



2021 ASSEMBLY BILL 201

March 25, 2021 - Introduced by Representatives GUNDRUM, ROZAR, EDMING, SPIROS, KRUG, NEYLON, BROOKS, MURPHY, JAGLER, ALLEN, KNODL and WICHGERS, cosponsored by Senators STROEBEL, DARLING, ROTH, WANGGAARD, BRADLEY, NASS, BALLWEG and FELZKOWSKI. Referred to Committee on Campaigns and Elections.

1 **AN ACT to repeal** 6.24 (4) (c), 6.86 (2m), 6.87 (4) (b) 2. and 6.87 (4) (b) 3.; **to**
2 **renumber and amend** 6.86 (1) (ar); **to amend** 6.18, 6.30 (5), 6.86 (1) (a) 3., 6.86
3 (1) (ac), 6.86 (1) (b), 6.86 (2) (a), 6.86 (2) (b), 6.87 (1), 6.87 (2), 6.87 (4) (b) 1., 6.87
4 (4) (b) 5., 6.875 (3) (a), 6.875 (4) (a) and 7.15 (1) (j); and **to create** 6.86 (1) (as),
5 6.86 (2) (am), 6.86 (8), 6.88 (4) and 7.15 (1) (jj) of the statutes; **relating to:**
6 absentee ballot applications, unsolicited mailing or transmission of absentee
7 ballot applications and absentee ballots, canvassing absentee ballots,
8 electronic voter registration, and providing a penalty.

Analysis by the Legislative Reference Bureau

ABSENTEE BALLOTS

This bill makes a number of changes to the laws relating to absentee ballots in Wisconsin.

1. Applications for absentee ballots

Subject to an exception for certain voters at residential care facilities and qualified retirement homes, current law prohibits a municipal clerk from issuing an absentee ballot to a voter, including in person at the municipal clerk's office, unless the voter submits a written application for the absentee ballot. Current law does not prescribe a specific form of written application for requesting absentee ballots.

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The bill requires the Elections Commission to prescribe the form and instructions of the absentee ballot application. The bill also requires the absentee ballot application to be separate and distinct from the certificate envelope in which voters must seal and submit absentee ballots, the outer portion of which includes certifications of both the voter and a witness. Additionally, the bill requires that the application require the voter to certify facts establishing that he or she is eligible to vote in the election and must include at least all of the following information:

- a. The voter's municipality and county of residence.
- b. The voter's name, date of birth, and contact information, including as applicable the voter's telephone number, fax number, and e-mail address.
- c. The street address of the voter's legal voting residence.
- d. The election at which the voter intends to vote absentee.
- e. Whether the voter is a military or overseas voter.
- f. The voter's confidential identification serial number if the voter has obtained a confidential listing for purposes of voting.
- g. The lawful method by which the voter prefers to receive the absentee ballot.
- h. Whether the voter is a hospitalized voter.

The bill provides that any municipal clerk issuing an absentee ballot without having received a completed application on the form prescribed by the Elections Commission under the bill that contains the voter's original written signature, a copy of the voter's original written signature if transmitted by facsimile transmission, or the voter's electronic signature if submitted in Portable Document Format (PDF) by e-mail, or the signature of a person authorized by law to sign on the elector's behalf, is subject to a Class I felony, which is punishable by a fine not to exceed \$10,000 or imprisonment not to exceed three years and six months, or both.

2. Automatic receipt of absentee ballots

Current law allows the following voters to receive absentee ballots automatically for each election for specified periods:

- a. Indefinitely confined voters. Current law allows a voter who identifies himself or herself as indefinitely confined because of age, physical illness, infirmity, or disability to have, by signing a statement to that effect, an absentee ballot sent to the voter automatically every election. If an indefinitely confined voter fails to vote in an election, the municipal clerk must remove the voter from the indefinitely confined list if the voter does not renew his or her indefinitely confined status after 30-days' notice. Additionally, the clerk must remove a voter from the list if the clerk receives reliable information indicating the voter is no longer indefinitely confined.
- b. Overseas voters. Certain overseas voters registered to vote in Wisconsin may apply for automatic receipt of absentee ballots for all national elections occurring during the year of application.
- c. Military voters. Service members who are on active duty and as a result are absent from their residence in Wisconsin may apply for automatic receipt of absentee ballots for all elections occurring during the year of application, or as otherwise requested by the service member.

