

2001 DRAFTING REQUEST

Bill

Received: 11/15/2000

Received By: **rmarchan**

Wanted: **As time permits**

Identical to LRB:

For: **Bonnie Ladwig (608) 266-9171**

By/Representing: **herself**

This file may be shown to any legislator: **NO**

Drafter: **rmarchan**

May Contact:

Alt. Drafters: **kuesejt**

Subject: **Elections - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Absentee voting.

Instructions:

See Attached. Restore absentee voting procedure in existence before 99 Act 182 (limit absentee voting to individuals who are absent from municipality or who cannot appear because of age, sickness, handicap, physical disability, jury duty, service as an election official or religious reasons).

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rmarchan 12/06/2000 kuesejt 12/07/2000	gilfokm 12/07/2000					
/1			rschluct 12/08/2000		lrb_docadmin 12/08/2000	gretskl 01/04/2001 lrb_docadmin 01/04/2001	

FE Sent For:

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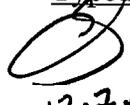
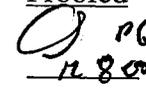
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1/?	rmarchan	1-12/17 King	 12.7.00	 12.8.00			

FE Sent For:

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State of Wisconsin
1999-2000 LEGISLATURE

CORRECTIONS IN:

**ASSEMBLY AMENDMENT 2,
TO 1999 ASSEMBLY BILL 700**

Prepared by the Legislative Reference Bureau
(February 17, 2000)

In engrossing, the following correction was made:

1. Page 1, line 9: delete that line and substitute:

“4c. Page 37, line 5: delete the material beginning with “certificate” and ending with “affidavit” on line 6 and substitute “~~certificate—affidavit~~ certificate—affidavit”.”.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBa1349/1
RJM:wlj:jf

ASSEMBLY AMENDMENT 2,
TO 1999 ASSEMBLY BILL 700

February 9, 2000 - Offered by Representative GROTHMAN.

1 At the locations indicated, amend the bill as follows:

2 1. Page 34, line 14: delete "certification" and substitute "affidavit".

3 2. Page 34, line 14: delete the material beginning with "a witness" and ending
4 with "citizen" on line 15 and substitute: "any person authorized to administer oaths
5 or shall make and subscribe to the certification under s. 6.87 (2) before 2 witnesses
6 who are adult U.S. citizens".

7 3. Page 35, line 11: delete "affidavit certification" and substitute "certification
8 or affidavit".

9 4. Page 37, line 6: delete "affidavit" and substitute "affidavit".

10 5. Page 37, line 8: delete lines 8 to 12 and substitute "Whenever an application,
11 affidavit or other act is required in ss. 6.86 to 6.89 an overseas elector may fulfill the
12 requirements by subscribing or swearing before any person authorized to administer
13 oaths or 2 adult U.S. citizens."

1 **6.** Page 38, line 4: delete lines 4 to 10.

2 **7.** Page 43, line 17: delete the material beginning with that line and ending
3 with page 44, line 4.

4 **8.** Page 44, line 17: delete “notarize the affidavit witness the voting procedure”
5 and substitute “notarize the affidavit”.

6 **9.** Page 45, line 16: delete the material beginning with that line and ending
7 with page 47, line 12, and substitute:

8 “SECTION 95m. 6.87 (2) (intro.) of the statutes is amended to read:

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

14 **10.** Page 48, line 5: after “certificate” insert “-affidavit”.

15 **11.** Page 48, line 6: delete “that shall” and substitute “. The instructions
16 shall”.

17 **12.** Page 48, line 7: delete “sign the certificate and” and substitute “make and
18 subscribe to the affidavit or the certification as required under sub. (4) and to”.

19 **13.** Page 48, line 9: after “certificate” insert “-affidavit”.

