CHAPTER 6
THE ELECTORS

SUBCHAPTER I
WHO MAY VOTE

6.02 Qualifications, general. (1) Every U.S. citizen age 18 or older who has resided in an election district or ward for 28 consecutive days before any election where the citizen offers to vote is an eligible elector.

(2) Any U.S. citizen age 18 or older who moves within this state later than 28 days before an election shall vote at his or her previous ward or election district if the person is otherwise qualified. If the elector can comply with the 28-day residence requirement at the new address and is otherwise qualified, he or she may vote in the new ward or election district.

History: 1971 c. 304 s. 29 (2); 1971 c. 336 s. 37; 1975 c. 85 ss. 5, 66 (3); 1977 c. 394; 1991 a. 316; 2011 a. 23.

NOTE: In One Wisconsin Now et al. v. Thomsen et al, 15−cv−324, 198 F. Supp. 3d 896, the United States District Court, Western District of Wisconsin ordered that "the increase of the durational residency requirement from 10 days to 28 days is unconstitutional."

An eligible elector and a qualified elector are identical. Ch. 6 applies to annexation changes. (Published 11−13−18)

6.03 Disqualification of electors. (1) The following persons shall not be allowed to vote in any election and any attempt to vote shall be rejected:

(a) Any person who is incapable of understanding the objective of the elective process or who is under guardianship, unless the court has determined that the person is competent to exercise the right to vote.

(b) Any person convicted of treason, felony or bribery, unless the person's right to vote is restored through a pardon or under s. 304.078 (3).

(2) No person shall be allowed to vote in any election in which the person has made or become interested, directly or indirectly, in any bet or wager depending upon the result of the election.

(3) No person may be denied the right to register to vote or the right to vote by reason that the person is alleged to be incapable of understanding the objective of the elective process unless the person has been adjudicated incompetent in this state. If a determination of incompetency of the person has already been made, or if a determination of limited incompetency has been made that does not include a specific finding that the subject is competent to exercise the right to vote, and a guardian has been appointed as a result of such determination, then no determination of incapacity of understanding the objective of the elective process is required unless the guardianship is terminated or modified under s. 54.64.

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6.05 Election day age determines elector’s rights. Any person who will be 18 years old on or before election day is entitled to vote if the person complies with this chapter.


6.06 Information for uniformed service members. The commission is the agency designated by this state under 42 USC 1973ff–1 to provide information regarding voting registration and absentee balloting procedures to absent members of the uniformed services and overseas voters with respect to elections for national office.

History: 2003 a. 265; 2015 a. 118 s. 266 (10).

6.10 Elector residence. Residence as a qualification for voting shall be governed by the following standards:

(1) The residence of a person is the place where the person’s habituation is fixed, without any present intent to move, and to which, when absent, the person intends to return.

(2) When a married person’s family resides at one place and that person’s business is conducted at another place, the former place establishes the residence. If the family place is temporary or for transient purposes, it is not the residence.

(3) When an elector moves his or her residence from one ward or municipality to another ward or municipality within the state at least 28 days before the election, the elector may vote in and be considered a resident of the new ward or municipality where residing upon registering at the proper polling place or other registration location in the new ward or municipality under s. 6.55 (2) or 6.66 (3) (a) 2. If the elector moves or his or her residence later than 28 days before an election, the elector shall vote in the elector’s former ward or municipality if otherwise qualified to vote there.

NOTE: In One Wisconsin Now et al. v. Thomsen et al, 15−cv−324, 198 F. Supp. 3d 896, the United States District Court, Western District of Wisconsin ordered that “the increase of the durational residency requirement from 10 days to 28 days is unconstitutional.”

(4) The residence of an unmarried person sleeping in one ward and boarding in another is the place where the person sleeps. The residence of an unmarried person in a transient vocation, a teacher or a student who boards at different places for part of the week, month, or year, if one of the places is the residence of the person’s parents, is the place of the parents’ residence unless through registration or similar act the person elects to establish a residence elsewhere. If the person has no parents and if the person has not registered with the person’s residence shall be at the place that the person considered his or her residence in preference to any other for at least 28 consecutive days before an election. If this place of residence is not his or her residence, the person is entitled to all the privileges and subject to all the duties of other citizens having their residence there, including voting.

NOTE: In One Wisconsin Now et al. v. Thomsen et al, 15−cv−324, 198 F. Supp. 3d 896, the United States District Court, Western District of Wisconsin ordered that “the increase of the durational residency requirement from 10 days to 28 days is unconstitutional.”

(5) A person shall not lose residence when the person leaves home and goes into another state or county, town, village or ward of this state for temporary purposes with an intent to return.

(6) As prescribed by article III of the constitution, no person loses residence in this state while absent from this state on business for the United States or this state; and no member of the armed forces of the United States gains a residence in this state because of being stationed within this state.

(7) A guest at a national or a state soldiers’ home in this state, a guest at a home for the aged supported by benevolence, or a patient of any county home or other charitable institution, resides in the municipality where the home is located and within the ward where the guest or patient sleeps, unless before becoming a guest or patient at the home the guest or patient elects to maintain his or her prior residence as his or her voting residence.

(7m) (a) The residence of a person who is detained, or committed and institutionalized, under s. 51.20, 971.14, or 971.17 or ch. 980 shall be determined by applying the standards under sub. (1) to whichever of the following dates is applicable to the circumstances of the person:

1. For a person detained or committed under s. 51.20, the date that the person was detained under s. 51.20 (2) or, if the person was not detained under s. 51.20 (2), the date that the person was committed under s. 51.20 (13).

2. For a person committed under s. 971.14 or 971.17, the date of the offense or alleged offense that resulted in the person’s commitment.

3. For a person detained or committed under ch. 980, the date that the person committed the sexually violent offense that resulted in the sentence, placement, or commitment that was in effect when the state filed a petition under s. 980.02 against the person.

(b) That the person’s habitation was fixed at the place established under par. (a) before he or she was detained or committed shall be considered prima facie evidence that the person intends to return to that place. The prima facie evidence of intent to return to the place determined under par. (a) may be rebutted by presenting information that indicates that the person is not likely to return to that place if the person’s detention or commitment is terminated.

(8) No person gains a residence in any ward or election district of this state while there for temporary purposes only.

(9) No person loses the right to vote at the person’s place of residence while receiving public assistance or unemployment insurance even if the legal settlement for assistance is elsewhere.

(10) If a person moves to another state with an intent to make a permanent residence there, or, if while there the person exercises the right to vote as a citizen of that state by voting, the person loses Wisconsin residence.

(11) Neither an intent to acquire a new residence without removal, nor a removal without intent, shall affect residence.

(12) Student status shall not be a consideration in determining residence for the purpose of establishing voter eligibility.

(13) A military elector under s. 6.22 (1) (b) who is the spouse or dependent of another military elector may elect to take as his or her residence either the individual’s most recent residence in this state or the residence of the individual’s spouse or the individual providing his or her support.


Voter residency and absentee voting is discussed. 60 Atty. Gen. 214.

Voting residency of family members of military personnel stationed in Wisconsin is discussed. 61 Atty. Gen. 269.

Upon marriage to a Wisconsin serviceman, a nonresident wife may take the Wisconsin voting residence of her husband. 61 Atty. Gen. 365.

6.15 New residents; presidential voting. (1) QUALIFICATIONS. Any person who was or who is an eligible elector under ss. 6.02 and 6.03, except that he or she has been a resident of this state for less than 28 consecutive days prior to the date of the presidential election, is entitled to vote for the president and vice president but for no other offices. The fact that the person was not registered to vote in the state from which he or she moved does not prevent voting in this state if the elector is otherwise qualified.


(2) PROCEDURE AT CLERK’S OFFICE. Any person qualifying under sub. (1) need not register to vote, but shall apply for and cast his or her ballot as follows:

(a) The elector’s request for the application form may be made in person to the municipal clerk of the municipality where the person resides. Application may be made not sooner than 27 days nor later than 5 p.m. on the day before the election, or may be made at the proper polling place in the ward or election district in which the elector resides. If an elector makes application before election day, the application form shall be returned to the municipal clerk.
after the affidavit has been signed in the presence of the clerk or any officer authorized by law to administer oaths. The affidavit shall be in substantially the following form:

STATE OF WISCONSIN

County of ....

I, ...., do solemnly swear that I am a citizen of the United States; that prior to establishing Wisconsin residence, my legal residence was in the .... (town) (village) (city) of ...., state of ...., residing at .... (street address); that on the day of the next presidential election, I shall be at least 18 years of age and that I have been a legal resident of the state of Wisconsin since ...., .... (year), residing at .... (street address), in the .... ward of the .... aldermanic district of the .... (town) (village) (city) of ...., county of ....; that I have resided in the state less than 28 consecutive days, that I am qualified to vote for president and vice president at the election to be held November ...., .... (year), that I am not voting at any other place in this election and that I hereby make application for an official presidential ballot, in accordance with section 6.15 of the Wisconsin statutes.

Signed ....

P.O. Address ....

Subscribed and sworn to before me this .... day of ...., .... (year) .... (Name) .... (Title)

NOTE: In One Wisconsin Now et al. v. Thomsen et al, 15−cv−324, 198 F. Supp. 3d 896, the United States District Court, Western District of Wisconsin ordered that “the increase of the durational residency requirement from 10 days to 28 days is unconstitutional.”

(b) The clerk shall provide with the application form a card which the elector shall fill in and return with the application to the municipal clerk. The card shall state that the elector intends to vote for president and vice president in Wisconsin and that his or her voting privileges should be canceled at his or her previous residence. The card shall be in substantially the following form:

.... (Full Name − print or type) .... (Street) .... (Town, village, city) .... (State) .... (Zip)

Signature ....

Present Address ....

(bm) Except as authorized in s. 6.79 (7), when making application in person at the office of the municipal clerk, each applicant shall present proof of identification. If any document presented by the applicant does not have a date, the clerk shall enter only the last 2 digits of that number.

(c) The clerks holding new resident ballots shall deliver them to the election inspectors in the proper ward or election district where the new residents reside or, in municipalities where absentee ballots are canvassed under s. 6.72, to the municipal board of absentee ballot canvassers when it convenes under s. 6.72 (1), as provided by s. 6.71 for absentee ballots.

(d) During polling hours, the inspectors shall open each carrier envelope, announce the elector’s name, check the affidavit for proper execution, and check the voting qualifications for the ward, if any. In municipalities where absentee ballots are canvassed under s. 6.72, the municipal board of absentee ballot canvassers shall perform this function at a meeting of the board of absentee ballot canvassers.

(e) The inspectors or board of absentee ballot canvassers shall open the inner envelope without examination of the ballot other than is necessary to see that the issuing clerk has endorsed it.

(f) Upon satisfactory completion of the procedure under pars. (b) and (c) the inspectors or board of absentee ballot canvassers shall deposit the ballot in the ballot box. The inspectors or board of absentee ballot canvassers shall enter the name of each elector voting under this section on the poll list with an indication that the elector is voting under this section or on a separate list maintained for the purpose under s. 6.79 (2) (e).

(g) If the person is not a qualified elector in the ward or municipality, or if the envelope is open or has been opened and resealed, the inspectors shall reject the vote. Rejected ballots shall be processed the same as rejected absentee ballots, under s. 6.88 (3) (b).

(5) CHALLENGE OF VOTE. Any new resident’s vote may be challenged for cause in the manner provided in ss. 6.92 to 6.95.

(6) DEATH OF ELECTOR. When it appears by due proof to the inspectors or, in municipalities where absentee ballots are canvassed under s. 6.72, when it appears by due proof to the board of absentee ballot canvassers that a person voting at an election has
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died before the date of the election, the inspectors or board of absentee ballot canvassers shall return the ballot with defective ballots to the issuing official.


2011 Wisconsin Act 23, which created requirements that voters present photo identification in order to vote at a polling place or obtain an absentee ballot, does not violate either section 2 of the federal Voting Rights Act, 52 U.S.C. § 10301, or the U.S. Constitution. Frank v. Walker, 768 F3d 744 (2014).

6.18 Former residents. If ineligible to qualify as an elector in the state to which the elector has moved, any former qualified Wisconsin elector may vote an absentee ballot in the ward of the elector’s prior residence in any presidential election occurring within 24 months after leaving Wisconsin by requesting an application form and returning it, properly executed, to the municipal clerk of the elector’s prior Wisconsin residence. When requesting an application form for an absentee ballot, the applicant shall specify the applicant’s eligibility for only the presidential ballot. Unless the applicant is exempted from providing proof of identification under s. 6.87 (4) (b) 2. or 3., or the applicant is a military or overseas elector, the elector shall enclose a copy of his or her proof of identification or any authorized substitute document with his or her application. The municipal clerk shall verify that the name on the proof of identification conforms to the name on the application. The clerk shall not issue a ballot to an elector who is required to enclose a copy of proof of identification or an authorized substitute document with his or her application unless the copy is enclosed and the proof is verified by the clerk. The application form shall require the following information and be in substantially the following form:

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

**APPLICAITON FOR PRESIDENTIAL ELECTOR’S ABSENTEE BALLOT**

(To be voted at the Presidential Election on November ...., .... (year)

I, .... hereby swear or affirm that I am a citizen of the United States, formerly residing at .... in the .... ward .... aldermanic district (city, town, village) of .... County of .... for 28 consecutive days prior to leaving the State of Wisconsin. I, .... do solemnly swear or affirm that I do not qualify to register or vote under the laws of .... (State you now reside in) where I am presently residing. A citizen must be a resident of: State .... (city, town, village) of ...., County of .... for 28 consecutive days prior to leaving the State of Wisconsin. I, .... do solemnly swear or affirm that my legal residence was established in the State of .... (Present address) on .... Month .... Day .... Year.

Signed ....
Address .... (Present address)
...(City) .... (State)
...(Notary Public, or other officer authorized to administer oaths.) ....(County)
My Commission expires
MAIL BALLOT TO:
NAME ....
ADDRESS ....
CITY .... STATE .... ZIP CODE ....

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

NOTE: In One Wisconsin Now et al. v. Thomsen et al, 15−cv−324, 199 F. Supp. 3d 896, the United States District Court, Western District of Wisconsin ordered that “the increase of the durational residency requirement from 10 days to 28 days is unconstitutional.”

**History:** 1971 c. 304 s. 29 (1), (2); 1975 c. 85 ss. 9, 66 (3); 1991 a. 316; 1997 a. 250; 2001 a. 107, 109; 2003 a. 321, 327; 2011 a. 23, 227.

2011 Wisconsin Act 23, which created requirements that voters present photo identification in order to vote at a polling place or obtain an absentee ballot, does not violate either section 2 of the federal Voting Rights Act, 52 U.S.C. § 10301, or the U.S. Constitution. Frank v. Walker, 768 F3d 744 (2014).

6.20 Absent electors. Any qualified elector of this state who registers may vote by absentee ballot under ss. 6.84 to 6.89.

**History:** 1985 a. 304; 2003 a. 265.

6.21 Deceased electors. When by due proof it appears to the inspectors or, in municipalities where absentee ballots are canvassed under s. 7.52, when by due proof it appears to the board of absentee ballot canvassers that a person casting an absentee ballot at an election has died before the date of the election, the inspectors or board of absentee ballot canvassers shall return the ballot with defective ballots to the issuing official. The casting of the ballot of a deceased elector does not invalidate the election.

**History:** 1985 a. 304; 2005 a. 451.

6.22 Absentee voting for military electors. (1) **Definitions.** In this section, except as otherwise provided:

(a) “Member of the merchant marine” means an individual, other than a member of a uniformed service or an individual employed, enrolled or maintained on the Great Lakes or the inland waterways, who is any of the following:

1. Employed as an officer or crew member of a vessel documented under the laws of the United States, or a vessel owned by the United States, or a vessel of foreign−flag registry under charter to or control of the United States.

2. Enrolled with the United States for employment or training for employment, or maintained by the United States for emergency relief service, as an officer or crew member of any such vessel.

(b) “Military elector” means any of the following:

1. Members of a uniformed service.

2. Members of the merchant marine of the United States.

3. Civilian employees of the United States and civilians officially attached to a uniformed service who are working outside the United States.

4. Peace corps volunteers.

5. Spouses and dependents of those listed in the above categories residing with or accompanying them.

(c) “Uniformed service” means the U.S. army, navy, air force, marine corps or coast guard, the commissioned corps of the federal public health service or the commissioned corps of the national oceanic and atmospheric administration.

(2) **APPLICATION AND VOTING PROCEDURE.** (a) A military elector shall vote in the ward or election district for the address of his or her residence prior to becoming a military elector, except that:

1. A military elector voting in this state who is the spouse of another military elector and who did not maintain a residence in this state prior to becoming a military elector shall vote in the ward or election district for the address of his or her support.

2. A military elector voting in this state who is the dependent of another military elector and who did not maintain a residence in this state prior to becoming a military elector shall vote in the ward or election district for the address of the individual providing his or her support.

3. A military elector who is the spouse of another military elector and whose most recent residence in this state was different than the residence of his or her spouse prior to becoming a military elector may vote in the ward or election district for the address of his or her former residence or the ward or election district for the address of his or her spouse.