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d. All other voters. Any other voter eligible to vote absentee in Wisconsin may apply for automatic receipt of absentee ballots for all elections occurring in the voter's municipality during the year of application.

The bill eliminates the option for indefinitely confined voters, overseas voters, and all other voters, other than military voters, to receive an absentee ballot automatically for any election. However, the bill authorizes indefinitely confined voters to request and receive absentee ballot applications, rather than absentee ballots, automatically for each election. Active duty service members may continue to request automatic receipt of absentee ballots as provided under current law.

3. Photo ID requirements for absentee voters

Current law requires most voters applying to vote absentee in an election to submit proof of identification, such as a driver's license, with their absentee ballot application. The municipal clerk must verify that the name on the proof of identification conforms to the name on the voter's absentee ballot application. However, current law exempts from that proof of identification requirement certain indefinitely confined voters, as described above; overseas voters; and voters who received an absentee ballot from the municipal clerk by mail for a previous election, had provided proof of identification with that ballot, and had not changed their name or address since providing that proof of identification.

This bill eliminates those three exemptions. The bill leaves in place all of the following exemptions under current law:

a. Active duty military voters are exempt from having to submit proof of identification with the absentee ballot application.

b. Certain individuals who are the victims of domestic abuse, sexual assault, or stalking may obtain a confidential listing and keep their identities private for purposes of voting. If an individual applies and qualifies for a confidential listing, he or she is issued a unique identification serial number by the Elections Commission. When applying for an absentee ballot, an individual who has obtained a confidential listing may submit that unique identification serial number in lieu of providing proof of identification.

c. Residents of residential care facilities or qualified retirement homes who, in lieu of providing a copy of proof of identification with their absentee ballot, may submit a statement signed by special voting deputies, or by others if no special voting deputies are available, that includes certain information and certifications required by law.

d. An individual whose driver's license is revoked and who has been required to surrender his or her license within 60 days before an election may enclose a copy of the citation or notice in lieu of submitting his or her driver's license for purposes of applying for an absentee ballot.

4. Unsolicited mailing or transmission of absentee ballot applications and absentee ballots

The bill prohibits any municipal or county clerk or municipal or county board of election commissioners, and any person acting on behalf of the Elections Commission, from sending or transmitting an absentee ballot application or an absentee ballot to a voter for purposes of voting in an election unless the voter applies

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for the application or ballot as provided by law. Any person violating that prohibition is guilty of a Class I felony.

5. Notices concerning the canvass of absentee ballots

Under the bill, once the canvassing of absentee ballots begins with respect to any election, the municipal clerk must hourly post, at his or her office and on the Internet, a statement showing the number of absentee ballots that the clerk has mailed or transmitted to voters, the number of absentee ballots that have been returned to the clerk, the number of absentee ballots counted, and the number of absentee ballots remaining to be counted.

ELECTRONIC VOTER REGISTRATIONS

Under current law, an individual holding a valid driver's license or identification card issued by the Department of Transportation and who is eligible to vote in Wisconsin may register electronically. The Elections Commission maintains an Internet site that is used by voting-eligible individuals for purposes of electronic registration, currently titled MyVote Wisconsin. Current law requires the commission to provide a secure registration form on that Internet site that enables the individual to enter and update the information necessary for purposes of voter registration. Upon the voter's authorization, the commission obtains the individual's electronic signature from DOT for purposes of authenticating the information provided by the individual.