20 **14.** Page 48, line 13: delete the material beginning with that line and ending
21 with page 50, line 2 and substitute:

22 “SECTION 98m. 6.87 (4) of the statutes is amended to read:

1 6.87 (4) Except as otherwise provided in s. 6.875, the elector voting absentee
2 shall either make and subscribe to the affidavit before a person authorized to
3 administer oaths or make and subscribe to the certification before 2 witnesses. The
4 absent elector, in the presence of the administrator of the oath or witnesses, shall
5 mark or punch the ballot in a manner that will not disclose how the elector's vote is
6 cast. The elector shall then, still in the presence of the administrator of the oath or
7 the 2 witnesses, fold the ballots if they are paper ballots so each is separate and
8 conceals the markings or punches thereon and deposit them in the proper envelope,
9 but. If a consolidated paper ballot under s. 5.655 or a ballot prepared for use with
10 an electronic voting system is used, the elector shall fold the ballot so that the elector
11 conceals the markings thereon and deposit the ballot in the proper envelope. The
12 elector may receive assistance under sub. (5). The return envelope shall then be
13 sealed. The witnesses or the official oath administrator may not be a candidate. The
14 envelope shall be mailed by the elector, postage prepaid, or delivered in person, to the
15 municipal clerk issuing the ballot. Failure to return an unused ballot in a primary
16 does not invalidate the ballot on which the elector's votes are cast. Return of more
17 than one marked or punched ballot in a primary or return of a ballot prepared under
18 s. 5.655 or a ballot used with an electronic voting system in a primary which is
19 marked or punched for candidates of more than one party invalidates all votes cast
20 by the elector for candidates in the primary."

21 **15.** Page 53, line 13: delete "~~certificate~~ affidavit certificate" and substitute
22 "~~certificate~~-affidavit".

23 **16.** Page 53, line 23: delete the material beginning with that line and ending
24 with page 54, line 8 and substitute:

1 **"SECTION 106m.** 6.88 (1) of the statutes is amended to read:

2 6.88 (1) When an absentee ballot arrives at the office of the municipal clerk,
3 the clerk shall enclose it, unopened, in a carrier envelope which shall be securely
4 sealed and endorsed with the name and official title of the clerk, and the words "This
5 envelope contains the ballot of an absent, aged, sick, handicapped or disabled elector
6 or the ballot of an election official and must be opened at the polls during polling
7 hours on election day". If the ballot was received by facsimile transmission or
8 electronic mail and is accompanied by a separate certificate or affidavit, the clerk
9 shall enclose the ballot in a certificate-affidavit envelope and securely append the
10 completed certificate or affidavit to the outside of the envelope before enclosing the
11 ballot in the carrier envelope. The clerk shall keep the ballot in the clerk's office until
12 delivered, as required in sub. (2)."

13 17. Page 54, line 20: delete the material beginning with that line and ending
14 with page 55, line 9.

15 18. Page 55, line 10: delete the material beginning with that line and ending
16 with page 56, line 2 and substitute:

17 **"SECTION 109m.** 6.88 (3) (b) of the statutes is amended to read:

18 6.88 (3) (b) When the inspectors find that an affidavit or certification is
19 insufficient, that the applicant is not a qualified elector in the ward or election
20 district, that the ballot envelope is open or has been opened and resealed, or that the
21 ballot envelope contains more than one ballot of any one kind, or if proof is submitted
22 to the inspectors that an elector voting an absentee ballot has since died, or, if the
23 ballot was voted by facsimile transmission or electronic mail, that the certificate or
24 affidavit required to accompany the ballot is missing, the inspectors shall not count

1 the ballot. The inspectors shall endorse every ballot not counted on the back,
2 "rejected (giving the reason)". The inspectors shall reinsert each rejected ballot into
3 the affidavit envelope in which it was delivered and enclose the affidavit envelopes
4 and ballots, and securely seal the ballots and envelopes in an envelope marked for
5 rejected absentee ballots. The inspectors shall endorse the envelope, "rejected
6 ballots" with a statement of the ward or election district and date of the election,
7 signed by the chief inspector and one of the inspectors representing each of the 2
8 major political parties and returned to the municipal clerk in the same manner as
9 official ballots voted at the election."

10 **19.** Page 64, line 16: delete lines 16 to 23.

