



2021 SENATE BILL 939

February 3, 2022 - Introduced by Senators STROEBEL, DARLING, FELZKOWSKI and MARKLEIN, cosponsored by Representatives GUNDRUM, ROZAR, ARMSTRONG, BEHNKE, BROOKS, CABRAL-GUEVARA, DITTRICH, KNODL, KRUG, MAGNAFICI, PENTERMAN, SANFELIPPO, WICHGERS and MURPHY. Referred to Committee on Elections, Election Process Reform and Ethics.

1 **AN ACT to repeal** 6.87 (4) (b) 3.; **to renumber and amend** 6.86 (1) (ar); **to**
2 **amend** 6.18 (intro.), 6.27, 6.30 (5), 6.33 (1), 6.36 (1) (a) 5., 6.86 (1) (a) 1., 6.86
3 (1) (ac), 6.86 (2m) (a), 6.87 (1), 6.87 (2) (intro.), 6.87 (4) (b) 1., 6.87 (4) (b) 2., 6.87
4 (4) (b) 5. and 12.60 (1) (a); and **to create** 6.86 (1) (as), 6.86 (8) and 12.13 (3) (md)
5 of the statutes; **relating to:** absentee ballot applications, unsolicited mailing
6 or transmission of absentee ballot applications and absentee ballots, secure
7 delivery of absentee ballots, canvassing absentee ballots, voter registration
8 requirements, electronic voter registration, and providing a penalty.

Analysis by the Legislative Reference Bureau

ABSENTEE BALLOTS

This bill makes a number of changes to the laws relating to absentee ballots in Wisconsin.

1. Applications for absentee ballots

Subject to an exception for certain voters at residential care facilities and qualified retirement homes, current law prohibits a municipal clerk from issuing an absentee ballot to a voter, including in person at the municipal clerk's office, unless the voter submits a written application for the absentee ballot. Current law does not prescribe a specific form of written application for requesting absentee ballots.

SENATE BILL 939

The bill requires the Elections Commission to prescribe the form and instructions of the absentee ballot application. The bill also requires the absentee ballot application to be separate and distinct from the certificate envelope in which voters must seal and submit absentee ballots, the outer portion of which includes certifications of both the voter and a witness. Additionally, the bill requires that the application require the voter to certify facts establishing that he or she is eligible to vote in the election and must include at least all of the following information:

- a. The voter's municipality and county of residence.
- b. The voter's name, date of birth, and contact information, including as applicable the voter's telephone number, fax number, and e-mail address.
- c. The street address of the voter's legal voting residence.
- d. The election at which the voter intends to vote absentee.
- e. Whether the voter is a military or overseas voter.
- f. The voter's confidential identification serial number if the voter has obtained a confidential listing for purposes of voting.
- g. The lawful method by which the voter prefers to receive the absentee ballot.
- h. Whether the voter is a hospitalized voter.

The bill provides that any municipal clerk issuing an absentee ballot without having received a completed application on the form prescribed by the Elections Commission under the bill that contains the voter's original written signature, a copy of the voter's original written signature if transmitted by facsimile transmission, or the voter's electronic signature if submitted in Portable Document Format (PDF) by e-mail, or the signature of a person authorized by law to sign on the voter's behalf, is subject to a Class I felony, which is punishable by a fine not to exceed \$10,000 or imprisonment not to exceed three years and six months, or both.

2. Automatic receipt of absentee ballots

In addition to indefinitely confined voters, as well as military and overseas voters, current law allows any other voter eligible to vote absentee in Wisconsin to apply for automatic receipt of absentee ballots for all elections occurring in the voter's municipality during the year of application.

Under this bill, a voter must submit a separate application for each primary and the election associated with that primary for which the voter wishes to receive absentee ballots automatically. The application must specify the primary and election to which the application applies. The municipal clerk is required to send an absentee ballot to the voter automatically only with respect to the primary and election specified in the application, except that if the voter fails to return the absentee ballot for the primary, the municipal clerk may not send an absentee ballot automatically to the voter for the election specified in the application.