The bill requires the Elections Commission to maintain a version of the completed application, including the voter's electronic signature, in PDF. The commission must make the PDF version of the completed application available to the municipal clerk or board of election commissioners of the municipality where the voter resides.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

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:

1 **SECTION 1.** 6.18 of the statutes is amended to read:

2 **6.18 Former residents.** If ineligible to qualify as an elector in the state to
3 which the elector has moved, any former qualified Wisconsin elector may vote an
4 absentee ballot in the ward of the elector's prior residence in any presidential election
5 occurring within 24 months after leaving Wisconsin by requesting an application

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1 form and returning it, properly executed, to the municipal clerk of the elector's prior
2 Wisconsin residence. When requesting an application form for an absentee ballot,
3 the applicant shall specify the applicant's eligibility for only the presidential ballot.
4 Unless the applicant is exempted from providing proof of identification under s. 6.87
5 (4) (b) 2. or 3., or the applicant is a military or overseas elector, the elector shall
6 enclose a copy of his or her proof of identification or any authorized substitute
7 document with his or her application. The municipal clerk shall verify that the name
8 on the proof of identification conforms to the name on the application. The clerk shall
9 not issue a ballot to an elector who is required to enclose a copy of proof of
10 identification or an authorized substitute document with his or her application
11 unless the copy is enclosed and the proof is verified by the clerk. The application form
12 shall require the following information and be in substantially the following form:

13 This form shall be returned to the municipal clerk's office. Application must be
14 received in sufficient time for ballots to be mailed and returned prior to any
15 presidential election at which applicant wishes to vote. Complete all statements in
16 full.

17 APPLICATION FOR PRESIDENTIAL

18 ELECTOR'S ABSENTEE BALLOT

19 (To be voted at the Presidential Election

20 on November, (year)

21 I, hereby swear or affirm that I am a citizen of the United States, formerly
22 residing at in the ward aldermanic district (city, town, village) of, County
23 of for 28 consecutive days prior to leaving the State of Wisconsin. I, do solemnly
24 swear or affirm that I do not qualify to register or vote under the laws of the State
25 of(State you now reside in) where I am presently residing. A citizen must be a

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1 resident of: State(Insert time) County(Insert time) City, Town or Village
2(Insert time), in order to be eligible to register or vote therein. I further swear or
3 affirm that my legal residence was established in the State of(the State where you
4 now reside) on Month Day Year.

5 Signed

6 Address(Present address)

7(City)(State)

8 Subscribed and sworn to before me this day of (year)

9(Notary Public, or other officer authorized to administer oaths.)

10(County)

11 My Commission expires

12 MAIL BALLOT TO:

13 NAME

14 ADDRESS

15 CITY STATE ZIP CODE

16 *Penalties for Violations.* Whoever swears falsely to any absent elector affidavit
17 under this section may be fined not more than \$1,000 or imprisoned for not more than
18 6 months or both. Whoever intentionally votes more than once in an election may
19 be fined not more than \$10,000 or imprisoned for not more than 3 years and 6 months
20 or both.

21(Municipal Clerk)

22(Municipality)

23 **SECTION 2.** 6.24 (4) (c) of the statutes is repealed.

24 **SECTION 3.** 6.30 (5) of the statutes is amended to read:

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1 6.30 (5) BY ELECTRONIC APPLICATION. An eligible elector who holds a current and
2 valid operator's license issued under ch. 343 or a current and valid identification card
3 issued under s. 343.50 may register electronically in the manner prescribed by the
4 commission. The commission shall maintain on the Internet a secure registration
5 form that enables the elector to enter the information required under s. 6.33 (1)
6 electronically. An elector who registers electronically under this subsection must
7 authorize the commission to obtain from the department of transportation an
8 electronic copy of the elector's signature, which signature shall constitute an
9 affirmance that all information provided by the elector is correct and shall have the
10 same effect as if the elector had signed the application personally. The commission
11 shall include on the registration form a place for the elector to give this authorization.
12 Upon submittal of the electronic application, the commission shall obtain from the
13 department of transportation a copy of the electronic signature of the elector. The
14 commission shall maintain the a version of the completed application on file and in
15 portable document format (PDF), which shall contain the elector's electronic
16 signature, shall notify the municipal clerk or board of election commissioners of the
17 municipality where the elector resides of its receipt of each completed application,
18 and shall make the PDF version of the completed application available to the
19 municipal clerk or board of election commissioners. The commission shall also
20 permit any elector who has a current and valid operator's license issued to the elector
21 under ch. 343 or a current and valid identification card issued under s. 343.50 to
22 make changes in his or her registration at the same Internet site that is used by
23 electors for original registration under this subsection. An elector shall attest to the
24 correctness of any changes in the same manner as provided in this subsection for
25 information entered on an application for original registration. The changes shall

