



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa2155/1
JTK:wlj:jm

**SENATE AMENDMENT 3,
TO 2011 SENATE BILL 271**

January 19, 2012 – Offered by Senator LEIBHAM.

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

2 **1.** Page 1, line 1: after “ballots” insert “, submittal of proof of identification with
3 absentee ballot applications,”.

4 **2.** Page 2, line 1: before that line insert:

5 “**SECTION 1e.** 6.18 of the statutes, as affected by 2011 Wisconsin Act 23, is
6 amended to read:

7 **6.18 Former residents.** If ineligible to qualify as an elector in the state to
8 which the elector has moved, any former qualified Wisconsin elector may vote an
9 absentee ballot in the ward of the elector’s prior residence in any presidential election
10 occurring within 24 months after leaving Wisconsin by requesting an application
11 form and returning it, properly executed, to the municipal clerk of the elector’s prior
12 Wisconsin residence. When requesting an application form for an absentee ballot,
13 the applicant shall specify the applicant’s eligibility for only the presidential ballot.

1 Unless application is made under s. 6.86 (1) (ae), or the applicant is exempted from
2 providing proof of identification under s. 6.87 (4) (b) 2. or 3., or the applicant is a
3 military or overseas elector, the elector shall enclose a copy of his or her proof of
4 identification or any authorized substitute document with his or her application.
5 The municipal clerk shall verify that the name on the proof of identification conforms
6 to the name on the application. The clerk shall not issue a ballot to an elector who
7 is required to enclose a copy of proof of identification or an authorized substitute
8 document with his or her application unless the copy is enclosed and the proof is
9 verified by the clerk. The application form shall require the following information
10 and be in substantially the following form:

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

15 APPLICATION FOR PRESIDENTIAL

16 ELECTOR'S ABSENTEE BALLOT

17 (To be voted at the Presidential Election

18 on November, (year)

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

1 affirm that my legal residence was established in the State of(the State where you
2 now reside) on Month Day Year.

3 Signed

4 Address(Present address)

5(City)(State)

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

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

8(County)

9 My Commission expires

10 MAIL BALLOT TO:

11 NAME

12 ADDRESS

13 CITY STATE ZIP CODE

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

19(Municipal Clerk)

20(Municipality)

21 **SECTION 1g.** 6.86 (1) (ac) of the statutes, as affected by 2011 Wisconsin Act 75,
22 is amended to read:

23 6.86 (1) (ac) Any elector qualifying under par. (a) may make written application
24 to the municipal clerk for an official ballot by means of facsimile transmission or
25 electronic mail. Any application under this paragraph need not contain a copy of the

1 applicant's original signature. An elector requesting a ballot under this paragraph
2 shall return with the voted ballot a copy of the request bearing an original signature
3 of the elector as provided in s. 6.87 (4). Except as authorized in ss. 6.87 (4) (b) 2. to
4 5. and 6.875 (6), and notwithstanding s. 343.43 (1) (f), the elector shall transmit a
5 copy of his or her proof of identification in the manner provided in s. 6.87 (1) unless
6 the elector is a military elector or an overseas elector or the elector has a confidential
7 listing under s. 6.47 (2).

8 **SECTION 1h.** 6.86 (3) (a) 1. of the statutes, as affected by 2011 Wisconsin Act
9 23, is amended to read:

10 6.86 (3) (a) 1. Any elector who is registered and who is hospitalized, may apply
11 for and obtain an official ballot by agent. The agent may apply for and obtain a ballot
12 for the hospitalized absent elector by presenting a form prescribed by the board and
13 containing the required information supplied by the hospitalized elector and signed
14 by that elector, unless the elector is unable to sign due to physical disability. In this
15 case, the elector may authorize another elector to sign on his or her behalf. Any
16 elector signing an application on another elector's behalf shall attest to a statement
17 that the application is made on request and by authorization of the named elector,
18 who is unable to sign the application due to physical disability. The agent shall
19 present this statement along with all other information required under this
20 subdivision. Except as authorized for an elector who has a confidential listing under
21 s. 6.47 (2) or as authorized under s. 6.87 (4) (b) 4., the agent shall present any proof
22 of identification required under sub. (1) (ar) ~~and s. 6.87 (4) (b) 1.~~ The form shall
23 include a space for the municipal clerk or deputy clerk to enter his or her initials
24 indicating that the agent presented proof of identification to the clerk on behalf of the
25 elector.