3. Photo ID requirements for absentee voters

Current law requires most voters applying to vote absentee in an election to submit proof of identification, such as a driver's license, with their absentee ballot application. The municipal clerk must verify that the name on the proof of identification conforms to the name on the voter's absentee ballot application. However, current law exempts from that proof of identification requirement certain voters, including voters who received an absentee ballot from the municipal clerk by

SENATE BILL 939

mail for a previous election, had provided proof of identification with that ballot, and had not changed their name or address since providing that proof of identification. This bill eliminates that exemption from providing proof of identification when voting absentee.

4. Unsolicited mailing or transmission of absentee ballot applications and absentee ballots

The bill prohibits any municipal or county clerk or municipal or county board of election commissioners, and any person acting on behalf of the Elections Commission, from sending or transmitting an absentee ballot application or an absentee ballot to a voter for purposes of voting in an election unless the voter applies for the application or ballot as provided by law.

Additionally, under the bill, no candidate committee, legislative campaign committee, political action committee, independent expenditure committee, political party, recall committee, or referendum committee, as those terms are defined by law, may send or transmit an absentee ballot application to a voter that contains a return address for the application other than the address of the municipal clerk or board of election commissioners of the municipality where the voter is registered to vote.

5. Secure delivery of absentee ballots

Current law provides that a voter may make a written application to the municipal clerk to obtain an absentee ballot by mail, in person at the clerk's office or at an alternate absentee ballot site, by an agent for a hospitalized voter, by delivering an application to a special voting deputy, or electronically. The bill also allows a voter to use a for-profit commercial delivery service that moves parcels nationally and internationally to return an absentee ballot application or a completed absentee ballot.

Current law requires that an absentee ballot be returned by mail or in person to the municipal clerk. Under the bill, an absentee ballot must be returned by mail or by the voter, a member of the voter's immediate family, the voter's legal guardian, or another person designated by the voter to the office of the municipal clerk; to the municipal clerk at an alternate absentee ballot site; or to the voter's polling place on election day. If the voter designates a person to return the absentee ballot, the voter must make that designation in writing and the person designated to return the ballot must be a registered voter in this state. Under the bill, the voter may not designate a candidate on the ballot nor compensate the designated person to deliver the ballot. No person designated to deliver a ballot may deliver more than two ballots for any election for a person who is not a member of the person's immediate family. Under the bill, "immediate family" means persons who are related as spouses, as siblings, as parent and child, or as a grandparent or grandchild.

Finally, the bill prohibits a person from obtaining a marked absentee ballot from another person in order to deliver it to the municipal clerk or polling place, unless the person obtaining the ballot is a member of the voter's immediate family, the voter's legal guardian, or a person designated to return the ballot. A person who violates this prohibition is guilty of a Class I felony.

SENATE BILL 939**VOTER REGISTRATION*****1. Registration requirements***

The bill provides that no elector of this state may register to vote without providing the number of a valid driver's license or identification card issued to the elector by the Department of Transportation or the last four digits of the elector's social security number.

2. Electronic voter registration

Under current law, an individual holding a valid driver's license or identification card issued by the Department of Transportation and who is eligible to vote in Wisconsin may register electronically. The Elections Commission maintains an Internet site that is used by voting-eligible individuals for purposes of electronic registration, currently titled MyVote Wisconsin. Current law requires the commission to provide a secure registration form on that Internet site that enables the individual to enter and update the information necessary for purposes of voter registration. Upon the voter's authorization, the commission obtains the individual's electronic signature from DOT for purposes of authenticating the information provided by the individual. The bill requires the Elections Commission to maintain a version of the completed application that contains the voter's electronic signature.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

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

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

1 **SECTION 1.** 6.18 (intro.) of the statutes is amended to read:

