



2005 SENATE BILL 419

November 3, 2005 - Introduced by Senators DARLING, KANAVAS, OLSEN, ROESSLER, ZIEN, REYNOLDS, LEIBHAM, A. LASEE, STEPP, LAZICH, HARSDORF and COWLES, cosponsored by Representatives STONE, JESKEWITZ, LOTHIAN, LEMAHIEU, KERKMAN, GUNDERSON, GIELOW, GOTTLIEB, VOS, VAN ROY, ALBERS, KREIBICH, FREESE, HAHN, PETROWSKI, MCCORMICK, MUSSER, VUKMIR, NASS, HINES, OTT, TOWNSEND, UNDERHEIM and HONADEL. Referred to Committee on Labor and Election Process Reform.

1 **AN ACT to renumber and amend** 6.87 (3) (b); and **to amend** 6.87 (3) (a) and 6.87
2 (3) (c) and (d) of the statutes; **relating to:** mailing and transmittal of absentee
3 ballots.

Analysis by the Legislative Reference Bureau

Currently, each municipal clerk and board of election commissioners is directed to mail an absentee ballot requested by an elector to the residence of the elector unless the elector specifies a different mailing address. However, no elector may specify that an absentee ballot shall be mailed to the address of a candidate, political party, or other campaign finance registrant. If a clerk or board is reliably informed of a facsimile transmission number or electronic mail address where an eligible elector who has applied for an absentee ballot is able to receive the ballot and there may not be sufficient time before an election to send and receive the ballot through the mail, the clerk or board may transmit the ballot to the elector at the facsimile transmission number or electronic mail address.

This bill provides that a municipal clerk or board of election commissioners may only mail an absentee ballot to the permanent or temporary residence of an absent elector. Under the bill, if a clerk or board electronically transmits an absentee ballot to an elector, the clerk or board may only transmit the ballot to an address located at the permanent or temporary residence of the elector.

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

SENATE BILL 419**SECTION 1**

1 **SECTION 1.** 6.87 (3) (a) of the statutes is amended to read:

2 6.87 (3) (a) Except as provided in par. (c), as authorized under par. (d) and as
3 otherwise provided in par. (c) and s. 6.875, the municipal clerk shall mail ~~the every~~
4 absentee ballot with postage prepaid for return. The clerk shall mail the ballot to the
5 elector's permanent or temporary residence ~~unless otherwise of the elector, as~~
6 directed by the elector, or shall deliver it to the elector personally at the clerk's office.

7 **SECTION 2.** 6.87 (3) (b) of the statutes is renumbered 6.87 (3) (e) and amended
8 to read:

9 6.87 (3) (e) ~~No elector may direct that a ballot be sent to the address of a~~
10 ~~candidate, political party or other registrant under s. 11.05 unless the elector~~
11 ~~permanently or temporarily resides at that address.~~ Upon receipt of reliable
12 information that an address given by an elector is not eligible to receive ballots under
13 this paragraph, the municipal clerk shall refrain from sending mailing or
14 transmitting ballots to that address. Whenever possible, the municipal clerk shall
15 notify an elector if his or her ballot cannot be mailed or transmitted to the address
16 directed by the elector.

17 **SECTION 3.** 6.87 (3) (c) and (d) of the statutes are amended to read:

18 6.87 (3) (c) If an elector's ballot is mailed to a ~~location other than~~ the elector's
19 temporary residence, it shall be prepaid for return when mailed within the United
20 States.

21 ~~(cm)~~ If ~~the~~ an elector's ballot is delivered to the elector at the clerk's office, the
22 ballot shall be voted at the office and may not be removed therefrom.

23 (d) A municipal clerk of a municipality may, if the clerk is reliably informed by
24 an absent elector of a facsimile transmission number or electronic mail address
25 located at the permanent or temporary residence of the elector where the elector can

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1 receive an absentee ballot, transmit a facsimile or electronic copy of the absent
2 elector's ballot to that elector in lieu of mailing under this subsection if, in the
3 judgment of the clerk, the time required to send the ballot through the mail may not
4 be sufficient to enable return of the ballot by the time provided under sub. (6). An
5 elector may receive an absentee ballot under this subsection only if the elector has
6 filed a valid application for the ballot under sub. (1). If the clerk transmits an
7 absentee ballot under this paragraph, the clerk shall also transmit a facsimile or
8 electronic copy of the text of the material that appears on the certificate envelope
9 prescribed in sub. (2), together with instructions prescribed by the board. The
10 instructions shall require the absent elector to make and subscribe to the
11 certification as required under sub. (4) and to enclose the absentee ballot in a
12 separate envelope contained within a larger envelope, that shall include the
13 completed certificate. The elector shall then mail the absentee ballot with postage
14 prepaid to the municipal clerk. Except as authorized in s. 6.97 (2), an absentee ballot
15 received under this paragraph shall not be counted unless it is transmitted and cast
16 in the manner prescribed in this paragraph and in accordance with the instructions
17 provided by the board.

18 (END)