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1 be incorporated into the PDF version of the elector's completed application
2 maintained by the commission.

3 **SECTION 4.** 6.86 (1) (a) 3. of the statutes is amended to read:

4 6.86 (1) (a) 3. By signing a statement and filing a request to receive absentee
5 ballots under ~~sub. (2) or (2m) (a) or~~ s. 6.22 (4), 6.24 (4), or 6.25 (1) (c).

6 **SECTION 5.** 6.86 (1) (ac) of the statutes is amended to read:

7 6.86 (1) (ac) Any elector qualifying under par. (a) may make written application
8 to the municipal clerk for an official ballot by means of facsimile transmission or
9 electronic mail. Any application under this paragraph ~~need not~~ shall contain a copy
10 of the applicant's original written signature. ~~An elector requesting a ballot under~~
11 ~~this paragraph shall return with the voted ballot a copy of the request bearing an~~
12 ~~original signature of the elector as provided in s. 6.87 (4) or contain the applicant's~~
13 electronic signature on the application form in portable document format (PDF).

14 Except as authorized in ss. 6.87 (4) (b) ~~2. to 5.~~ 4. and 5. and 6.875 (6), and
15 notwithstanding s. 343.43 (1) (f), the elector shall transmit a copy of his or her proof
16 of identification in the manner provided in s. 6.87 (1) unless the elector is a military
17 elector or ~~an overseas elector or~~ the elector has a confidential listing under s. 6.47 (2).

18 **SECTION 6.** 6.86 (1) (ar) of the statutes is renumbered 6.86 (1) (ar) 1. and
19 amended to read:

20 6.86 (1) (ar) 1. Except as authorized in s. 6.875 (6), the municipal clerk shall
21 not issue an absentee ballot unless the clerk receives ~~a written application therefor~~
22 from a qualified elector of the municipality a completed application in the form
23 prescribed by the commission under par. (as) that contains the elector's original
24 written signature, or, if application is made under par. (ac), that contains the elector's
25 electronic signature or a copy of the elector's original written signature, or the

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1 signature of a person the elector authorizes to sign on the elector's behalf under par.
2 (ag) or sub. (3) (a). The clerk shall retain each absentee ballot application until
3 destruction is authorized under s. 7.23 (1). A municipal clerk issuing an absentee
4 ballot contrary to this subdivision is guilty of a Class I felony.

5 2. Except as authorized in s. 6.79 (6) and (7), if a qualified elector applies for
6 an absentee ballot in person at the clerk's office, the clerk shall not issue the elector
7 an absentee ballot unless the elector presents proof of identification. The clerk shall
8 verify that the name on the proof of identification presented by the elector conforms
9 to the name on the elector's application and shall verify that any photograph
10 appearing on that document reasonably resembles the elector. The clerk shall then
11 enter his or her initials on the certificate envelope indicating that the absentee
12 elector presented proof of identification to the clerk.