2 **6.18 Former residents.** (intro.) If ineligible to qualify as an elector in the
3 state to which the elector has moved, any former qualified Wisconsin elector may
4 vote an absentee ballot in the ward of the elector's prior residence in any presidential
5 election occurring within 24 months after leaving Wisconsin by requesting an
6 application form and returning it, properly executed, to the municipal clerk of the
7 elector's prior Wisconsin residence. When requesting an application form for an
8 absentee ballot, the applicant shall specify the applicant's eligibility for only the

SENATE BILL 939

1 presidential ballot. Unless the applicant is exempted from providing proof of
2 identification under s. 6.87 (4) (b) 2. or ~~3.~~, or the applicant is a military or overseas
3 elector, the elector shall enclose a copy of his or her proof of identification or any
4 authorized substitute document with his or her application. The municipal clerk
5 shall verify that the name on the proof of identification conforms to the name on the
6 application. The clerk shall not issue a ballot to an elector who is required to enclose
7 a copy of proof of identification or an authorized substitute document with his or her
8 application unless the copy is enclosed and the proof is verified by the clerk. The
9 application form shall require the following information and be in substantially the
10 following form:

11 **SECTION 2.** 6.27 of the statutes is amended to read:

12 **6.27 Elector registration required.** Each elector shall register under this
13 chapter before voting in any election, except as authorized under ss. 6.15, 6.18, and
14 6.22. No elector may register to vote without providing the number of a current and
15 valid operator's license issued to the elector under ch. 343, the number of a current
16 and valid identification card issued to the elector under s. 343.50, or the last 4 digits
17 of the elector's social security account number.

18 **SECTION 3.** 6.30 (5) of the statutes is amended to read:

19 **6.30 (5) BY ELECTRONIC APPLICATION.** An eligible elector who holds a current and
20 valid operator's license issued under ch. 343 or a current and valid identification card
21 issued under s. 343.50 may register electronically in the manner prescribed by the
22 commission. The commission shall maintain on the Internet a secure registration
23 form that enables the elector to enter the information required under s. 6.33 (1)
24 electronically. An elector who registers electronically under this subsection must
25 authorize the commission to obtain from the department of transportation an

SENATE BILL 939**SECTION 3**

1 electronic copy of the elector's signature, which signature shall constitute an
2 affirmance that all information provided by the elector is correct and shall have the
3 same effect as if the elector had signed the application personally. The commission
4 shall include on the registration form a place for the elector to give this authorization.
5 Upon submittal of the electronic application, the commission shall obtain from the
6 department of transportation a copy of the electronic signature of the elector. The
7 commission shall maintain the a version of the completed application on file and,
8 which shall contain the elector's electronic signature, and shall notify the municipal
9 clerk or board of election commissioners of the municipality where the elector resides
10 of its receipt of each completed application. The commission shall also permit any
11 elector who has a current and valid operator's license issued to the elector under ch.
12 343 or a current and valid identification card issued under s. 343.50 to make changes
13 in his or her registration at the same Internet site that is used by electors for original
14 registration under this subsection. An elector shall attest to the correctness of any
15 changes in the same manner as provided in this subsection for information entered
16 on an application for original registration.

17 **SECTION 4.** 6.33 (1) of the statutes is amended to read:

18 6.33 (1) The commission shall prescribe the format, size, and shape of
19 registration forms. All nonelectronic forms shall be printed and each item of
20 information shall be of uniform font size, as prescribed by the commission. Except
21 as otherwise provided in this subsection, electronic forms shall contain the same
22 information as nonelectronic forms. The municipal clerk shall supply sufficient
23 forms to meet voter registration needs. The commission shall design the form to
24 obtain from each elector information as to name; date; residence location; location of
25 previous residence immediately before moving to current residence location;