11 **20.** Page 84, line 3: delete lines 3 to 12 and substitute:

12 "SECTION 166m. 9.01 (1) (b) 2. of the statutes is amended to read:

13 9.01 (1) (b) 2. The board of canvassers shall then examine the absentee ballot
14 envelopes. Any defective absentee ballot envelopes shall be laid aside, properly
15 marked and carefully preserved. The number of voters shall be reduced by the
16 number of ballot envelopes set aside under this subdivision. An absentee ballot
17 envelope is defective only if it is neither sworn nor witnessed, if it is not signed by
18 the voter or, if the affidavit supporting the absentee ballot envelope has such a
19 number of technical errors that the board of canvassers is doubtful of the legal effect
20 of the affidavit or, if the ballot was voted by facsimile transmission or electronic mail,
21 if the certificate or affidavit required to accompany the ballot is missing."

22 (END)



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1033/E

RJM & JTK:

1

12-8-00

Handwritten initials: KING, RMNR

Handwritten note: DNOTE

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

12/7/2000 - 1:30 p.m. - In JTK's inbox

1 AN ACT ^{gen. cont.}; 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. An elector who votes absentee must complete a certification before a witness indicating that the elector is qualified to vote the absentee ballot and that the elector has voted the absentee ballot in the manner prescribed by law. Under current law, the witness for any overseas or military elector must be an adult U.S. citizen.

This bill deletes the requirement that an elector voting absentee must complete a certification before one witness and, instead, requires an elector to complete a certification before two witnesses or swear an affidavit. For any overseas or military elector, these witnesses must be adult U.S. citizens. The bill also 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.

before a person who is authorized to administer oaths

may qualify

elector Under the bill, no ~~person~~ under the age of 70 ~~qualified~~ 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. 6.22 (2) (b) of the statutes is amended to read:

3 6.22 (2) (b) Notwithstanding s. 6.87 (4), a military elector shall make and

4 subscribe to the certification affidavit under s. 6.87 (2) before a ~~witness who is an~~

1 ~~adult U.S. citizen~~ any person authorized to administer oaths or shall make and
2 subscribe to the certification under s. 6.87 (2) before 2 witnesses who are adult U.S.
3 citizens.

History: 1971 c. 304 s. 29 (2); 1971 c. 336 s. 37; 1973 c. 334 s. 57; 1975 c. 85 ss. 10, 66 (3); 1977 c. 394; 1979 c. 89, 311; 1981 c. 391; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 192; 1995 a. 313; 1999 a. 182.

4 SECTION 2. 6.22 (5) of the statutes is amended to read:

5 6.22 (5) VOTING PROCEDURE. Except as authorized in s. 6.25, the ballot shall be
6 marked or punched and returned, deposited and recorded in the same manner as
7 other absentee ballots. In addition, the certification or affidavit under s. 6.87 (2)
8 shall have a statement of the elector's birth date. Failure to return any unused
9 ballots in a primary election does not invalidate the ballot on which the elector casts
10 his or her votes.

History: 1971 c. 304 s. 29 (2); 1971 c. 336 s. 37; 1973 c. 334 s. 57; 1975 c. 85 ss. 10, 66 (3); 1977 c. 394; 1979 c. 89, 311; 1981 c. 391; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 192; 1995 a. 313; 1999 a. 182.

11 SECTION 3. 6.24 (4) (d) of the statutes is amended to read:

12 6.24 (4) (d) An overseas elector who is not registered may request both a
13 registration form and an absentee ballot at the same time, and the municipal clerk
14 shall send the ballot automatically if the registration form is received within the time
15 prescribed in s. 6.28 (1). The board shall prescribe a special certificate
16 ~~certificate-affidavit~~ form for the envelope in which the absentee ballot for overseas
17 electors is contained, which shall be substantially similar to that provided under s.
18 6.87 (2). Notwithstanding s. 6.87 (4), an overseas elector shall make and subscribe
19 to the special ~~certificate form~~ ^{plain cert} before a witness who is an adult U.S. citizen 2 witnesses
20 who are adult U.S. citizens ~~or make and subscribe to the special affidavit before any~~ ^{plain} ~~person authorized to administer oaths.~~ ^{strike} ~~person authorized to administer oaths.~~ ^{strike space} shall ~~person authorized to administer oaths.~~ ^{certification}

History: 1977 c. 394; 1979 c. 260, 311; 1985 a. 304; 1987 a. 391; 1989 a. 192; 1995 a. 313; 1997 a. 35; 1999 a. 182 ss. 68 to 75m, 224.

