

State of Wisconsin



2023 Assembly Bill 494

Date of enactment:
Date of publication*:

2023 WISCONSIN ACT

AN ACT *to repeal* 6.87 (4) (b) 2.; *to amend* 6.18 (intro.), 6.86 (1) (ac), 6.86 (2) (a), 6.86 (2) (b), 6.87 (1), 6.87 (2) (intro.) and 12.60 (1) (b); and *to create* 6.86 (2) (c) and 12.13 (3) (ig) of the statutes; **relating to:** status as an indefinitely confined voter for purposes of automatically receiving absentee ballots and providing a penalty.

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

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

6.18 Former residents. (intro.) If ineligible to qualify as an elector in the state to which the elector has moved, any former qualified Wisconsin elector may vote an absentee ballot in the ward of the elector's prior residence in any presidential election occurring within 24 months after leaving Wisconsin by requesting an application form and returning it, properly executed, to the municipal clerk of the elector's prior Wisconsin residence. When requesting an application form for an absentee ballot, the applicant shall specify the applicant's eligibility for only the presidential ballot. Unless the applicant is exempted from providing proof of identification under s. 6.87 (4) (b) ~~2.~~ ~~or~~ 3., or the applicant is a military or overseas elector, the elector shall enclose a copy of his or her proof of identification or any authorized substitute document with his or her application. The municipal clerk shall verify that the name on the proof of identification conforms to the name on the application. The clerk shall not issue a ballot to an elector who is required to enclose a copy of proof of identification or an authorized substitute document with his or her application unless the copy is enclosed and the proof is verified by the

clerk. The application form shall require the following information and be in substantially the following form:

SECTION 2. 6.86 (1) (ac) of the statutes is amended to read:

6.86 (1) (ac) Any elector qualifying under par. (a) may make written application to the municipal clerk for an official ballot by means of facsimile transmission or electronic mail. Any application under this paragraph need not contain a copy of the applicant's original signature. An elector requesting a ballot under this paragraph shall return with the voted ballot a copy of the request bearing an original signature of the elector as provided in s. 6.87 (4). Except as authorized in ss. 6.87 (4) (b) ~~2.~~ ~~3.~~ to 5. and 6.875 (6), and notwithstanding s. 343.43 (1) (f), the elector shall transmit a copy of his or her proof of identification in the manner provided in s. 6.87 (1) unless the elector is a military elector or an overseas elector or the elector has a confidential listing under s. 6.47 (2).

SECTION 3. 6.86 (2) (a) of the statutes is amended to read:

6.86 (2) (a) An elector who is indefinitely confined and cannot travel independently without significant burden because of age frailty, physical illness, or infirmity ~~or is disabled for an indefinite period~~ a disability that is expected to last longer than one year ~~may by signing a statement to that effect require that~~ apply to have an

* Section 991.11, WISCONSIN STATUTES: 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."

absentee ballot be sent to the elector automatically for every election. The indefinitely confined status application form and instructions shall be prescribed by the commission, shall be separate and distinct from any other application for absentee ballots prescribed by the commission, except that any other such application shall clearly and prominently in at least 12-point font indicate that a voter who is indefinitely confined may apply for indefinitely confined status by completing a separate form, shall clearly and prominently in at least 12-point font state the penalty for making a false statement in the application to receive indefinitely confined status, and shall be furnished upon request to any elector by each municipality. The envelope containing the absentee ballot shall be clearly marked as not forwardable. If any elector is no longer indefinitely confined, the elector shall so notify the municipal clerk, and the municipal clerk shall remove the elector from the indefinitely confined mailing list. The existence of an outbreak or epidemic of a communicable disease in an elector's community does not qualify the elector as indefinitely confined for purposes of receiving absentee ballots automatically under this subsection.

SECTION 4. 6.86 (2) (b) of the statutes is amended to read:

6.86 (2) (b) The mailing list established under this subsection shall be kept current through all possible means. If an elector fails to cast and return an absentee ballot received requested under this subsection with respect to a spring or general election, the clerk shall notify the elector by 1st class letter or postcard that his or her name will be removed from the mailing list unless the clerk receives a renewal of the application within 30 days of the notification. The clerk shall remove from the list the name of each elector who does not apply for renewal within the 30-day period. The clerk shall remove the name of any other elector from the list upon request of the elector ~~or~~, upon receipt of reliable information that an the elector is no longer qualifies for the service indefinitely confined and cannot travel independently without significant burden because of frailty, physical illness, or a disability that is expected to last longer than one year, if the elector casts an absentee ballot in person at the municipal clerk's office, or if the elector votes at the polls in any election. The clerk shall notify the elector of such action not taken at the elector's request within 5 days, if possible.