SENATE BILL 939

1 citizenship; date of birth; age; the number of a current and valid operator's license
2 issued to the elector under ch. 343, the number of a current and valid identification
3 card issued under s. 343.50, or the last 4 digits of the elector's social security account
4 number; whether the elector has resided within the ward or election district for the
5 number of consecutive days specified in s. 6.02 (1); whether the elector has been
6 convicted of a felony for which he or she has not been pardoned, and if so, whether
7 the elector is incarcerated, or on parole, probation, or extended supervision; whether
8 the elector is disqualified on any other ground from voting; and whether the elector
9 is currently registered to vote at any other location. The commission shall include
10 on the nonelectronic form a space for the elector's signature and on the electronic
11 form the authorization specified under s. 6.30 (5). Below the space for the signature
12 or authorization, respectively, the commission shall include the following statement:
13 "Falsification of information on this form is punishable under Wisconsin law as a
14 Class I felony." The commission shall include on the form a space to enter the name
15 of any inspector, municipal clerk, or deputy clerk under s. 6.55 (2) who obtains the
16 form and a space for the inspector, clerk, or deputy clerk to sign his or her name,
17 affirming that the inspector, clerk, or deputy clerk has accepted the form. The
18 commission shall include on the form a space for entry of the ward and aldermanic
19 district, if any, where the elector resides and any other information required to
20 determine the offices and referenda for which the elector is certified to vote. The
21 commission shall also include on the form a space where the clerk may record an
22 indication of whether the form is received by mail or by electronic application, a space
23 where the clerk shall record an indication of the type of identifying document
24 submitted by the elector as proof of residence under s. 6.34 or an indication that the
25 elector's information in lieu of proof of residence was verified under s. 6.34 (2m), the

SENATE BILL 939**SECTION 4**

1 name of the entity or institution that issued the identifying document, and, if the
2 identifying document includes a number that applies only to the individual holding
3 that document, that number. The commission shall also include on the form a space
4 where the clerk, for any elector who possesses a valid voting identification card
5 issued to the person under s. 6.47 (3), may record the identification serial number
6 appearing on the voting identification card. Each county clerk shall obtain sufficient
7 registration forms for completion by an elector who desires to register to vote at the
8 office of the county clerk under s. 6.28 (4).

9 **SECTION 5.** 6.36 (1) (a) 5. of the statutes is amended to read:

10 6.36 (1) (a) 5. The number of a valid operator's license issued to the elector
11 under ch. 343, if any, the number of a current and valid identification card issued
12 under s. 343.50, if any, or the last 4 digits of the elector's social security account
13 number, if any.

14 **SECTION 6.** 6.86 (1) (a) 1. of the statutes is amended to read:

15 6.86 (1) (a) 1. By mail or by a for-profit commercial delivery service moving
16 parcels nationally and internationally.

17 **SECTION 7.** 6.86 (1) (ac) of the statutes is amended to read:

18 6.86 (1) (ac) Any elector qualifying under par. (a) may make written application
19 to the municipal clerk for an official ballot by means of facsimile transmission or
20 electronic mail. Any application under this paragraph ~~need not~~ shall contain a copy
21 of the applicant's original written signature. ~~An elector requesting a ballot under~~
22 ~~this paragraph shall return with the voted ballot a copy of the request bearing an~~
23 ~~original signature of the elector as provided in s. 6.87 (4) or contain the applicant's~~
24 electronic signature on the application form in portable document format (PDF).
25 Except as authorized in ss. 6.87 (4) (b) 2. ~~to~~, 4., and 5. and 6.875 (6), and

SENATE BILL 939

1 notwithstanding s. 343.43 (1) (f), the elector shall transmit a copy of his or her proof
2 of identification in the manner provided in s. 6.87 (1) unless the elector is a military
3 elector or an overseas elector or the elector has a confidential listing under s. 6.47 (2).

