

**2009 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB895)**

Received: 03/31/2010

Received By: jkuesel

Wanted: As time permits

Companion to LRB:

For: Roger Roth (608) 266-7500

By/Representing: Jason Culotta

May Contact:

Drafter: jkuesel

Subject: Elections - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Roth@legis.wisconsin.gov

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

ASA to AB-895

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**Instructions:**

Military and overseas changes only.

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1			rschluet 03/31/2010	_____	lparisi 03/31/2010	lparisi 03/31/2010	

FE Sent For:

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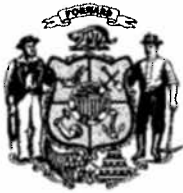
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12/1	jkuesel 3/31/10	1/16 f 3/31		_____			

FE Sent For:

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State of Wisconsin  
2009 - 2010 LEGISLATURE

\*UPS: from a  
bill 503824

LRB-423474

JTK:cjs:rs

THU 4/1 8 AM

Assembly SUBSTITUTE AMDT  
~~2009 BILL~~

To 2009 Assembly BILL 895

↓  
EJF

See aff'd ✓

(renewable)

1 AN ACT ~~to repeal~~ 6.86 (2), 6.865 (3) and 6.865 (3m) (c); **to renumber and amend**  
 2 6.86 (2m); **to consolidate, renumber and amend** 6.25 (4) (intro.), (a) and (b);  
 3 **to amend** 5.05 (13) (title), 6.22 (4) (a), 6.22 (4) (e), 6.22 (6), 6.221 (1), 6.221 (3)  
 4 (b), 6.24 (4) (c), 6.25 (1), 6.36 (1) (a), 6.86 (1) (a) (intro.), 6.86 (1) (a) 3., 6.86 (1)  
 5 (ac), 6.86 (1) (b), 6.86 (1) (b), 6.865 (title), 6.865 (3m) (a), 6.865 (3m) (b), 6.869,  
 6 6.87 (3) (d), 6.87 (4), 6.875 (3), ~~6.875 (4) (a), 7.08 (1) (c) and 7.15 (1) (j)~~; and **to**  
 7 **create** 5.05 (13) (c) and (d), 6.22 (2) (e) and 6.24 (4) (e) of the statutes; **relating**  
 8 **to: absentee voting.**

Substitute amendment

**Analysis by the Legislative Reference Bureau**

This bill makes various changes in the laws pertaining to absentee voting. Most of the changes relate to absentee voting by military and overseas electors of this state. State law contains different definitions of the terms "military elector" and "overseas elector." One set of definitions mirrors the definitions found in federal law. Under federal law, a "military elector" includes 1) a member of a uniformed service on active duty who, by reason of that duty, is absent from the residence where the member is otherwise qualified to vote; 2) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the residence where the member is otherwise qualified to vote; and 3) the spouse or dependent of any such

**BILL**

member who, by reason of the duty or service of the member, is absent from the residence where the person is otherwise qualified to vote. The federal definition of “overseas elector” includes an elector who resides outside the United States and who is qualified under federal law to vote in elections for national office in this state because the elector last resided in this state immediately prior to the elector’s departure from the United States. The other set of definitions applies for certain state purposes and includes all the persons who are included in the federal definitions but also includes other persons. The state definition of the term “military elector” includes 1) members of a uniformed service who are not on active duty or who are not absent from their residences by reason of their service or both; 2) members of the merchant marine who are not absent from their residences; 3) civilian employees of the United States and civilians officially attached to a uniformed service who are serving outside the United States; 4) Peace Corps volunteers; and 5) spouses and dependents of these persons who are residing with or accompanying them. The state definition of “overseas elector” includes children of persons who qualify as overseas electors under federal law who are U.S. citizens at least 18 years of age, who are not disqualified from voting in this state, and who are not residents of this state. Significant provisions of the bill include:

*Substitute  
a mandator*

1. Currently, an individual who is a qualified elector of a municipality, other than a “military elector” or an “overseas elector” as defined by state law, may file an application with the municipal clerk or board of election commissioners of the municipality where the individual resides requiring the clerk or board to send an absentee ballot to the individual without further request for every succeeding election held in the same calendar year in which the request is made, or until the individual is no longer a qualified elector of the municipality or the individual otherwise requests. Currently, an elector who is indefinitely confined may file a single request to receive absentee ballots automatically for each election. If a confined elector fails to cast an absentee ballot, the municipal clerk or board of election commissioners notifies the elector that he or she will not receive absentee ballots for subsequent elections unless the elector reapplies to receive ballots within 30 days of receiving the notice. Currently, an overseas elector, as defined by state law, who requests an absentee ballot is sent an absentee ballot for all federal elections that occur in the same calendar year as the year in which the request is made, unless the elector otherwise requests. Current law directs municipal clerks and boards of election commissioners to send military electors, as defined by state law, absentee ballots for every election if they request a ballot for one election and to verify their military status without the necessity of making additional application. The clerk or board must discontinue sending absentee ballots to a military elector if the elector so requests, the elector no longer qualifies as a military elector of the municipality, or the elector fails to return at least one of the ballots sent to the elector within a period that encompasses three successive general elections.

This bill directs a municipal clerk or board of election commissioners to send an absentee ballot to an individual who is a qualified elector of the municipality, other than a military elector or an overseas elector, as defined by state law, and who files a valid application to receive an absentee ballot for every election following receipt

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of the application until the individual no longer qualifies to receive a ballot, the individual requests not to receive ballots, or the individual fails to return an absentee ballot that is mailed to the individual. Under the bill, a municipal clerk or board of election commissioners must attempt to notify any individual whose name is removed from the list of electors who automatically receive absentee ballots unless the individual requests that his or her name be removed. The individual may then request to continue to receive absentee ballots if he or she is qualified to do so. These changes do not affect the current procedure for sending absentee ballots to military and overseas electors, as defined by state law.

1. ~~2~~. Currently, an elector who requests an absentee ballot in person or by mail must make written application and must sign the application. However, if an elector requests an absentee ballot by electronic mail or facsimile transmission, the elector need not file a written application but must enclose with his or her returned ballot a copy of a request for an absentee ballot together with his or her original signature. This bill deletes the requirement for electors who apply for an absentee ballot by electronic mail or facsimile transmission to provide a request and original signature.

2. ~~3~~. Under current law, any qualified absentee elector may request an absentee ballot by means of electronic mail or facsimile transmission. If an elector so requests, the elector must mail with his or her voted absentee ballot a copy of an absentee ballot application containing his or her original signature. In addition, an absentee elector may request that his or her absentee ballot be transmitted to him or her by electronic mail or facsimile transmission and a municipal clerk or board of election commissioners may transmit the ballot as requested. This bill provides that the municipal clerk or board of election commissioners must transmit the ballot if the clerk or board receives a valid request.

3. ~~4~~. Current law permits a military or overseas elector, as defined in state law, to cast a vote in any general election in which a federal office is to be filled by writing in the name of a candidate on a blank absentee ballot form prescribed by the U.S. government and returning the ballot to the appropriate municipal clerk or board of election commissioners. This bill permits such a ballot to be cast at any election, including any primary election, at which a federal office is to be filled.

4. ~~5~~. This bill directs the Government Accountability Board (GAB), with the assistance of county and municipal clerks and boards of election commissioners, to designate at least one freely accessible means of electronic communication which shall be used to: 1) permit a military or overseas elector, as defined by federal law, to request a voter registration or absentee ballot application and to indicate whether he or she wishes to receive the application electronically or by mail; and 2) permit a municipal clerk or board of election commissioners to transmit an application to a military or overseas elector, as defined by federal law, electronically or by mail, as requested by the elector, together with related voting, balloting and election information. The bill also directs GAB, with the assistance of county and municipal clerks and boards of elections commissioners, to maintain a freely accessible system whereby a military or overseas elector who casts an absentee ballot may ascertain whether the ballot has been received by the appropriate municipal clerk or board. No similar provisions exist currently.