13 **SECTION 7.** 6.86 (1) (as) of the statutes is created to read:

14 6.86 (1) (as) The absentee ballot application form and instructions shall be
15 prescribed by the commission and shall be separate and distinct from the certificate
16 envelope prescribed in s. 6.87 (2). The application shall require the elector to certify
17 facts establishing that he or she is qualified to vote in the election at the municipality
18 of his or her legal voting residence and shall include at least all of the following
19 information:

- 20 1. The elector's municipality and county of residence.
- 21 2. The elector's name, date of birth, and contact information, including as
22 applicable the elector's telephone number, fax number, and electronic mail address.
- 23 3. The street address of the elector's legal voting residence.
- 24 4. The election at which the elector intends to vote absentee.
- 25 5. Whether the elector is a military or overseas elector.

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1 6. The elector's confidential identification serial number if the elector has
2 obtained a confidential listing under s. 6.47 (2).

3 7. The lawful method by which the elector prefers to receive the absentee ballot.

4 8. Whether the elector is hospitalized for purposes of sub. (3).

5 **SECTION 8.** 6.86 (1) (b) of the statutes is amended to read:

6 6.86 (1) (b) Except as provided in this section, if application is made by mail,
7 the application shall be received no later than 5 p.m. on the 5th day immediately
8 preceding the election. If application is made in person, the application shall be
9 made no earlier than 14 days preceding the election and no later than the Sunday
10 preceding the election. No application may be received on a legal holiday. A
11 municipality shall specify the hours in the notice under s. 10.01 (2) (e). The
12 municipal clerk or an election official shall witness the certificate for any in-person
13 absentee ballot cast. Except as provided in par. (c), if the elector is making written
14 application for an absentee ballot at the partisan primary, the general election, the
15 presidential preference primary, or a special election for national office, and the
16 application indicates that the elector is a military elector, as defined in s. 6.34 (1), the
17 application shall be received by the municipal clerk no later than 5 p.m. on election
18 day. If the application indicates that the reason for requesting an absentee ballot is
19 that the elector is a sequestered juror, the application shall be received no later than
20 5 p.m. on election day. If the application is received after 5 p.m. on the Friday
21 immediately preceding the election, the municipal clerk or the clerk's agent shall
22 immediately take the ballot to the court in which the elector is serving as a juror and
23 deposit it with the judge. The judge shall recess court, as soon as convenient, and
24 give the elector the ballot. The judge shall then witness the voting procedure as
25 provided in s. 6.87 and shall deliver the ballot to the clerk or agent of the clerk who

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1 shall deliver it to the polling place or, in municipalities where absentee ballots are
2 canvassed under s. 7.52, to the municipal clerk as required in s. 6.88. ~~If application~~
3 ~~is made under sub. (2) or (2m), the application may be received no later than 5 p.m.~~
4 ~~on the Friday immediately preceding the election.~~

5 **SECTION 9.** 6.86 (2) (a) of the statutes is amended to read:

6 6.86 (2) (a) An elector who is indefinitely confined because of age, physical
7 illness, or infirmity or is disabled for an indefinite period may by signing a statement
8 to that effect require that an absentee ballot application be sent to the elector
9 automatically for every election. The application form and instructions shall be
10 prescribed by the commission, and furnished upon request to any elector by each
11 municipality. ~~The envelope containing the absentee ballot shall be clearly marked~~
12 ~~as not forwardable.~~ If any elector is no longer indefinitely confined, the elector shall
13 so notify the municipal clerk.

14 **SECTION 10.** 6.86 (2) (am) of the statutes is created to read:

15 6.86 (2) (am) An elector who receives an absentee ballot application under this
16 subsection may return it as provided under sub. (1) and shall enclose a copy of his
17 or her proof of identification or any authorized substitute document with the
18 application.

19 **SECTION 11.** 6.86 (2) (b) of the statutes is amended to read:

20 6.86 (2) (b) The mailing list established under this subsection shall be kept
21 current through all possible means. If an elector fails to cast and return an absentee
22 ballot received for any election for which the elector applies for and receives an
23 absentee ballot application under this subsection, the clerk shall notify the elector
24 by 1st class letter or postcard that his or her name will be removed from the mailing
25 list unless the clerk receives a renewal of the application within 30 days of the

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1 notification. The clerk shall remove from the list the name of each elector who does
2 not apply for renewal within the 30-day period. The clerk shall remove the name of
3 any other elector from the list upon request of the elector or upon receipt of reliable
4 information that an elector no longer qualifies for the service. The clerk shall notify
5 the elector of such action not taken at the elector's request within 5 days, if possible.