4 **SECTION 8.** 6.86 (1) (ar) of the statutes is renumbered 6.86 (1) (ar) 1. and
5 amended to read:

6 6.86 (1) (ar) 1. Except as authorized in s. 6.875 (6), the municipal clerk shall
7 not issue an absentee ballot unless the clerk receives ~~a written application therefor~~
8 from a qualified elector of the municipality a completed application in the form
9 prescribed by the commission under par. (as) that contains the elector's original
10 written signature, or, if application is made under par. (ac), that contains the elector's
11 electronic signature or a copy of the elector's original written signature, or the
12 signature of a person the elector authorizes to sign on the elector's behalf under par.
13 (ag) or sub. (3) (a). The clerk shall retain each absentee ballot application until
14 destruction is authorized under s. 7.23 (1). A municipal clerk issuing an absentee
15 ballot contrary to this subdivision is guilty of a Class I felony.

16 2. Except as authorized in s. 6.79 (6) and (7), if a qualified elector applies for
17 an absentee ballot in person at the clerk's office, the clerk shall not issue the elector
18 an absentee ballot unless the elector presents proof of identification. The clerk shall
19 verify that the name on the proof of identification presented by the elector conforms
20 to the name on the elector's application and shall verify that any photograph
21 appearing on that document reasonably resembles the elector. The clerk shall then
22 enter his or her initials on the certificate envelope indicating that the absentee
23 elector presented proof of identification to the clerk.

24 **SECTION 9.** 6.86 (1) (as) of the statutes is created to read:

SENATE BILL 939**SECTION 9**

1 6.86 (1) (as) The absentee ballot application form and instructions shall be
2 prescribed by the commission and shall be separate and distinct from the certificate
3 envelope prescribed in s. 6.87 (2). The application shall require the elector to certify
4 facts establishing that he or she is qualified to vote in the election at the municipality
5 of his or her legal voting residence and shall include at least all of the following
6 information:

7 1. The elector's municipality and county of residence.

8 2. The elector's name, date of birth, and contact information, including as
9 applicable the elector's telephone number, fax number, and electronic mail address.

10 3. The street address of the elector's legal voting residence.

11 4. The election at which the elector intends to vote absentee.

12 5. Whether the elector is a military or overseas elector.

13 6. The elector's confidential identification serial number if the elector has
14 obtained a confidential listing under s. 6.47 (2).

15 7. The lawful method by which the elector prefers to receive the absentee ballot.

16 8. Whether the elector is hospitalized for purposes of sub. (3).

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

18 6.86 (2m) (a) Except as provided in this subsection, any elector other than an
19 elector who receives an absentee ballot under sub. (2) or s. 6.22 (4) or 6.24 (4) (c) may
20 by written application filed with the municipal clerk of the municipality where the
21 elector resides require that an absentee ballot be sent to the elector automatically for
22 every a primary and its associated election ~~that is held within the same calendar year~~
23 ~~in which the application is filed.~~ An elector must submit a separate application for
24 each primary and the election associated with that primary, and the application shall
25 specify the primary and election to which the application applies. The application

SENATE BILL 939

1 form and instructions shall be prescribed by the commission, and furnished upon
2 request to any elector by each municipal clerk. The municipal clerk shall thereupon
3 mail an absentee ballot to the elector for ~~all elections that are held in the municipality~~
4 ~~during the same calendar year that the application is filed~~ the primary and election
5 to which the application applies, except that the clerk shall not send an absentee
6 ballot for an election if the elector's name appeared on the registration list in eligible
7 status for a previous election following the date of the application but no longer
8 appears on the list in eligible status. The municipal clerk shall ensure that any
9 envelope containing the absentee ballot is clearly marked as not forwardable. If an
10 elector who files an application under this subsection no longer resides at the same
11 address that is indicated on the application form, the elector shall so notify the
12 municipal clerk. ~~The municipal clerk shall discontinue mailing absentee ballots~~ may
13 not mail an absentee ballot to an elector under this subsection upon receipt of reliable
14 information that the elector no longer qualifies as an elector of the municipality. In
15 addition, ~~the municipal clerk shall discontinue mailing absentee ballots~~ may not
16 mail an absentee ballot to an elector under this subsection for the election specified
17 in the elector's application if the elector fails to return ~~any~~ the absentee ballot mailed
18 to the elector. ~~The municipal clerk shall notify the elector of any such action not~~
19 ~~taken at the elector's request within 5 days, if possible. An elector who fails to cast~~
20 ~~an absentee ballot but who remains qualified to receive absentee ballots under this~~
21 ~~subsection may then receive absentee ballots for subsequent elections by notifying~~
22 ~~the municipal clerk that the elector wishes to continue receiving absentee ballots for~~
23 ~~subsequent elections~~ for the primary specified in the elector's application.