1 **SECTION 1j.** 6.869 of the statutes, as affected by 2011 Wisconsin Act 23, is
2 amended to read:

3 **6.869 Uniform instructions.** The board shall prescribe uniform instructions
4 for municipalities to provide to absentee electors. The instructions shall include the
5 specific means of electronic communication that an absentee elector may use to file
6 an application for an absentee ballot and, if the absentee elector is required to
7 register, to request a registration form or change his or her registration. The
8 instructions shall include information concerning whether proof of identification is
9 required to be presented or enclosed ~~under s. 6.86 (1) (ar) or 6.87 (4) (b) 1.~~ The
10 instructions shall also include information concerning the procedure for correcting
11 errors in marking a ballot and obtaining a replacement for a spoiled ballot. The
12 procedure shall, to the extent possible, respect the privacy of each elector and
13 preserve the confidentiality of each elector's vote.”.

14 **3.** Page 2, line 1: delete “**SECTION 1**” and substitute “**SECTION 1m**”.

15 **4.** Page 2, line 5: after that line insert:

16 “**SECTION 2m.** 6.87 (1) of the statutes, as affected by 2011 Wisconsin Act 23, is
17 amended to read:

18 **6.87 (1)** Upon proper request made within the period prescribed in s. 6.86, the
19 municipal clerk or a deputy clerk authorized by the municipal clerk shall write on
20 the official ballot, in the space for official endorsement, the clerk's initials and official
21 title. Unless application is made ~~under s. 6.86 (1) (ae) or in person under s. 6.86 (1)~~
22 (ar), the absent elector is exempted from providing proof of identification under sub.
23 (4) (b) 2. or 3., or the applicant is a military or overseas elector, the absent elector shall
24 enclose a copy of his or her proof of identification or any authorized substitute

1 document with his or her application. The municipal clerk shall verify that the name
2 on the proof of identification conforms to the name on the application. The clerk shall
3 not issue an absentee ballot to an elector who is required to enclose a copy of proof
4 of identification or an authorized substitute document with his or her application
5 unless the copy is enclosed and the proof is verified by the clerk.

6 **SECTION 3d.** 6.87 (4) (b) 1. of the statutes, as affected by 2011 Wisconsin Act 23,
7 is amended to read:

8 6.87 (4) (b) 1. Except as otherwise provided in s. 6.875, the elector voting
9 absentee shall make and subscribe to the certification before one witness who is an
10 adult U.S. citizen. The absent elector, in the presence of the witness, shall mark the
11 ballot in a manner that will not disclose how the elector's vote is cast. The elector
12 shall then, still in the presence of the witness, fold the ballots so each is separate and
13 so that the elector conceals the markings thereon and deposit them in the proper
14 envelope. If a consolidated ballot under s. 5.655 is used, the elector shall fold the
15 ballot so that the elector conceals the markings thereon and deposit the ballot in the
16 proper envelope. ~~Except as authorized in subds. 2. and 5. and s. 6.875 (6) and~~
17 ~~notwithstanding s. 343.43 (1) (f), if the elector has not enclosed a copy of his or her~~
18 ~~proof of identification with his or her application, the elector shall enclose a copy of~~
19 ~~the proof of identification in the manner provided in sub. (1) in the envelope, unless~~
20 ~~the elector is a military elector or an overseas elector or the elector has a confidential~~
21 ~~listing under s. 6.47 (2).~~ If proof of residence under s. 6.34 is required and the
22 document enclosed by the elector under this subdivision does not constitute proof of
23 residence under s. 6.34, the elector shall also enclose proof of residence under s. 6.34
24 in the envelope. Proof of residence is required if the elector is not a military elector
25 or an overseas elector and the elector registered by mail and has not voted in an