SECTION 5. 6.86 (2) (c) of the statutes is created to read:

6.86 (2) (c) 1. Except as provided in subd. 2., each elector who possesses proof of identification must submit a copy of the elector's proof of identification with each application for indefinitely confined status under this subsection.

2. An elector who applies for indefinitely confined status using the application form prescribed by the com-

mission under par. (a) is not required to provide proof of identification under subd. 1. if, at the time of application, the elector provides the number of a current and valid operator's license issued under ch. 343, or the number of a current and valid identification card issued under s. 343.50, together with the elector's name and date of birth, and the commission is able to verify the elector's information using the system maintained under s. 6.34 (4).

3. An elector applying for indefinitely confined status under this subsection who does not possess proof of identification shall submit with his or her application an affirmation of the elector that the elector is indefinitely confined and cannot travel independently without significant burden because of frailty, physical illness, or a disability that is expected to last longer than one year; an affirmation of a U.S. citizen who is 18 years of age or older that affirms the elector's identity; the last 4 digits of the elector's social security account number; and a statement of the elector authorizing the commission to use the last 4 digits of the elector's social security account number to verify the elector's identity. The application form prescribed by the commission shall include the affirmations.

4. The clerk shall affirm in writing on the application form prescribed by the commission under par. (a) that the elector provided proof of identification with his or her application or that the elector provided the information and documentation required under subd. 2. or 3. if the elector did not provide proof of identification.

SECTION 6. 6.87 (1) of the statutes is amended to read:

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

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

6.87 (2) (intro.) Except as authorized under sub. (3) (d), the municipal clerk shall place the ballot in an unsealed envelope furnished by the clerk. The envelope shall have the name, official title and post-office address of the clerk upon its face. The other side of the envelope

shall have a printed certificate which shall include a space for the municipal clerk or deputy clerk to enter his or her initials indicating that if the absentee elector voted in person under s. 6.86 (1) (ar), the elector presented proof of identification to the clerk and the clerk verified the proof presented. The certificate shall also include a space for the municipal clerk or deputy clerk to enter his or her initials indicating that the elector is exempt from providing proof of identification because the individual is a military elector or an overseas elector who does not qualify as a resident of this state under s. 6.10 or is exempted from providing proof of identification under sub. (4) (b) ~~2~~ or 3. The certificate shall be in substantially the following form:

SECTION 8. 6.87 (4) (b) 2. of the statutes is repealed.

SECTION 9. 12.13 (3) (ig) of the statutes is created to read:

12.13 (3) (ig) Falsely make any statement for the purpose of qualifying as indefinitely confined under s. 6.86 (2) (a) or (b).

SECTION 10. 12.60 (1) (b) of the statutes is amended to read:

12.60 (1) (b) Whoever violates s. 12.03, 12.05, 12.07, 12.08 or 12.13 (2) (b) 8., ~~or~~ (3) (b), (c), (d), (g), (i), ~~(ig)~~, (n) to (x), (ze), (zm) or (zn) may be fined not more than \$1,000, or imprisoned not more than 6 months or both.

SECTION 11. Nonstatutory provisions.

(1) No later than the first day of the 3rd month beginning after the effective date of this subsection, the elections commission shall facilitate the removal from the mailing list maintained under s. 6.86 (2) of each elector who applied for automatic receipt of absentee ballots under s. 6.86 (2) (a) during the period beginning on March 12, 2020, and ending on November 3, 2020. The elector's municipal clerk or board of election commissioners shall notify the elector of such removal within 5 days after the action is taken, if possible.

(2) No elector who is removed under sub. (1) from the mailing list under s. 6.86 (2) may receive an absentee ballot under s. 6.86 (2) unless the elector reapplies for automatic receipt of absentee ballots under s. 6.86 (2) (a).