Updated 2015−16 Wis. Stats. Published and certified under s. 35.18. November 13, 2018.

2015–16 Wisconsin Statutes updated through 2017 Wis. Act 367 and all Supreme Court and Controlled Substances Board Orders effective prior to November 13, 2018. Published and certified under s. 35.18. Changes effective after November 13, 2018 are designated by NOTES. (Published 11–13–18)
4. A military elector who is the dependent of another military elector and whose most recent residence in this state was different than the residence of the individual providing his or her support prior to becoming a military elector may vote in the ward or election district for the address of his or her former residence or the ward or election district for the address of the individual providing his or her support.

(b) A military elector shall make and subscribe to the certification under s. 6.87 (2) before a witness who is an adult U.S. citizen.

(c) A federal postcard registration and absentee ballot request form may be used to apply for an absentee ballot under this section if the form is completed in such a manner that the municipal clerk or board of election commissioners with whom it is filed is able to determine all of the following:

1. That the applicant is qualified to vote in the ward or election district where he or she seeks to vote under par. (a).

2. That the applicant qualifies to receive an absentee ballot under this section.

(d) If an applicant uses a federal form under par. (c) to request an absentee ballot for all elections, the application shall so state.

(e) A military elector may file an application for an absentee ballot by means of electronic mail or facsimile transmission in the manner prescribed in s. 6.86 (1) (ac). Upon receipt of a valid application, the municipal clerk shall send the elector an absentee ballot or, if the elector is a military elector, as defined in s. 6.34 (1) (a), and the elector so requests, shall transmit an absentee ballot to the elector by means of electronic mail or facsimile transmission in the manner prescribed in s. 6.87 (3) (d).

(3) REGISTRATION EXEMPT. Military electors are not required to register as a prerequisite to voting in any election.

(4) INSTRUCTIONS AND HANDLING. (a) Upon receiving a timely request for an absentee ballot under par. (b) by an individual who qualifies as a military elector, the municipal clerk shall send or, if the individual is a military elector as defined in s. 6.34 (1) (a), shall transmit to the elector upon the elector’s request an absentee ballot for all elections that occur in the municipality or portion thereof where the elector resides in the same calendar year in which the request is received, unless the individual otherwise requests.

(b) A military elector’s application may be received at any time. The municipal clerk shall not send or transmit a ballot for an election if the application is received later than 5 p.m. on the Friday preceding that election. The municipal clerk shall send or transmit a ballot, as soon as available, to each military elector who files a timely request for a ballot.

(c) A military elector may indicate an alternate address on his or her absentee ballot application. If the elector’s ballot is returned as undeliverable prior to the deadline for return of absentee ballots under s. 6.87 (6), and the elector remains eligible to receive absentee ballots under this section, the municipal clerk shall immediately send or, if the elector is a military elector as defined in s. 6.34 (1) (a), transmit an absentee ballot to the elector at the alternate address.

(d) The commission shall prescribe the instructions for marking and returning ballots and the municipal clerk shall enclose instructions with each ballot and shall also enclose supplemental instructions for local elections. The envelope, return envelope and instructions may not contain the name of any candidate appearing on the enclosed ballots other than that of the municipal clerk affixed in the fulfillment of his or her duties.

(e) Whenever the material is mailed, the material shall be prepared and mailed to make use of the federal free postage laws. If the material does not qualify for mailing without postage under federal free postage laws, the municipal clerk shall pay the postage required for mailing to the military elector. If the return envelope qualifies for mailing free of postage under federal free postage laws, the clerk shall affix the appropriate legend required by U.S. postal regulations. Otherwise the municipal clerk shall pay the postage required for return when the ballot is mailed from within the United States. If the ballot is not mailed by the military elector from within the United States the military elector shall provide return postage.

(f) If the municipal clerk is reliably informed that an individual who requests an absentee ballot under this section is no longer a military elector or no longer resides in the municipality, or if the elector so requests, the clerk shall discontinue sending or transmitting absentee ballots to the elector under this subsection. If a military elector who has requested an absentee ballot changes his or her residence from the municipality where a request is filed to another municipality in this state, the municipal clerk of the municipality who received the request shall notify the clerk of the municipality to which the elector’s residence is changed of that fact and of the date of the request. The municipal clerk who is so notified shall treat the request as having been made to him or her.

(h) The municipal clerk shall notify a military elector of any action under par. (f) that is not taken at the elector’s request within 5 days of taking that action, if possible.

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

(6) MILITARY ELECTOR LIST. Each municipal clerk shall keep an up-to-date list of all eligible military electors who reside in the municipality in the format prescribed by the commission. The list shall contain the name, latest-known military residence and military mailing address of each military elector. The list shall indicate whether each elector whose name appears on the list is a military elector, as defined in s. 6.34 (1), and has so certified under s. 6.865 (3m). All persons over 18 years of age or who will be 18 years old prior to an election shall be listed and remain on the list for the duration of their tour of duty. The list shall be kept current through all possible means. Each clerk shall exercise reasonable care to avoid duplication of names or listing anyone who is not eligible to vote. Each clerk shall distribute one copy of the list to the each polling place in the municipality for use on election day.

(7) EXTENSION OF PRIVILEGE. This section applies to all military electors for 28 days after the date of discharge from a uniformed service or termination of services or employment of individuals specified in sub. (1) (b) 1. to 4.


6.24 Federal overseas voting. (1) DEFINITION. In this section, except as otherwise provided, “overseas elector” means a U.S. citizen who is not disqualified from voting under s. 6.03, who has attained or will attain the age of 18 by the date of an election at which the citizen proposes to vote and who does not qualify as a resident of this state under s. 6.10, but who was last domiciled in this state or whose parent was last domiciled in this state immediately prior to the parent’s departure from the United States, and who is not registered to vote or voting in any other state, territory or possession.

(2) ELIGIBILITY. An overseas elector under sub. (1) may vote in any election for national office, including the partisan primary and presidential preference primary and any special primary or election. Such elector may not vote in an election for state or local office. An overseas elector shall vote in the ward or election district in which the elector was last domiciled or in which the elector’s parent was last domiciled prior to departure from the United States.

(3) REGISTRATION. The overseas elector shall register in the municipality where he or she was last domiciled or where the overseas elector’s parent was last domiciled on a form prescribed by the commission designed to ascertain the elector’s qualifica-
tions under this section. The commission shall ensure that the form is substantially similar to the original form under s. 6.33 (1), insofar as applicable. Registration shall be accomplished in accordance with s. 6.30 (4) or (5).

(4) REQUESTS. (a) An overseas elector who is properly registered may request an absentee ballot in writing under ss. 6.86 to 6.89.

(b) A federal postcard registration and absentee ballot request form may be used to apply for an absentee ballot under par. (a) if the form is completed in such manner that the municipal clerk or board of election commissioners with whom it is filed is able to determine all of the following:

1. That the applicant is an overseas elector under sub. (1).
2. That the applicant qualifies to vote in the ward or election district where he or she seeks to vote under sub. (2).

(c) Upon receipt of a timely application from an individual who qualifies as an overseas elector and who has registered to vote in a municipality under sub. (3), the municipal clerk of the municipality shall send, or if the individual is an overseas elector, as defined in s. 6.34 (1) (b), shall transmit an absentee ballot to the individual upon the individual’s request for all subsequent elections for national office to be held during the year in which the ballot is requested, except as otherwise provided in this paragraph, unless the individual otherwise requests or until the individual no longer qualifies as an overseas elector of the municipality. The clerk shall not send an absentee ballot for an election if the overseas elector’s name appeared on the registration list in eligible status for a previous election following the date of the application but no longer appears on the list in eligible status. The municipal clerk shall ensure that the envelope containing the absentee ballot is clearly marked as not forwardable. If an overseas elector who files an application under this subsection no longer resides at the same address that is indicated on the application form, the elector shall so notify the municipal clerk.

(d) An overseas elector who is not registered may request both a registration form and an absentee ballot at the same time, and the municipal clerk shall send or transmit the ballot automatically if the registration form is received within the time prescribed in s. 6.28 (1). The commission shall prescribe a special certificate form for the envelope in which the absentee ballot for overseas electors is contained, which shall be substantially similar to that provided under s. 6.87 (2). An overseas elector shall make and subscribe to the special certificate form before a witness who is an adult U.S. citizen.

(e) An overseas elector may file an application for an absentee ballot by means of electronic mail or facsimile transmission in the manner prescribed in s. 6.86 (1) (ae). Upon receipt of a valid application, the municipal clerk shall send the elector an absentee ballot or, if the elector is an overseas elector, as defined in s. 6.34 (1) (b) and the elector so requests, shall transmit an absentee ballot to the elector by means of electronic mail or facsimile transmission in the manner prescribed in s. 6.87 (3) (d).

(5) BALLOTS. The commission shall prescribe a special ballot for use under this section whenever necessary. Official ballots prescribed for use in the presidential preference primary may also be used. The ballot shall be designed to comply with the requirements prescribed under ss. 5.60 (8), 5.62, and 5.64 (1) insofar as applicable. All ballots shall be limited to national offices only.

(6) INSTRUCTIONS AND HANDLING. The municipal clerk shall send a ballot, as soon as available, to each overseas elector by which the enactor has been made. The commission shall prescribe the instructions for marking and returning ballots and the municipal clerk shall enclose such instructions with each ballot. The envelope, return envelope and instructions may not contain the name of any candidate appearing on the enclosed ballots other than that of the municipal clerk affixed in the fulfillment of his or her duties. Except as authorized in s. 6.87 (3), the municipal clerk shall mail the material, with sufficient postage to ensure that the elector receives the ballot, unless the material qualifies for mailing free of postage under federal free postage laws. If the return envelope qualifies for mailing free of postage under federal free postage laws, the clerk shall affix the appropriate legend required by U.S. postal regulations. Otherwise, the municipal clerk shall pay the postage required for return when the ballot is mailed from within the United States. If the ballot is not mailed by the overseas elector from within the United States, the overseas elector shall provide return postage.

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


6.25 Write-in absentee ballot. (1) (a) Any individual who qualifies as a military elector under s. 6.22 (1) (b) and who transmits an application for an official absentee ballot for any election, including a primary election, no later than the latest time specified for an elector in s. 6.86 (1) (b) may, in lieu of the official ballot, cast a federal write-in absentee ballot prescribed under 42 USC 1973ff–2 for any candidate for an office listed on the official ballot or for all of the candidates of any recognized political party for the offices listed on the official ballot at that election if the federal write-in absentee ballot is received by the appropriate municipal clerk no later than the applicable time prescribed in s. 6.87 (6).

(b) Any individual who qualifies as an overseas elector under s. 6.24 (1) and who transmits an application for an official absentee ballot for an election for national office, including a primary election, no later than the latest time specified for an elector in s. 6.86 (1) (b) may, in lieu of the official ballot, cast a federal write-in absentee ballot prescribed under 42 USC 1973ff–2 for any candidate or for all candidates of any recognized political party for national office listed on the official ballot at that election, if the federal write-in absentee ballot is received by the appropriate municipal clerk no later than the applicable time prescribed in s. 6.87 (6).

(c) A completed and signed federal write-in absentee ballot submitted by a qualified elector under par. (a) serves as an application for an absentee ballot and need not be accompanied by a separate application.

(4) A write-in absentee ballot issued under sub. (1) is valid only if the elector submitting the ballot does not submit an official ballot within the time prescribed in s. 6.87 (6) and, if the elector is an overseas elector, the elector resides outside the United States.


SUBCHAPTER II
REGISTRATION

Cross-reference: See also ch. EL 3, Wis. adm. code.

6.27 Elector registration required. Each elector shall register under this chapter before voting in any election, except as authorized under ss. 6.15, 6.18, and 6.22.


6.275 Registration and voting statistics. (1) Except as provided in par. (f), no later than 30 days after each primary and election at which a state or national office is filled or a statewide referendum is held, including any special election, the municipal clerk or board of election commissioners shall submit electronically a report to the commission and the county clerk or board of election commissioners of each county in which the municipality is located specifying:

(a) The total number of electors residing in that county who voted in the municipality in that primary or election.

2015–16 Wisconsin Statutes updated through 2017 Wis. Act 367 and all Supreme Court and Controlled Substances Board Orders effective prior to November 13, 2018. Published and certified under s. 35.18. Changes effective after November 13, 2018 are designated by NOTES. (Published 11–13–18)
(b) The total number of electors of the municipality residing in that county who were preregistered on the deadline specified in s. 6.28 (1) (a), including valid mail registrations which are postmarked by that day and valid electronic registrations entered under s. 6.30 (5).

(c) The total number of electors of the municipality residing in that county who registered after the close of registration and prior to the day of the primary or election under ss. 6.29 and 6.86 (3) (a) 2.

(d) The total number of electors of the municipality residing in that county who registered on the day of the primary or election under ss. 6.55 and 6.86 (3) (a) 2.

(e) The total number of electors of the municipality voting absentee ballots at the primary or election.

(f) The total number of postcards sent by the municipal clerk or board of election commissioners under s. 6.56 (3), the total number of such postcards returned to the municipal clerk or board of election commissioners because the elector did not reside at the address given on the postcard, the total number of electors whose status was changed from eligible to ineligible on the registration list as a result of the audit under s. 6.56 (3), and the number of individuals referred to the district attorney under s. 6.56 (3). The municipal clerk or board of election commissioners shall provide the information described under this paragraph to the elections commission and the county clerk or county board of election commissioners at the earliest practicable time after, but no later than 90 days after, each primary and election at which a state or national office is filled or a statewide referendum is held, including any special election. The municipal clerk or board of election commissioners shall update the information described under this paragraph on a monthly basis and shall submit, on a monthly basis, any such updated information to the elections commission and the county clerk or county board of election commissioners.

(2) Upon receipt of each report filed under this section, the commission shall, within 7 days of receiving the report, publish the information on its Internet site. The commission shall update the information published under this subsection on a monthly basis.


6.276 Federal absentee voting statistics. (1) In this section, "military elector" and "overseas elector" have the meanings given in s. 6.34 (1).

(2) Within 30 days after each general election, each municipal clerk shall transmit to the commission a report of the number of absentee ballots transmitted by the clerk to absent military electors and overseas electors for that election and the combined number of those ballots that were cast by those electors in that election.

(3) Within 90 days after each general election, the commission shall compile the information contained in the reports received from municipal clerks under sub. (2) and transmit the information to the federal Election Assistance Commission.


6.28 Where and when to register. (1) REGISTRATION DEADLINE LOCATIONS. (a) Except as authorized in ss. 6.29, 6.55 (2), and 6.86 (3) (a) 2., registration in person for an election closes at 5 p.m. on the 3rd Wednesday preceding the election. Registrations made by mail under s. 6.30 (4) must be delivered to the office of the municipal clerk or postmarked no later than the 3rd Wednesday preceding the election. Electronic registration under s. 6.30 (5) for an election closes at 11:59 p.m. on the 3rd Wednesday preceding the election. The municipal clerk or board of election commissioners may assign election registration officials to register electors who apply for an in–person absentee ballot under s. 6.86 (1) (b) or to register electors at a polling place on election day or at a residential care facility, as defined under s. 6.875 (1) (bn),

(b) All applications for registration corrections and additions may be made throughout the year at the office of the city board of election commissioners, at the office of the municipal clerk, at the office of the county clerk, or at other locations provided by the board of election commissioners or the common council in cities over 500,000 population or by either or both the municipal clerk, or the common council, village or town board in all other municipalities. An elector who wishes to obtain a confidential listing under s. 6.47 (2) shall register at the office of the municipal clerk of the municipality where the elector resides.

(4) AT THE OFFICE OF THE COUNTY CLERK. Any person shall be given an opportunity to register to vote at the office of the county clerk for the county in which the person’s residence is located. An applicant may complete the required registration form under s. 6.33. Unless the county clerk performs registration functions for the municipality where the elector resides under s. 6.33 (5) (b), the county clerk shall forward the form submitted by an elector to the appropriate municipal clerk, or to the board of election commissioners in cities over 500,000 population within 5 days of receipt. The clerk shall forward the form immediately whenever registration closes within 5 days of receipt.