1 election in this state. If the elector requested a ballot by means of facsimile
2 transmission or electronic mail under s. 6.86 (1) (ac), the elector shall enclose in the
3 envelope a copy of the request which bears an original signature of the elector. The
4 elector may receive assistance under sub. (5). The return envelope shall then be
5 sealed. The witness may not be a candidate. The envelope shall be mailed by the
6 elector, or delivered in person, to the municipal clerk issuing the ballot or ballots.
7 If the envelope is mailed from a location outside the United States, the elector shall
8 affix sufficient postage unless the ballot qualifies for delivery free of postage under
9 federal law. Failure to return an unused ballot in a primary does not invalidate the
10 ballot on which the elector's votes are cast. Return of more than one marked ballot
11 in a primary or return of a ballot prepared under s. 5.655 or a ballot used with an
12 electronic voting system in a primary which is marked for candidates of more than
13 one party invalidates all votes cast by the elector for candidates in the primary.

14 **SECTION 3h.** 6.87 (4) (b) 2. of the statutes, as created by 2011 Wisconsin Act 23,
15 is amended to read:

16 6.87 (4) (b) 2. Unless subd. 3. applies, if the absentee elector has applied for and
17 qualified to receive absentee ballots automatically under s. 6.86 (2) (a), the elector
18 may, in lieu of providing ~~a copy of proof of identification as required under subd. 1.,~~
19 submit with his or her absentee ballot a statement signed by the same individual who
20 witnesses voting of the ballot which contains the name and address of the elector and
21 verifies that the name and address are correct.

22 **SECTION 3p.** 6.87 (4) (b) 3. of the statutes, as created by 2011 Wisconsin Act 23,
23 is amended to read:

24 6.87 (4) (b) 3. If the absentee elector has received an absentee ballot from the
25 municipal clerk by mail for a previous election, has provided ~~a copy of proof of~~

1 identification ~~as required under subd. 1.~~ with that ballot, and has not changed his
2 or her name or address since providing that proof of identification, the elector is not
3 required to provide ~~a copy of the proof of identification required under subd. 1.~~

4 **SECTION 3t.** 6.87 (4) (b) 5. of the statutes, as created by 2011 Wisconsin Act 23,
5 is amended to read:

6 6.87 (4) (b) 5. Unless subd. 3. or 4. applies, if the absentee elector resides in a
7 qualified retirement home, as defined in s. 6.875 (1) (at), a qualified
8 community-based residential facility, as defined in s. 6.875 (1) (as), a residential care
9 apartment complex that is certified or registered under s. 50.034 (1), or an adult
10 family home that is certified under s. 50.032 or licensed under s. 50.033 and the
11 municipal clerk or board of election commissioners of the municipality where the
12 complex, facility, or home is located does not send special voting deputies to visit the
13 complex, facility, or home at the election under s. 6.875, the elector may, in lieu of
14 providing proof of identification ~~required under subd. 1.~~, submit with his or her
15 absentee ballot a statement signed by the same individual who witnesses voting of
16 the ballot that contains the certification of an authorized representative of the
17 complex, facility, or home that the elector resides in the complex, facility, or home and
18 the complex, facility, or home is certified or registered as required by law, that
19 contains the name and address of the elector, and that verifies that the name and
20 address are correct.

21 **SECTION 4m.** 6.88 (3) (a) of the statutes, as affected by 2011 Wisconsin Act 23,
22 is amended to read:

23 6.88 (3) (a) Except in municipalities where absentee ballots are canvassed
24 under s. 7.52, at any time between the opening and closing of the polls on election day,
25 the inspectors shall, in the same room where votes are being cast, in such a manner