22 SECTION 4. 6.24 (7) of the statutes is amended to read:

1 6.24 (7) VOTING PROCEDURE. Except as authorized under s. 6.25, the ballot shall
2 be marked or punched and returned, deposited and recorded in the same manner as
3 other absentee ballots. In addition, the ~~certificate~~ certificate-affidavit shall have a
4 statement of the elector's birth date. Failure to return the unused ballots in a
5 primary election does not invalidate the ballot on which the elector casts his or her
6 votes.

7 History: 1977 c. 394; 1979 c. 260, 311; 1985 a. 304; 1987 a. 391; 1989 a. 192; 1995 a. 313; 1997 a. 35; 1999 a. 182 ss. 68 to 75m, 224.

8 **SECTION 5.** 6.85 of the statutes is amended to read:

9 **6.85 Absent elector; definition.** An absent elector is any otherwise qualified
10 elector who ~~for any reason is unable or unwilling to~~ for any reason, is or expects to
11 be absent from the municipality in which the absent elector is a qualified elector on
12 election day, or who, because of age, sickness, handicap, physical disability, jury duty,
13 service as an election official, or religious reasons cannot appear at the polling place
14 in his or her ward or election district. No person under the age of 70 qualifies as an
15 absent elector solely because of age. Any otherwise qualified elector who changes
16 residence within this state by moving to a different ward or municipality later than
17 10 days prior to an election may vote an absentee ballot in the ward or municipality
18 where he or she was qualified to vote before moving. An elector qualifying under this
section may vote by absentee ballot under ss. 6.86 to 6.89.

19 History: 1971 c. 304 s. 29 (2); 1975 c. 85, 199; 1977 c. 394; 1979 c. 232; 1983 a. 484; 1999 a. 182.

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

21 6.86 (1) (b) Except as provided in this section, if application is made in writing,
22 the application, signed by the elector, shall be received no later than 5 p.m. on the
23 Friday immediately preceding the election. If application is made in person, the
24 application shall be made no later than 5 p.m. on the day preceding the election. If
the elector is making written application and the application indicates that the

1 reason for requesting an absentee ballot is that the elector is a sequestered juror, the
 2 application shall be received no later than 5 p.m. on election day. If the application
 3 is received after 5 p.m. on the Friday immediately preceding the election, the
 4 municipal clerk or the clerk's agent shall immediately take the ballot to the court in
 5 which the elector is serving as a juror and deposit it with the judge. The judge shall
 6 recess court, as soon as convenient, and give the elector the ballot. The judge shall
 7 then ~~witness the voting procedure~~ notarize the affidavit as provided in s. 6.87 and
 8 shall deliver the ballot to the clerk or agent of the clerk who shall deliver it to the
 9 polling place as required in s. 6.88. If application is made under sub. (2), the
 10 application may be received no later than 5 p.m. on the Friday immediately
 11 preceding the election.

History: 1975 c. 85 ss. 37, 38, 65; 1975 c. 90, 199, 200, 275, 422; 1977 c. 394 ss. 14, 40, 41; 1979 c. 232, 311; 1981 c. 391; 1983 a. 183, 484; 1985 a. 304 ss. 69, 156; 1987 a. 391; 1995 a. 313; 1999 a. 182.

12 **SECTION 7.** 6.87 (2) of the statutes is amended to read:

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

18 [STATE OF

19 County of]

20 or

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

22 I,, (certify) (do solemnly swear) subject to the penalties of s. 12.60 (1) (b), Wis.
 23 Stats., for false statements, that I am a resident of the [... ward of the] (town) (village)
 24 of, or of the aldermanic district in the city of, residing at in said city, the

1 county of, state of Wisconsin, and am entitled to vote in the (ward) (election
 2 district) at the election to be held on; that I am not voting at any other location
 3 in this election; that I ~~am unable or unwilling to~~ cannot appear at the polling place
 4 in the (ward) (election district) on election day because I expect to be absent from the
 5 municipality or because of age, sickness, handicap, physical disability, religious
 6 reasons, jury duty, or service as an election official, or because I have changed my
 7 residence within the state from one ward or election district to another within 10
 8 days before the election. An elector who provides an identification serial number
 9 issued under s. 6.47 (3) need not provide a street address. I (~~certify~~) (swear) that I
 10 exhibited the enclosed ballot unmarked to the witness (~~2 witnesses~~) (person
 11 administering the oath), that I then in (~~their~~) (his) (her) presence and in the presence
 12 of no other person marked the ballot and enclosed and sealed the same in this
 13 envelope in such a manner that no one but myself and any person rendering
 14 assistance under s. 6.87 (5), Wis. Stats., if I requested assistance, could know how I
 15 voted.