NOTE: In One Wisconsin Now et al. v. Thomsen et al, 15−cv−324, the United States District Court, Western District of Wisconsin ordered "the increase of the durational residency requirement from 10 days to 28 days is unconstitutional." (am) The commission shall provide to each municipal clerk a list prepared for use at each municipal clerk’s office showing the name and address of each person whose name appears on the list provided by the department of corrections under s. 301.03 (20m) as ineligible to vote on the date of the election, whose address is located in the municipality, and whose name does not appear on the registration list for that municipality. Prior to permitting an elector to register to vote under this subsection, the municipal clerk shall review the list. If the name of an elector who wishes to register to vote appears on the list, the municipal clerk shall inform the elector that the elector is ineligible to register to vote. If the elector maintains that he or she is eligible to vote in the election, the municipal clerk shall permit the elector to register to vote but shall mark the elector’s registration form as “ineligible to vote per Department of Corrections.” If the elector wishes to vote, the municipal clerk shall challenge the elector’s ballot in the same manner as provided for inspectors who challenge ballots under s. 6.79 (2) (dm).
6.30 How to register. (1) IN PERSON. An elector shall apply for registration in person, except as provided under subs. (4) and (5) and s. 6.86 (3) (a) 2.  
(4) BY MAIL. Any eligible elector may register by mail on a form prescribed by the commission and provided by each municipality. The form shall be designed to obtain the information required in s. 6.33 (1). The form shall contain a certification by the elector that all statements are true and correct. The form shall be prepostpaid for return when mailed at any point within the United States. The form shall be available in the municipal clerk’s office and may be distributed by any elector of the municipality. The clerk shall mail a registration form to any elector upon written or oral request.  
(5) BY ELECTRONIC APPLICATION. An eligible elector who holds a current and valid operator’s license issued under ch. 343 or a current and valid identification card issued under s. 343.50 may register electronically in the manner prescribed by the commission. Upon submittal of the electronic application, the commission shall obtain from the department of transportation a copy of the electronic signature of the elector. The commission shall maintain the application on file and shall notify the municipal clerk or board of election commissioners of the municipality where the elector resides of its receipt of each completed application. The commission shall also permit any elector who has a current and valid operator’s license issued to the elector under ch. 343 or a current and valid identification card issued under s. 343.50 to make changes in his or her registration at the same Internet site that is used by electors for original registration under this subsection. An elector shall attest to the correctness of any changes in the same manner as provided in this subsection for information entered on an application for original registration.  

6.32 Verification of certain registrations. (1) Upon receipt of a registration form that is submitted by mail under s. 6.30 (4) or by electronic application under s. 6.30 (5), the commission or municipal clerk shall examine the form for sufficiency.  
(2) If the form is insufficient to accomplish registration or the commission or clerk knows or has reliable information that the proposed elector is not qualified, the commission or clerk shall notify the proposed elector within 5 days, if possible, and request that the elector appear at the clerk’s office or another registration location to complete a proper registration or substantiate the information presented.  
(3) If the form is submitted later than the close of registration, the commission or clerk shall make a good faith effort to notify the elector that he or she may register at the clerk’s office under s. 6.29 or at the proper polling place or other location designated under s. 6.55 (2).  
(4) If the form is sufficient to accomplish registration and the commission or clerk has no reliable information to indicate that the proposed elector is not qualified, the commission or clerk shall enter the elector’s name on the registration list and transmit a 1st class letter or postcard to the registrant, specifying the elector’s voting ward or aldermanic district, or both, if any, and polling place. The letter or postcard shall be sent within 10 days of receipt of the form. If the letter or postcard is returned, or if the commission or clerk is informed of a different address than the one specified by the elector, the commission or clerk shall change the status of the elector on the list from eligible to ineligible. The letter or postcard shall be marked in accordance with postal regulations to ensure that it will be returned to the commission or clerk if the elector does not reside at the address given on the letter or postcard.  

6.325 Disqualification of electors. No person may be disqualified as an elector unless the municipal clerk, board of election commissioners or a challenging elector under s. 6.48 demonstrates beyond a reasonable doubt that the person does not qualify as an elector or is not properly registered. If it appears that the challenged elector is registered at a residence in this state other than the one where the elector now resides, the municipal clerk or board of election commissioners shall, before permitting the elector to vote, require the elector to properly register and shall notify the municipal clerk or board of election commissioners at the former residence. The municipal clerk or board of election commissioners may require naturalized applicants to show their naturalization certificates.  

6.33 Registration forms; manner of completing. (1) The commission shall prescribe the format, size, and shape of registration forms. All nonelectronic forms shall be printed and each item of information shall be of uniform font size, as prescribed by the commission. Except as otherwise provided in this subsection, electronic forms shall contain the same information as nonelectronic forms. The municipal clerk shall supply sufficient forms to meet voter registration needs. The commission shall design the form to obtain from each elector information as to name; date; residence location; location of previous residence immediately before moving to current residence location; citizenship; date of birth; age; the number of a current and valid operator’s license issued to the elector under ch. 343 or the last 4 digits of the elector’s social security account number; whether the elector has resided within the ward or election district for the number of consecutive days specified in s. 6.02 (1); whether the elector has...
been convicted of a felony for which he or she has not been pardoned, and if so, whether the elector is incarcerated, or on parole, probation, or extended supervision; whether the elector is disqualified on any other ground from voting; and whether the elector is currently registered to vote at any other location. The commission shall include on the nonelectronic form a space for the elector’s signature and on the electronic form the authorization specified under s. 6.30 (5). Below the space for the signature or authorization, respectively, the commission shall include the following statement: “Falsification of information on this form is punishable under Wisconsin law as a Class I felony.” The commission shall include on the form a space to enter the name of any inspector, municipal clerk, or deputy clerk under s. 6.55 (2) who obtains the form and a space for the inspector, clerk, or deputy clerk to sign his or her name, affirming that the inspector, clerk, or deputy clerk has accepted the form. The commission shall include on the form a space for the inspector, clerk, or deputy clerk to sign his or her name due to physical disability. In such case, the elector shall sign his or her own name unless the elector is unable to sign his or her name due to physical disability. In such case, the elector may authorize another elector to sign the form on his or her behalf. If the elector so authorizes, the elector signing the form shall attest to a statement that the application is made upon request and by authorization of a named elector who is unable to sign the form due to physical disability.

(2) (a) All information may be recorded by any person, except that the clerk shall record the ward and aldermanic district, if any, other geographic information under sub. (1), the indication of whether the registration is received by mail and, the type of identifying document submitted by the elector as proof of residence under s. 6.34 or an indication that the elector’s information in lieu of proof of residence was verified under s. 6.34 (2m), the name of the entity or institution that issued the identifying document, and, if the identifying document includes a number that applies only to the individual holding that document, that number. The commission shall also include on the form a space where the clerk, for any elector who possesses a valid voting identification card issued to the person under s. 6.47 (3), may record the identification serial number appearing on the voting identification card. Each county clerk shall obtain sufficient registration forms for completion by an elector who desires to register to vote at the office of the county clerk under s. 6.28 (4).

(b) Except as provided in s. 6.86 (3) (a) 2., the registration form shall be signed by the registering elector before the clerk, issuing officer or election registration official. The form shall contain a certification by the registering elector that all statements are true and correct.

(3) When an individual’s registration is changed from eligible to ineligible status, the municipal clerk or board of election commissioners shall enter the date and reason for change on the registration list.

(4) Except as provided in par. (b) and this paragraph, whenever a municipal clerk receives a valid registration or valid change of a name or address under an existing registration or changes a registration from eligible to ineligible status the municipal clerk or the clerk’s designee shall promptly enter electronically on the list maintained by the commission under s. 6.36 (1) the information required under that subsection.

2. Except as provided in par. (b) and this paragraph, whenever a municipal clerk mails an absentee ballot to an elector or receives an in–person absentee ballot application or an absentee ballot the municipal clerk shall, no later than 48 hours after mailing an absentee ballot or receiving an in–person absentee ballot application or an absentee ballot, enter electronically on the list maintained by the commission under s. 6.36 (1) the information required under that subsection. If a deadline under this subdivision falls on a Saturday or Sunday, the deadline is extended to the next business day.

3. Except as provided in par. (b) and this paragraph, the municipal clerk or the clerk’s designee shall update any entries that change on the date of an election other than a general election within 30 days after the date of that election, and shall update any entries that change on the date of a general election within 45 days after the date of that election. The commission administrator may, upon request of a municipal clerk permit the clerk to update entries that change on the date of a general election within 60 days after that election.

4. The municipal clerk shall provide to the commission information that is confidential under s. 6.47 (2) in such manner as the commission prescribes.

(b) The municipal clerk of any municipality may, by mutual consent, designate any other municipal clerk or any county clerk as the clerk’s agent to carry out the functions of the municipal clerk under this section for that municipality. The municipal clerk shall notify the county clerk of each county in which the municipality is located and the commission of any such designation in writing. The municipal clerk may, by similar notice to the clerk’s agent at least 14 days prior to the effective date of any change, discontinue the designation. If the municipal clerk designates another municipal clerk or a county clerk as his or her agent, the municipal clerk shall immediately forward all registration changes filed with the clerk and voting record information obtained by the clerk to the clerk’s agent for electronic entry on the registration list.


Cross-reference: See also s. EL 3.02, Wis. adm. code.

6.34 Proof of residence required. (1) In this section:

(a) “Military elector” means a member of a uniformed service on active duty who, by reason of that duty, is absent from the residence where the member is otherwise qualified to vote; a member of the merchant marine, as defined in s. 6.22 (1) (a), who by reason of service in the merchant marine, is absent from the residence where the member is otherwise qualified to vote; or the spouse or dependent of any such member who, by reason of the duty or service of the member, is absent from the residence where the spouse or dependent is otherwise qualified to vote.

(b) “Overseas elector” means an elector who resides outside the United States and who is qualified under federal law to vote in elections for national office in this state because the elector was last domiciled in this state immediately prior to the elector’s departure from the United States.

(2) Except as provided in sub. (2m), upon completion of a registration form prescribed under s. 6.33, each eligible elector who is required to register under s. 6.27, who is not a military elector or an overseas elector, shall provide an identifying document that establishes proof of residence under sub. (3). If the elector registered by mail or by electronic application, the identifying document may not be a residential lease.

(2m) An elector who registers by electronic application under s. 6.30 (5) is not required to provide proof of residence under sub. (2) if, at the time of registration, the elector provides the number of a current and valid operator’s license issued under ch. 343, or the number of a current and valid identification card issued under...
6.34 THE ELECTORS

s. 343.50, together with the elector’s name and date of birth and the commission is able to verify the information specified under sub. (3) (b) using the system maintained under sub. (4).

(3) (a) An identifying document used to establish proof of an elector’s residence under sub. (2) shall contain the information required under par. (b) and is limited to one of the following:
1. A current and valid operator’s license issued under ch. 343.
2. A current and valid identification card issued under s. 343.50.
3. Subject to s. 66.0438, any other official identification card or license issued by a Wisconsin governmental body or unit.
4. An official identification card or license issued by an employer in the normal course of business that contains a photograph of the cardholder or license holder, but not including a business card.
5. A real property tax bill or receipt for the current year or the year preceding the date of the election.
6. Except as provided in sub. (2), a residential lease.
7. Any of the following documents without the address specified in par. (b):
   a. A university, college, or technical college identification card that contains a photograph of the cardholder together with a fee payment receipt issued to the cardholder by the university, college, or technical college dated no earlier than 9 months before the date of the election at which the receipt is presented.
   b. An identification card issued by a university, college, or technical college that contains a photograph of the cardholder if the university, college, or technical college that issued the card provides a certified and current list of students who reside in housing sponsored by the university, college, or technical college and who are U.S. citizens to the municipal clerk prior to the election showing the current address of the students and if the municipal clerk, election registration official, or inspector verifies that the student presenting the card is included on the list.

NOTE: In One Wisconsin Now et al. v. Thomsen et al, 15−cv−324, the United States District Court, Western District of Wisconsin ordered that “the requirement that “dorm lists” to be used as proof of residence include citizenship information is unconstitutional.”

8. A utility bill for the period commencing not earlier than 90 days before the day registration is made.
10. A paycheck.
11. A check or other document issued by a unit of government.
12. For an occupant of a residential care facility, as defined in s. 6.875 (1) (bm), for the purpose of registering at the facility, a contract or intake document prepared by the residential care facility that specifies that the occupant currently resides in the facility. The contract or intake document may also identify the room or unit in which the occupant resides.
13. An identification card issued by a federally recognized Indian tribe in this state.

(b) Except as provided in par. (a) 7., the identifying documents prescribed in par. (a) shall contain all of the following in order to be considered proof of residence:
1. A current and complete name, including both the given and family name.
2. A current and complete residential address, including a numbered street address, if any, and the name of a municipality.
3. Identifying documents specified in par. (a) which are valid for use during a specified period must be valid on the day that an elector makes application for registration in order to constitute proof of residence.
4. The commission shall maintain a system that electronically verifies, on an instant basis, information specified under sub. (3) (b) from the information submitted in lieu of proof of residence under sub. (2m), using the information maintained by the department of transportation pursuant to the commission’s agreement with the secretary of transportation under s. 85.61 (1). If a prospective elector enters information specified under sub. (3) (b) 2. into the system that does not match such information maintained by the department of transportation, the system shall redirect the elector to the department of transportation’s Internet site so that the elector may update his or her information with the department of transportation.


6.35 Filing registration forms. (1) Under the direction of the municipal clerk or board of election commissioners, the original registration forms shall be filed in one of the following ways, except as provided in subs. (1m) and (2):
(a) In alphabetical order of the electors’ names.
(b) In alphabetical order according to street names, in numerical order on each street and in alphabetical order of the electors’ names at each address on the street.

(1m) Original registration forms of electors who have obtained a confidential listing under s. 6.47 (2) shall be filed in alphabetical order after the forms of the other electors.

(2) The commission shall prescribe, by rule, the procedure and methods by which municipal clerks and boards of election commissioners shall maintain records of registrations that are entered electronically under s. 6.30 (5).

(3) Original registration forms shall be maintained in the office of the municipal clerk or board of election commissioners at all times.

6.36 Official registration list. (1) The commission shall compile and maintain electronically an official registration list. The list shall contain all of the following:
1. The name and address of each registered elector in the state.
2. The elector’s date of birth.
3. The ward and aldermanic district of the elector, if any.
4. For each elector, a unique registration identification number assigned by the commission.
5. The number of a valid operator’s license issued to the elector under ch. 343, if any, or the last 4 digits of the elector’s social security account number, if any.
6. Any identification serial number issued to the elector under s. 6.47 (3).
7. The date of any election in which the elector votes.
8. A naturalization certificate, as defined in s. 6.24 (1).
9. Any information relating to the elector that appears on the current list transmitted to the commission by the department of corrections under s. 301.03 (20m).
10. An indication of any accommodation required under s. 5.25 (4) (a) to permit voting by the elector.
11. An indication of the method by which the elector’s registration form was received.
12. An indication of whether the elector was required under s. 6.34 to provide proof of residence and, if so, the type of identifying document submitted as proof of residence, the name of the entity or institution that issued the identifying document, and, if the identifying document included a number that applies only to the individual holding that document, up to the last 4 digits of that number. If the number on the identifying document submitted by the elector had 6 or fewer digits, the list under this paragraph may not contain more than the last 2 digits of that number.
13. A separate column indicating the date on which an elector applied to vote by in−person absentee ballot.
14. Separate columns indicating the date on which the clerk mailed an absentee ballot to an elector and the date on which the elector returned the absentee ballot.

15. A separate column indicating the polling location associated with each elector’s address and ward or aldermanic district, if any.

16. A separate column indicating the mailing address for the municipal clerk associated with each polling location identified under subd. 15.

(ae) 1. The chief election officer shall enter into a membership agreement with Electronic Registration Information Center, Inc., for the purpose of maintaining the official registration list under this section. Prior to entering into an agreement under this subdivision, the chief election officer shall ensure that the agreement satisfies all of the following conditions:
   a. It safeguards the confidentiality of information or data in the registration list that may be subject to transfer under the agreement and to which access is restricted under par. (b) 1. a.
   b. It prohibits the sale or distribution of the information or data in the registration list to a 3rd-party vendor and it prohibits any other action not associated with administration of or compliance with the agreement.
   c. It does not affect the exemption for this state under the national voter registration act.
   d. It allows the state to make contact with electors by electronic mail, whenever possible.

2. If the chief election officer enters into an agreement under subd. 1., the chief election officer shall comply with the terms of the agreement, including the transmission of information and data related to the registration of electors in this state to the Electronic Registration Information Center, Inc., for processing and sharing with other member states and governmental units.

(am) The list under par. (a) may contain such other information as may be determined by the commission to facilitate administration of elector registration requirements.

(b) 1. The list shall be open to public inspection under s. 19.35 (1) and shall be electronically accessible by any person, except that:
   a. Except as provided in pars. (ae), (bm), and (bn), no person other than an employee of the commission, a county clerk, a deputy county clerk, an executive director of a county board of election commissioners, a deputy designated by the executive director, a municipal clerk, a deputy municipal clerk, an executive director of a city board of election commissioners, or a deputy designated by the executive director may view the date of birth, operation and to which access is restricted under par.
   b. It prohibits the sale or distribution of the information or data in the registration list to a 3rd-party vendor and it prohibits any other action not associated with administration of or compliance with the agreement.
   c. It does not affect the exemption for this state under the national voter registration act.
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   a. Except as provided in pars. (ae), (bm), and (bn), no person other than an employee of the commission, a county clerk, a deputy county clerk, an executive director of a county board of election commissioners, a deputy designated by the executive director, a municipal clerk, a deputy municipal clerk, an executive director of a city board of election commissioners, or a deputy designated by the executive director may view the date of birth, operation and to which access is restricted under par.
   b. It prohibits the sale or distribution of the information or data in the registration list to a 3rd-party vendor and it prohibits any other action not associated with administration of or compliance with the agreement.
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   d. It allows the state to make contact with electors by electronic mail, whenever possible.