6 **SECTION 12.** 6.86 (2m) of the statutes is repealed.

7 **SECTION 13.** 6.86 (8) of the statutes is created to read:

8 6.86 (8) (a) No municipal or county clerk or municipal or county board of
9 election commissioners, and no person acting on behalf of the commission, may send
10 or transmit an absentee ballot application or an absentee ballot to an elector for
11 voting in an election unless the elector applies for the application or ballot as
12 provided by law.

13 (b) Whoever violates par. (a) is guilty of a Class I felony.

14 **SECTION 14.** 6.87 (1) of the statutes is amended to read:

15 6.87 (1) Upon proper request made within the period prescribed in s. 6.86, the
16 municipal clerk or a deputy clerk authorized by the municipal clerk shall write on
17 the official ballot, in the space for official endorsement, the clerk's initials, which may
18 not be preprinted or stamped, and official title. Unless application is made in person
19 under s. 6.86 (1) (ar), ~~the absent elector is exempted from providing proof of~~
20 ~~identification under sub. (4) (b) 2. or 3.,~~ or the applicant is a military or overseas
21 elector, the absent elector shall enclose a copy of his or her proof of identification or
22 any authorized substitute document with his or her application. The municipal clerk
23 shall verify that the name on the proof of identification conforms to the name on the
24 application. The clerk shall not issue an absentee ballot to an elector who is required

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1 to enclose a copy of proof of identification or an authorized substitute document with
2 his or her application unless the copy is enclosed and the proof is verified by the clerk.

3 **SECTION 15.** 6.87 (2) of the statutes is amended to read:

4 6.87 (2) Except as authorized under sub. (3) (d), the municipal clerk shall place
5 the ballot in an unsealed envelope furnished by the clerk. The envelope shall have
6 the name, official title and post-office address of the clerk upon its face. The other
7 side of the envelope shall have a printed certificate which shall include a space for
8 the municipal clerk or deputy clerk to ~~enter~~ write his or her initials indicating that
9 if the absentee elector voted in person under s. 6.86 (1) (ar), the elector presented
10 proof of identification to the clerk and the clerk verified the proof presented. The
11 certificate shall also include a space for the municipal clerk or deputy clerk to ~~enter~~
12 write his or her initials indicating that the elector is exempt from providing proof of
13 identification because the individual is a military elector ~~or an overseas elector who~~
14 ~~does not qualify as a resident of this state under s. 6.10 or is exempted from providing~~
15 ~~proof of identification under sub. (4) (b) 2. or 3.~~ The certificate shall be in
16 substantially the following form:

17 [STATE OF ...

18 County of ...]

19 or

20 [(name of foreign country and city or other jurisdictional unit)]

21 I, ..., certify subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false
22 statements, that I am a resident of the [... ward of the] (town) (village) of ..., or of
23 the ... aldermanic district in the city of ..., residing at ...* in said city, the county
24 of ..., state of Wisconsin, and am entitled to vote in the (ward) (election district) at
25 the election to be held on ...; that I am not voting at any other location in this election;

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1 that I am unable or unwilling to appear at the polling place in the (ward) (election
2 district) on election day or have changed my residence within the state from one ward
3 or election district to another later than 28 days before the election. I certify that I
4 exhibited the enclosed ballot unmarked to the witness, that I then in (his) (her)
5 presence and in the presence of no other person marked the ballot and enclosed and
6 sealed the same in this envelope in such a manner that no one but myself and any
7 person rendering assistance under s. 6.87 (5), Wis. Stats., if I requested assistance,
8 could know how I voted.

