



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-3768/1  
JK:wlj&jld

## 2015 SENATE BILL 711

February 9, 2016 – Introduced by Senators RISSER, CARPENTER, MILLER, VINEHOUT, HARRIS DODD and L. TAYLOR, cosponsored by Representatives MASON, SARGENT, SUBECK, OHNSTAD, ZEPNICK, SPREITZER, CONSIDINE, BERCEAU and SINICKI. Referred to Committee on Elections and Local Government.

1     **AN ACT to amend** 5.02 (16g), 6.02 (1), 6.02 (2), 6.05, 6.22 (6), 6.24 (1), 6.94, 7.52  
2           (5) (b), 8.15 (4) (a) and 8.40 (2) of the statutes; **relating to:** extending voting  
3           rights to certain 17-year-old individuals and requiring a referendum.

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***Analysis by the Legislative Reference Bureau***

Currently, in addition to other qualifications, an individual must be at least 18 years of age to vote at an election in this state. This bill allows an individual who is 17 years of age to vote at a partisan primary if the individual will be 18 years of age on the date on which the general election following the primary is held.

Because the bill extends the right to vote to a class of individuals beyond the class currently entitled to vote under the Wisconsin Constitution, the bill cannot become law unless, following enactment, it is approved by the majority of the votes cast at a statewide referendum to be held at the November 2016 general election.

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

4           **SECTION 1.** 5.02 (16g) of the statutes is amended to read:  
5           5.02 (16g) “Qualified circulator” means a qualified elector of this state or any  
6           U.S. citizen age 18 or older, or age 17 on the date of a partisan primary for a general

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1 election to be held on a date on which the citizen will be age 18, who, if he or she were  
2 a resident of this state, would not be disqualified from voting under s. 6.03.

3 **SECTION 2.** 6.02 (1) of the statutes is amended to read:

4 6.02 (1) Every U.S. citizen age 18 or older, or age 17 on the date of a partisan  
5 primary for a general election to be held on a date on which the citizen will be age  
6 18, who has resided in an election district or ward for 28 consecutive days before any  
7 election where the citizen offers to vote is an eligible elector.

8 **SECTION 3.** 6.02 (2) of the statutes is amended to read:

9 6.02 (2) Any U.S. citizen age 18 or older, or age 17 on the date of a partisan  
10 primary for a general election to be held on a date on which the citizen will be age  
11 18, who moves within this state later than 28 days before an election shall vote at  
12 his or her previous ward or election district if the person is otherwise qualified. If  
13 the elector can comply with the 28-day residence requirement at the new address  
14 and is otherwise qualified, he or she may vote in the new ward or election district.

15 **SECTION 4.** 6.05 of the statutes is amended to read:

16 **6.05 Election day age determines elector's voting rights.** Any person  
17 who will be at least 18 years old of age on or before election day is entitled to vote at  
18 an election if the person is otherwise qualified to vote and the person complies with  
19 this chapter. Any person who is 17 years of age on the date of a partisan primary for  
20 a general election to be held on the date on which the person will be 18 years of age  
21 is entitled to vote at the primary if the person is otherwise qualified to vote and the  
22 person complies with this chapter.

23 **SECTION 5.** 6.22 (6) of the statutes is amended to read:

24 6.22 (6) **MILITARY ELECTOR LIST.** Each municipal clerk shall keep an up-to-date  
25 list of all eligible military electors who reside in the municipality in the format

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1 prescribed by the board. The list shall contain the name, latest-known military  
2 residence and military mailing address of each military elector. The list shall  
3 indicate whether each elector whose name appears on the list is a military elector,  
4 as defined in s. 6.34 (1), and has so certified under s. 6.865 (3m). All persons ~~over~~ who  
5 are at least 18 years of age or who will be 18 years old prior to of age on the date of  
6 an election, or if voting in a partisan primary, who will be 18 years of age on the date  
7 of the general election following the primary, shall be listed and remain on the list  
8 for the duration of their tour of duty. The list shall be kept current through all  
9 possible means. Each clerk shall exercise reasonable care to avoid duplication of  
10 names or listing anyone who is not eligible to vote. Each clerk shall distribute one  
11 copy of the list to the each polling place in the municipality for use on election day.

12 **SECTION 6.** 6.24 (1) of the statutes is amended to read:

13 6.24 (1) DEFINITION. In this section, except as otherwise provided, “overseas  
14 elector” means a U.S. citizen who is not disqualified from voting under s. 6.03, who  
15 ~~has attained or will attain the age of 18 by~~ will be at least 18 years of age on the date  
16 of an election at which the citizen proposes to vote, or if voting in a partisan primary,  
17 who will be 18 years of age on the date of the general election following the primary,  
18 and who does not qualify as a resident of this state under s. 6.10, but who was last  
19 domiciled in this state or whose parent was last domiciled in this state immediately  
20 prior to the parent’s departure from the United States, and who is not registered to  
21 vote or voting in any other state, territory or possession.