2. If the chief election officer enters into an agreement under subd. 1., the chief election officer shall comply with the terms of the agreement, including the transmission of information and data related to the registration of electors in this state to the Electronic Registration Information Center, Inc., for processing and sharing with other member states and governmental units.

(ae) 1. The chief election officer shall enter into a membership agreement with Electronic Registration Information Center, Inc., for the purpose of maintaining the official registration list under this section. Prior to entering into an agreement under this subdivision, the chief election officer shall ensure that the agreement satisfies all of the following conditions:
   a. It safeguards the confidentiality of information or data in the registration list that may be subject to transfer under the agreement and to which access is restricted under par. (b) 1. a.
   b. It prohibits the sale or distribution of the information or data in the registration list to a 3rd-party vendor and it prohibits any other action not associated with administration of or compliance with the agreement.
   c. It does not affect the exemption for this state under the national voter registration act.
   d. It allows the state to make contact with electors by electronic mail, whenever possible.

2. If the chief election officer enters into an agreement under subd. 1., the chief election officer shall comply with the terms of the agreement, including the transmission of information and data related to the registration of electors in this state to the Electronic Registration Information Center, Inc., for processing and sharing with other member states and governmental units.

(am) The list under par. (a) may contain such other information as may be determined by the commission to facilitate administration of elector registration requirements.

(b) 1. The list shall be open to public inspection under s. 19.35 (1) and shall be electronically accessible by any person, except that:
   a. Except as provided in pars. (ae), (bm), and (bn), no person other than an employee of the commission, a county clerk, a deputy county clerk, an executive director of a county board of election commissioners, a deputy designated by the executive director, a municipal clerk, a deputy municipal clerk, an executive director of a city board of election commissioners, or a deputy designated by the executive director may view the date of birth, operation and to which access is restricted under par.
   b. It prohibits the sale or distribution of the information or data in the registration list to a 3rd-party vendor and it prohibits any other action not associated with administration of or compliance with the agreement.
   c. It does not affect the exemption for this state under the national voter registration act.
   d. It allows the state to make contact with electors by electronic mail, whenever possible.

2. If the chief election officer enters into an agreement under subd. 1., the chief election officer shall comply with the terms of the agreement, including the transmission of information and data related to the registration of electors in this state to the Electronic Registration Information Center, Inc., for processing and sharing with other member states and governmental units.
6.36 THE ELECTORS

(3) The original registration forms shall be controlling whenever discrepancies occur in entering information from the forms under s. 6.33 (5).

(4) The names and identification serial numbers of electors who have obtained a confidential listing under s. 6.47 (2) shall appear separately after the remainder of the list. These names and serial numbers shall be arranged alphabetically by last name.

(6) The commission shall establish by rule the fee for obtaining a copy of the official registration list, or a portion of the list, including access to the subscription service established under s. 5.05 (14) (b). The amount of the fee shall be set, after consultation with county and municipal election officials, at an amount estimated to cover both the cost of reproduction and the cost of maintaining the list at the state and local level. The rules shall require that revenues from fees received be shared between the state and municipalities or their designees under s. 6.33 (5) (b), and shall specify a method for such allocation.

History: 1971 c. 304 s. 29 (2); 1975 c. 85; 1977 c. 394 ss. 21, 22, 53; 1999 a. 49; 2003 a. 265, 327; 2005 a. 451; 2007 a. 1, 52, 96; 2011 a. 23, 75; 2013 a. 182; 2015 a. 118 ss. 73 to 75, 266 (10); 2015 a. 261; 2017 a. 366.

Cross-reference: See also s. El 3.50, Wis. adm. cod.

6.45 Access to registration list. (1) After the deadline for revision of the registration list, the municipal clerk shall make copies of the list for election use.

(1m) The registration list and any supplemental lists which are prepared at polling places or other registration locations under s. 6.55, shall be open to public inspection. Under the regulations prescribed by the municipal clerk, any person may copy the registration list at the office of the clerk. A registration list maintained at a polling place may be examined by any person who is observing the proceedings under s. 7.41 when such use does not interfere with the conduct of the election. This subsection does not apply to information that is confidential under s. 6.47.

(2) The municipal clerk shall furnish upon request to each candidate who has filed nomination papers for an office which represents at least part of the residents of the municipality one copy of the current registration list for those areas for which he or she is a candidate for a fee not to exceed the cost of reproduction. The clerk shall exclude information that is confidential under s. 6.47 (2) from copies of the list, except as authorized under s. 6.47 (8).


Cross-reference: See also s. El 3.50, Wis. adm. cod.

6.46 Poll lists; copying. (1) Poll lists shall be preserved by the municipal clerk until destruction or other disposition is authorized under s. 7.23.

(2) Poll lists shall be open to public inspection, except as provided in s. 6.47. The municipal clerk shall furnish upon request to each candidate who has filed nomination papers for an office which represents at least part of the municipality one copy of the current poll list for those areas for which he or she is a candidate for a fee not to exceed the cost of reproduction. If a copying machine is not accessible, the clerk shall remove the lists from the office for the purposes of copying, and return them immediately thereafter. The clerk shall exclude information that is confidential under s. 6.47 (2) from copies of the list, except as authorized under s. 6.47 (8).

History: 1975 c. 85, 199; 1999 a. 49.

Cross-reference: See also s. El 3.50, Wis. adm. cod.

6.47 Confidentiality of information relating to victims of domestic abuse, sexual assault, or stalking. (1) In this section:

(a) “Domestic abuse victim service provider” means an organization that is certified by the department of children and families as eligible to receive grants under s. 49.165 (2) and whose name is included on the list provided by the commission under s. 7.08 (10).

(b) “Domestic abuse” means an offense relating to domestic abuse, sexual assault, or stalking.

(c) “Protected individual” means an individual whose name and address is confidential under sub. (2).

(d) “Protective order” means a temporary restraining order or an injunction issued under s. 813.12 or 813.125.

(3) The original registration forms shall be controlling when-ever discrepancies occur in entering information from the forms under s. 6.33 (5).

1. An individual who has been granted a protective order that is in effect.

2. An individual who files an affidavit with the municipal clerk of the municipality where the individual resides, on a form prescribed by the commission, that is signed by a sheriff, the chief of a police department, or a district attorney or the authorized representative of a sheriff, chief, or district attorney and directed to the municipal clerk, and that verifies that a person has been charged with or convicted of an offense relating to domestic abuse, sexual assault, or stalking in which the individual was a victim and reasonably continues to be threatened by that person.

3. An individual who resides in a shelter.

4. An individual who submits a dated statement to the municipal clerk that includes the individual’s full name, that is signed by an authorized representative of a domestic abuse victim service provider or a sexual assault victim service provider, and that indicates that the individual received services from the provider within the 24-month period ending on the date of the statement.

5. An individual who is a participant in the program established in s. 165.68.

(b) “Offense relating to domestic abuse, sexual assault, or stalking” means an offense specified in s. 940.19, 940.20 (1m), 940.201, 940.32, 940.013, 940.02, 940.025, 940.027, 940.085, 940.087, 940.09, or 940.095.

(c) “Protected individual” means an individual whose name and address is confidential under sub. (2).

(d) “Protective order” means a temporary restraining order or an injunction issued under s. 813.12 or 813.125.

(1) (am) 4. An individual who resides in a shelter.

(1) (am) 4. An individual who submits a dated statement to the municipal clerk that includes the individual’s full name, that is signed by an authorized representative of a domestic abuse victim service provider or a sexual assault victim service provider and that indicates that the individual received services from the provider within the 24-month period ending on the date of the statement.

(e) “Shelter” means a place at which at least 4 unrelated individuals reside that provides residential shelter to individuals whose personal security is or may be threatened by family members or other persons with whom the individuals have had contact.

(2) Except as authorized in sub. (8), the commission, each municipal clerk, each agent designated under s. 6.33 (5) (b), and each election official shall withhold from public inspection under s. 19.35 (1) the name and address of any eligible individual whose name appears on a poll list or registration list if the individual provides the municipal clerk with a valid written request to protect the individual’s confidentiality. To be valid, a request under this subsection must be accompanied by a copy of a protective order that is in effect, an affidavit under sub. (1) (am) 2. that is dated within 30 days of the date of the request, confirmation from the department of justice that the person is a program participant, as provided under s. 165.68 (4) (e), a statement signed by the operator or an authorized agent of the operator of a shelter that is dated within 30 days of the date of the request and that indicates that the operator operates the shelter and that the individual making the request resides in the shelter, or a statement signed by an authorized representative of a domestic abuse victim service provider or a sexual assault victim service provider under sub. (1) (am) 4. that is dated within 30 days of the date of the request. A physically disabled individual who appears personally at the office of the municipal clerk accompanied by another elector of this state may designate that elector to make a request under this subsection on his or her behalf.

(2) Upon receiving a valid written request from an elector under sub. (2), the municipal clerk shall issue to the elector a voting identification card on a form prescribed by the commission that shall contain the name of the elector’s municipality of residence and, in the case of a town, the county in which the town is located, the elector’s name, the ward in which the elector resides, if any, and a unique identification serial number issued by the commission. The number issued to an elector under this subsection shall not be changed for so long as the elector continues to qualify for a listing under sub. (2).
(4) (a) Except as provided in par. (b) and sub. (5), a confidential listing under sub. (2) expires on the date that a protective order expires, the date that the protected individual ceases to reside in a shelter, the date that updated information is received from a sheriff, the chief of a police department, or a district attorney or the authorized representative of a sheriff, chief, or district attorney, or at the end of the 24-month period that follows creation or renewal of the listing under sub. (2), whichever is earlier.

(b) A confidential listing under sub. (2) that is issued to a program participant expires on the date the individual’s participation in the program expires pursuant to s. 165.68 (3) (b) 4. a. or on the date the individual cancels his or her participation in the program pursuant to s. 165.68 (3) (b) 4. f. or is disenrolled from the program pursuant to s. 165.68 (3) (b) 4. e.

(5) (a) The municipal clerk shall cancel a confidential listing under sub. (2) if:

1. The clerk receives notification from a sheriff, chief of police, or district attorney or the authorized representative of a sheriff, chief, or district attorney under sub. (10).

2. The name of the protected individual is legally changed.

3. The protected individual changes his or her address without notifying the municipal clerk.

4. The municipal clerk finds that the protected individual provided false information to the clerk for the purpose of obtaining a confidential listing under sub. (2).

(b) An individual whose confidential listing is canceled under par. (a) may file a new request and qualify under sub. (2) to obtain a renewal of the listing.

(6) Upon expiration of a confidential listing on a registration list under sub. (2), the municipal clerk shall change the registration of the protected individual to ineligible status unless the individual files a new request and qualifies under sub. (2) to obtain a renewal of the listing or unless the individual applies for and qualifies to obtain a nonconfidential voter registration. Except as authorized in sub. (8), the municipal clerk shall withhold from public inspection under s. 19.35 (1) the name and address of any individual whose registration is changed under this subsection if the individual qualified for a confidential listing at the time of that listing.

(7) (a) If the municipal clerk has notice that a confidential listing under sub. (2) is scheduled to expire, the municipal clerk shall provide 30 days’ notice to the protected individual of the scheduled expiration of the listing.

(b) If notice to a protected individual is not provided under par. (a), the municipal clerk shall provide notice to the subject individual upon changing a listed individual to ineligible status under sub. (6).

(8) The municipal clerk shall provide access to a name and address under sub. (2):

(a) To a law enforcement officer for official purposes.

(b) To a state or local governmental officer pursuant to a specific law that necessitates obtaining the name or address.

(c) Pursuant to a court order citing a reason that access to the name or address should be provided.

(d) At the request of a protected individual, for purposes of permitting that individual to sign a petition under s. 59.05 (2).

(9) No person who obtains access to a name or address under sub. (8) may disclose the name or address to any person other than a public employee for the same purpose for which the information was obtained.

(10) If a sheriff, chief of a police department, or district attorney has signed or the authorized representative of a sheriff, chief, or district attorney has signed an affidavit under sub. (1) (am) 2. and the sheriff, chief, district attorney or authorized representative later obtains information that the person who was charged with an offense relating to domestic abuse, sexual assault, or stalking is no longer so charged or that the person’s judgment of conviction has been vacated, and the charge or conviction was the sole basis for the affidavit, the sheriff, chief, district attorney or authorized representative shall provide written notice of that information to the municipal clerk to whom the affidavit was directed.


6.48 Challenging registration. (1) GENERAL PROCEDURE. (a) Any registered elector of a municipality may challenge the registration of any other registered elector by submitting to the municipal clerk or executive director of the board of election commissioners in cities of more than 500,000 population an affidavit stating that the elector is not qualified to vote and the reasons therefor. The clerk or director, upon receipt of the affidavit, shall mail notification of the challenge to the challenged elector, at his or her registered address.

(b) The challenged and challenging electors shall appear before the municipal clerk within one week of notification or arrange under sub. (2) to appear before the board of election commissioners. The challenging elector shall make an affidavit answering any questions necessary to determine the challenged elector’s qualifications. Judgment rests with the municipal clerk and decisions shall be rendered as soon as heard. If the clerk cannot resolve the issue or has reservations as to the answers, the clerk may require the challenging elector to take the oath under s. 6.925. If the challenged elector appears and contests any answer of the challenging elector, the clerk may require the challenged elector to take the oath under s. 6.94 and to answer any question necessary to determine the challenged elector’s qualifications. If the challenging elector appears before the municipal clerk or board of election commissioners but the challenged elector fails to appear, such clerk or board may make the decision without consulting the challenged elector. If the municipal clerk or board of election commissioners does not sustain the challenge, the challenged elector’s registration remains valid.

(c) If the challenging elector fails to appear before the municipal clerk within one week or in cities of more than 500,000 population fails to appear before the board of election commissioners under sub. (2) to answer questions and take the oath under s. 6.925, such clerk or board shall cancel the challenge.

(d) If the clerk determines that the challenged elector is not qualified, the clerk shall change the challenged elector’s registration from eligible to ineligible status on the registration list and notify the inspectors for the ward or election district where the elector was registered.

(2) SPECIAL PROCEDURE IN POPULOUS CITIES. (a) In cities of more than 500,000 population, objections may be made before the board of election commissioners which shall sit on the last Wednesday before each election from 9 a.m. to 12 a.m. and from 2 p.m. to 5 p.m. to hear objections then made or deferred under sub. (1). If all the objections cannot then be determined, the commissioners shall sit during the same hours the next day.

(b) Upon appearing in person, objectors shall be examined, under oath, by the commissioners and testimony taken. Judgment rests with the board of election commissioners and decisions shall be rendered as soon as heard. All cases are heard and decided summarily. The commissioners shall determine whether the person objected to is qualified. If they determine that a person is not qualified, the executive director of the board of election commissioners shall change the elector from eligible to ineligible status on the registration list and shall notify the proper ward officials of the change immediately.

(3) CHALLENGE BASED ON INCOMPETENCY. Section 6.03 (3) applies to any challenge which is made to registration based on an allegation that an elector is incapable of understanding the objective of the elective process and thereby ineligible for registration.

(4) DISQUALIFICATION. The municipal clerk or board of election commissioners may not disqualify an elector under this section except upon the grounds and in accordance with the procedure specified in s. 6.325.
6.50 Revision of registration list. (1) No later than June 15 following each general election, the commission shall examine the registration records for each municipality and identify each elector who has not voted within the previous 4 years if qualified to do so during that entire period and shall mail a notice to the elector in substantially the following form:

“NOTICE OF SUSPENSION OF REGISTRATION

You are hereby notified that your voter registration will be suspended, according to state law, for failure to vote within the previous 4-year period, unless you apply for continuation of your registration within 30 days. You may continue your registration by signing the statement below and returning it to the office of the municipal clerk ... (mailing address and telephone number of office of municipal clerk or board of election commissioners) by mail or in person.

APPLICATION FOR CONTINUATION OF REGISTRATION

I hereby certify that I still reside at the address at which I am registered and apply for continuation of registration.

Signed ....

Present Address ....

[Office of clerk or board of election commissioners]

Address

Telephone”.

(2) If an elector to whom a notice of suspension was mailed under sub. (1) has not applied for continuation of registration within 30 days of the date of mailing, the commission shall change the registration status of that elector from eligible to ineligible on the day that falls 30 days after the date of mailing.

(2g) The commission may delegate to a municipal clerk or board of election commissioners of a municipality the responsibility to change the registration status of electors when required under sub. (2).

(2r) As soon as practicable, but no later than August 1 following the completion of the process under subs. (1) and (2), the commission shall publish on its Internet site the following information obtained through that process:

(a) The number of notices mailed under sub. (1).

(b) The number of notices described under par. (a) that were returned to the commission as undeliverable.

(c) The number of notices described under par. (a) that were returned requesting continuation of registration.

(d) The number of notices described under par. (a) that were returned requesting cancellation of registration.

(e) The number of notices described under par. (a) that were returned with an indication that the named elector is deceased.

(f) The number of notices described under par. (a) that were not returned.