9 Signed

10 Identification serial number, if any:

11 The witness shall execute the following:

12 I, the undersigned witness, subject to the penalties of s. 12.60 (1) (b), Wis.
13 Stats., for false statements, certify that I am an adult U.S. citizen** and that the
14 above statements are true and the voting procedure was executed as there stated.
15 I am not a candidate for any office on the enclosed ballot (except in the case of an
16 incumbent municipal clerk). I did not solicit or advise the elector to vote for or against
17 any candidate or measure.

18(Printed name)

19(Address)***

20 Signed

21 * — An elector who provides an identification serial number issued under s.
22 6.47 (3), Wis. Stats., need not provide a street address.

23 ** — An individual who serves as a witness for a military elector or an overseas
24 elector voting absentee, regardless of whether the elector qualifies as a resident of

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1 Wisconsin under s. 6.10, Wis. Stats., need not be a U.S. citizen but must be 18 years
2 of age or older.

3 *** — If this form is executed before 2 special voting deputies under s. 6.875 (6),
4 Wis. Stats., both deputies shall witness and sign.

5 **SECTION 16.** 6.87 (4) (b) 1. of the statutes is amended to read:

6 6.87 (4) (b) 1. Except as otherwise provided in s. 6.875, an elector voting
7 absentee, other than a military elector or an overseas elector, shall make and
8 subscribe to the certification before one witness who is an adult U.S. citizen. A
9 military elector or an overseas elector voting absentee, regardless of whether the
10 elector qualifies as a resident of this state under s. 6.10, shall make and subscribe
11 to the certification before one witness who is an adult but who need not be a U.S.
12 citizen. The absent elector, in the presence of the witness, shall mark the ballot in
13 a manner that will not disclose how the elector's vote is cast. The elector shall then,
14 still in the presence of the witness, fold the ballots so each is separate and so that the
15 elector conceals the markings thereon and deposit them in the proper envelope. If
16 a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot so that
17 the elector conceals the markings thereon and deposit the ballot in the proper
18 envelope. If proof of residence under s. 6.34 is required and the document enclosed
19 by the elector under this subdivision does not constitute proof of residence under s.
20 6.34, the elector shall also enclose proof of residence under s. 6.34 in the envelope.
21 Except as provided in s. 6.34 (2m), proof of residence is required if the elector is not
22 a military elector or an overseas elector and the elector registered by mail or by
23 electronic application and has not voted in an election in this state. If the elector
24 requested a ballot by means of facsimile transmission or electronic mail under s. 6.86
25 (1) (ac), the elector shall enclose in the envelope a copy of the request which bears an

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1 original written signature of the elector. The elector may receive assistance under
2 sub. (5). The return envelope shall then be sealed. The witness may not be a
3 candidate. The envelope shall be mailed by the elector, or delivered in person, to the
4 municipal clerk issuing the ballot or ballots. If the envelope is mailed from a location
5 outside the United States, the elector shall affix sufficient postage unless the ballot
6 qualifies for delivery free of postage under federal law. Failure to return an unused
7 ballot in a primary does not invalidate the ballot on which the elector's votes are cast.
8 Return of more than one marked ballot in a primary or return of a ballot prepared
9 under s. 5.655 or a ballot used with an electronic voting system in a primary which
10 is marked for candidates of more than one party invalidates all votes cast by the
11 elector for candidates in the primary.

12 **SECTION 17.** 6.87 (4) (b) 2. of the statutes is repealed.

13 **SECTION 18.** 6.87 (4) (b) 3. of the statutes is repealed.

14 **SECTION 19.** 6.87 (4) (b) 5. of the statutes is amended to read:

15 6.87 (4) (b) 5. Unless subd. ~~3.~~ or 4. applies, if the absentee elector resides in a
16 qualified retirement home, as defined in s. 6.875 (1) (at), or a residential care facility,
17 as defined in s. 6.875 (1) (bm), and the municipal clerk or board of election
18 commissioners of the municipality where the facility or home is located does not send
19 special voting deputies to visit the facility or home at the election under s. 6.875, the
20 elector may, in lieu of providing proof of identification, submit with his or her
21 absentee ballot a statement signed by the same individual who witnesses voting of
22 the ballot that contains the certification of an authorized representative of the
23 facility or home that the elector resides in the facility or home and the facility or home
24 is certified or registered as required by law, that contains the name and address of
25 the elector, and that verifies that the name and address are correct.