22 **SECTION 7.** 6.94 of the statutes is amended to read:

23 **6.94 Challenged elector oath.** If the person challenged refuses to answer  
24 fully any relevant questions put to him or her by the inspector under s. 6.92, the  
25 inspectors shall reject the elector’s vote. If the challenge is not withdrawn after the

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1 person offering to vote has answered the questions, one of the inspectors shall  
2 administer to the person the following oath or affirmation: “You do solemnly swear  
3 (or affirm) that: you are at least 18 years of age, or if voting in a partisan primary for  
4 a general election to be held on a date that you will be 18 years of age, that you are  
5 17 years of age and will be 18 years of age on the date of the general election following  
6 the primary; you are a citizen of the United States; you are now and for 28  
7 consecutive days have been a resident of this ward except under s. 6.02 (2); you have  
8 not voted at this election; you have not made any bet or wager or become directly or  
9 indirectly interested in any bet or wager depending upon the result of this election;  
10 you are not on any other ground disqualified to vote at this election”. If the person  
11 challenged refuses to take the oath or affirmation, the person’s vote shall be rejected.  
12 If the person challenged answers fully all relevant questions put to the elector by the  
13 inspector under s. 6.92, takes the oath or affirmation, and fulfills the applicable  
14 registration requirements, and if the answers to the questions given by the person  
15 indicate that the person meets the voting qualification requirements, the person’s  
16 vote shall be received.

17 **SECTION 8.** 7.52 (5) (b) of the statutes is amended to read:

18 7.52 (5) (b) For the purpose of deciding upon ballots that are challenged for any  
19 reason, the board of absentee ballot canvassers may call before it any person whose  
20 absentee ballot is challenged if the person is available to be called. If the person  
21 challenged refuses to answer fully any relevant questions put to him or her by the  
22 board of absentee ballot canvassers under s. 6.92, the board of absentee ballot  
23 canvassers shall reject the person’s vote. If the challenge is not withdrawn after the  
24 person offering to vote has answered the questions, one of the members of the board  
25 of absentee ballot canvassers shall administer to the person the following oath or

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1 affirmation: “You do solemnly swear (or affirm) that: you are 18 years of age, or if  
2 voting in a partisan primary for a general election to be held on a date that you will  
3 be 18 years of age, that you are 17 years of age and will be 18 years of age on the date  
4 of the general election following the primary; you are a citizen of the United States;  
5 you are now and for 28 consecutive days have been a resident of this ward except  
6 under s. 6.02 (2), stats.; you have not voted at this election; you have not made any  
7 bet or wager or become directly or indirectly interested in any bet or wager depending  
8 upon the result of this election; you are not on any other ground disqualified to vote  
9 at this election.” If the person challenged refuses to take the oath or affirmation, the  
10 person’s vote shall be rejected. If the person challenged answers fully all relevant  
11 questions put to the elector by the board of absentee ballot canvassers under s. 6.92,  
12 takes the oath or affirmation, and fulfills the applicable registration requirements,  
13 and if the answers to the questions given by the person indicate that the person meets  
14 the voting qualification requirements, the person’s vote shall be received.

15 **SECTION 9.** 8.15 (4) (a) of the statutes is amended to read:

16 8.15 (4) (a) The certification of a qualified circulator stating his or her residence  
17 with street and number, if any, shall appear at the bottom of each nomination paper,  
18 stating he or she personally circulated the nomination paper and personally  
19 obtained each of the signatures; he or she knows they are electors of the ward,  
20 aldermanic district, municipality or county, as the nomination papers require; he or  
21 she knows they signed the paper with full knowledge of its content; he or she knows  
22 their respective residences given; he or she knows each signer signed on the date  
23 stated opposite his or her name; and, that he or she, the circulator, is a qualified  
24 elector of this state, or if not a qualified elector of this state, is a U.S. citizen age 18  
25 or older, or age 17 on the date of a partisan primary for a general election to be held

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1 on a date on which the circulator will be age 18, who, if he or she were a resident of  
2 this state, would not be disqualified from voting under s. 6.03, Wis. stats.; that he or  
3 she intends to support the candidate; and that he or she is aware that falsifying the  
4 certification is punishable under s. 12.13 (3) (a), Wis. stats. The circulator shall  
5 indicate the date that he or she makes the certification next to his or her signature.  
6 The certification may be made by the candidate or any qualified circulator.

7 **SECTION 10.** 8.40 (2) of the statutes is amended to read:

8 8.40 (2) The certification of a qualified circulator stating his or her residence  
9 with street and number, if any, shall appear at the bottom of each separate sheet of  
10 each petition specified in sub. (1), stating that he or she personally circulated the  
11 petition and personally obtained each of the signatures; that the circulator knows  
12 that they are electors of the jurisdiction or district in which the petition is circulated;  
13 that the circulator knows that they signed the paper with full knowledge of its  
14 content; that the circulator knows their respective residences given; that the  
15 circulator knows that each signer signed on the date stated opposite his or her name;  
16 that the circulator is a qualified elector of this state, or if not a qualified elector of this  
17 state, that the circulator is a U.S. citizen age 18 or older, or age 17 on the date of a  
18 partisan primary for a general election to be held on a date on which the circulator  
19 will be age 18, who, if he or she were a resident of this state, would not be disqualified  
20 from voting under s. 6.03, Wis. stats.; and that the circulator is aware that falsifying  
21 the certification is punishable under s. 12.13 (3) (a). The circulator shall indicate the  
22 date that he or she makes the certification next to his or her signature.

23 **SECTION 11. Nonstatutory provisions.**

24 (1) The following question shall be submitted to the vote of the electors at the  
25 general election to be held in November 2016: "Shall 2015 Wisconsin Act .... (this act),

