



2023 ASSEMBLY BILL 299

May 25, 2023 - Introduced by Representatives SORTWELL, ORTIZ-VELEZ, ALLEN, BEHNKE, BINSFELD, GUNDRUM, GUSTAFSON, MAXEY, MYERS, STEFFEN, SUBECK, WICHGERS and KRUG, cosponsored by Senators CABRAL-GUEVARA, TAYLOR, BALLWEG, STROEBEL and TOMCZYK. Referred to Committee on Campaigns and Elections.

1 **AN ACT** *to amend* 6.18 (intro.), 6.87 (1), 6.87 (2) (intro.) and 6.87 (4) (b) 3.; and
2 *to create* 19.36 (14) of the statutes; **relating to:** requiring identification of a
3 military voter for voting absentee.

Analysis by the Legislative Reference Bureau

Current law does not require a military voter to provide proof of identification when applying for an absentee ballot. This bill requires a military voter to provide his or her federal Department of Defense number on the application for an absentee ballot and requires the municipal clerk to verify with the state Department of Military Affairs that the DOD number conforms to the voter's name on the application. The military voter is also required to complete a consent for release of information form provided by the clerk and approved by the DOD. If the clerk is unable to verify the DOD number before election day, the ballot is considered to be a provisional ballot. If the clerk is unable to verify the number before 4 p.m. on the Friday following the election, the ballot will not be counted, but the clerk will continue his or her efforts to verify the voter's DOD number so the voter may use that number to vote at subsequent elections. Generally, under current law, a voter must present proof of identification when applying for an absentee ballot and the municipal clerk must verify that the proof of identification conforms to the voter's name on the application.

Under the bill, if a military voter elects to return his or her absentee ballot by electronic mail and does so no later than 30 days before the election, the clerk has 90 days following the election to verify the voter's DOD number. If a military voter

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mails in the absentee ballot or votes absentee in person, the clerk must verify the elector's DOD number within 48 hours after receiving the ballot. Also, if the military voter elects to return his or her absentee ballot by electronic mail, the voter must return the ballot using his or her DOD electronic mail address.

Under current law, if a voter has received an absentee ballot by mail for a previous election, submitted proof of identification, and has not changed his or her name or address since providing proof of identification, the voter is not required to provide proof of identification with subsequent absentee ballot applications. Under the bill, if a military voter has received an absentee ballot by mail for a previous election, submitted his or her DOD number, and has not changed his or her name or address since providing that number, the military voter is not required to provide his or her DOD number with subsequent absentee ballot applications, except the military voter must provide his or her DOD number at least once every six years.

Under the bill, the public does not have access to a military voter's DOD number provided for purposes of obtaining an absentee ballot.

Current law allows a military voter to use the federal postcard registration and absentee ballot request form to apply for an absentee ballot. If a military voter has a Wisconsin-issued photo identification or a social security number, the military voter must provide a copy of that identification or the last four digits of his or her social security number. If the military voter has neither, the voter must indicate that on the form, but is still eligible to receive and complete an absentee ballot. This bill does not affect the use of the federal postcard registration and absentee ballot request form.

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
9 presidential ballot. Unless the applicant is exempted from providing proof of
10 identification under s. 6.87 (4) (b) 2. or 3., or the applicant is a military or overseas

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1 elector, the elector shall enclose a copy of his or her proof of identification or any
2 authorized substitute document with his or her application. A military elector shall
3 write his or her department of defense number on the elector's application and
4 complete a consent for release of information form provided by the clerk and as
5 approved by the department of defense. The municipal clerk shall verify that the
6 name on the proof of identification conforms to the name on the application and verify
7 with the department of military affairs that the department of defense number
8 provided by a military elector conforms to the name on the application. The clerk
9 shall not issue a ballot to an elector who is required to enclose a copy of proof of
10 identification or an authorized substitute document with his or her application
11 unless the copy is enclosed and the proof is verified by the clerk. The clerk shall not
12 issue an absentee ballot to an elector who is required to provide his or her department
13 of defense number unless the number is provided. If the number is not included on
14 the application, the clerk shall make a good faith effort to contact the military elector
15 and request his or her department of defense number. If a military elector elects to
16 return the ballot by electronic mail and does so no later than 30 days before the
17 election, the clerk has 90 days following the election to verify the elector's
18 department of defense number. In addition, if the military elector elects to return
19 the ballot by electronic mail, the military elector shall return the ballot by using his
20 or her department of defense electronic mail address. If a military elector mails in
21 the ballot or votes absentee in person, the clerk shall verify the elector's department
22 of defense number within 48 hours after receiving the ballot. If the clerk is unable
23 to verify the number prior to election day, the clerk shall issue the ballot, but the
24 ballot shall be considered a provisional ballot under s. 6.97. If the clerk is unable to
25 verify the number before 4 p.m. on the Friday following the election, the provisional

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1 ballot shall not be counted, but the clerk shall continue his or her efforts to verify the
2 elector's department of defense number so the elector may use that number to vote
3 at subsequent elections. The application form shall require the following
4 information and be in substantially the following form:

5 **SECTION 2.** 6.87 (1) of the statutes is amended to read:

6 6.87 (1) Upon proper request made within the period prescribed in s. 6.86, the
7 municipal clerk or a deputy clerk authorized by the municipal clerk shall write on
8 the official ballot, in the space for official endorsement, the clerk's initials and official
9 title. Unless application is made in person under s. 6.86 (1) (ar), the absent elector
10 is exempted from providing proof of identification under sub. (4) (b) 2. or 3., or the
11 applicant is a military or overseas elector, the absent elector shall enclose a copy of
12 his or her proof of identification or any authorized substitute document with his or
13 her application. A military elector shall write his or her department of defense
14 number on the elector's application and complete a consent for release of information
15 form provided by the clerk and as approved by the department of defense. The
16 municipal clerk shall verify that the name on the proof of identification conforms to
17 the name on the application and verify with the department of military affairs that
18 the department of defense number provided by a military elector conforms to the
19 name on the application. The clerk shall not issue an absentee ballot to an elector
20 who is required to enclose a copy of proof of identification or an authorized substitute
21 document with his or her application unless the copy is enclosed and the proof is
22 verified by the clerk. The clerk shall not issue an absentee ballot to an elector who
23 is required to provide his or her department of defense number unless the number
24 is provided. If the number is not included on the application, the clerk shall make
25 a good faith effort to contact the military elector and request his or her department

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1 of defense number. If a military elector elects to return the ballot by electronic mail
2 and does so no later than 30 days before the election, the clerk has 90 days following
3 the election to verify the elector's department of defense number. In addition, if the
4 military elector elects to return the ballot by electronic mail, the military elector shall
5 return the ballot by using his or her department of defense electronic mail address.
6 If a military elector mails in the ballot or votes absentee in person, the clerk shall
7 verify the elector's department of defense number within 48 hours after receiving the
8 ballot. If the clerk is unable to verify the number prior to election day, the clerk shall
9 issue the ballot, but the ballot shall be considered a provisional ballot under s. 6.97.
10 If the clerk is unable to verify the number before 4 p.m. on the Friday following the
11 election, the provisional ballot shall not be counted, but the clerk shall continue his
12 or her efforts to verify the elector's department of defense number so the elector may
13 use that number to vote at subsequent elections.

14 **SECTION 3.** 6.87 (2) (intro.) of the statutes is amended to read:

15 6.87 (2) (intro.) Except as authorized under sub. (3) (d), the municipal clerk
16 shall place the ballot in an unsealed envelope furnished by the clerk. The envelope
17 shall have the name, official title and post-office address of the clerk upon its face.
18 The other side of the envelope shall have a printed certificate which shall include a
19 space for the municipal clerk or deputy clerk to enter his or her initials indicating
20 that if the absentee elector voted in person under s. 6.86 (1) (ar), the elector presented
21 proof of identification to the clerk and the clerk verified the proof presented. The
22 certificate shall also include a space for the municipal clerk or deputy clerk to enter
23 his or her initials indicating that the elector is exempt from providing proof of
24 identification because the individual is a military elector or an overseas elector who
25 does not qualify as a resident of this state under s. 6.10 or is exempted from providing

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1 proof of identification under sub. (4) (b) 2. or 3. The certificate shall include a space
2 for the municipal clerk or deputy clerk to enter his or her initials that a military
3 elector provided his or her department of defense number, and submitted a
4 completed consent for release of information form, and that the clerk verified that
5 the number corresponds to the elector, as provided in sub. (1). The certificate shall
6 be in substantially the following form:

7 **SECTION 4.** 6.87 (4) (b) 3. of the statutes is amended to read:

8 6.87 (4) (b) 3. If the absentee elector has received an absentee ballot from the
9 municipal clerk by mail for a previous election, has provided proof of identification
10 with that ballot, and has not changed his or her name or address since providing that
11 proof of identification, the elector is not required to provide proof of identification.
12 If a military elector has received an absentee ballot from the municipal clerk by mail
13 for a previous election, has provided his or her department of defense number, and
14 has not changed his or her name or address since providing that number, the military
15 elector is not required to provide his or her department of defense number, except
16 that the military elector shall provide the number at least once every 6 years.

17 **SECTION 5.** 19.36 (14) of the statutes is created to read:

18 19.36 (14) DEPARTMENT OF DEFENSE NUMBERS. Unless access is specifically
19 authorized or required by statute, an authority shall not provide access under s.
20 19.35 (1) to a military elector's department of defense number provided pursuant to
21 ss. 6.18 and 6.87 (1), (2) (intro.), and (4) (b) 3.

22 **SECTION 6. Nonstatutory provisions.**

23 (1) The department of military affairs shall work with the federal department
24 of defense to develop a consent for release of information form, as described under

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1 ss. 6.18 and 6.87 (1) and (2) (intro.), so that the form is available no later than
2 January 1, 2024.

3 (2) The elections commission shall send notice of the process described in this
4 act, along with a copy of the consent form developed under sub. (1), to the municipal
5 clerks no later than March 1, 2024.

6 **SECTION 7. Initial applicability.**

7 (1) This act first applies to primaries and elections held after March 1, 2024.

8 (END)