Substitute  
amendment

**BILL***Substitute amendment*

*Substitute amendment*

5.8. Under current federal law, states are required to transmit absentee ballots to military and overseas electors no later than 45 days before each federal election at which the electors are entitled to vote, if the electors have requested their ballots by that time. However, a state may request a hardship waiver from the federal government, for a single election only, if the state's primary election date does not permit compliance with this requirement and the state takes other actions to ensure expeditious delivery of absentee ballots to military and overseas electors. This bill directs the legal counsel to GAB to request a hardship waiver on behalf of this state for the 2010 September primary and general election and, if the waiver is not granted, report that fact to the appropriate standing committees of the legislature. In addition, the bill directs GAB to report to the same committees no later than January 1, 2011, concerning the timeline used by this state for the absentee voting process and the feasibility of making adjustments to enable compliance with the timeline prescribed by federal law.

6.8. Currently, an absentee ballot cast by an elector is void unless it is received at the polling place for the elector's residence by 8 p.m. on election night. However, state law provides that if an elector is a military elector, as defined by federal law, the elector has an additional ten days after the general election and 7 days after the September primary for the elector's ballot to be received by his or her municipality if the ballot is postmarked by election day. This bill extends a similar ten-day dispensation to military electors voting in the presidential preference primary or a special federal election.

7.8. Currently, an elector who is a military elector, as defined by state law, or an overseas elector, as defined by state law, and who applies for an absentee ballot no later than 30 days before an election may cast a blank write-in ballot at that election in lieu of the official printed ballot, for any candidates for federal office whose offices are contested at that election. The ballot is valid only if it is submitted from a location outside the United States. This bill permits such an elector to cast a blank write-in absentee ballot after official printed ballots become available if he or she applies for an absentee ballot no later than the latest time permitted for application for an absentee ballot under state law. The bill also permits a military elector to cast such a ballot even if the ballot is submitted from a location inside the United States, including the elector's permanent residence.

8.5. Currently, GAB must prescribe uniform instructions for absentee voters. This bill provides that the instructions must include the specific means of electronic communication that absentee voters may use to file an application for an absentee ballot, to request a voter registration form, or to change their registrations.

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:***

**BILL**

1           5.05 (13) (title) TOLL-FREE ELECTION INFORMATION EXCHANGE AND REQUESTS.

2           **SECTION 2.** 5.05 (13) (c) and (d) of the statutes are created to read:

3           5.05 (13) (c) Maintain a freely accessible system under which a military elector  
4 or an overseas elector, as defined in s. 6.34 (1), who casts an absentee ballot may  
5 ascertain whether the ballot has been received by the appropriate municipal clerk.

6           (d) Designate and maintain at least one freely accessible means of electronic  
7 communication which shall be used for the following purposes:

8           1. To permit a military elector or an overseas elector, as defined in s. 6.34 (1),  
9 to request a voter registration application or an application for an absentee ballot at  
10 any election at which the elector is qualified to vote in this state.

11           2. To permit a military elector or an overseas elector under subd. 1. to designate  
12 whether the elector wishes to receive the applications under subd. 1. electronically  
13 or by mail.

14           3. To permit a municipal clerk to transmit to a military elector or an overseas  
15 elector under subd. 1. a registration application or absentee ballot application  
16 electronically or by mail, as directed by the elector under subd. 2., together with  
17 related voting, balloting, and election information.

18           **SECTION 3.** 6.22 (2) (e) of the statutes is created to read:

19           6.22 (2) (e) A military elector may file an application for an absentee ballot by  
20 means of electronic mail or facsimile transmission in the manner prescribed in s. 6.86  
21 (1) (ac). Upon receipt of a valid application, the municipal clerk shall send the elector  
22 an absentee ballot or, if the elector so requests, shall transmit an absentee ballot to  
23 the elector by means of electronic mail or facsimile transmission in the manner  
24 prescribed in s. 6.87 (3) (d).

