



2017 SENATE BILL 871

March 14, 2018 - Introduced by Senator VINEHOUT. Referred to Committee on Elections and Utilities.

1 **AN ACT to amend** 6.86 (1) (b) of the statutes; **relating to:** allowing in-person
2 absentee voting with the county clerk.

Analysis by the Legislative Reference Bureau

This bill allows an eligible elector to make an application with the county clerk to cast an in-person absentee ballot when the municipal clerk is unavailable. Under current law, a municipality may accept applications to cast in-person absentee ballots no later than the Friday before the election. Current law does not authorize the county to accept such applications.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

3 **SECTION 1.** 6.86 (1) (b) of the statutes is amended to read:
4 6.86 (1) (b) Except as provided in this section, if application is made by mail,
5 the application shall be received no later than 5 p.m. on the 5th day immediately
6 preceding the election. If application is made in person, the application shall be
7 made no earlier than the opening of business on the 3rd Monday preceding the

SENATE BILL 871**SECTION 1**

1 election and no later than 7 p.m. on the Friday preceding the election. No application
2 may be received on a legal holiday. An application made in person may only be
3 received Monday to Friday between the hours of 8 a.m. and 7 p.m. each day. A
4 municipality shall specify the hours in the notice under s. 10.01 (2) (e). The
5 municipal clerk or an election official shall witness the certificate for any in-person
6 absentee ballot cast. If the municipal clerk is unavailable to accept an application
7 made in person under this paragraph, a qualified elector may make an application
8 in person with the county clerk no later than 7 p.m. on the Friday preceding the
9 election, and the county clerk or an election official shall witness the certificate. The
10 county clerk shall transmit absentee ballots cast in person to the appropriate
11 municipalities no later than the day before the election. Except as provided in par.
12 (c), if the elector is making written application for an absentee ballot at the partisan
13 primary, the general election, the presidential preference primary, or a special
14 election for national office, and the application indicates that the elector is a military
15 elector, as defined in s. 6.34 (1), the application shall be received by the municipal
16 clerk no later than 5 p.m. on election day. If the application indicates that the reason
17 for requesting an absentee ballot is that the elector is a sequestered juror, the
18 application shall be received no later than 5 p.m. on election day. If the application
19 is received after 5 p.m. on the Friday immediately preceding the election, the
20 municipal clerk or the clerk's agent shall immediately take the ballot to the court in
21 which the elector is serving as a juror and deposit it with the judge. The judge shall
22 recess court, as soon as convenient, and give the elector the ballot. The judge shall
23 then witness the voting procedure as provided in s. 6.87 and shall deliver the ballot
24 to the clerk or agent of the clerk who shall deliver it to the polling place or, in
25 municipalities where absentee ballots are canvassed under s. 7.52, to the municipal

SENATE BILL 871

1 clerk as required in s. 6.88. If application is made under sub. (2) or (2m), the
2 application may be received no later than 5 p.m. on the Friday immediately
3 preceding the election.

4 (END)