(g) The number of electors who received notices under sub. (1) and whose status changed from eligible to ineligible.

(h) Any other information requested by the legislature or that the commission considers relevant.

(3) Upon receipt of reliable information that a registered elector has changed his or her residence to a location outside of the municipality, the municipal clerk or board of election commissioners shall notify the elector by mailing a notice by 1st class mail to the elector’s registration address stating the source of the information. All municipal departments and agencies receiving information that a registered elector has changed his or her residence shall notify the clerk or board of election commissioners. If the elector no longer resides in the municipality or fails to apply for continuation of registration within 30 days of the date the notice is mailed, the clerk or board of election commissioners shall change the elector’s registration from eligible to ineligible status. Upon receipt of reliable information that a registered elector has changed his or her residence within the municipality, the municipal clerk or board of election commissioners shall change the elector’s registration and mail the elector a notice of the change. This subsection does not restrict the right of an elector to challenge any registration under s. 6.325, 6.48, 6.925, 6.93, or 7.52 (5).

(4) The municipal clerk or board of election commissioners shall change the registration of deceased electors from eligible to ineligible status by means of checking vital statistics reports. No notice need be sent of registration changes made under this subsection.

(5) The registration of any elector whose address is listed at a building which has been condemned for human habitation by the municipality under s. 66.0413 (1) (j) shall be investigated by the municipal clerk or board of election commissioners. If the clerk or board of election commissioners can find no reason why the registration of such an elector should not be changed from eligible to ineligible status, the clerk or board of election commissioners shall change the elector’s registration status. If the elector has left a forwarding address with the U.S. postal service, a notice of change in status shall be mailed by the clerk or board of election commissioners to the forwarding address.

(6) The municipal clerk, upon authorization by an elector, shall change the elector’s registration from eligible to ineligible status.

(7) When an elector’s registration is changed from eligible to ineligible status, the commission, municipal clerk, or board of election commissioners shall make an entry on the registration list, giving the date of and reason for the change.

(8) Any municipal governing body may direct the municipal clerk or board of election commissioners to arrange with the U.S. postal service pursuant to applicable federal regulations, to receive change of address information with respect to individuals residing within the municipality for revision of the voter registration list. If required by the U.S. postal service, the governing body may create a registration commission consisting of the municipal clerk or executive director of the board of election commissioners and 2 other electors of the municipality appointed by the clerk or executive director for the purpose of making application for address changes and processing the information received. The municipal clerk or executive director shall act as chairman of the commission. Any authorization under this subsection shall be for a definite period or until the municipal governing body otherwise determines. The procedure shall apply uniformly to the entire municipality whenever used. The procedure shall provide for receipt of complete change of address information on an automatic basis, or not less often than once every 2 years during the 60 days preceding the close of registration for the partisan primary. If a municipality adopts the procedure for obtaining address corrections under this subsection, it need not comply with the procedure for mailing address verification cards under subs. (1) and (2).

(10) Any qualified elector whose registration is changed from eligible to ineligible status under this section may reregister as an elector under s. 6.325, 6.48, 6.925, or 6.95 (2), or if the elector has a current and valid operator’s license issued to the elector under ch. 343 or a current and valid identification card issued under s. 343.50, may reregister under s. 6.60 (5).
qualified elector is entitled to vote at the election upon compliance with s. 6.29 or 6.55.

History: 1985 s. 304 s. 60.

6.55 Polling place registration; voting by certification.

(2) (a) Except where the procedure under par. (c) or (cm) is employed, any person who qualifies as an elector in the ward or election district where he or she desires to vote, but has not previously filed a registration form, or was registered at another location, may request permission to vote at the polling place for that ward or election district, or at an alternate polling place assigned under s. 5.25 (5) (b). When a proper request is made, the inspector shall inform the elector or the elector’s agent that the elector is eligible to vote at the polling place serving the elector’s residence. In such case, the municipal clerk shall serially number the registration form as prescribed under s. 6.33 (2) and shall contain all information required under s. 6.33 (1), together with the following certification:

“I, ...., hereby certify that, to the best of my knowledge, I am a qualified elector, having resided at .... for at least 28 consecutive days immediately preceding this election, and I have not voted at this election.”

(b) Upon executing the registration form under par. (a), the elector shall provide proof of residence under s. 6.34. The signing by the person executing the registration form shall be in the presence of the election registration official or inspector. Upon receipt of the registration form, the official or inspector shall enter both the type of identifying document submitted by the elector as proof of residence and the name of the entity or institution that issued the identifying document, and, if the identifying document includes a number that applies only to the individual holding that document, that number in the space provided on the form. The official or inspector shall then print his or her name and sign the form, indicating that the official or inspector has accepted the form. Upon compliance with this procedure, the elector shall be permitted to cast his or her vote, if the elector complies with all other requirements for voting at the polling place.

(c) 1. As an alternative to registration at the polling place under pars. (a) and (b), the board of election commissioners, or the governing body of any municipality, may by resolution require a person who qualifies as an elector and who is not registered and desires to register on the day of an election to do so at another readily accessible location in the same building as the polling place serving the elector’s residence or at an alternate polling place assigned under s. 5.25 (5) (b), instead of at the polling place serving the elector’s residence. In such case, the municipal clerk shall prominently post a notice of the registration location at the polling place. An eligible elector who desires to register shall execute a registration form as prescribed under par. (a) and provide proof of residence as provided under s. 6.34. The signing by the person executing the registration form shall be in the presence of the municipal clerk, deputy clerk, or election registration official. Upon receipt of the registration form, the municipal clerk, deputy clerk, or election registration official shall enter the type of identifying document submitted by the elector as proof of residence, the name of the entity or institution that issued the identifying document, and, if the identifying document includes a number that applies only to the individual holding that document, the last 4 digits of that number in the space provided on the form. If the number on the identifying document submitted by the elector has 6 or fewer digits, the clerk shall enter only the last 2 digits of that number. The municipal clerk, the deputy clerk, or the election registration official shall then print his or her name and sign the form, indicating that the clerk, deputy clerk, or official has accepted the form. Upon proper completion of registration, the municipal clerk, deputy clerk, or election registration official shall serially number the registration and give one copy to the person for personal presentation at the polling place serving the person’s residence or an alternate polling place assigned under s. 5.25 (5) (b).

2. Upon compliance with the procedures under subd. 1., the municipal clerk or deputy clerk shall issue a certificate addressed to the inspectors of the proper polling place directing that the elector be permitted to cast his or her vote if the elector complies with all requirements for voting at the polling place. The clerk shall enter the name and address of the elector on the face of the certificate. The certificate shall be numbered serially and prepared in duplicate. The municipal clerk shall preserve one copy in his or her office.

3. The elector, at the time he or she appears to vote at the polling place, shall deliver the certificate issued under subd. 2. to the inspectors.

(cm) If an elector who is not registered wishes to obtain a confidential listing under s. 6.47 (2), the elector shall register at the office of the municipal clerk of the municipality where the elector resides. Upon completion of registration, the municipal clerk or a deputy clerk shall serially number the registration form and issue a voting identification card to the elector under s. 6.47 (3). The elector may vote at the polling place serving his or her residence by presenting the identification card or by providing his or her name and identification serial number to the inspectors.

(cs) The commission shall provide to each municipal clerk a list prepared for use at each polling place showing the name and address of each person whose name appears on the list provided by the department of corrections under s. 301.03 (20m) as ineligible to vote on the date of the election, whose address is located in the area served by that polling place, and whose name does not appear on the poll list for that polling place. Prior to permitting an elector to register to vote under this subsection or s. 6.86 (3) (a) 2., the inspectors or election registration officials shall review the list. If the name of an elector who wishes to register to vote appears on the list, the inspectors or election registration officials shall inform the elector or the elector’s agent that the elector is ineligible to register to vote. If the elector or the elector’s agent maintains that the elector is eligible to vote in the election, the inspectors or election registration officials shall permit the elector to register but shall mark the elector’s registration form as “ineligible to vote per Department of Corrections.” If the elector wishes to vote, the inspectors shall require the elector to vote by ballot and shall challenge the ballot as provided in s. 6.79 (2) (dm).

(d) A registered elector who has changed his or her name but resides at the same address, and has not previously provided notice of the change to the municipal clerk, shall notify the inspector of the change before voting. The inspector shall then notify the municipal clerk at the time when materials are returned under s. 6.56 (1). If an elector has changed both a name and address, the elector shall register at the polling place or other registration location under pars. (a) and (b).

(3) (a) Any qualified elector in the ward or election district where the elector desires to vote whose name does not appear on the registration list but who claims to be registered to vote in the election may request permission to vote at the polling place for that ward or election district. When the request is made, the inspector shall require the person to give his or her name and address. If the elector is not at the polling place which serves the ward or election district where the elector resides, the inspector shall provide the elector with directions to the correct polling place. If the elector is at the correct polling place, the elector shall complete registration as provided in sub. (2).

(b) Prior to permitting an elector to vote under this subsection, the inspectors shall review the list provided by the commission under sub. (2) (cs). If the name of the elector appears on the list, the inspectors shall inform the elector that he or she is ineligible to vote at the election. If the elector maintains that he or she is eligible to vote in the election, the inspectors shall permit the elector to vote at the election.
to vote, but shall require the elector to vote by ballot, and shall challenge the ballot as provided in s. 6.79 (2) (dm).

(5) Any person who violates this section may be punished as provided in ss. 12.13 (3) (g) and 12.60 (1) (b).

(6) Any of the registration duties of inspectors under sub. (2) may be carried out by the municipality by the clerk. The municipal clerk, however, may not carry out the registration duties of the inspectors under sub. (2) if the municipal clerk is a candidate for the ballot for that election day.


6.56 Verification of voters not appearing on list. (1) The list containing the names of persons voting under ss. 6.29 and 6.55 (2) shall be returned together with all forms and certificates to the municipal clerk.

(2) Upon receipt of the list under sub. (1), the municipal clerk or board of election commissioners shall make an audit of all electors registering to vote at the polling place or other registration location under s. 6.55 (2) and all electors registering by agent on election day under s. 6.86 (3) (a) 2. unless the clerk or board of election commissioners receives notice from the elections commission under sub. (7) that the elections commission will perform the audit. The audit shall be made by 1st class postcard. The postcard shall be marked in accordance with postal regulations to ensure that it will be returned to the clerk, board of elections commissioner or election day under s. 6.86 (3) (a) 2. unless the clerk, board of election commissioners or elections commission is informed of a different address than the one specified by the elector which was apparently improper on the day of the election. The clerk, board of election commissioners or elections commission shall change the status of the elector from eligible to ineligible on the registration list, mail the elector a notice of the change in status, and provide the name of the elector to the district attorney for the county where the polling place is located and the elections commission.

(3) As soon as possible after all information relating to registrations after the close of registration for an election is entered on the registration list following the election under s. 6.33 (5) (a), the commission shall compare the list of new registrants whose names do not appear on the poll lists for the election because the names were added after the commission certified the poll lists for use at the election with the list containing the names transmitted to the commission by the department of corrections under s. 301.03 (20m) as of election day. If the commission finds that the name of any person whose name appears on the list transmitted under s. 301.03 (20m) has been added to the registration list, the commission shall enter on the list the information transmitted to the commission under s. 301.03 (20m) and shall notify the district attorney for the county where the polling place is located that the person appears to have voted illegally at the election.

(4) After each election, the municipal clerk shall perform an audit to assure that no person has been allowed to vote more than once. Whenever the municipal clerk has good reason to believe that a person has voted more than once in an election, the clerk shall send the person a 1st class letter marked in accordance with postal regulations to ensure that it will be returned to the clerk if the elector does not reside at the address given on the letter. The letter shall inform the person that all registrations relating to that person may be changed from eligible to ineligible status within 7 days unless the person contacts the office of the clerk to clarify the matter. A copy of the letter and of any subsequent information received from or about the addressee shall be sent to the district attorney for the county where the person resides and the commission.

6.57 Registration list for special elections. The municipal clerk of each municipality where a special election is held non-concurrently with a regularly scheduled election shall obtain a copies of the current registration list from the commission for use in the special election.

History: 1975 c. 85 s. 30; Stats. 1975 s. 6.57; 1977 c. 394; 2003 a. 265; 2015 a. 118 s. 266 (10).

SUBCHAPTER III

VOTING

6.76 Time off for voting. (1) Any person entitled to vote at an election is entitled to be absent from work while the polls are open for a period not to exceed 3 successive hours to vote. The employer shall notify the affected employer before election day of the intended absence. The employer may designate the time of day for the absence.

(2) No penalty, other than a deduction for time lost, may be imposed upon an elector by his or her employer by reason of the absence authorized by this section.

(3) This section applies to all employers including the state and all political subdivisions of the state and their employees, but does not affect the employees’ right to holidays existing on June 28, 1945, or established after that date.

History: 1977 c. 394; 1991 a. 316.

6.77 Place for voting. (1) An elector may vote only at the polling place for his or her residence designated by the governing body or board of election commissioners.

(2) Whenever territory which was formerly a part of one municipality becomes a part of another municipality, an elector of the territory shall vote in the municipality in which the territory is included on the day of the election.

History: 1975 c. 85; 1985 a. 304.

6.78 Poll hours. (1m) The polls at every election shall be open from 7 a.m. until 8 p.m.

(4) Any elector waiting to vote, whether within the polling booth or in the line outside the booth at the time the polls officially close, shall be permitted to vote.


6.79 Recording electors. (1m) SEPARATE POLL LISTS. The municipal clerk may elect to maintain the information on the poll list manually or electronically. If the clerk elects to maintain the list electronically, an election official at each election ward shall be in charge of and shall maintain the poll list. The system employed to maintain the list electronically is subject to the approval of the commission. If the clerk elects to maintain the information manually, 2 election officials at each election ward shall be in charge of and shall maintain 2 separate poll lists.

(2) VOTING PROCEDURE. (a) Unless information on the poll list is entered electronically, the municipal clerk shall supply the inspectors with 2 copies of the most current official registration list or lists prepared under s. 6.56 (2) (a) for use as poll lists at the
polling place. Except as provided in subs. (6) and (7), each eligible elector, before receiving a serial number, shall state his or her full name and address and present to the officials proof of identification. The officials shall verify that the name on the proof of identification presented by the elector conforms to the name on the poll list or separate list and shall verify that any photograph appearing on that document reasonably resembles the elector. The officials shall then require the elector to enter his or her signature on the poll list, supplemental list, or separate list maintained under s. 6.344(2)(c) unless the elector is exempt from the signature requirement under s. 6.36(2)(a). The officials shall verify that the name and address stated by the elector conform to the elector’s name and address on the poll list.

(2) If proof of identification under sub. (2) is not presented by the elector, if the name appearing on the document presented does not conform to the name on the poll list or separate list, or if any photograph appearing on that document does not reasonably resemble the elector, the elector shall not be permitted to vote, except as authorized under sub. (6) or (7), but if the elector is entitled to cast a provisional ballot under s. 6.97, the officials shall offer the opportunity for the elector to vote under s. 6.97.

(3) REFUSAL TO PROVIDE NAME, ADDRESS, OR PROOF OF IDENTIFICATION. (a) Except as provided in sub. (6), if any elector offering to vote at any polling place refuses to give his or her name and address, the elector may not be permitted to vote.

(b) If proof of identification under sub. (2) is not presented by the elector, if the name appearing on the document presented does not conform to the name on the poll list or separate list, or if any photograph appearing on that document does not reasonably resemble the elector, the elector shall not be permitted to vote, except as authorized under sub. (6) or (7), but if the elector is entitled to cast a provisional ballot under s. 6.97, the officials shall offer the opportunity for the elector to vote under s. 6.97.

(4) SUPPLEMENTAL INFORMATION. When any elector provides proof of residence under s. 6.15, 6.29 or 6.55(2), the election officials shall enter both the type of identifying document provided and the number of the entity or institution that issued the identifying document on the poll list, or separate list maintained under sub. (2). When any person offering to vote has been challenged and taken the oath, following the person’s name on the poll list, the officials shall enter the word “Sworn.”

(5) LICENSE SURRENDER. If an elector receives a citation or notice of intent to revoke or suspend an operator’s license from a law enforcement officer in any jurisdiction that is dated within 60 days of the date of an election and is required to surrender his or her operator’s license or driving receipt issued to the elector under ch. 251 in order to vote at a polling place or obtain an absentee ballot, does not violate constitutional standards. Crawford v. Marion County Election Board, 553 U.S. 181, 128 S. Ct. 1610, 170 L. Ed. 2d 574 (2008).

(6) CONFIDENTIAL NAMES AND ADDRESSES. An elector who has a confidential listing under s. 6.47(2) may present his or her identification card issued under s. 6.47(3), or give his or her name and identification serial number issued under s. 6.47(3), in lieu of stating his or her name and address and presenting proof of identification under sub. (2). If the elector’s name and identification serial number appear on the confidential portion of the list, the inspectors shall issue a voting serial number to the elector, record that number on the poll list and permit the elector to vote.