1 that members of the public can hear and see the procedures, open the carrier
2 envelope only, and announce the name of the absent elector or the identification
3 serial number of the absent elector if the elector has a confidential listing under s.
4 6.47 (2). When the inspectors find that the certification has been properly executed,
5 the applicant is a qualified elector of the ward or election district, and the applicant
6 has not voted in the election, they shall enter an indication on the poll list next to the
7 applicant's name indicating an absentee ballot is cast by the elector. They shall then
8 open the envelope containing the ballot in a manner so as not to deface or destroy the
9 certification thereon. The inspectors shall take out the ballot without unfolding it
10 or permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95,
11 the inspectors shall verify that the ballot has been endorsed by the issuing clerk. If
12 the poll list indicates that proof of residence under s. 6.34 is required and no proof
13 of residence is enclosed or the name or address on the document that is provided is
14 not the same as the name and address shown on the poll list, ~~or if the elector is not~~
15 ~~a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, as defined in s.~~
16 ~~6.34 (1) (b), and the elector is required to provide a copy of proof of identification~~
17 ~~under s. 6.87 (4) (b) 1. and no copy of the proof of identification is enclosed or the name~~
18 ~~on the document cannot be verified by the inspectors,~~ the inspectors shall proceed as
19 provided under s. 6.97 (2). The inspectors shall then deposit the ballot into the proper
20 ballot box and enter the absent elector's name or voting number after his or her name
21 on the poll list in the same manner as if the elector had been present and voted in
22 person.

23 **SECTION 5m.** 6.97 (2) of the statutes, as affected by 2011 Wisconsin Act 23, is
24 amended to read:

1 6.97 (2) Whenever any individual who votes by absentee ballot is required to
2 provide proof of residence in order to be permitted to vote and does not provide the
3 required proof of residence under s. 6.34, the inspectors shall treat the ballot as a
4 provisional ballot under this section. ~~Whenever any individual, other than a military~~
5 ~~elector, as defined in s. 6.34 (1) (a), or an overseas elector, as defined in s. 6.34 (1) (b),~~
6 ~~an individual who has a confidential listing under s. 6.47 (2), or an individual who~~
7 ~~is exempted under s. 6.87 (4) or s. 6.875 (6), votes by absentee ballot and does not~~
8 ~~enclose a copy of the proof of identification under s. 6.87 (4) (b) 1., the inspectors shall~~
9 ~~similarly treat the ballot as a provisional ballot under this section.~~ Upon removing
10 the ballot from the envelope, the inspectors shall write on the back of the ballot the
11 serial number of the individual corresponding to the number kept at the election on
12 the poll list or other list maintained under s. 6.79 and the notation "s. 6.97". The
13 inspectors shall indicate on the list the fact that the individual is required to provide
14 proof of residence or to provide, or provide a copy of, proof of identification as required
15 under s. 6.87 (4) (b) 1. but did not do so. The inspectors shall promptly notify the
16 municipal clerk or executive director of the municipal board of election
17 commissioners of the name, address, and serial number of the individual. The
18 inspectors shall then place the ballot inside an envelope on which the name and
19 serial number of the elector is entered and shall place the envelope in a separate
20 carrier envelope.

21 **SECTION 6e.** 6.97 (3) of the statutes, as affected by 2011 Wisconsin Act 23, is
22 amended to read:

23 6.97 (3) (a) Whenever an elector who votes by provisional ballot under sub. (1)
24 or (2) because the elector does not provide proof of identification ~~or a copy thereof~~
25 under s. 6.79 (2), or 6.86 (1) (ar), ~~or s. 6.87 (4) (b) 1.~~ later appears at the polling place

1 where the ballot is cast before the closing hour and provides the proof of identification
2 or a copy thereof, the inspectors shall remove the elector's ballot from the separate
3 carrier envelope, shall note on the poll list that the elector's provisional ballot is
4 withdrawn, and shall deposit the elector's ballot in the ballot box. If the inspectors
5 have notified the municipal clerk or executive director of the board of election
6 commissioners that the elector's ballot was cast under this section, the inspectors
7 shall notify the clerk or executive director that the elector's provisional ballot is
8 withdrawn.

9 (b) Whenever the municipal clerk or executive director of the municipal board
10 of election commissioners is informed by the inspectors that a ballot has been cast
11 under this section, the clerk or executive director shall promptly provide written
12 notice to the board of canvassers of each municipality, special purpose district, and
13 county that is responsible for canvassing the election of the number of ballots cast
14 under this section in each ward or election district. The municipal clerk or executive
15 director then shall determine whether each individual voting under this section is
16 qualified to vote in the ward or election district where the individual's ballot is cast.
17 If the elector is required to provide proof of identification ~~or a copy thereof~~ under s.
18 6.79 (2), or 6.86 (1) (ar), ~~or 6.87 (4) (b) 1.~~ and fails to do so, the elector bears the burden
19 of correcting the omission by providing the proof of identification ~~or copy thereof~~ at
20 the polling place before the closing hour or at the office of the municipal clerk or board
21 of election commissioners no later than 4 p.m. on the Friday after the election. The
22 municipal clerk or executive director shall make a record of the procedure used to
23 determine the validity of each ballot cast under this section. If, prior to 4 p.m. on the
24 Friday after the election, the municipal clerk or executive director determines that
25 the individual is qualified to vote in the ward or election district where the

