



2003 ASSEMBLY BILL 249

April 8, 2003 - Introduced by Representatives GROTHMAN, KESTELL, AINSWORTH, BIES, FRISKE, GOTTLIEB, GUNDRUM, HAHN, HINES, KRAWCZYK, LADWIG, MCCORMICK, OWENS, STONE, SUDER, WARD and LEMAHIEU, cosponsored by Senators STEPP, LAZICH and REYNOLDS. Referred to Committee on Campaigns and Elections.

1 **AN ACT** *to amend* 6.85 and 6.87 (2) of the statutes; **relating to:** absentee voting.

Analysis by the Legislative Reference Bureau

Under current law, any qualified elector who for any reason is unable or unwilling to vote at a polling place may vote absentee.

This bill permits a qualified elector to obtain an absentee ballot only if the elector will be absent from the municipality in which he or she is qualified to vote on election day or cannot appear at the appropriate polling place because of age, sickness, handicap, physical disability, jury duty, service as an election official, or religious reasons. Under the bill, no elector under the age of 70 may qualify to obtain an absentee ballot solely because of age.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 **SECTION 1.** 6.85 of the statutes is amended to read:

3 **6.85 Absent elector; definition.** An absent elector is any otherwise qualified
4 elector who for any reason is unable or unwilling to, for any reason, is or expects to
5 be absent from the municipality in which the elector is a qualified elector on election
6 day, or who, because of age, sickness, handicap, physical disability, jury duty, service

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1 as an election official, or religious reasons cannot appear at the polling place in his
2 or her ward or election district. No person under the age of 70 qualifies as an absent
3 elector solely because of age. Any otherwise qualified elector who changes residence
4 within this state by moving to a different ward or municipality later than 10 days
5 prior to an election may vote an absentee ballot in the ward or municipality where
6 he or she was qualified to vote before moving. An elector qualifying under this
7 section may vote by absentee ballot under ss. 6.86 to 6.89.

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

9 6.87 (2) Except as authorized under sub. (3) (d), the municipal clerk shall place
10 the ballot in an unsealed envelope furnished by the clerk. The envelope shall have
11 the name, official title, and post-office address of the clerk upon its face. The other
12 side of the envelope shall have a printed certificate in substantially the following
13 form:

14 [STATE OF

15 County of]

16 or

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

18 I, ..., certify subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false
19 statements, that I am a resident of the [... ward of the] (town) (village) of ..., or of
20 the aldermanic district in the city of ..., residing at* in said city, the county
21 of ..., state of Wisconsin, and am entitled to vote in the (ward) (election district) at
22 the election to be held on ...; that I am not voting at any other location in this election;
23 that I ~~am unable or unwilling to~~ cannot appear at the polling place in the (ward)
24 (election district) on election day because I expect to be absent from the municipality
25 or because of age, sickness, handicap, physical disability, religious reasons, jury duty,

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1 or service as an election official, or because I have changed my residence within the
2 state from one ward or election district to another within 10 days before the election.
3 I certify that I exhibited the enclosed ballot unmarked to the witness, that I then in
4 (his) (her) presence and in the presence of no other person marked the ballot and
5 enclosed and sealed the same in this envelope in such a manner that no one but
6 myself and any person rendering assistance under s. 6.87 (5), Wis. Stats., if I
7 requested assistance, could know how I voted.

8 Signed

9 Identification serial number, if any:

10 The witness shall execute the following:

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

16(Name)

17(Address)**

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

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

22 **SECTION 3. Initial applicability.**

23 (1) This act first applies to absentee ballots distributed to electors for the 2004
24 September primary election.

25 (END)