(7) LICENSE SURRENDER. If an elector receives a citation or notice of intent to revoke or suspend an operator’s license from a law enforcement officer in any jurisdiction that is dated within 60 days of the date of an election and is required to surrender his or her operator’s license or driving receipt issued to the elector under ch. 251 in order to vote at a polling place or obtain an absentee ballot, does not violate constitutional standards. Crawford v. Marion County Election Board, 553 U.S. 181, 128 S. Ct. 1610, 170 L. Ed. 2d 574 (2008).

(8) MECHANICS OF VOTING. (1) VOTING BOOTH OR MACHINE USE. Only one individual at a time is permitted to occupy a voting booth or machine, except that an elector who is a parent or guardian may be accompanied by the elector’s minor child or minor ward and an elector who qualifies for assistance under s. 6.82(2) may be assisted as provided in that subsection.

(2) METHOD OF VOTING. (a) Upon receiving his or her ballot and without leaving the polling place, the elector shall enter an unoccupied voting booth or machine alone to cast his or her vote, except as authorized in sub. (1). An elector may use or copy an unofficial sample ballot which may be marked in advance of entering the polling place, but an elector may not use or bring into the polling place any ballot printed upon paper of the type required or utilized for official ballots at that polling place.
6.80 THE ELECTORS

(1) RECEIPT OF BALLOT AT POLL ENTRANCE. (a) When any inspectors are informed that an eligible elector is at the entrance to the polling place who as a result of disability is unable to enter the polling place, they shall permit the elector to enter without assistance. The inspector shall then ask, “Does anyone object to the reception of this ballot?” If no objection is made, the inspectors shall record the elector’s name under s. 6.79 and deposit the ballot in the ballot box. A ballot received at poll entrance shall be marked “Ballot received at poll entrance”. (b) If objection to receiving the ballot is made by any qualified elector present, the inspectors shall receive the ballot under s. 6.95.

(2) AID IN MARKING BALLOT. (a) If an elector declares to the presiding election official that he or she cannot read or write or has difficulty in reading, writing or understanding English or that due to disability is unable to mark a ballot or depress a button or lever on a voting machine, the elector shall be informed by the officials that he or she may have assistance. When assistance is requested, the elector may select any individual to assist in casting his or her vote. The selected individual assisting an elector under this section or s. 6.82 may request, suggest or seek to persuade an elector to cast a vote for or against any candidate, party or question.

(b) The individual chosen shall enter the voting booth or machine with the elector and shall read the names of all candidates on the ballot for each office, and ask, “For which one do you vote?”. The ballot shall be marked or the lever or button depressed according to the elector’s expressed preference. The individual selected to assist may not disclose to anyone how the elector voted.

(c) Intoxication shall not be regarded as a disability.

(d) The election officials shall enter upon the poll list after the name of any elector who had assistance in voting the word “assisted”. The officials shall also record on the poll list the full name and address of the individual who rendered assistance.

(3) USE OF PAPER BALLOTS. Whenever, in a municipality in which voting machines are used, an elector declares to the chief inspector that, due to physical disability, the elector is unable to depress a button or lever on a voting machine, the inspectors shall permit the elector to vote using a paper ballot and voting booth.

(4) SOLICITATION PROHIBITED. No election official or other person assisting an elector under this section or s. 5.79 may request, suggest or seek to persuade an elector to vote for or against any candidate, party or question.


6.82 ASSISTING ELECTORS.

(1) RECEIPT OF BALLOT AT POLL ENTRANCE. (a) When any inspectors are informed that an eligible elector is at the entrance to the polling place who as a result of disability is unable to enter the polling place, they shall permit the elector to enter without assistance. The inspector shall then ask, “Does anyone object to the reception of this ballot?” If no objection is made, the inspectors shall record the elector’s name under s. 6.79 and deposit the ballot in the ballot box, and shall make a notation on the poll list: “Ballot received at poll entrance”.

(b) If objection to receiving the ballot is made by any qualified elector present, the inspectors shall receive the ballot under s. 6.95.


An elector with dyslexia may qualify for voter assistance under sub. (2), [1971 stats.] 62 Att'y Gen. 195.

6.84 CONSTRUCTION.

(1) LEGISLATIVE POLICY. The legislature finds that voting is a constitutional right, the vigorous exercise of which should be strongly encouraged. In contrast, voting by absentee ballot is a privilege exercised wholly outside the traditional safeguards of the polling place. The legislature finds that...
the privilege of voting by absentee ballot must be carefully regulated to prevent the potential for fraud or abuse; to prevent overzealous solicitation of absent electors who may prefer not to participate in an election; to prevent undue influence on an absent elector to vote for or against a candidate or to cast a particular vote in a referendum; or other similar abuses.

(2) Interpretation. Notwithstanding s. 5.01(1), with respect to matters relating to the absentee ballot process, ss. 6.86, 6.87(3) to (7) and 9.01(1)(b) 2. and 4. shall be construed as mandatory. Ballots cast in contravention of the procedures specified in those provisions may not be counted. Ballots counted in contravention of the procedures specified in those provisions may not be included in the certified result of any election.

History: 1985 a. 304; 1987 a. 391.

6.85 Absent elector; definition. (1) An absent elector is any otherwise qualified elector who for any reason is unable or unwilling to appear at the polling place in his or her ward or election district.

(2) Any otherwise qualified elector who changes residence within this state by moving to a different ward or municipality later than 28 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.

NOTE: In One Wisconsin Now et al. v. Thomsen et al, 15−cv−324, 198 F. Supp. 3d 896, the United States District Court, Western District of Wisconsin ordered that “the restriction limiting municipalities to one location for in−person absentee voting is unconstitutional.”

History: 1985 a. 304; 1987 a. 391.

6.855 Alternate absentee ballot site. (1) The governing body of a municipality may elect to designate a site other than the office of the municipal clerk or board of election commissioners as the location from which electors of the municipality may request and vote absentee ballots and to which voted absentee ballots shall be returned by electors for any election. The designated site shall be located as near as practicable to the office of the municipal clerk or board of election commissioners and no site may be designated that affords an advantage to any political party. An election by a governing body to designate an alternate site under this section shall be made no fewer than 14 days prior to the time that absentee ballots are available for the primary under s. 7.15(1)(cm), if a primary is scheduled to be held, or at least 14 days prior to the time that absentee ballots are available for the election under s. 7.15(1)(cm), if a primary is not scheduled to be held, and shall remain in effect until at least the day after the election. If the governing body of a municipality makes an election under this section, no function related to voting and return of absentee ballots that is to be conducted at the alternate site may be conducted in the office of the municipal clerk or board of election commissioners.

(2) The municipal clerk or board of election commissioners shall prominently display a notice of the designation of the alternate site selected under sub. (1) in the office of the municipal clerk or board of election commissioners beginning on the date that the site is designated under sub. (1) and continuing through the period that absentee ballots are available for the election and for any primary under s. 7.15(1)(cm). If the municipal clerk or board of election commissioners maintains a website on the Internet, the clerk or board of election commissioners shall post a notice of the designation of the alternate site selected under sub. (1) on the website during the same period that notice is displayed in the office of the clerk or board of election commissioners.

(3) An alternate site under sub. (1) shall be staffed by the municipal clerk or the executive director of the board of election commissioners, or employees of the clerk or the board of election commissioners.

(4) An alternate site under sub. (1) shall be accessible to all individuals with disabilities.

History: 2005 a. 451; 2017 a. 365 s. 112.

NOTE: In One Wisconsin Now et al. v. Thomsen et al, 15−cv−324, 198 F. Supp. 3d 896, the United States District Court, Western District of Wisconsin ordered that “The restriction limiting municipalities to one location for in−person absentee voting is unconstitutional.”

6.86 Methods for obtaining an absentee ballot. (1) Any elector of a municipality who is registered to vote whenever required and who qualifies under ss. 6.20 and 6.85 as an absent elector may make written application to the municipal clerk of that municipality for an official ballot by one of the following methods:

1. By mail.

2. In person at the office of the municipal clerk or at an alternate site under s. 6.855, if applicable.

3. By signing a statement and filing a request to receive absentee ballots under sub. (2) or (2m)(a) or s. 6.22(4), 6.24(4), or 6.25(1)(c).

4. By agent as provided in sub. (3).

5. By delivering an application to a special voting deputy under s. 6.875(6).

6. By electronic mail or facsimile transmission as provided in par. (ac).

(ac) Any elector qualifying under par. (a) may make written application to the municipal clerk for an official ballot by means of facsimile transmission or electronic mail. Any application under this paragraph need not contain a copy of the applicant’s original signature. An elector requesting a ballot under this paragraph shall return with the voted ballot a copy of the request bearing an original signature of the elector as provided in s. 6.87(4). Except as authorized in ss. 6.87(4)(b) 2. to 5. and 6.875(6), and notwithstanding s. 343.43(1)(f), the elector shall transmit a copy of his or her proof of identification in the manner provided in s. 6.87(1) unless the elector is a military elector or an overseas elector or the elector has a confidential listing under s. 6.47(2).

(2) Except as authorized in s. 6.875(6), the municipal clerk shall not issue an absentee ballot unless the clerk receives a written application therefor from a qualified elector of the municipality. The clerk shall retain each absentee ballot application until destruction is authorized under s. 7.23(1). Except as authorized in s. 6.79(6) and (7), if a qualified elector applies for an absentee ballot in person at the clerk’s office, the clerk shall not issue the elector an absentee ballot unless the elector presents proof of identification. The clerk shall verify that the name on the proof of identification presented by the elector conforms to the name on the elector’s application and shall verify that any photograph appearing on that document reasonably resembles the elector. The clerk shall then enter his or her initials on the certificate envelope indicating that the absentee elector presented proof of identification to the clerk.

(b) Except as provided in this section, if application is made by mail, the application shall be received no later than 5 p.m. on the 5th day immediately preceding the election. If application is made in person, the application shall be made no earlier than the opening of business on the 3rd Monday preceding the election and no later than 7 p.m. on the Friday preceding the election. No application may be received on a legal holiday. An application made in person may only be received Monday to Friday between the hours of 8 a.m. and 7 p.m. each day. A municipality shall specify the hours in the notice under s. 10.01(2)(e). The municipal clerk or an election official shall witness the certificate for any in−person absentee ballot cast. Except as provided in par. (c), if the elec-
tor is making written application for an absentee ballot at the parti-
san primary, the general election, the presidential preference
primary, or a special election for national office, and the applica-
tion indicates that the elector is a military elector, as defined in s.
6.34 (1), the application shall be received by the municipal clerk
no later than 5 p.m. on election day. If the application indicates
that the reason for requesting an absentee ballot is that the elector
is a sequestered juror, the application shall be received no later
than 5 p.m. on election day. If the application is received after 5
p.m. on the Friday immediately preceding the election, the munici-
pal clerk or the clerk’s agent shall immediately take the ballot to
the court in which the elector is serving as a juror and deposit it
with the judge. The judge shall recess court, as soon as conve-
nient, and give the elector the ballot. The judge shall then witness
the voting procedure as provided in s. 6.87 and shall deliver the
ballot to the clerk or agent of the clerk who shall deliver it to
the polling place or, in municipalities where absentee ballots are can-
vassed under s. 7.52, to the municipal clerk as required in s. 6.88.

(c) If an application is made by mail by a military elector, as
defined in s. 6.22 (1) (b), the application shall be received no later
than 5 p.m. on the Friday immediately preceding the election.

(2) (a) An elector who is indefinitely confined because of age,
physical illness or infirmity or is disabled for an indefinite period
may by signing a statement to that effect require that an absentee
ballot be sent to the elector automatically for every election. The
application form and instructions shall be prescribed by the com-
mision, and furnished upon request to any elector by each munic-

NOTE: In One Wisconsin Now et al. v. Thomsen et al., 15–cv–324, 199 F. Supp. 3d 396, the United States District Court, Western District of Wisconsin ordered
that “the state-imposed limits on the time for in-person absentee voting, with
the exception of the prohibition applicable to the Monday before election day,
are unconstitutional.”

(b) If a municipal clerk is notified by an elector that the elec-
tor’s residence is changed to another municipality within this
state, the clerk shall forward the request to the municipal clerk of
that municipality and that municipal clerk shall honor the request,
except as provided in this subsection.

(3) (a) 1. Any elector who is registered and who is hospital-
ized, may apply for and obtain an official ballot by agent. The
agent may apply for and obtain a ballot for the hospitalized absent-
elector by presenting a form prescribed by the commission and
containing the required information supplied by the hospitalized
elector, and signed by that elector, unless the elector is unable to
sign due to physical disability. In this case, the elector may autho-

(b) When each properly executed form and statement required
under par. (a) is presented to the municipal clerk, if the elector who
proposes to vote is qualified, an absentee ballot shall be issued and
the name of such hospitalized elector shall be recorded by the clerk.

(c) An application under par. (a) 1. may be made and a registra-
tion form under par. (a) 2. may be filed in person at the office of
the municipal clerk not earlier than 7 days before an election and
not later than 5 p.m. on the day of the election. A list of hospital-
ized electors applying for ballots under par. (a) 1. shall be made
by the municipal clerk and used to check that the electors vote only
once, and by absentee ballot. If the elector is registering for the election after the close of registration or if the elector registered by mail and has not voted in an election in this state, the municipal clerk shall inform the agent that proof of residence under s. 6.34 is required and the elector shall enclose proof of residence under s. 6.34 in the envelope with the ballot. The clerk shall verify that the name on any required proof of identification presented by the agent conforms to the name on the elector’s application. The clerk shall then enter his or her initials on the carrier envelope indicating that the agent presented proof of identification to the clerk. The agent is not required to enter a signature on the registration list. The ballot shall be sealed by the elector and returned to the municipal clerk either by mail or by personal delivery of the agent; but if the ballot is returned on the day of the election, the agent shall make personal delivery to the polling place serving the hospitalized elector’s residence before the closing hour or, in municipalities where absentee ballots are canvassed under s. 7.52, to the municipal clerk no later than 8 p.m. on election day.

(4) If a municipality employs an electronic voting system which utilizes a ballot that is inserted into automatic tabulating equipment, the municipality may distribute ballots for utilization with the electronic voting system as absentee ballots or it may distribute paper ballots as absentee ballots.

(5) Whenever an elector returns a spoiled or damaged absentee ballot to the municipal clerk, or an elector’s agent under sub. (3) returns a spoiled or damaged ballot to the clerk on behalf of an elector, the clerk believes that the ballot was issued to the elector on behalf of the elector who is returning it, the clerk shall issue a new ballot to the elector or elector’s agent, and shall destroy the spoiled or damaged ballot. Any request for a replacement ballot under this subsection must be made within the applicable time limits under subs. (1) and (3). (c).

(6) Except as authorized in sub. (5) and s. 6.87 (9), if an elector mails or personally delivers an absentee ballot to the municipal clerk, the municipal clerk shall not return the ballot to the elector. An elector 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.

(7) The clerk shall send or transmit an official absentee ballot no later than the deadline provided under s. 7.15 (1) (cm).


The sub. (1) (ar) requirement that an elector must apply for an absentee ballot is mandatory. The ballots of absentee voters who do not file a written application must not be included in certified election results. Lee v. Paulson, 2001 WI App 19, 241 Wis. 2d 38, 623 N.W.2d 577, 00–1626.

2011 Wisconsin Act 23, which created requirements that voters present photo identification in order to vote at a polling place or obtain an absentee ballot, does not violate either section 2 of the federal Voting Rights Act, 52 U.S.C. § 10301, or the U.S. Constitution. Frank v. Walker, 768 F.3d 744 (2014).

6.865 Federal absentee ballots. (1) In this section, “military elector” and “overseas elector” have the meanings given under s. 6.34 (1). (2) A federal postcard registration and absentee ballot request form may be used to apply for an absentee ballot under s. 6.86 (1) if the form is completed in such manner that the municipal clerk or board of election commissioners with whom it is filed is able to determine that the applicant is an elector of this state and of the ward or election district where the elector seeks to vote.

(3m) A military elector may indicate an alternate address on his or her absentee ballot application. If the elector’s ballot is returned as undeliverable prior to the deadline for receipt and return of absentee ballots under s. 6.87 (6) and the elector remains eligible to receive absentee ballots under this subsection, the municipal clerk shall immediately send or transmit an absentee ballot to the elector at the alternate address.

(4) If the municipal clerk or board of election commissioners rejects a request for an absentee ballot from a military elector or an overseas elector, the clerk or board of election commissioners shall promptly inform the elector of the reason for the rejection.


6.869 Uniform instructions. The commission shall prescribe uniform instructions for municipalities to provide to absentee electors. The instructions shall include the specific means of electronic communication that an absentee elector may use to file an application for an absentee ballot and, if the absentee elector is required to register, to request a registration form or change his or her registration. The instructions shall include information concerning the procedure for correcting errors in marking a ballot and obtaining a replacement for a spoiled ballot. The procedure shall, to the extent possible, respect the privacy of each elector and preserve the confidentiality of each elector’s vote.

History: 2003 a. 265; 2011 a. 23, 75, 227; 2015 a. 118 s. 266 (10).