24 **SECTION 11.** 6.86 (8) of the statutes is created to read:

SENATE BILL 939

1 6.86 (8) (a) No municipal or county clerk or municipal or county board of
2 election commissioners, and no person acting on behalf of the commission, may send
3 or transmit an absentee ballot application or an absentee ballot to an elector for
4 voting in an election unless the elector applies for the application or ballot as
5 provided by law.

6 (b) No committee, as defined in s. 11.0101 (6), may send or transmit an absentee
7 ballot application to an elector that contains a return address for the application
8 other than the address of the municipal clerk or board of election commissioners of
9 the municipality where the elector is registered to vote.

10 **SECTION 12.** 6.87 (1) of the statutes is amended to read:

11 6.87 (1) Upon proper request made within the period prescribed in s. 6.86, the
12 municipal clerk or a deputy clerk authorized by the municipal clerk shall write on
13 the official ballot, in the space for official endorsement, the clerk's initials, which may
14 not be preprinted or stamped, and official title. Unless application is made in person
15 under s. 6.86 (1) (ar), the absent elector is exempted from providing proof of
16 identification under sub. (4) (b) 2. ~~or 3.~~, or the applicant is a military or overseas
17 elector, the absent elector shall enclose a copy of his or her proof of identification or
18 any authorized substitute document with his or her application. The municipal clerk
19 shall verify that the name on the proof of identification conforms to the name on the
20 application. The clerk shall not issue an absentee ballot to an elector who is required
21 to enclose a copy of proof of identification or an authorized substitute document with
22 his or her application unless the copy is enclosed and the proof is verified by the clerk.

23 **SECTION 13.** 6.87 (2) (intro.) of the statutes is amended to read:

24 6.87 (2) (intro.) Except as authorized under sub. (3) (d), the municipal clerk
25 shall place the ballot in an unsealed envelope furnished by the clerk. The envelope

SENATE BILL 939

1 shall have the name, official title and post-office address of the clerk upon its face.
2 The other side of the envelope shall have a printed certificate which shall include a
3 space for the municipal clerk or deputy clerk to ~~enter~~ write his or her initials
4 indicating that if the absentee elector voted in person under s. 6.86 (1) (ar), the elector
5 presented proof of identification to the clerk and the clerk verified the proof
6 presented. The certificate shall also include a space for the municipal clerk or deputy
7 clerk to ~~enter~~ write his or her initials indicating that the elector is exempt from
8 providing proof of identification because the individual is a military elector or an
9 overseas elector who does not qualify as a resident of this state under s. 6.10 or is
10 exempted from providing proof of identification under sub. (4) (b) 2. ~~or 3.~~ The
11 certificate shall be in substantially the following form:

12 **SECTION 14.** 6.87 (4) (b) 1. of the statutes is amended to read:

13 6.87 (4) (b) 1. Except as otherwise provided in s. 6.875, an elector voting
14 absentee, other than a military elector or an overseas elector, shall make and
15 subscribe to the certification before one witness who is an adult U.S. citizen. A
16 military elector or an overseas elector voting absentee, regardless of whether the
17 elector qualifies as a resident of this state under s. 6.10, shall make and subscribe
18 to the certification before one witness who is an adult but who need not be a U.S.
19 citizen. The absent elector, in the presence of the witness, shall mark the ballot in
20 a manner that will not disclose how the elector's vote is cast. The elector shall then,
21 still in the presence of the witness, fold the ballots so each is separate and so that the
22 elector conceals the markings thereon and deposit them in the proper envelope. If
23 a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot so that
24 the elector conceals the markings thereon and deposit the ballot in the proper
25 envelope. If proof of residence under s. 6.34 is required and the document enclosed

