general.--An individual meets the requirements of this paragraph if the individual--

(i) in the case of an individual who votes in person--

(I) **presents to the appropriate State or local election official a current and valid photo identification; or**

(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or

(ii) in the case of an individual who votes by mail, submits with the ballot--

(I) a copy of a current and valid photo identification; or

(II) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

(B) Fail-safe voting.--

(i) In person.--An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A) (i), may cast a provisional ballot under section 302(a).

(ii) By mail.--An individual who desires to vote by mail but who does not meet the requirements of subparagraph (A) (ii) may cast such a ballot by mail and the ballot shall be counted as a provisional ballot in accordance with section 302(a).

(3) Inapplicability.--Paragraph (1) **shall not apply** in the case of a person--

(A) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) and submits as part of such registration either--

(i) a copy of a current and valid photo identification; or

(ii) a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter;

(B) (i) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) and submits with such registration either--

(I) a driver's license number; or

(II) at least the last 4 digits of the individual's social security number; and

(ii) with respect to whom a State or local **election official matches the information submitted under clause (i) with an existing State identification record bearing the same number, name and date of birth as provided in such registration;**