16 Signed → F. R.

17 Identification serial number, if any: → F. R.

18 The ~~witness~~ (~~2 witnesses~~) (person administering the oath) shall execute either
 19 of the following ² as appropriate:

20 I ~~We~~, the undersigned ~~witness~~ witnesses, subject to the penalties of s. 12.60 (1)
 21 (b), Wis. Stats., for false statements, certify that the above statements are true and
 22 the voting procedure was executed as there stated. ~~I am not~~ Neither of us is a
 23 candidate for any office on the enclosed ballot (except in the case of an incumbent
 24 municipal clerk). I ~~We~~ did not solicit or advise the elector to vote for or against any
 25 candidate or measure.

1 (Name)

2 (Address)

3 (Name)

4 (Address)

→ F.R.

5 Subscribed and sworn to before me this day of, A.D.,, and I hereby
6 certify that I am not a candidate on the ballot upon which the affiant voted (unless
7 I am an incumbent municipal clerk), that the voting procedure above was executed
8 as therein stated, and that I did not solicit or advise the affiant to vote for or against
9 any candidate or measure.

10 (Name)

11 (Title)

12 (State or nation)

→ F.R.

13 ~~NOTE: NOTE: NOTE: Sub. (2) is shown as affected by two acts of the 1999 legislature and as merged by the revisor under s. 13.93(2)(c). NOTE:~~

History: 1971 c. 242; 1971 c. 304 s. 29 (1), (2); 1975 c. 85; 1975 c. 93 s. 119 (2); 1975 c. 199; 1977 c. 394; 1979 c. 232, 260, 311, 355; 1983 a. 36, 484, 538; 1985 a. 304; 1991 a. 316; 1999 a. 49, 182; s. 13.93 (2) (c).

14 **SECTION 8. 6.87 (3) (d) of the statutes is amended to read:**

15 6.87 (3) (d) Unless a municipality uses an electronic voting system that
16 requires an elector to punch a ballot in order to record the elector's votes, a municipal
17 clerk of a municipality may, if the clerk is reliably informed by an absent elector of
18 a facsimile transmission number or electronic mail address where the elector can
19 receive an absentee ballot, transmit a facsimile or electronic copy of the absent
20 elector's ballot to that elector in lieu of mailing under this subsection if, in the
21 judgment of the clerk, the time required to send the ballot through the mail may not
22 be sufficient to enable return of the ballot by the time provided under sub. (6). An
23 elector may receive an absentee ballot under this subsection only if the elector has
24 filed a valid application for the ballot under sub. (1). If the clerk transmits an
25 absentee ballot under this paragraph, the clerk shall also transmit a facsimile or

1 electronic copy of the text of the material that appears on the ~~certificate~~
2 certificate-affidavit envelope prescribed in sub. (2), together with instructions
3 prescribed by the board. The instructions shall require the absent elector to make
4 and subscribe to the affidavit or the certification as required under sub. (4) and to
5 enclose the absentee ballot in a separate envelope contained within a larger
6 envelope, that shall include the completed ~~certificate~~ certificate-affidavit. The
7 elector shall then mail the absentee ballot with postage prepaid to the municipal
8 clerk. An absentee ballot received under this paragraph shall not be counted unless
9 it is cast in the manner prescribed in this paragraph and in accordance with the
10 instructions provided by the board.

History: 1971 c. 242; 1971 c. 304 s. 29 (1), (2); 1975 c. 85; 1975 c. 93 s. 119 (2); 1975 c. 199; 1977 c. 394; 1979 c. 232, 260, 311, 355; 1983 a. 36, 484, 538; 1985 a. 304; 1991 a. 316; 1999 a. 49, 182; s. 13.93 (2) (c).