SENATE BILL 939**SECTION 14**

1 by the elector under this subdivision does not constitute proof of residence under s.
2 6.34, the elector shall also enclose proof of residence under s. 6.34 in the envelope.
3 Except as provided in s. 6.34 (2m), proof of residence is required if the elector is not
4 a military elector or an overseas elector and the elector registered by mail or by
5 electronic application and has not voted in an election in this state. If the elector
6 requested a ballot by means of facsimile transmission or electronic mail under s. 6.86
7 (1) (ac), the elector shall enclose in the envelope a copy of the request which bears an
8 original written signature of the elector. The elector may receive assistance under
9 sub. (5). The return envelope shall then be sealed. The witness may not be a
10 candidate. The envelope shall be mailed by the elector, ~~or delivered in person,~~ by the
11 elector, a member of the elector's immediate family, or the elector's legal guardian
12 to the office of the municipal clerk issuing the ballot or ballots; to the municipal clerk
13 at an alternate absentee ballot site under s. 6.855; or to the elector's polling place on
14 election day. The elector may also designate, in writing, one person who is registered
15 to vote in this state to deliver the return envelope as provided in this subdivision,
16 except that the elector may not designate a candidate on the ballot nor compensate
17 the person to deliver the envelope. No person designated to deliver a return envelope
18 may deliver more than 2 envelopes for any election for persons who are not members
19 of the person's immediate family. If the envelope is mailed from a location outside
20 the United States, the elector shall affix sufficient postage unless the ballot qualifies
21 for delivery free of postage under federal law. Failure to return an unused ballot in
22 a primary does not invalidate the ballot on which the elector's votes are cast. Return
23 of more than one marked ballot in a primary or return of a ballot prepared under s.
24 5.655 or a ballot used with an electronic voting system in a primary which is marked
25 for candidates of more than one party invalidates all votes cast by the elector for

SENATE BILL 939

1 candidates in the primary. In this subdivision, “immediate family” means persons
2 who are related as spouses, as siblings, as parent and child, or as a grandparent or
3 grandchild. For purposes of this subdivision, the return of an envelope by mail
4 includes the return of an envelope by a for-profit commercial delivery service moving
5 parcels nationally and internationally.

6 **SECTION 15.** 6.87 (4) (b) 2. of the statutes is amended to read:

7 6.87 (4) (b) 2. ~~Unless subd. 3. applies, if~~ If the absentee elector has applied for
8 and qualified to receive absentee ballots automatically under s. 6.86 (2) (a), the
9 elector may, in lieu of providing proof of identification, submit with his or her
10 absentee ballot a statement signed by the same individual who witnesses voting of
11 the ballot which contains the name and address of the elector and verifies that the
12 name and address are correct.

13 **SECTION 16.** 6.87 (4) (b) 3. of the statutes is repealed.

14 **SECTION 17.** 6.87 (4) (b) 5. of the statutes is amended to read:

15 6.87 (4) (b) 5. Unless subd. ~~3. or~~ 4. applies, if the absentee elector resides in a
16 qualified retirement home, as defined in s. 6.875 (1) (at), or a residential care facility,
17 as defined in s. 6.875 (1) (bm), and the municipal clerk or board of election
18 commissioners of the municipality where the facility or home is located does not send
19 special voting deputies to visit the facility or home at the election under s. 6.875, the
20 elector may, in lieu of providing proof of identification, submit with his or her
21 absentee ballot a statement signed by the same individual who witnesses voting of
22 the ballot that contains the certification of an authorized representative of the
23 facility or home that the elector resides in the facility or home and the facility or home
24 is certified or registered as required by law, that contains the name and address of
25 the elector, and that verifies that the name and address are correct.