6.87 Absent voting procedure. (1) Upon proper request made within the period prescribed in s. 6.86, the municipal clerk or deputy clerk authorized by the municipal clerk shall write the official ballot, in the space for official endorsement, the clerk’s initials and official title. Unless application is made in person under s. 6.86 (1) (ar), the absent elector is exempted from providing proof of identification under sub. (4) (b) 2. or 3., or the applicant is a military or overseas elector, the absent elector shall enclose a copy of his or her proof of identification or any authorized substitute document with his or her application. The municipal clerk shall verify that the name on the proof of identification conforms to the name on the application. The clerk shall not issue an absentee ballot to an elector who is required to enclose a copy of proof of identification or an authorized substitute document with his or her application unless the copy is enclosed and the proof is verified by the clerk.

(2) Except as authorized under sub. (3) (d), 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 which shall include a space for the municipal clerk or deputy clerk to enter his or her initials indicating that if the absentee elector voted in person under s. 6.86 (1) (ar), the elector presented proof of identification to the clerk and the clerk verified the proof presented. The certificate shall also include a space for the municipal clerk or deputy clerk to enter his or her initials indicating that the elector is exempt from providing proof of identification because the individual is a military or overseas elector or is exempted from providing proof of identification under sub. (4) (b) 2. or 3. The certificate shall be in substantially the following form:

[STATE OF ....
County of ....]

or

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

............., certify 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 am unable or unwilling to appear at the polling place in the (ward) (election district) on election day or have changed my residence within the state from one ward or election district to another later than 28 days before the election. I certify that I exhibited the enclosed ballot unmarked to the witness, that I then in (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), Wis. Stats., if I requested assistance, could know how I voted.

Signed ....

Identification serial number, if any: ....

The witness shall execute the following:

I, the undersigned witness, subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false statements, certify that I am an adult U.S. citizen and that the above statements are true and the voting procedure was executed as there stated. I am not a candidate for any office on the enclosed ballot (except in the case of an incumbent municipal clerk). I did not solicit or advise the elector to vote for or against any candidate or measure.

....(Name)

....(Address)**

* — An elector who provides an identification serial number issued under s. 6.47 (3), Wis. Stats., need not provide a street address.

** — If this form is executed before 2 special voting deputies under s. 6.875 (6), Wis. Stats., both deputies shall witness and sign.

NOTE: In One Wisconsin Now et al. v. Thomsen et al, 15–cv–324, 198 F. Supp. 3d 896, the United States District Court, Western District of Wisconsin ordered that "the increase of the durational residency requirement from 10 days to 28 days in unconstitutional."

(3) (a) Except as authorized under par. (d) and as otherwise provided in s. 6.875, the municipal clerk shall mail the absentee ballot to the elector’s residence unless otherwise directed by the elector, or shall deliver it to the elector personally at the clerk’s office or at an alternate site under s. 6.855. If the ballot is mailed, and the ballot qualifies for mailing free of postage under federal free postage laws, the clerk shall affix the appropriate label required by U.S. postal regulations. Otherwise, the clerk shall pay the postage required for return when the ballot is mailed from within the United States. If the ballot is not mailed by the absentee elector from within the United States, the absentee elector shall provide return postage. If the ballot is delivered to the elector at the clerk’s office, or an alternate site under s. 6.855, the ballot shall be voted at the office or alternate site and may not be removed by the elector therefrom.

(b) No elector may direct that a ballot be sent to the address of a committee registered with the ethics commission under ch. 11 unless the elector permanently or temporarily resides at that address.

Upon receipt of reliable information that an address given by an elector is not eligible to receive ballots under this subsection, the municipal clerk shall refrain from mailing or transmitting ballots to that address. Whenever possible, the municipal clerk shall notify an elector if his or her ballot cannot be mailed or transmitted to the address directed by the elector.

(d) A municipal clerk shall, if the clerk is reliably informed by a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, as defined in s. 6.34 (1) (b), of a facsimile transmission number or electronic mail address where the elector can receive an absentee ballot, transmit a facsimile or electronic copy of the elector’s ballot to that elector in lieu of mailing under this subsection. An elector may receive an absentee ballot only if the elector is a military elector or an overseas elector under s. 6.34 (1) and has filed a valid application for the ballot as provided in s. 6.86 (1). If the clerk transmits an absentee ballot to a military or overseas elector electronically, the clerk shall also transmit a facsimile or electronic copy of the text of the material that appears on the certificate envelope prescribed in sub. (2), together with instructions prescribed by the commission. The instructions shall require the military or overseas elector to make and subscribe to the certification as required under sub. (4) (b) and to enclose the absentee ballot in a separate envelope contained within a larger envelope, that shall include the completed certificate. The elector shall then affix sufficient postage unless the absentee ballot qualifies for mailing free of postage under federal free postage laws and shall mail the absentee ballot to the municipal clerk. Except as authorized in s. 6.97 (2), an absentee ballot received from a military or overseas elector who receives the ballot electronically shall not be counted unless it is cast in the manner prescribed in this paragraph and sub. (4) in accordance with the instructions provided by the commission.

NOTE: In One Wisconsin Now et al. v. Thomsen et al, 15–cv–324, 198 F. Supp. 3d 896, the United States District Court, Western District of Wisconsin ordered the prohibition on distributing absentee ballots by fax or email is unconstitutional."
a residential care facility, as defined in s. 6.875 (1) (bm), and the municipal clerk or board of election commissioners of the municipality where the facility or home is located does not send special voting deputies to visit the facility or home at the election under s. 6.875, the elector may, in lieu of providing proof of identification, submit with his or her absentee ballot a statement signed by the same individual who witnesses voting of the ballot that contains the certification of an authorized representative of the facility or home that the elector resides in the facility or home and the facility or home is certified or registered as required by law, that contains the name and address of the elector, and that verifies that the name and address are correct.

(5) If the absent elector declares that he or she is unable to read, has difficulty in reading, writing or understanding English or due to disability is unable to mark his or her ballot, the elector may select any individual, except the elector’s employer or an agent of that employer or an officer or agent of a labor organization which represents the elector, to assist in marking the ballot, and the assistant shall then sign his or her name to a certification on the back of the ballot, as provided under s. 5.55.

(6) The ballot shall be returned so it is delivered to the polling place no later than 8 p.m. on election day. Except in municipalities where absentee ballots are canvassed under s. 7.52, if the municipal clerk receives an absentee ballot on election day, the clerk shall secure the ballot and cause the ballot to be delivered to the polling place serving the elector’s residence before 8 p.m. Any ballot not mailed or delivered as provided in this subsection may not be counted.

(6d) If a certificate is missing the address of a witness, the ballot may not be counted.

(6m) Except as authorized in s. 6.47 (8), the municipal clerk shall withhold from public inspection under s. 19.35 (1) the name and address of any absent elector who obtains a confidential listing under s. 6.47 (2).

(7) No individual who is a candidate at the election in which absentee ballots are cast may serve as a witness. Any candidate who serves as a witness shall be penalized by the discounting of a number of votes for his or her candidacy equal to the number of certificate envelopes bearing his or her signature.

(8) The provisions of this section which prohibit candidates from serving as a witness for absentee electors shall not apply to the municipal clerk in the performance of the clerk’s official duties.

(9) If a municipal clerk receives an absentee ballot with an improperly completed certificate or with no certificate, the clerk may return the ballot to the elector, inside the sealed envelope when an envelope is received, together with a new envelope if necessary, whenever time permits the elector to correct the defect and return the ballot within the period authorized under sub. (6).


The directions in sub. (3) for mailing or personal delivery of an absentee ballot and in sub. (6) that a ballot not mailed or delivered as provided in the section should not be counted, are directory and not mandatory. Lanser v. Koons, 62 Wis. 2d 86, 214 N.W.2d 425.

Sub. (4) is directory and not mandatory, and voters printing their names constituted substantial, albeit nontechnical compliance with the statute’s requirements. Lanser v. Koons, 62 Wis. 2d 86, 214 N.W.2d 425.

A challenge of compliance with procedures for absent voting is within the board of canvasser’s jurisdiction. Absent connivance, fraud or undue influence, substantial compliance with statutory voting procedures is sufficient. Appeal From Recall in Election Contest, 105 Wis. 2d 468, 313 N.W.2d 609 (Ct. App. 1981).

2011 Wisconsin Act 23, which created requirements that voters present photo identification in order to vote at a polling place or obtain an absentee ballot, does not violate either section 2 of the federal Voting Rights Act, 52 U.S.C. § 10301, or the U.S. Constitution. Frank v. Walker, 768 F.3d 744 (2014).

6.875 Absentee voting in certain residential care facilities and retirement homes. (1) In this section:

(ab) “Adult family home” means a facility that is certified or licensed to operate as an adult family home under s. 50.032 or 50.033.

(ace) “Community-based residential facility” has the meaning given in s. 50.01 (1g), except that the term does not include a place where fewer than 10 adults who are not related to the operator or administrator reside.

(ams) “Residential care apartment complex” means a facility that is certified or registered to operate as a residential care apartment complex under s. 50.034 (1).

(at) “Qualified retirement home” means a retirement home that qualifies under sub. (2) (c) to utilize the procedures under this section.

(b) “Relative” means a spouse or individual related within the 1st, 2nd or 3rd degree of kinship under s. 990.001 (16).

(bm) “Residential care facility” means an adult family home, community-based residential facility, nursing home, or residential care apartment complex.

(c) “Retirement home” means a facility occupied as a primary place of abode by 10 or more unrelated individuals.

(d) “Working day” has the meaning given in s. 227.01 (14).

(2) (a) Absentee voting in person inside residential care facilities and qualified retirement homes shall be conducted by municipalities only in the manner prescribed in this section. At any residential care facility or qualified retirement home where a municipality dispatches special voting deputies to conduct absentee voting in person under this section, the procedures prescribed in this section are the exclusive means of absentee voting in person inside that facility or home for electors who are occupants of the facility or home.

(c) The municipal clerk or board of election commissioners of any municipality where a retirement home is located may adopt the procedures under this section for absentee voting in any retirement home located in the municipality if the municipal clerk or board of election commissioners finds that a significant number of the occupants of the retirement home lack adequate transportation to the appropriate polling place, a significant number of the occupants of the retirement home may need assistance in voting, there are a significant number of the occupants of the retirement home aged 60 or over, or there are a significant number of indefinitely confined electors who are occupants of the retirement home.

(3) (a) An occupant of a qualified retirement home or residential care facility who qualifies as an absent elector and desires to receive an absentee ballot shall make application under s. 6.86 (1), (2), or (2m) with the municipal clerk or board of election commissioners of the municipality in which the elector is a resident. Except as provided in sub. (4) (ar), the clerk or board of election commissioners of a municipality receiving an application from an elector who is an occupant of a qualified retirement home or residential care facility located in a different municipality shall, as soon as possible, notify and send an absentee ballot for the elector to the clerk or board of election commissioners of the municipality in which the elector is a resident. The clerk or board of election commissioners shall make a record of all absentee ballots to be sent, delivered, and voted under this section.
(b) An occupant of a retirement home may vote in person at the polling place serving his or her residence or may apply for and cast an absentee ballot at the election in the same manner as provided for other electors of the municipality where he or she resides. If a retirement home that is not a qualified retirement home is located within a municipality on the same grounds as one or more residential care facilities to which the municipal clerk or board of election commissioners of the municipality dispatches special voting deputies to conduct voting at an election, the municipal clerk or board of election commissioners shall obtain from the management of the retirement home the names and addresses of the occupants of the home. The municipal clerk or board of election commissioners shall then provide the names and addresses to the special voting deputies to verify which residents are eligible to cast their ballots with the special voting deputies.

(4) (a) For the purpose of absentee voting in qualified retirement homes and residential care facilities, the municipal clerk or board of election commissioners of each municipality in which one or more qualified retirement homes or residential care facilities are located shall appoint at least 2 special voting deputies for the municipality. Except as provided in par. (am), upon application under s. 6.86 (1), (2), or (2m) by one or more qualified electors who are occupants of a home or facility, the municipal clerk or board of election commissioners of the municipality in which the home or facility is located shall dispatch 2 special voting deputies to visit the home or facility for the purpose of supervising absentee voting procedure by occupants of the home or facility. The clerk or board of election commissioners shall maintain a list, available to the public upon request, of each home or facility where special voting deputies are dispatched. The list shall include the date and time the deputies intend to visit each home or facility. The 2 deputies designated to visit each qualified retirement home and residential care facility shall be affiliated with different political parties whenever deputies representing different parties are available.

(am) The municipal clerk or board of election commissioners of a municipality need not dispatch special voting deputies to visit any residential care facility unless there are at least 5 registered electors of the municipality who are occupants of the facility.

(ar) As an alternative to absentee voting inside a residential care facility or qualified retirement home, an elector who is an occupant of the facility or home may:

1. Vote in person at the polling place serving his or her residence under s. 6.79 (2) or in person at the office of the municipal clerk or board of election commissioners of the municipality where he or she resides under s. 6.86 (1) (a) 2.; or

2. If the elector maintains a residence outside the facility or home, vote by applying for and casting an absentee ballot by mail under s. 6.86 (1) (a) 1. at that residence.

(at) Except as provided in par. (ar), if a qualified elector of a municipality who is an occupant of a residential care facility or qualified retirement home in that municipality requests an absentee ballot for an election and the municipal clerk or board of election commissioners dispatches special voting deputies to that facility or home, the clerk or board of election commissioners shall give the absentee ballot to the special voting deputies who shall personally deliver the ballot to the elector at the time of their visit if they have not visited the facility or home for the request is received.

(b) Nominations for the special voting deputy positions described in par. (a) may be submitted by the 2 recognized political parties for governor or president received the greatest numbers of votes in the municipality at the most recent general election. The deputies shall be specially appointed to carry out the duties under par. (a) for the period specified in s. 7.30 (6) (a). The clerk or board of election commissioners may revoke an appointment at any time. No individual who is employed or retained, or within the 2 years preceding appointment has been employed or retained, at a qualified retirement home or residential care facility in the municipality, or any member of the individual’s immediate family, as defined in s. 19.42 (7), may be appointed to serve as a deputy.

(5) Prior to entering upon his or her duties, each individual appointed to serve as a deputy under this section shall file the oath required by s. 7.30 (5). In the oath, the individual shall swear that he or she is qualified to act as a deputy under this section, that he or she has read the statutes governing absentee voting, that he or she understands the proper absentee voting procedure, that he or she understands the penalties for noncompliance with the procedure under s. 12.13, that his or her sacred obligation will be fully and fairly implement the absentee voting law and seek to have the assistance of the electors assisted. In addition, the oath shall state that the individual realizes that any error in conducting the voting procedure may result in invalidation of an elector’s vote under s. 7.51 (2) (e) and that the individual realizes that absentee voting is a privilege and not a constitutional right. The form of the oath shall be prescribed by the commission.

(6) (a) Special voting deputies in each municipality shall, not later than 5 p.m. on the 6th working day preceding an election, arrange one or more convenient times with the administrator of each qualified retirement home and residential care facility in the municipality that the deputies are scheduled to visit. These times may be no earlier than the 4th Monday preceding the election and no later than 5 p.m. on the Monday preceding the election. The municipal clerk shall give notice of each visit by special voting deputies to a qualified retirement home or residential care facility in the same manner that notices of public meetings are provided by presiding officers under s. 19.84 (1) (b) at least 5 working days in advance of each visit, indicating the date and time of the visit. The municipal clerk also shall post a notice at the home or facility and on the Internet indicating the date and time that absentee voting will take place at that home or facility. The notice shall be posted as soon as practicable after arranging the visit but in no case less than 5 working days before the visit. A municipal clerk whose municipality does not maintain an Internet site need not comply with the Internet posting requirement. At the designated time, 2 deputies appointed under sub. (4) shall visit the home or facility.

(b) The municipal clerk or executive director of the board of election commissioners shall issue a supply of absentee ballots to the deputies sufficient to provide for the number of valid applications for an absentee ballot received by the clerk, and a reasonable allocation of the number of ballots in each ballot style. The deputies shall keep a careful record of all ballots issued to the deputies and shall require the deputies to return every ballot issued to them.

(c) 1. Upon their visit to the home or facility under par. (a), the deputies shall personally offer each elector who has filed a proper application for an absentee ballot the opportunity to cast his or her absentee ballot. In lieu of providing a copy of proof of identification under s. 6.87 (4) (b) 1., both his or her absentee ballot, the elector may submit with his or her ballot a statement signed by both deputies that contains the name and address of the elector and verifies that the name and address are correct. The deputies shall enclose the statement in the certificate envelope. If an elector presents a copy of identification under s. 6.87 (4) (b) 1., the deputies shall make a copy of the document presented by the elector and shall enclose the copy in the certificate envelope. If an elector presents a copy of identification under s. 6.87 (4) (b) 1., the deputies shall make a copy of the document presented by the elector and shall enclose the copy in the certificate envelope. If an elector presents a copy of identification under s. 6.87 (4) (b) 1., the deputies shall make a copy of the document presented by the elector and shall enclose the copy in the certificate envelope. If an elector presents a copy of identification under s. 6.87 (4) (b) 1., the deputies shall make a copy of the document presented by the elector and shall enclose the copy in the certificate envelope.