11 **SECTION 9.** 6.87 (4) of the statutes is amended to read:

12 6.87 (4) Except as otherwise provided in s. 6.875, the elector voting absentee
13 shall make and subscribe to the affidavit before a person authorized to administer
14 oaths or make and subscribe to the certification before ~~one witness~~ 2 witnesses. The
15 absent elector, in the presence of the ~~witness~~ administrator of the oath or the 2
16 witnesses, shall mark or punch the ballot in a manner that will not disclose how the
17 elector's vote is cast. The elector shall then, still in the presence of the ~~witness~~
18 administrator of the oath or the 2 witnesses, fold the ballots if they are paper ballots
19 so each is separate and so that the elector conceals the markings thereon and deposit
20 them in the proper envelope. If a consolidated ballot under s. 5.655 is used, the
21 elector shall fold the ballot if it is a paper ballot so that the elector conceals the
22 markings thereon and deposit the ballot in the proper envelope. The elector may
23 receive assistance under sub. (5). The return envelope shall then be sealed. The
24 ~~witness~~ administrator of the oath or the 2 witnesses may not be a candidate. The

1 envelope shall be mailed by the elector, postage prepaid, or delivered in person, to the
2 municipal clerk issuing the ballot or ballots. Failure to return an unused ballot in
3 a primary does not invalidate the ballot on which the elector's votes are cast. Return
4 of more than one marked or punched ballot in a primary or return of a ballot prepared
5 under s. 5.655 or a ballot used with an electronic voting system in a primary which
6 is marked or punched for candidates of more than one party invalidates all votes cast
7 by the elector for candidates in the primary.

History: 1971 c. 242; 1971 c. 304 s. 29 (1), (2); 1975 c. 85; 1975 c. 93 s. 119 (2); 1975 c. 199; 1977 c. 394; 1979 c. 232, 260, 311, 355; 1983 a. 36, 484, 538; 1985 a. 304; 1991 a. 316; 1999 a. 49, 182; s. 13.93 (2) (c).

8 **SECTION 10.** 6.875 (6) of the statutes is amended to read:

9 6.875 (6) Special voting deputies in each municipality shall, not later than 5
10 p.m. on the Friday preceding an election, arrange one or more convenient times with
11 the administrator of each nursing home or qualified retirement home and qualified
12 community-based residential facility in the municipality from which one or more
13 occupants have filed an application under s. 6.86 to conduct absentee voting for the
14 election. The time may be no earlier than the 4th Monday preceding the election and
15 no later than 5 p.m. on the Monday preceding the election. Upon request of a relative
16 of an occupant of a nursing home or qualified retirement home or qualified
17 community-based residential facility, the administrator may notify the relative of
18 the time or times at which special voting deputies will conduct absentee voting at the
19 home or facility, and permit the relative to be present in the room where the voting
20 is conducted. At the designated time, 2 deputies appointed under sub. (4) shall visit
21 the nursing home or qualified retirement home or qualified community-based
22 residential facility. The municipal clerk or executive director of the board of election
23 commissioners shall issue a supply of absentee ballots to the deputies sufficient to
24 provide for the number of valid applications received by the clerk, and a reasonable

1 additional number of ballots. The municipal clerk or executive director shall keep
2 a careful record of all ballots issued to the deputies and shall require the deputies to
3 return every ballot issued to them. The deputies shall personally offer each elector
4 who has filed a proper application the opportunity to cast his or her absentee ballot.
5 If an elector is present who has not filed a proper application, the 2 deputies may
6 accept an application from the elector and shall issue a ballot to the elector if the
7 elector is qualified and the application is proper. The deputies shall administer the
8 oath and may, upon request of the elector, assist the elector in marking or punching
9 the elector's ballot. Upon request of the elector, a relative of the elector who is present
10 in the room may assist the elector in marking or punching the elector's ballot. All
11 voting shall be conducted in the presence of the deputies. No individual other than
12 a deputy may administer the oath and no individual other than a deputy or relative
13 of an elector may render voting assistance to the elector. Upon completion of the
14 voting, the deputies shall promptly deliver, either personally or by 1st class mail, any
15 absentee ballot applications and the sealed ~~certificate~~ certificate-affidavit envelope
16 containing each ballot to the clerk or board of election commissioners of the
17 municipality in which the elector casting the ballot resides, within such time as will
18 permit delivery to the polling place serving the elector's residence on election day.
19 Personal delivery may be made by the deputies no later than noon on election day.
20 If a qualified elector is not able to cast his or her ballot on 2 separate visits by the
21 deputies to the nursing home or qualified retirement home, they shall so inform the
22 municipal clerk or executive director of the board of election commissioners, who may
23 then send the ballot to the elector no later than 5 p.m. on the Friday preceding the
24 election.

