

2007 SENATE BILL 6

January 16, 2007 – Introduced by Senators RISSER, COGGS, LEHMAN, KREITLOW and VINEHOUT, cosponsored by Representatives MUSSER, POCAN, YOUNG, BERCEAU, BLACK, ZEPNICK, SCHNEIDER, MOLEPSKE, SHERIDAN, A. WILLIAMS and PARISI. Referred to Committee on Labor, Elections and Urban Affairs.

1 **AN ACT to amend** 5.02 (16g), 6.02 (1), 6.02 (2), 6.05, 6.22 (6), 6.24 (1), 6.28 (2) (b),
2 6.94, 7.52 (6) (b), 8.15 (4) (a) and 8.40 (2) of the statutes; **relating to:** extension
3 of the right to vote to certain 17-year-old persons and providing for a
4 referendum.

Analysis by the Legislative Reference Bureau

Currently, in addition to other qualifications, an elector of this state must have attained the age of 18 years in order to be eligible to vote in an election in this state.

This bill provides that, in addition, if an individual is 17 years of age on the date of the primary for an election to be held on a date on which the individual will be 18 years of age, the individual is eligible to vote in the primary.

Because this bill extends the right of suffrage to a class of persons beyond the class that is currently entitled to vote under the Wisconsin Constitution, if the bill is enacted, the enactment will be submitted for the approval of the electors at a statewide referendum to be held at the November 2008 general election. If the enactment is approved at that referendum, it becomes law on January 1, 2009. If the enactment is not approved at that referendum, it is of no effect.

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

5 **SECTION 1.** 5.02 (16g) of the statutes is amended to read:

SENATE BILL 6**SECTION 1**

1 5.02 (16g) “Qualified circulator” means a qualified elector of this state or any
2 U.S. citizen age 18 or older, or age 17 on the date of a primary for an election to be
3 held on a date on which the elector will be age 18, who, if he or she were a resident
4 of this state, would not be disqualified from voting under s. 6.03.

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

6 6.02 (1) Every U.S. citizen age 18 or older, or age 17 on the date of a primary
7 for an election to be held on a date on which the citizen will be age 18, who has resided
8 in an election district or ward for 10 days before any election where the citizen offers
9 to vote is an eligible elector.

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

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

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

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

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

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1 6.22 (6) MILITARY ELECTOR LIST. Each municipal clerk shall keep an up-to-date
2 list of all eligible military electors who reside in the municipality; city clerks shall
3 keep the lists by wards. The list shall contain the name, latest-known military
4 residence and military mailing address of each military elector. The list shall
5 indicate whether each elector whose name appears on the list is a military elector,
6 as defined in s. 6.36 (2) (c), and has so certified under s. 6.865 (3m). All persons ~~over~~
7 who are at least 18 years of age or who will be 18 years old prior to of age on the date
8 of an election, or if voting in a primary for an election, who will be 18 years of age on
9 the date of the election that follows the primary, shall be listed and remain on the list
10 for the duration of their tour of duty. The list shall be kept current through all
11 possible means. Each clerk shall exercise reasonable care to avoid duplication of
12 names or listing anyone who is not eligible to vote. Each clerk shall distribute 2
13 copies of the list to the appropriate ward in the municipality for use on election day.

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

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

24 **SECTION 7.** 6.28 (2) (b) of the statutes is amended to read:

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1 6.28 (2) (b) The municipal clerk of each municipality shall notify the school
2 board of each school district in which the municipality is located that high schools
3 shall be used for registration pursuant to par. (a). The school board and the
4 municipal clerk shall agree upon the appointment of at least one qualified elector at
5 each high school as a special school registration deputy. The municipal clerk shall
6 appoint such person as a school registration deputy and explain the person's duties
7 and responsibilities. Students and staff may register at the high school on any day
8 that classes are regularly held. The school registration deputies shall promptly
9 forward properly completed registration forms to the municipal clerk of the
10 municipality in which the registering student or staff member resides. The
11 municipal clerk, upon receiving such registration forms, shall add all those
12 registering electors who have met the registration requirements to the registration
13 list. The municipal clerk may reject any registration form and shall promptly notify
14 the person whose registration is rejected of the rejection and the reason therefor. A
15 person whose registration is rejected may reapply for registration if he or she is
16 qualified. The form of each high school student who is qualified and will be eligible
17 to vote at the next election shall be filed in such a way that the student's name is
18 added to the registration list when ~~a-~~ the student attains the age of 18 years, the
19 student is registered to vote automatically or the age of 17 years if the student is
20 initially eligible to vote in a primary for an election to be held on a date on which the
21 student will have attained the age of 18 years. Each school board shall assure that
22 the principal of every high school communicates elector registration information to
23 students.

