

1979 Assembly Bill 552

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CHAPTER 232, Laws of 1979

AN ACT to amend 6.85, 6.86 (2), 6.87 (2) and 6.88 (1) of the statutes, relating to absentee voting for aged confined persons.

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

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

6.85 Absent elector; definition. An absent elector is any otherwise qualified elector who is or expects to be absent from the municipality in which the absent elector is a qualified elector on election day whether by reason of active service in the U.S. armed forces or for any other reason, or who because of age, sickness, handicap, physical disability, jury duty or religious reasons cannot appear at the polling place in his or her ward. No person under the age of 70 qualifies as an absent elector solely because of age. Any otherwise qualified elector who changes residence within this state by moving to a different ward or municipality later than 10 days prior to an election may vote an absentee ballot in the ward or municipality where he or she was qualified to vote before moving. ~~Any~~ An elector qualifying under this section may vote by absentee ballot under ss. 6.86 to 6.89.

SECTION 2. 6.86 (2) of the statutes is amended to read:

6.86 (2) An elector who is indefinitely confined because of age, physical illness or infirmity or is disabled for an indefinite period may by signing an affidavit to that effect require that an absentee ballot be sent to the elector automatically for every election. The affidavit form and instructions shall be prescribed by the board, and furnished upon request to any elector by each municipality. The envelope containing the absentee ballot shall be clearly marked as not forwardable. If any elector is no longer indefinitely confined, the elector shall so notify the municipal clerk. The mailing list established under this subsection shall be kept current through all possible means. The clerk shall remove the name of any elector from the list upon receipt of reliable information that an elector no longer qualifies for the service. The elector shall be notified of such action within 5 days. An elector who fails to cast and return an absentee ballot received under this subsection shall be removed from the mailing list, and the instructions shall so indicate.

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

6.87 (2) The municipal clerk shall place the ballot in an unsealed envelope furnished by the clerk. The envelope shall have the name, official title and post-office address of the clerk upon its face. The other side of the envelope shall have a printed certificate-affidavit in substantially the following form:

[STATE OF

County of]

or

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

I,, (certify) (do solemnly swear) subject to the penalties of s. 12.60 (1) (b), Wis. Stats. for false statements that I am a resident of the [.... ward of the] (town) (village) of, or of the aldermanic district in the city of, residing at in said city, the county of, state of Wisconsin, and am entitled to vote in the (ward) (election district) at the election to be held on; that I am not voting at any other location in this election; that I cannot appear at the polling place in the (ward) (election district) on election day because I expect to be absent from the municipality or because of age, sickness, handicap, physical disability, religious reasons, jury duty, or because I have changed my residence within the state from one ward or election district to another within 10 days before the election. I (certify) (swear) that I exhibited the enclosed ballot unmarked to the (2 witnesses) (person administering the oath), that I then in (their) (his) (her) presence and in the presence of no other person marked the ballot and enclosed and sealed the same in this envelope in such a manner that no one but myself and any person rendering assistance under s. 6.87 (5), Wisconsin Statutes, if I requested assistance, could know how I voted.

Signed The (2 witnesses) (person administering the oath) shall execute either of the following as appropriate:

We, the undersigned witnesses, subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false statements, certify that the above statements are true and the voting procedure was executed as there stated. Neither of us is a candidate for any office on the enclosed ballot. The elector was not solicited or advised by us to vote for or against any candidate or measure.

.... (Name)
.... (Address)
.... (Name)
.... (Address)

Subscribed and sworn to before me this day of, A.D.,, and I hereby certify that I am not a candidate on the ballot upon which the affiant voted, that the voting procedure above was executed as therein stated, and that the affiant was not solicited or advised by me to vote for or against any candidate or measure.

.... (Name)
.... (Title)
.... (State or nation)

SECTION 4. 6.88 (1) of the statutes is amended to read:

6.88 (1) When an absentee ballot arrives at the office of the municipal clerk, the clerk shall enclose it, unopened, in a carrier envelope which shall be securely sealed and ~~in-~~endorsed with the name and official title of the clerk, and the words "This envelope contains an absent, aged, sick, handicapped or disabled elector's ballot and must be opened at the polls during polling hours on election day". The clerk shall keep the ballot in the clerk's office until delivered, as required in sub. (2).

SECTION 5. **Effective date.** This act shall take effect on July 1, 1980.