(2) An occupant of a retirement home or qualified retirement home may apply for and vote at a qualified retirement home or residence under s. 6.79 (2). The deputies shall be provided with the names and addresses of the electors under s. 6.86 (1) (a) 2., and their names and addresses shall be made available to the deputies for the purpose of voting.

(3) No person voting at a qualified retirement home or residence under s. 6.79 (2) shall be required to vote in person.
shall be conducted in the presence of the deputies. Upon request of the elector, a relative of the elector who is present in the room may assist the elector in marking the elector’s ballot. No individual other than a deputy may witness the certification and no individual other than a deputy or relative of an elector may render voting assistance to the elector.

2. Upon the request of a relative of an occupant of a qualified retirement home or residential care facility, the administrator of the home or facility may notify the relative of the time or times at which special voting deputies will conduct absentee voting at the home or facility and permit the relative to be present in the room where the voting is conducted.

(d) Upon completion of the voting on each day at each residential care facility or qualified retirement home, the deputies shall seal the absentee ballot envelopes and any absentee ballot applications inside a carrier envelope and shall seal the carrier envelope and sign their names to the seal. The deputies shall place the envelope inside a ballot bag or container. As soon as possible after visiting each residential care facility or retirement home, but not later than 18 hours after the visit, the deputies shall deliver the ballot bag or container to the clerk or board of election commissioners of the municipality in which the elector voting the ballot resides.

(e) If a qualified elector is not able to cast his or her ballot on 2 separate visits by the deputies to the home or facility, the deputies shall so inform the municipal clerk or executive director of the board of election commissioners, who may then send the ballot to the elector no later than 5 p.m. on the Friday preceding the election.

(7) One observer from each of the 2 recognized political parties whose candidate for governor or president received the greatest number of votes in the municipality at the most recent general election may accompany the deputies to each home or facility where absentee voting will take place under this section. The observers may observe the process of absentee ballot distribution in the common areas of the home or facility. Each party wishing to have an observer present shall submit the name of the observer to the clerk or board of election commissioners no later than the close of business on the last business day prior to the visit.


6.88 Voting and recording the absentee ballot. (1) When an absentee ballot arrives at the office of the municipal clerk, or at an alternate site under s. 6.855, if applicable, the clerk shall enclose it, unopened, in a carrier envelope which shall be securely sealed and endorsed with the name and official title of the clerk, and the words “This envelope contains the ballot of an absent elector and must be opened in the same room where votes are being cast at the polls during polling hours on election day or, in municipalities where absentee ballots are canvassed under s. 7.52, stats., at a meeting of the municipal board of absentee ballot canvassers under s. 7.52, stats.”. If the elector is a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, as defined in s. 6.34 (1) (b), and the ballot was received by the elector by facsimile transmission or electronic mail, the clerk shall endorse the envelope with “rejected ballots” on the back of the envelope, and the elector’s name and the type of identifying document submitted by the absent elector and the name or address on the document that is provided is not the same as the name and address shown on the poll list, the inspectors shall proceed as provided under s. 6.97 (2). The inspectors shall then deposit the ballot into the proper ballot box and enter the absent elector’s name or voting number after his or her name on the poll list in the same manner as if the elector had been present and voted in person.

(b) When the inspectors find that a certification is insufficient, that the applicant is not a qualified elector in the ward or election district, that the ballot envelope is open or has been opened and rescaled, that the ballot envelope contains more than one ballot of any one kind or, except in municipalities where absentee ballots are canvassed under s. 7.52, that the certificate of a military or overseas elector who received an absentee ballot by facsimile transmission or electronic mail is missing, or if proof is submitted to the inspectors that an elector voting an absentee ballot has since died, the inspectors shall not count the ballot. The inspectors shall endorse every ballot not counted on the back, “rejected (giving the reason)”. The inspectors shall reinsert each rejected ballot into the certificate envelope in which it was delivered and enclose the certificate envelopes and ballots, and securely seal the ballots and envelopes in an envelope marked for rejected absentee ballots. The inspectors shall endorse the envelope, “rejected ballots” with a statement of the ward or election district and date of the election. They shall then sign the envelope in the presence of a representative of the public who can hear and see the procedures, open the envelope before enclosing the ballot in the carrier envelope as provided under sub. (1), and shall deliver the package to the election inspectors of the proper ward or election district or, in municipalities where absentee ballots are canvassed under s. 7.52,
6.89 Absent electors list public. The municipal clerk shall keep a list of all electors who make application for an absent elector’s ballot and who have voted under the absent elector provisions giving the name, address and date of application. The list shall be open to public inspection.

SUBCHAPTER V
CHALLENGING ELECTORS

Cross-reference: See also ch. EL 9, Wis. adm. code.

6.92 Inspector making challenge. (1) Except as provided in sub. (2), each inspector shall challenge for cause any person offering to vote whom the inspector knows or suspects is not a qualified elector or who does not adhere to any voting requirement under this chapter. If a person is challenged as unqualified by an inspector, one of the inspectors shall administer the following oath or affirmation to the person: “You do solemnly swear (or affirm) that you will fully and truly answer all questions put to you regarding your place of residence and qualifications as an elector of this election”; and shall then ask questions which are appropriate as determined by the commission, by rule, to test the person’s qualifications.

(2) An inspector appointed under s. 7.30 (2) (am) may not challenge any person offering to vote.

History: 1971 c. 304 s. 29 (2); 1971 c. 336 s. 37; 1975 c. 85 ss. 41, 42, 43, 66 (3); 1975 c. 199, 200, 421; 1977 c. 394; 1991 a. 316; 1999 a. 9; 2001 a. 109; 2011 a. 23; 2015 a. 118 s. 266 (10).

Cross-reference: See also s. EL 9.01, Wis. adm. code.

6.925 Elector making challenge in person. Any elector may challenge for cause any person offering to vote whom the elector knows or suspects is not a qualified elector. If a person is challenged as unqualified by an elector, one of the inspectors may administer the oath or affirmation to the challenged elector under s. 6.92 and ask the challenged elector the questions under that section which are appropriate to test the elector’s qualifications. In addition, one of the inspectors shall administer the following oath or affirmation to the challenging elector: “You do solemnly swear (or affirm) that you will fully and truly answer all questions put to you regarding the challenged person’s place of residence and qualifications as an elector of this election”; and shall then ask questions which are appropriate as determined by the commission, by rule, to test the qualifications of the challenged elector.

History: 1975 c. 85, 199; 1977 c. 394; 1985 a. 304; 1999 a. 9; 2015 a. 118 s. 266 (10).

Cross-reference: See also s. EL 9.02, Wis. adm. code.

6.93 Challenging the absent elector. The vote of any absent elector may be challenged for cause and the inspectors of election shall have all the power and authority given them to hear and determine the legality of the ballot the same as if the ballot had been voted in person. In municipalities where absentee ballots are canvassed under s. 7.52, the vote of an absentee elector may be challenged as provided in s. 7.52 (5).

Cross-reference: See also s. EL 9.04, Wis. adm. code.


6.935 Challenge based on incompetency. Section 6.03 (3) applies to any challenge of a person’s right to vote under s. 6.92, 6.925, 6.93, or 7.52 (5) based on an allegation that an elector is incapable of understanding the objective of the elective process and thereby ineligible to vote.


6.94 Challenged elector oath. If the person challenged refuses to answer fully any relevant questions put to him or her by the inspector under s. 6.92, the inspectors shall reject the elector’s vote. If the challenge is not withdrawn after the person offering to vote has answered the questions, one of the inspectors shall administer to the person the following oath or affirmation: “You do solemnly swear (or affirm) that you are 18 years of age; you are a citizen of the United States; you are now and for 28 consecutive days have been a resident of this ward except under s. 6.02 (2); you have not voted at this election; you have not made any bet or wager or become directly or indirectly interested in any bet or wager depending upon the result of this election; you are not on any other ground disqualified to vote at this election”. If the person challenged refuses to take the oath or affirmation, the person’s vote shall be rejected. If the person challenged answers fully all relevant questions put to the elector under s. 6.92, takes the oath or affirmation, and fulfill the applicable registration requirements, and if the answers to the questions given by the person indicate that the person meets the voting qualification requirements, the person’s vote shall be received.

History: 1971 c. 304 s. 29 (2); 1971 c. 336 s. 37; 1975 c. 85 ss. 45, 66 (3); 1977 c. 394 s. 54; 1983 a. 484; 2003 a. 265; 2011 a. 23.

6.95 Voting procedure for challenged electors. Whenever the inspectors under ss. 6.92 to 6.94 receive the vote of a person offering to vote who has been challenged, the inspectors shall, before giving the elector a ballot, write on the back of the ballot the serial number of the challenged person corresponding to the number kept at the election on the poll list, or other list maintained under s. 6.79, and the notation “s. 6.95”. If voting machines are used in the municipality where the person is voting, the person’s vote may be received only upon an absentee ballot furnished by the municipal clerk which shall have the corresponding serial number from the poll list or other list maintained under s. 6.79, and the notation “s. 6.95” written on the back of the ballot by the inspectors before the ballot is given to the elector. The inspectors shall indicate on the list the reason for the challenge. The inspectors shall then deposit the ballot. The challenged ballots shall be counted under s. 5.85 or 7.51. The municipal board of canvassers may decide any challenge when making its canvass under s. 7.53. If the returns are reported under s. 7.60, a challenge may be reviewed by the county board of canvassers. If the returns are reported under s. 7.70, a challenge may be reviewed by the chairperson of the commission or the chairperson’s designee. The decision of any board of canvassers or of the chairperson or chairperson’s designee may be appealed under s. 9.01. The standard for disqualification specified in s. 6.325 shall be used to determine the validity of challenged ballots.


Cross-reference: See also s. EL 9.03, Wis. adm. code.

6.96 Voting procedure for electors voting pursuant to federal court order. Whenever any elector is allowed to vote at a polling place pursuant to a federal court order after the closing time provided under s. 6.79, the inspectors shall, before giving the elector a ballot, write on the back of the ballot the notation “s. 6.96”. If voting machines are used in the municipality where the elector is voting, the elector’s vote may be received only upon an absentee ballot furnished by the municipal clerk which shall have the notation “s. 6.96” written on the back of the ballot by the inspectors before the ballot is given to the elector. When receiving the elector’s ballot, the inspectors shall provide the elector with the written voting information prescribed by s. 6.01 (10). The inspectors shall then deposit the ballot. The ballot shall be counted under s. 5.85 or 7.51 unless the order is vacated. If the order is vacated after the ballot is counted, the appropriate board or boards of canvassers or the chairperson of the commission or his or her designee shall reopen the canvass to discount any ballots that were counted pursuant to the vacated order and adjust the statements, certifications, and determinations accordingly.

History: 2003 a. 265; 2015 a. 118.

6.965 Voting procedure for electors presenting citation or notice in lieu of license or receipt. Whenever any elector is allowed to vote at a polling place under s. 6.79 (7) by pre-
senting a citation or notice of intent to revoke or suspend an operator’s license in lieu of an operator’s license or driving receipt issued to the elector under ch. 343, the inspectors shall, before giving the elector a ballot, write on the back of the ballot the serial number of the elector corresponding to the number kept at the election on the poll list or other list maintained under s. 6.79 and the notation “s. 6.965.” If voting machines are used in the municipality where the elector is voting, the elector’s vote may be received only upon an absentee ballot furnished by the municipal clerk which shall have the notation “s. 6.965” written on the back of the ballot by the inspectors before the ballot is given to the elector. If the municipal clerk receives and presents a ballot from an elector who presents a citation or notice, or copy thereof, under s. 6.87 (4) (b) 4., the clerk shall enter a notation on the certificate envelope “Ballot under s. 6.965, stats.” Upon receiving the envelope, the inspectors shall open and write on the back of the ballot the serial number of the elector corresponding to the number kept at the election on the poll list or other list maintained under s. 6.79 and the notation “s. 6.965.” The inspectors shall indicate on the poll list or other list maintained under s. 6.79 the fact that the elector is voting by using a citation or notice in lieu of a license or driving receipt. The inspectors shall then deposit the ballot. The ballot shall then be counted under s. 5.85, or under s. 7.51 or 7.52.

History: 2011 a. 23.

6.97 Voting procedure for individuals not providing required proof of identification or residence. (1) Whenever any individual who is required to provide proof of residence under s. 6.34 in order to be permitted to vote appears to vote at a polling place and cannot provide the required proof of residence, the inspectors shall offer the opportunity for the individual to vote under this section. Whenever any individual, other than a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, as defined in s. 6.34 (1) (b), or an elector who has a confidential listing under s. 6.47 (2), appears to vote at a polling place and does not present proof of identification under s. 6.79 (2), whenever required, the inspectors or the municipal clerk shall similarly offer the opportunity for the individual to vote under this section. If the individual wishes to vote, the inspectors shall provide the elector with an envelope marked “Ballot under s. 6.97, stats.” on which the serial number of the elector is entered and shall require the individual to execute on the envelope a written affirmation stating that the individual is a qualified elector of the ward or election district where he or she offers to vote and is eligible to vote in the election. The inspectors shall, before giving the elector a ballot, write on the back of the ballot the serial number of the individual corresponding to the number kept at the election on the poll list or other list maintained under s. 6.79 and the notation “s. 6.97.” If voting machines are used in the municipality where the individual is voting, the individual’s vote may be received only upon an absentee ballot furnished by the municipal clerk which shall have the corresponding number from the poll list or other list maintained under s. 6.79 and the notation “s. 6.97” written on the back of the ballot by the inspectors before the ballot is given to the elector. When receiving the individual’s ballot, the inspectors shall provide the individual with written voting information prescribed by the commission under s. 7.08 (8). The inspectors shall indicate on the list the fact that the individual is required to provide proof of residence or proof of identification under s. 6.79 (2) but did not do so. The inspectors shall notify the individual that he or she may provide proof of residence or proof of identification to the municipal clerk or executive director of the municipal board of election commissioners. The inspectors shall also promptly notify the municipal clerk or executive director of the name, address, and serial number of the individual. The inspectors shall then place the ballot inside the envelope and place the envelope in a separate carrier envelope.

(2) Whenever any individual who votes by absentee ballot is required to provide proof of residence in order to be permitted to vote and does not provide the required proof of residence under s. 6.34, the inspectors shall treat the ballot as a provisional ballot under this section. Upon removing the ballot from the envelope, the inspectors shall write on the back of the ballot the serial number of the individual corresponding to the number kept at the election on the poll list or other list maintained under s. 6.79 and the notation “s. 6.97.” The inspectors shall indicate on the list the fact that the individual is required to provide proof of residence but did not do so. The inspectors shall promptly notify the municipal clerk or executive director of the municipal board of election commissioners of the name, address, and serial number of the individual. The inspectors shall then place the ballot inside an envelope on which the name and serial number of the elector is entered and shall seal the envelope with a separate carrier envelope.

(c) A ballot cast under this section by an elector for whom proof of identification is required under s. 6.79 (2) or 6.86 (1) (ar) shall not be counted unless the municipal clerk or executive director of the board of election commissioners provides timely notification that the elector has provided proof of identification under this section.

(4) Whenever a board of canvassers receives timely notification from the municipal clerk or executive director of the board of election commissioners under sub. (3) that an individual who has voted under this section is qualified to vote in the ward or election district where the individual’s ballot is cast, the board of canvassers shall notify the board of canvassers for each municipality, special purpose district, and county that is responsible for canvassing the election of the number of ballots cast under this section in each ward or election district. The municipal clerk or executive director then shall determine whether each individual voting under this section is qualified to vote in the ward or election district where the individual’s ballot is cast. If the elector is required to provide proof of identification under s. 6.79 (2) or 6.86 (1) (ar) and fails to do so, the elector bears the burden of correcting the omission by providing the proof of identification at the polling place before the closing hour or at the office of the municipal clerk or board of election commissioners no later than 4 p.m. on the Friday after the election. The municipal clerk or executive director shall make a record of the procedure used to determine the validity of each ballot cast under this section. If, prior to 4 p.m. on the Friday after the election, the municipal clerk or executive director determines that the individual is qualified to vote in the ward or election district where the individual’s ballot is cast, the municipal clerk or executive director shall notify the board of canvassers for each municipality, special purpose district and county that is responsible for canvassing the election of that fact.

(5) A ballot cast under this section by an elector for whom proof of identification is required under s. 6.79 (2) or 6.86 (1) (ar) shall be counted if the elector appears to vote at a polling place and has proof of identity under s. 6.79 (2). Upon receiving the envelope, the inspectors shall write on the back of the ballot the serial number of the elector corresponding to the number kept at the election on the poll list or other list maintained under s. 6.79 and the notation “s. 6.97,” or designate the number of the individual by NOTES. (Published 11−13−18) Updated 2015−16 Wis. Stats. Published and certified under s. 35.18. November 13, 2018.
mit to the county clerk or board of election commissioners a copy of the amended returns together with amended tally sheets and all additional ballots reviewed by the board of canvassers.