1 **SECTION 11.** 6.88 (1) of the statutes is amended to read:

2 6.88 (1) When an absentee ballot arrives at the office of the municipal clerk,
3 the clerk shall enclose it, unopened, in a carrier envelope which shall be securely
4 sealed and endorsed with the name and official title of the clerk, and the words "This
5 envelope contains the ~~absentee~~ ballot of an ~~absent~~^{restored} elector and must be opened at the
6 polls during polling hours on election day." [↑] If the ballot was received by facsimile
7 transmission or electronic mail and is accompanied by a separate certificate or
8 affidavit, the clerk shall enclose the ballot in a ~~certificate~~ certificate ~~affidavit~~
9 envelope and securely append the completed certificate or affidavit to the outside of
10 the envelope before enclosing the ballot in the carrier envelope. The clerk shall keep
11 the ballot in the clerk's office until delivered, as required in sub. (2).

History: 1971 c. 304 s. 29 (2); 1975 c. 85, 199; 1977 c. 394 ss. 43, 53; 1979 c. 232, 260; 1983 a. 183, 484; 1987 a. 391; 1999 a. 49, 182; s. 13.93 (2) (c).

12 **SECTION 12.** 6.88 (3) (a) of the statutes is amended to read:

13 6.88 (3) (a) Any time between the opening and closing of the polls on election
14 day, the inspectors shall open the carrier envelope only, and announce the name of
15 the absent elector or the identification serial number of the absent elector if the
16 elector has a confidential listing under s. 6.47 (2). When the inspectors find that the
17 certification or affidavit has been properly executed, the applicant is a qualified
18 elector of the ward or election district, and the applicant has not voted in the election,
19 they shall enter an indication on the poll or registration list next to the applicant's
20 name indicating an absentee ballot is cast by the elector. They shall then open the
21 envelope containing the ballot in a manner so as not to deface or destroy the affidavit
22 or certification thereon. The inspectors shall take out the ballot without unfolding
23 it or permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95,
24 the inspectors shall verify that the ballot has been endorsed by the issuing clerk. The

1 inspectors shall deposit the ballot into the proper ballot box and enter the absent
2 elector's name or voting number after his or her name on the poll or registration list
3 the same as if the elector had been present and voted in person.

4 ~~(NOTE: NOTE: NOTE: Par. (c) is shown as affected by two acts of the 1999 legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE:~~
5 History: 1971 c. 304 s. 29 (2); 1975 c. 85, 199; 1977 c. 394 ss. 43, 53; 1979 c. 232, 260; 1983 a. 183, 484; 1987 a. 391; 1999 a. 49, 182; s. 13.93 (2) (c).

6 **SECTION 13.** 6.88 (3) (b) of the statutes is amended to read:

6 6.88 (3) (b) When the inspectors find that (a) an affidavit or certification is
7 insufficient, that the applicant is not a qualified elector in the ward or election
8 district, that the ballot envelope is open or has been opened and resealed, that the
9 ballot envelope contains more than one ballot of any one kind or that the certificate
10 or affidavit of an elector who received an absentee ballot by facsimile transmission
11 or electronic mail is missing, or if proof is submitted to the inspectors that an elector
12 voting an absentee ballot has since died, the inspectors shall not count the ballot.
13 The inspectors shall endorse every ballot not counted on the back, "rejected (giving
14 the reason)". The inspectors shall reinsert each rejected ballot into the certificate
15 envelope in which it was delivered and enclose the certificate envelopes and ballots,
16 and securely seal the ballots and envelopes in an envelope marked for rejected
17 absentee ballots. The inspectors shall endorse the envelope, "rejected ballots" with
18 a statement of the ward or election district and date of the election, signed by the chief
19 inspector and one of the inspectors representing each of the 2 major political parties
20 and returned to the municipal clerk in the same manner as official ballots voted at
21 the election.

