

State of Wisconsin



1995 Senate Bill 125

Date of enactment: **May 1, 1996**
Date of publication*: **May 15, 1996**

1995 WISCONSIN ACT 313

AN ACT *to amend* 6.22 (4), 6.24 (4) (a) and 6.86 (1) (b); and *to create* 6.24 (4) (b) of the statutes; **relating to:** the date for making application for absentee ballots and the procedure whereby overseas electors may obtain absentee ballots for elections.

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

SECTION 1. 6.22 (4) of the statutes is amended to read:

6.22 (4) INSTRUCTIONS AND HANDLING. ~~A~~ An individual who qualifies as a military elector may request an absentee ballot for any election, or for all elections until the individual otherwise requests or until the individual no longer qualifies as a military elector. A military elector's application for all elections may be received at any time. ~~A military elector's application for an individual election may be received no earlier than the first day of the 6th month commencing before the election.~~ The municipal clerk shall not mail 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 mail a ballot, as soon as available, to each military elector who requests a ballot. The board shall prescribe the instructions for marking or punching 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 or explanatory note 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. The material shall be prepared and mailed to make use of

the federal free postage laws. The mailing list established under this subsection shall be kept current in the same manner as provided in s. 6.86 (2) (b).

SECTION 2. 6.24 (4) (a) of the statutes is amended to read:

6.24 (4) (a) An overseas elector who is properly registered where registration is required may request an absentee ballot in writing under ss. 6.86 to 6.89. ~~The board shall prescribe a special certificate affidavit form for the envelope for overseas electors under this section which shall be substantially similar to that provided in s. 6.87 (2).~~

(c) An overseas elector who is not registered may request both a registration form and an absentee ballot for a specific election at the same time, and the municipal clerk shall mail the ballot automatically if the registration form is received within the time prescribed in s. 6.30 (3). The board shall prescribe a special certificate affidavit 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). Whenever an application, affidavit or other act is required in ss. 6.86 to 6.89 an overseas elector may fulfill the requirements by subscribing or swearing before any person authorized to administer oaths or 2 adult U.S. citizens.

SECTION 3. 6.24 (4) (b) of the statutes is created to read:

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

6.24 (4) (b) 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) whenever registration is required in that municipality, the municipal clerk of the municipality shall mail an absentee ballot to the individual for all subsequent elections for national office to be held during the year in which the ballot is requested, unless the individual otherwise requests or until the individual no longer qualifies as an overseas elector.

SECTION 4. 6.86 (1) (b) of the statutes is amended to read:

6.86 (1) (b) Except as provided in s. ~~6.22 (4) and sub. (3) this section~~, if application is made in writing, the application, signed by the elector, shall be received no ~~sooner than the first day of the 6th month commencing before the election nor after later than~~ later than 5 p.m. on the Friday immediately preceding the election. If application is made in person, the application shall ~~not~~ be made ~~sooner than the first day of the 6th month commencing before the month of the election nor no~~ later than 5 p.m. on the day preceding the election. If the elector is making written

application and the reason for requesting an absentee ballot is that the elector is a sequestered juror, the application shall be received no ~~sooner than 7 days before the election nor after later than~~ 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 municipal 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 convenient, and give the elector the ballot. The judge shall then notarize the affidavit as provided in s. 6.87 and shall ~~turn~~ deliver the ballot ~~over~~ to the clerk or agent of the clerk who shall deliver it to the polling place as required in s. 6.88. If application is made under sub. (2), the application may be received at ~~any time before no later than~~ later than 5 p.m. on the Friday immediately preceding the election.

SECTION 5. Initial applicability.

(1) This act first applies with respect to absentee ballots requested for the 1996 September primary election.