

State of Wisconsin \ Government Accountability Board

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DATE: April 11, 2014 (Corrected August 5, 2014)

TO: Wisconsin County Clerks
Wisconsin Municipal Clerks
Milwaukee County Election Commission
City of Milwaukee Election Commission
Special Registration Deputies

FROM: Michael Haas
Elections Division Administrator

SUBJECT: **Revised Guidance** -- Proof of Residence Now Required for All
Voter Registrations

Introduction

As an introduction to the guidance below it bears repeating a message the G.A.B. has delivered to local election officials and partners in recent years. Once again, we appreciate the hard work and diligence of municipal and county clerks, and offer our sincere thanks for your patience and attention to detail as all of us implement the enactment of new state legislation affecting election administration. These legislative changes will continue to cause increased responsibilities for all of us. They may strain limited resources in your offices and our agency, and will result in more frequent communications from the G.A.B., new or revised procedures, forms, manuals, training, teleconferences, and webinars in an effort to support all of the implementation efforts.

We all proudly share an honorable profession -- the administration of elections in a fair and transparent manner with the highest degree of pride and integrity. Change has become a constant in the election world. The policy makers have made their decisions and we need to, and will continue to, work together as a committed and dedicated team to carry out our additional and new responsibilities in the same professional manner that we always have.

We value our relationship as partners with you and will continue our primary mission to support you. As the recent report of the Presidential Commission on Election Administration noted, all stages of election administration ultimately affect the individual voter, positively or negatively, which is a worthwhile point to keep in mind as we incorporate new procedures into our routines. We appreciate your attention to this new guidance.

2013 Wisconsin Act 182 – New Voter Registration Requirements

2013 Wisconsin Act 182, which was passed as Senate Bill 267, is effective as of April 4, 2014. Act 182 requires that voters provide a document establishing their proof of residence (POR) as part of the voter registration application. The requirement applies to

all electors who are not military or permanent overseas electors. Prior to Act 182's enactment, proof of residence was not required for electors that registered during the open registration period in the clerk's office or through a special registration deputy (SRD).

The new law will require changes in procedures for voters, clerks and special registration deputies. It also requires the G.A.B. to make changes in the Statewide Voter Registration System and MyVote Wisconsin, and additional information about those changes will be provided when they are further developed. Due to its immediate effective date, however, the G.A.B. provides the following guidance and directives to voters and local election officials regarding the implementation of Act 182.

- 1. Effective Date and Applicability:** Act 182 applies to voter registration applications which are received by clerks starting April 4, 2014, regardless of the date on the application or the date of any postmark. Registrations received prior to April 4, 2014 are not subject to Act 182, even if they were not processed by that date. Registration applications received on or after April 4, 2014, whether by mail or in-person, or through a voter registration drive, an SRD, or MyVote Wisconsin, are not complete unless a valid proof of residence document (POR) has been provided, and the required information is recorded on the Voter Registration Application (GAB-131). This includes applications submitted as a result of a change in the elector's name or address, ~~except electors that process only a name change at the polls may do so without submitting a new application.~~

While new provisions in Act 182 related to recording the POR information on the GAB-131 do not apply to Election Day Registrations submitted at the Spring Election on April 1, 2014, those registrants were required to provide POR under existing law. The POR requirement does not apply to military or permanently overseas voters but proof of residence is always required of all other registering electors under the new law, including indefinitely confined voters in adult-care facilities.

- 2. Electors Registering in Person with an Election Official:** Any elector wishing to register in person must display a paper or electronic POR document to the election official (clerk, SRD, or election inspector), who must list on the GAB-131 the type of POR, the entity issuing it, and a specific portion of the identifying number. Clerks, SRD's, and election inspectors are not required to retain the POR document of electors registering before them. Applications submitted in person must not be processed if the elector has not shown the POR document and the clerk, SRD, or election inspector has not recorded the POR information on the GAB-131. In-person applications include those entered into MyVote Wisconsin and delivered in person to a clerk.
- 3. Electors Registering by Mail:** "By mail" registrations include those created using the Click and Mail function on MyVote Wisconsin and submitted by mail. Registration applications submitted through a registration drive

volunteer who is not an SRD are also considered mail registrations. Mailed registration forms must include a copy of the POR document with the GAB-131. By mail applications that are not accompanied by a POR document shall not be processed and the elector shall not be entered into or approved in SVRS until a POR document is submitted and the POR information has been recorded on the GAB-131.

- 4. Registrations Lacking a POR Document or Required POR Document Information:** When a GAB-131 is not accompanied by the POR document or does not include the required POR document information, the clerk shall contact the elector in writing and require the elector to provide a copy of the POR document to the clerk. If provided in-person, the elector may present the POR document to the clerk who can record the information without retaining the document.

Clerks should advise the elector that, after the open registration period, the POR document can no longer be provided by mail and must be submitted in person. In the event that an elector submits a POR document after the end of open registration for a GAB-131 that was previously submitted without POR, the elector must again sign and date the GAB-131 because that is the date the registration process was completed. A sample letter to electors containing these instructions is attached to this memorandum.