22 History: 1971 c. 304 s. 29 (2); 1975 c. 85, 199; 1977 c. 394 ss. 43, 53; 1979 c. 232, 260; 1983 a. 183, 484; 1987 a. 391; 1999 a. 49, 182; s. 13.93 (2) (c).

23 **SECTION 14.** 7.51 (3) (d) of the statutes is amended to read:

23 7.51 (3) (d) All absentee certificate certificate-affidavit envelopes which have
24 been opened shall be returned by the inspectors to the municipal clerk in a securely
25 sealed carrier envelope which is clearly marked "used absentee certificate

1 certificate-affidavit envelopes". The envelopes shall be signed by the chief inspector
2 and 2 other inspectors. Except when the ballots are used in a municipal or school
3 district election only, the municipal clerk shall transmit the used envelopes to the
4 county clerk.

History: 1971 c. 304 s. 29 (2); 1977 c. 29; 1977 c. 394 s. 53; 1977 c. 427, 447; 1979 c. 260 ss. 36, 48; 1979 c. 311; 1981 c. 4, 391; 1983 a. 183, 442; 1983 a. 484 ss. 76, 77, 172 (3); 1983 a. 538; 1985 a. 120, 304; 1987 a. 391; 1989 a. 56, 192; 1993 a. 399; 1997 a. 127; 1999 a. 49, 182.

5 **SECTION 15. 9.01 (1) (b) 2. of the statutes is amended to read:**

6 9.01 (1) (b) 2. The board of canvassers shall then examine the absentee ballot
7 envelopes. Any defective absentee ballot envelopes shall be laid aside, properly
8 marked and carefully preserved. The number of voters shall be reduced by the
9 number of ballot envelopes set aside under this subdivision. An absentee ballot
10 envelope is defective only if it is not properly sworn or witnessed or, if it is not signed
11 by the voter, if the affidavit supporting the absentee ballot envelope has such a
12 number of technical errors that the board of canvassers is doubtful of the legal effect
13 of the affidavit, or if the certificate or affidavit accompanying an absentee ballot that
14 the voter received by facsimile transmission or electronic mail is missing.

History: 1971 c. 251; 1971 c. 304 s. 29 (2); 1971 c. 336; 1973 c. 313; 1973 c. 334 ss. 23 to 26, 57; 1975 c. 41, 422; 1977 c. 394 s. 53; 1977 c. 427; 1979 c. 200; 1979 c. 260 ss. 66 to 68, 93; 1979 c. 311, 355; 1983 a. 183; 1983 a. 484 s. 172 (3); 1983 a. 538; 1985 a. 304; 1987 a. 391; 1989 a. 192; 1993 a. 213; 1997 a. 27; 1999 a. 49, 182.

15 **SECTION 16. Initial applicability.**

16 (1) This act first applies to absentee ballots distributed to electors ~~on the~~
17 ~~effective date of this subsection.~~

(END)

18 for the 2002 September primary election

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1033/1dn

R.T.M.:

km g

Representative Ladwig:

This bill restores the absentee voting law as it existed before 1999 Act 182. The bill contains an initial applicability provision in order to avoid the problem of having different absentee ballot standards apply to the same election. Please let me know if the initial applicability provision is inconsistent with your intent.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: robert.marchant@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1033/ldn
RJM:kmg:rs

December 7, 2000

Representative Ladwig:

This bill restores the absentee voting law as it existed before 1999 Act 182. The bill contains an initial applicability provision in order to avoid the problem of having different absentee ballot standards apply to the same election. Please let me know if the initial applicability provision is inconsistent with your intent.

Robert J. Marchant
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State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

December 8, 2000

MEMORANDUM

To: Representative Ladwig

From: Robert J. Marchant, Legislative Attorney

Re: LRB-1033 Absentee voting.

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 261-4454 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.