24 **SECTION 8.** 6.94 of the statutes is amended to read:

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1 **6.94 Challenged elector oath.** If the person challenged refuses to answer
2 fully any relevant questions put to him or her by the inspector under s. 6.92, the
3 inspectors shall reject the elector’s vote. If the challenge is not withdrawn after the
4 person offering to vote has answered the questions, one of the inspectors shall
5 administer to the person the following oath or affirmation: “You do solemnly swear
6 (or affirm) that: you are at least 18 years of age, or if voting in a primary for an
7 election to be held on a date that you will be 18 years of age, that you are 17 years
8 of age and will be 18 years of age on the date of the election that follows the primary;
9 you are a citizen of the United States; you are now and for 10 days have been a
10 resident of this ward except under s. 6.02 (2); you have not voted at this election; you
11 have not made any bet or wager or become directly or indirectly interested in any bet
12 or wager depending upon the result of this election; you are not on any other ground
13 disqualified to vote at this election”. If the person challenged refuses to take the oath
14 or affirmation, the person’s vote shall be rejected. If the person challenged answers
15 fully all relevant questions put to the elector by the inspector under s. 6.92, takes the
16 oath or affirmation, and fulfills the applicable registration requirements, and if the
17 answers to the questions given by the person indicate that the person meets the
18 voting qualification requirements, the person’s vote shall be received.

19 **SECTION 9.** 7.52 (6) (b) of the statutes is amended to read:

20 7.52 (6) (b) Any elector may challenge for cause any absentee ballot. For the
21 purpose of deciding upon ballots that are challenged for any reason, the board of
22 absentee ballot canvassers may call before it any person whose absentee ballot is
23 challenged if the person is available to be called. If the person challenged refuses to
24 answer fully any relevant questions put to him or her by the board of absentee ballot
25 canvassers under s. 6.92, the board of absentee ballot canvassers shall reject the

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

18 **SECTION 10.** 8.15 (4) (a) of the statutes is amended to read:

19 8.15 (4) (a) The certification of a qualified circulator stating his or her residence
20 with street and number, if any, shall appear at the bottom of each nomination paper,
21 stating he or she personally circulated the nomination paper and personally
22 obtained each of the signatures; he or she knows they are electors of the ward,
23 aldermanic district, municipality or county, as the nomination papers require; he or
24 she knows they signed the paper with full knowledge of its content; he or she knows
25 their respective residences given; he or she knows each signer signed on the date

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1 stated opposite his or her name; and, that he or she, the circulator, is a qualified
2 elector of this state, or if not a qualified elector of this state, is a U.S. citizen age 18
3 or older, or age 17 on the date of a primary for an election to be held on a date on which
4 the elector will be age 18, who, if he or she were a resident of this state, would not
5 be disqualified from voting under s. 6.03, Wis. stats.; that he or she intends to support
6 the candidate; and that he or she is aware that falsifying the certification is
7 punishable under s. 12.13 (3) (a), Wis. stats. The circulator shall indicate the date
8 that he or she makes the certification next to his or her signature. The certification
9 may be made by the candidate or any qualified circulator.

10 **SECTION 11.** 8.40 (2) of the statutes is amended to read:

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

SENATE BILL 6**SECTION 12****1 SECTION 12. Nonstatutory provisions.**

2 (1) There shall be submitted to the vote of the electors at the general election
3 to be held in November 2008 the following question: “Shall 2007 Wisconsin Act ...
4 (this act), which extends the right to vote in a primary for an election that is held on
5 a date on which a person will be 18 years old if the person is 17 years old on the date
6 of the primary, become effective on January 1, 2009?”. If the question is approved
7 by a majority of all votes cast on the question at the election, this act shall become
8 law; otherwise, this act shall not take effect.

9 SECTION 13. Effective date.

10 (1) This act takes effect on January 1, 2009, if the condition set forth in SECTION
11 12 of this act is satisfied.

12 (END)