

## 1999 SENATE BILL 42

February 16, 1999 – Introduced by Senators RISSE, ROBSON, BURKE, RUDE, GEORGE, PLACHE, WELCH, A. LASEE, SHIBILSKI, JAUCH and CLAUSING, cosponsored by Representatives M. LEHMAN, KRUG, BOCK, GROTHMAN, URBAN, ZIEGELBAUER, SPILLNER, BLACK, CULLEN, SCHOOFF, PLOUFF, PLALE, J. LEHMAN, MUSSER, MEYER, TURNER, COLON, TRAVIS, HASENOHRL, WASSERMAN, OLSEN and DUFF. Referred to Committee on Economic Development, Housing and Government Operations.

1 **AN ACT to repeal** 6.865 (2); **to renumber and amend** 6.85; **to consolidate,**  
 2 **renumber and amend** 6.865 (intro.) and (1); **to amend** 6.85 (title), 6.86 (1) (a)  
 3 (intro.), 6.86 (1) (b), 6.86 (3) (a), 6.87 (2) and 6.88 (1); and **to create** 6.85 (2) of  
 4 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 obtain and cast an absentee ballot for any election by making application to the municipality where the elector resides.

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 obtain and cast an absentee ballot at that election by making application to the municipality where the elector resides. The elector does not need to give a reason 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:***

**SENATE BILL 42****SECTION 1**

1           **SECTION 1.** 6.85 (title) of the statutes is amended to read:

2           **6.85** (title) **Absent elector; definition qualification.**

3           **SECTION 2.** 6.85 of the statutes is renumbered 6.85 (1) and amended to read:

4           **6.85 (1)** An absent elector is any otherwise qualified elector who ~~is or expects~~  
5 ~~to be absent from the municipality in which the absent elector is a qualified elector~~  
6 ~~on election day whether by reason of active service in the U.S. armed forces or for any~~  
7 ~~other reason, or who because of age, sickness, handicap, physical disability, jury duty,~~  
8 ~~service as an election official or religious reasons cannot appear at wishes to cast his~~  
9 ~~or her vote at a location other than the polling place in his or her ward. No person~~  
10 ~~under the age of 70 qualifies as an absent elector solely because of age for the ward~~  
11 ~~or election district where the elector resides.~~

12           **(3)** Any otherwise qualified elector who changes residence within this state by  
13 moving to a different ward or municipality later than 10 days prior to an election may  
14 vote ~~an~~ by absentee ballot in the ward or municipality where he or she was qualified  
15 to vote before ~~moving~~ changing his or her residence.

16           **(4)** An elector qualifying under this section may vote by absentee ballot under  
17 ss. 6.86 to 6.89.

18           **SECTION 3.** 6.85 (2) of the statutes is created to read:

19           **6.85 (2)** Except as provided in sub. (3), an absent elector shall apply for an  
20 absentee ballot with the municipal clerk of the municipality where the elector  
21 resides.

22           **SECTION 4.** 6.86 (1) (a) (intro.) of the statutes is amended to read:

23           **6.86 (1)** (a) (intro.) Any elector, ~~qualifying under ss. 6.20 and 6.85 as an absent~~  
24 ~~elector,~~ may make written application to the appropriate municipal clerk under s.  
25 6.85 for an official ballot by one of the following methods:

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1           **SECTION 5.** 6.86 (1) (b) of the statutes is amended to read:

2           6.86 (1) (b) Except as provided in this section, if application is made in writing,  
3 the application, signed by the elector, shall be received no later than 5 p.m. on the  
4 Friday immediately preceding the election. If application is made in person, the  
5 application shall be made no later than 5 p.m. on the day preceding the election. If  
6 the elector is making written application and the application indicates that the  
7 reason for requesting an absentee ballot is that the elector is a sequestered juror, the  
8 application shall be received no later than 5 p.m. on election day. If the application  
9 is received after 5 p.m. on the Friday immediately preceding the election, the  
10 municipal clerk or the clerk's agent shall immediately take the ballot to the court in  
11 which the elector is serving as a juror and deposit it with the judge. The judge shall  
12 recess court, as soon as convenient, and give the elector the ballot. The judge shall  
13 then notarize the affidavit as provided in s. 6.87 and shall deliver the ballot to the  
14 clerk or agent of the clerk who shall deliver it to the polling place as required in s.  
15 6.88. If application is made under sub. (2), the application may be received no later  
16 than 5 p.m. on the Friday immediately preceding the election.

17           **SECTION 6.** 6.86 (3) (a) of the statutes is amended to read:

18           6.86 (3) (a) Any elector who is registered, or otherwise qualified where  
19 registration is not required, and who ~~qualifies under ss. 6.20 and 6.85 as an absent~~  
20 ~~elector because the elector is hospitalized,~~ may apply for and obtain an official ballot  
21 by agent. The agent may apply for and obtain a ballot for the hospitalized absent  
22 elector by presenting a form prescribed by the board and containing the required  
23 information supplied by the hospitalized elector and signed by that elector and any  
24 other elector residing in the same municipality as the hospitalized elector,

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1 corroborating the information contained therein. The corroborating elector shall  
2 state on the form his or her full name and address.

3 **SECTION 7.** 6.865 (intro.) and (1) of the statutes are consolidated, renumbered  
4 6.865 and amended to read:

5 **6.865 Federal postcard request form.** A federal postcard registration and  
6 absentee ballot request form may be used to apply for an absentee ballot under s. 6.86  
7 (1) if the form is completed in such manner that the municipal clerk or board of  
8 election commissioners with whom it is filed is able to determine ~~all of the following:~~  
9 ~~(1) That~~ that the applicant is an elector of this state and of the ward or election  
10 district where the elector seeks to vote.

11 **SECTION 8.** 6.865 (2) of the statutes is repealed.

12 **SECTION 9.** 6.87 (2) of the statutes is amended to read:

13 **6.87 (2)** The municipal clerk shall place the ballot in an unsealed envelope  
14 furnished by the clerk. The envelope shall have the name, official title and  
15 post-office address of the clerk upon its face. The other side of the envelope shall  
16 have a printed certificate-affidavit in substantially the following form:

17 [STATE OF ....

18 County of ....]

19 or

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

21 I, ....., (certify) (do solemnly swear) subject to the penalties of s. 12.60 (1) (b), Wis.  
22 Stats., for false statements that I am a resident of the [... ward of the] (town) (village)  
23 of ....., or of the .... aldermanic district in the city of ....., residing at .... in said city, the  
24 county of ....., state of Wisconsin, and am entitled to vote in the (ward) (election  
25 district) at the election to be held on ....; that I am not voting at any other location

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1 in this election; that I ~~cannot appear at~~ wish to vote in this election at a location other  
2 than the polling place ~~in the~~ for that (ward) (election district) on election day because  
3 I ~~expect to be absent from the municipality or because of age, sickness, handicap,~~  
4 ~~physical disability, religious reasons, jury duty, service as an election official,~~ or  
5 because I have changed my residence within the state from one ward or election  
6 district to another within 10 days before the election. I (certify) (swear) that I  
7 exhibited the enclosed ballot unmarked to the (2 witnesses) (person administering  
8 the oath), that I then in (their) (his) (her) presence and in the presence of no other  
9 person marked the ballot and enclosed and sealed the same in this envelope in such  
10 a manner that no one but myself and any person rendering assistance under s. 6.87  
11 (5), Wis. Stats., if I requested assistance, could know how I voted.

Signed ....

12  
13 The (2 witnesses) (person administering the oath) shall execute either of the  
14 following as appropriate:

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

21 ....(Name)

22 ....(Address)

23 ....(Name)

24 ....(Address)