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1 **SECTION 20.** 6.875 (3) (a) of the statutes is amended to read:

2 6.875 (3) (a) An occupant of a qualified retirement home or residential care
3 facility who qualifies as an absent elector and desires to receive an absentee ballot
4 shall make application under s. 6.86 (1), or (2), ~~or (2m)~~ with the municipal clerk or
5 board of election commissioners of the municipality in which the elector is a resident.
6 Except as provided in sub. (4) (ar), the clerk or board of election commissioners of a
7 municipality receiving an application from an elector who is an occupant of a
8 qualified retirement home or residential care facility located in a different
9 municipality shall, as soon as possible, notify and send an absentee ballot for the
10 elector to the clerk or board of election commissioners of the municipality in which
11 the home or facility is located. Except as provided in sub. (4) (ar), the clerk or board
12 of election commissioners of a municipality receiving an application from an elector
13 who is an occupant of a qualified retirement home or residential care facility located
14 in the municipality but who is a resident of a different municipality shall, as soon as
15 possible, notify and request an absentee ballot from the clerk or board of election
16 commissioners of the municipality in which the elector is a resident. The clerk or
17 board of election commissioners shall make a record of all absentee ballots to be sent,
18 delivered, and voted under this section.

19 **SECTION 21.** 6.875 (4) (a) of the statutes is amended to read:

20 6.875 (4) (a) For the purpose of absentee voting in qualified retirement homes
21 and residential care facilities, the municipal clerk or board of election commissioners
22 of each municipality in which one or more qualified retirement homes or residential
23 care facilities are located shall appoint at least 2 special voting deputies for the
24 municipality. Except as provided in par. (am), upon application under s. 6.86 (1), or
25 (2), ~~or (2m)~~ by one or more qualified electors who are occupants of a home or facility,

ASSEMBLY BILL 201**SECTION 21**

1 the municipal clerk or board of election commissioners of the municipality in which
2 the home or facility is located shall dispatch 2 special voting deputies to visit the
3 home or facility for the purpose of supervising absentee voting procedure by
4 occupants of the home or facility. The clerk or board of election commissioners shall
5 maintain a list, available to the public upon request, of each home or facility where
6 special voting deputies are dispatched. The list shall include the date and time the
7 deputies intend to visit each home or facility. The 2 deputies designated to visit each
8 qualified retirement home and residential care facility shall be affiliated with
9 different political parties whenever deputies representing different parties are
10 available.

11 **SECTION 22.** 6.88 (4) of the statutes is created to read:

12 6.88 (4) At least hourly while ballots are being canvassed, including under s.
13 7.52, the municipal clerk or his or her designee shall post, at his or her office and on
14 the Internet at a site announced by the clerk before canvassing begins, a statement
15 that shows as of the time of posting the number of absentee ballots that the clerk has
16 mailed or transmitted to electors, the number of absentee ballots that have been
17 returned to the clerk, the number of absentee ballots counted, and the number of
18 absentee ballots remaining to be counted. The posting may not include the names
19 or addresses of any electors.

20 **SECTION 23.** 7.15 (1) (j) of the statutes is amended to read:

21 7.15 (1) (j) Send an absentee ballot automatically to each elector and send or
22 ~~transmit an absentee ballot to each~~ military elector, as defined in s. 6.34 (1), and each
23 ~~overseas elector~~ making an authorized request therefor in accordance with s. 6.22
24 (4), 6.24 (4), or 6.86 (2) or (2m).

25 **SECTION 24.** 7.15 (1) (jj) of the statutes is created to read:

