



## 1995 SENATE BILL 496

January 23, 1996 - Introduced by Senators RISSER and JAUCH, cosponsored by Representatives BALDWIN, ALBERS, TURNER, LORGE, PLOMBON, RYBA, ROBSON, OLSEN, BOYLE, WASSERMAN, HASENOHRL, BALDUS, BOCK, KRUG, DUFF, R. YOUNG and R. POTTER. Referred to Committee on State Government Operations and Corrections.

1     **AN ACT** *to repeal* 6.865 (2); *to consolidate, renumber and amend* 6.865 (in-  
2           tro.) and (1); and *to amend* 6.85, 6.86 (1) (a) (intro.), 6.86 (1) (b), 6.86 (3) (a), 6.87  
3           (2) and 6.88 (1) of the statutes; **relating to:** qualifications for absentee voting.

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### *Analysis by the Legislative Reference Bureau*

Currently, any elector who is or expects to be absent from the municipality where the elector resides on election day or who, because of age, sickness, handicap, physical disability, jury duty, service as an election official or religious reasons, cannot appear at the polling place serving his or her residence may request and cast an absentee ballot for any election.

Under this bill, any elector who wishes to cast his or her vote for any election at a location other than the polling place serving his or her residence may apply for and cast an absentee ballot at that election. No reason need be given by the elector to obtain or cast an absentee ballot.

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

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

4           **SECTION 1.** 6.85 of the statutes is amended to read:  
5           **6.85 Absent elector; definition.** An absent elector is any otherwise qualified  
6           elector who is or expects to be absent from the municipality in which the absent elec-  
7           tor is a qualified elector on election day whether by reason of active service in the U.S.  
8           armed forces or for any other reason, or who because of age, sickness, handicap,

1 ~~physical disability, jury duty, service as an election official or religious reasons can-~~  
2 ~~not appear at wishes to cast his or her vote at a location other than the polling place~~  
3 ~~in his or her ward. No person under the age of 70 qualifies as an absent elector solely~~  
4 ~~because of age for the ward or election district where the elector resides. Any other-~~  
5 ~~wise qualified elector who changes residence within this state by moving to a differ-~~  
6 ~~ent ward or municipality later than 10 days prior to an election may vote an absentee~~  
7 ~~ballot in the ward or municipality where he or she was qualified to vote before mov-~~  
8 ~~ing. An elector qualifying under this section may vote by absentee ballot under ss.~~  
9 ~~6.86 to 6.89.~~

10 **SECTION 2.** 6.86 (1) (a) (intro.) of the statutes is amended to read:

11 6.86 (1) (a) (intro.) Any elector, ~~qualifying under ss. 6.20 and 6.85 as an absent~~  
12 ~~elector,~~ may make written application to the municipal clerk for an official ballot by  
13 one of the following methods:

14 **SECTION 3.** 6.86 (1) (b) of the statutes is amended to read:

15 6.86 (1) (b) Except as provided in s. 6.22 (4) and sub. (3), if application is made  
16 in writing, the application, signed by the elector, shall be received no sooner than the  
17 first day of the 6th month commencing before the election nor after 5 p.m. on the  
18 Friday immediately preceding the election. If application is made in person, the ap-  
19 plication shall not be made sooner than the first day of the 6th month commencing  
20 before the month of the election nor later than 5 p.m. on the day preceding the elec-  
21 tion. If the elector is making written application and the application indicates that  
22 the reason for requesting an absentee ballot is that the elector is a sequestered juror,  
23 the application shall be received no sooner than 7 days before the election nor after  
24 5 p.m. on election day. If the application is received after 5 p.m. on the Friday im-  
25 mediately preceding the election, the municipal clerk or the clerk's agent shall imme-

1 diately take the ballot to the court in which the elector is serving as a juror and  
2 deposit it with the judge. The judge shall recess court, as soon as convenient, and  
3 give the elector the ballot. The judge shall then notarize the affidavit as provided in  
4 s. 6.87 and shall turn the ballot over to the clerk or agent of the clerk who shall deliver  
5 it to the polling place as required in s. 6.88. If application is made under sub. (2), the  
6 application may be received at any time before 5 p.m. on the Friday immediately pre-  
7 ceding the election.

8 **SECTION 4.** 6.86 (3) (a) of the statutes is amended to read:

9 6.86 (3) (a) Any elector who is registered, or otherwise qualified where registra-  
10 tion is not required, and who ~~qualifies under ss. 6.20 and 6.85 as an absent elector~~  
11 ~~because the elector~~ is hospitalized, may apply for and obtain an official ballot by  
12 agent. The agent may apply for and obtain a ballot for the hospitalized absent elector  
13 by presenting a form prescribed by the board and containing the required informa-  
14 tion supplied by the hospitalized elector and signed by that elector and any other  
15 elector residing in the same municipality as the hospitalized elector, corroborating  
16 the information contained therein. The corroborating elector shall state on the form  
17 his or her full name and address.

18 **SECTION 5.** 6.865 (intro.) and (1) of the statutes are consolidated, renumbered  
19 6.865 and amended to read:

20 **6.865 Federal postcard request form.** A federal postcard registration and  
21 absentee ballot request form may be used to apply for an absentee ballot under s. 6.86  
22 (1) if the form is completed in such manner that the municipal clerk or board of elec-  
23 tion commissioners with whom it is filed is able to determine all of the following: ~~(1)~~  
24 ~~That~~ that the applicant is an elector of this state and of the ward or election district  
25 where the elector seeks to vote.

1           **SECTION 6.** 6.865 (2) of the statutes is repealed.

2           **SECTION 7.** 6.87 (2) of the statutes is amended to read:

3           6.87 (2) The municipal clerk shall place the ballot in an unsealed envelope fur-  
4 nished by the clerk. The envelope shall have the name, official title and post-office  
5 address of the clerk upon its face. The other side of the envelope shall have a printed  
6 certificate-affidavit in substantially the following form:

7           [STATE OF ....

8           County of ....]

9           or

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

11          I, ....., (certify) (do solemnly swear) subject to the penalties of s. 12.60 (1) (b) 12.,  
12 Wis. Stats., for false statements that I am a resident of the [... ward of the] (town)  
13 (village) of ....., or of the .... aldermanic district in the city of ....., residing at .... in said  
14 city, the county of ....., state of Wisconsin, and am entitled to vote in the (ward) (elec-  
15 tion district) at the election to be held on ....; that I am not voting at any other location  
16 in this election; that I ~~cannot appear at~~ wish to vote in this election at a location other  
17 than the polling place in the ~~for that~~ (ward) (election district) on election day because  
18 I ~~expect to be absent from the municipality or because of age, sickness, handicap,~~  
19 ~~physical disability, religious reasons, jury duty, service as an election official, or I~~  
20 wish to vote in the (ward) (election district) where I previously resided because I have  
21 changed my residence within the state from one ward or election district to another  
22 within 10 days before the election. I (certify) (swear) that I exhibited the enclosed bal-  
23 lot unmarked to the (2 witnesses) (person administering the oath), that I then in  
24 (their) (his) (her) presence and in the presence of no other person marked the ballot  
25 and enclosed and sealed the same in this envelope in such a manner that no one but

1 myself and any person rendering assistance under s. 6.87 (5), Wis. Stats., if I re-  
2 quested assistance, could know how I voted.

3 Signed ....

4 The (2 witnesses) (person administering the oath) shall execute either of the fol-  
5 lowing as appropriate:

6 We, the undersigned witnesses, subject to the penalties of s. 12.60 (1) (b), Wis.  
7 Stats., for false statements, certify that the above statements are true and the voting  
8 procedure was executed as there stated. Neither of us is a candidate for any office  
9 on the enclosed ballot (except in the case of an incumbent municipal clerk). The elec-  
10 tor was not solicited or advised by us to vote for or against any candidate or measure.

11 ....(Name)

12 ....(Address)

13 ....(Name)

14 ....(Address)

15 Subscribed and sworn to before me this .... day of ...., A.D., ...., and I hereby certi-  
16 fy that I am not a candidate on the ballot upon which the affiant voted (unless I am  
17 an incumbent municipal clerk), that the voting procedure above was executed as  
18 therein stated, and that the affiant was not solicited or advised by me to vote for or  
19 against any candidate or measure.

20 ....(Name)

21 ....(Title)

22 ....(State or nation)

23 **SECTION 8.** 6.88 (1) of the statutes is amended to read:

24 6.88 (1) When an absentee ballot arrives at the office of the municipal clerk,  
25 the clerk shall enclose it, unopened, in a carrier envelope which shall be securely

1 sealed and endorsed with the name and official title of the clerk, and the words "This  
2 envelope contains the ballot of an absent, ~~aged, sick, handicapped or disabled elector~~  
3 ~~or the ballot of an election official~~ and must be opened at the polls during polling  
4 hours on election day". The clerk shall keep the ballot in the clerk's office until deliv-  
5 ered, as required in sub. (2).

6 **SECTION 9. Initial applicability.**

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

9 (END)