1 individual's ballot is cast, the municipal clerk or executive director shall notify the
2 board of canvassers for each municipality, special purpose district and county that
3 is responsible for canvassing the election of that fact.

4 (c) A ballot cast under this section by an elector for whom proof of identification
5 ~~or a copy thereof~~ is required under s. 6.79 (2), or 6.86 (1) (ar), ~~or 6.87 (4)(b) 1.~~ shall
6 not be counted unless the municipal clerk or executive director of the board of
7 election commissioners provides timely notification that the elector has provided
8 proof of identification ~~or a copy thereof~~ under this section.

9 **SECTION 6m.** 7.08 (12) of the statutes, as created by 2011 Wisconsin Act 23, is
10 amended to read:

11 7.08 (12) ASSISTANCE IN OBTAINING PROOF OF IDENTIFICATION. Engage in outreach
12 to identify and contact groups of electors who may need assistance in obtaining or
13 renewing a document that constitutes proof of identification for voting ~~under s. 6.79~~
14 ~~(2) (a), 6.86 (1) (ar), or 6.87 (4) (b) 1.,~~ and provide assistance to the electors in
15 obtaining or renewing that document.

16 **SECTION 7m.** 7.52 (3) (a) of the statutes, as affected by 2011 Wisconsin Act 23,
17 is amended to read:

18 7.52 (3) (a) The board of absentee ballot canvassers shall first open the carrier
19 envelope only, and, in such a manner that a member of the public, if he or she desired,
20 could hear, announce the name of the absent elector or the identification serial
21 number of the absent elector if the elector has a confidential listing under s. 6.47 (2).
22 When the board of absentee ballot canvassers finds that the certification has been
23 properly executed and the applicant is a qualified elector of the ward or election
24 district, the board of absentee ballot canvassers shall enter an indication on the poll
25 list next to the applicant's name indicating an absentee ballot is cast by the elector.

1 The board of absentee ballot canvassers shall then open the envelope containing the
2 ballot in a manner so as not to deface or destroy the certification thereon. The board
3 of absentee ballot canvassers shall take out the ballot without unfolding it or
4 permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95, the
5 board of absentee ballot canvassers shall verify that the ballot has been endorsed by
6 the issuing clerk. If the poll list indicates that proof of residence is required and no
7 proof of residence is enclosed or the name or address on the document that is provided
8 is not the same as the name and address shown on the poll list, ~~or if the elector is not~~
9 ~~a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, as defined in s.~~
10 ~~6.34 (1) (b), and the elector is required to provide, or to provide a copy of, proof of~~
11 ~~identification under s. 6.87 (4) (b) 1. and no copy of the proof of identification is~~
12 ~~enclosed or the name on the document cannot be verified by the canvassers, the board~~
13 of absentee ballot canvassers shall proceed as provided under s. 6.97 (2). The board
14 of absentee ballot canvassers shall mark the poll list number of each elector who
15 casts an absentee ballot on the back of the elector's ballot. The board of absentee
16 ballot canvassers shall then deposit the ballot into the proper ballot box and enter
17 the absent elector's name or poll list number after his or her name on the poll list.

18 **SECTION 8m. Initial applicability.**

19 (1) The treatment of sections 6.18, 6.86 (1) (ac) and (3) (a) 1., 6.869, 6.87 (1) and
20 (4) (b) 1., 2., 3., and 5., 6.88 (3) (a), 6.97 (2) and (3), 7.08 (12), and 7.52 (3) (a) of the
21 statutes first applies with respect to absentee ballot applications filed on the effective
22 date of this subsection.”.

23 (END)