- 5. Retention of POR Documents:** Clerks must retain copies of POR documents that accompanied a registration form submitted by mail or through a non-SRD registration drive. However, the retention period is shorter than voter registration forms. Voter registration forms must be retained for four years after the elector's status is changed to ineligible under Wis. Stat. §7.23. POR documents are considered "other records" under the statutory retention schedule and may be destroyed 22 months after the next election following the processing of the application if that is a federal election, or else 90 days after the next election if it is not a federal election. *Wis. Stat. §7.23(1)(g) and (k).*

For example, POR documents which accompany registration forms submitted prior to the August Partisan Primary may be destroyed 22 months after that election because it includes federal offices. POR documents which accompany registration forms submitted after the General Election until the next Spring Primary may be destroyed 90 days after the Spring Election because that election does not include a federal office. After processing "mailed" GAB-131 forms, the clerk may store the POR documents separately from the GAB-131 forms so that they may be properly destroyed after the required retention period. The destruction dates described above may be extended if required under any local retention schedule or if the POR documents are related to pending litigation or public records requests.

- 6. Abbreviated POR Identifying Number:** Act 182 requires that the identifying number recorded on the GAB-131 be restricted to the last four digits if the full number contains more than six digits, or the last two digits if

the full number is six or fewer digits. This provision was intended to withhold the initial digits in an identifying number which may be the same for issuing institutions, to make it more difficult to obtain a complete number of an elector's financial or other account.

Voters may cross off or redact the extraneous digits before submitting their POR document. If extraneous digits are included on the POR document to be retained by a clerk, those digits should be redacted when the GAB-131 is processed, and clerks should ensure that they are not displayed in response to a public records request. The extraneous digits should be redacted in such a way as to prevent them from being viewed.

- 7. Recording POR Identifying Number:** The GAB-131 will be revised in the future to accommodate Act 182. In the meantime, the POR information should continue to be recorded on line 12, including the type of POR, the identifying number, and the entity issuing it. The identifying document number that is recorded must be only the last four digits if the full number contains more than six digits, or the last two digits if the full number is six or fewer digits. Similarly, only the last four or last two digits should be entered into SVRS. The current GAB-131 does not indicate a space to record the entity issuing the POR document, but that information should be recorded where space is available elsewhere on line 12 of the GAB-131.
- 8. Sunset of "POR Required" Designation:** New voter registration applications should no longer be processed and entered in SVRS as "POR Required," which will also eliminate one reason for provisional ballots in Wisconsin. If POR is not submitted, the application cannot be processed. However, "POR Required" registrants that were processed prior to April 4, 2012 will remain designated as such and will be required to provide POR at the time of voting. Further instructions regarding changes to SVRS and the GAB-131 will be provided in the future. In the meantime, the second bullet point in the instructions at the top of the GAB-131 regarding first-time Wisconsin voters applying by mail should be disregarded because proof of residence is now required of voters who register at any time, except for military and permanent overseas voters.
- 9. Updating SRD Training:** Municipal clerks who have appointed special registration deputies (SRD) must contact all SRD's as soon as possible regarding the requirements of Act 182. The clerk must provide each SRD with a paper or electronic copy of this memorandum and remind SRD's that they must verify that each registrant possesses a valid form of POR, and must record the POR information on the GAB-131. Clerks should instruct SRD's that they should not submit registration applications to clerks without the POR information as those applications are incomplete.
- 10. Acceptable POR Documents:** Valid forms of proof of residence must include the voter's name and current address, and are any of the following:

- a. A current and valid Wisconsin driver license or identification card.
- b. Any other official identification card or license issued by a Wisconsin governmental body or unit.
- c. Any identification card issued by an employer in the normal course of business and bearing a photo of the card holder, but not including a business card.
- d. A real estate tax bill or receipt for the current year or the year preceding the date of the election.
- e. A university, college, or technical college identification card (must include photo) ONLY if the voter provides a fee receipt dated within the last 9 months or the institution provides a certified housing list to the municipal clerk.
- f. A gas, electric, or telephone service statement (utility bill) for the period commencing no earlier than 90 days before Election Day.
- g. Bank statement.
- h. Paycheck.
- i. A check or other document issued by a unit of government.
- j. An affidavit on public or private social service agency letterhead identifying a homeless voter and describing the individual's residence for voting purposes.
- k. Residential lease that is effective on date of registration (not valid if registering by mail or through a non-SRD voter registration drive).

Documents that do not qualify under these categories are not valid POR for voter registration and shall not be accepted as such by clerks, SRD's, registration drive workers, or election inspectors. The G.A.B. has provided further examples of documents that qualify as POR within the above categories at [Proof of Residence Examples](#), which clerks shall also provide to SRD's.

11. Review of SRD and Registration Drive Applications: Upon receiving registration applications from SRD's and registration drives, clerks shall take care to review the POR information to verify that it is a valid form of POR and that the issuing entity, document type, and identifying number information is provided. If not, the clerk may not process the application and must contact the voter to obtain the POR document as described in paragraph 4 above. Clerks should emphasize the new POR requirements to SRD's and may require additional training for current SRD's regarding Act 182. An SRD that repeatedly fails to verify the validity of POR documents or record the required POR information on the GAB-131 is subject to revocation under Section GAB 3.13, Wis. Adm. Code.

The G.A.B. will update its SRD and other training materials, the GAB-131 Voter Registration Form, as well as SVRS and MyVote Wisconsin, and will communicate those changes to local election officials. In the meantime, if you have any questions about these new requirements and procedures, please contact the G.A.B. Help Desk at GAB@wi.gov or (608) 261-2028.