



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2011 Senate Bill 271

Senate Substitute Amendment 1

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Senate Substitute Amendment 1

Senate Substitute Amendment 1 makes several changes to elections law regarding absentee ballots and voting by absentee. The changes relate to the return of absentee ballots to voters by clerks, voting by absentee and in person at the same election, and the submission of proof of identification with an electronic application for an absentee ballot.

Return of Absentee Ballots by Clerks

Senate Substitute Amendment 1 prohibits a municipal clerk from returning an absentee ballot to a voter once the voter mails or personally delivers the absentee ballot to the clerk, except under specified circumstances involving defective ballots or incomplete certificates.

The substitute amendment maintains current law authorizing a clerk to return an absentee ballot to a voter in two particular situations. First, a clerk may return an absentee ballot to a voter if the absentee ballot has an improperly completed certificate or no certificate and there is sufficient time for the voter to correct the defect and return the ballot by Election Day. Second, a clerk may issue a new absentee ballot to a voter if the voter returns a spoiled or damaged absentee ballot to the clerk and the clerk believes that the ballot was issued to the voter who is returning it. The substitute amendment prohibits any other return of an absentee ballot by a clerk to a voter once the ballot has been mailed or delivered to the clerk.

Voting by Absentee and In Person

Senate Substitute Amendment 1 prohibits a voter who casts an absentee ballot from also voting in person. Specifically, the substitute amendment states that a voter who mails or personally delivers an

absentee ballot to the municipal clerk at an election is not permitted to vote in person at the same election on Election Day.

Electronic Applications for Absentee Ballots and Proof of Identification

Senate Substitute Amendment 1 requires an individual who applies for an absentee ballot by fax or email to enclose a copy of his or her proof of identification with the application. Under current law, an individual who applies for an absentee ballot by fax or email, and is not otherwise exempted from the proof of identification requirement, must enclose the proof of identification with his or her completed ballot. The substitute amendment changes current law to require an individual to provide proof of identification with the absentee ballot application.

Legislative History

Senate Substitute Amendment 1 was offered by Senator Lazich on February 14, 2012. On the same date, the Senate adopted the substitute amendment and passed the bill on a vote of Ayes, 17; Noes, 16.

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