25           **SECTION 4.** 6.22 (4) (a) of the statutes is amended to read:

**BILL****SECTION 4**

1           6.22 (4) (a) A request for an absentee ballot by an individual who qualifies as  
2 a military elector shall be treated as a request for an absentee ballot for all elections  
3 unless the individual otherwise requests. Upon receiving a timely request for an  
4 absentee ballot under par. (b) by an individual who qualifies as a military elector, the  
5 municipal clerk shall send or transmit to the elector an absentee ballot for all  
6 elections that occur in the municipality or portion thereof where the elector resides  
7 beginning on the date that the clerk receives the request.

8           **SECTION 5.** 6.22 (4) (e) of the statutes is amended to read:

9           6.22 (4) (e) Whenever the material is mailed, the material shall be prepared  
10 and mailed to make use of the federal free postage laws. If the material does not  
11 qualify for mailing without postage under federal free postage laws, the municipal  
12 clerk shall pay the postage required for mailing to the military elector. If the return  
13 envelope qualifies for mailing free of postage under federal free postage laws, the  
14 clerk shall affix the appropriate legend required by U.S. postal regulations.  
15 Otherwise the municipal clerk shall pay the postage required for return when the  
16 ballot is mailed from within the United States. If the ballot is not mailed by the  
17 military elector from within the United States the military elector shall provide  
18 return postage. ~~The mailing list established under this subsection shall be kept~~  
19 ~~current in the same manner as provided in s. 6.86 (2) (b).~~

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

21           6.22 (6) **MILITARY ELECTOR LIST.** Each municipal clerk shall keep an up-to-date  
22 list of all eligible military electors who reside in the municipality; ~~city clerks shall~~  
23 ~~keep the lists by wards~~ in the format prescribed by the board. The list shall contain  
24 the name, latest-known military residence and military mailing address of each  
25 military elector. The list shall indicate whether each elector whose name appears on



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1 the list is a military elector, as defined in s. ~~6.36 (2) (e)~~ 6.34 (1), and has so certified  
2 under s. 6.865 (3m). All persons over 18 years of age or who will be 18 years old prior  
3 to an election shall be listed and remain on the list for the duration of their tour of  
4 duty. The list shall be kept current through all possible means. Each clerk shall  
5 exercise reasonable care to avoid duplication of names or listing anyone who is not  
6 eligible to vote. Each clerk shall distribute ~~2 copies of~~ one copy of the list to the  
7 ~~appropriate ward~~ each polling place in the municipality for use on election day.

8 **SECTION 7.** 6.221 (1) of the statutes is amended to read:

9 6.221 **(1)** In this section, “military elector” has the meaning given in s. ~~6.36 (2)~~  
10 ~~(e)~~ 6.34 (1) and active duty status for any election is determined as of election day.

11 **SECTION 8.** 6.221 (3) (b) of the statutes is amended to read:

12 6.221 **(3)** (b) At the general election, the presidential preference primary, or a  
13 special election for national office, a ballot that is cast under s. 6.22 by an elector who  
14 is a military elector, that is received by mail from the U.S. postal service, and that  
15 is postmarked no later than election day shall be counted as provided in this section  
16 if it is received by a municipal clerk no later than 5 p.m. on the 10th day after the  
17 election.

18 **SECTION 9.** 6.24 (4) (c) of the statutes is amended to read:

19 6.24 **(4)** (c) Upon receipt of a timely application from an individual who  
20 qualifies as an overseas elector and who has registered to vote in a municipality  
21 under sub. (3), the municipal clerk of the municipality shall send an absentee ballot  
22 to the individual for all subsequent elections for national office to be held during the  
23 year in which the ballot is requested, except as otherwise provided in this paragraph,  
24 unless the individual otherwise requests or until the individual no longer qualifies  
25 as an overseas elector. of the municipality. The clerk shall not send an absentee ballot

**BILL****SECTION 9**

1 for an election if the overseas elector's name appeared on the registration list in  
2 eligible status for a previous election following the date of the application but no  
3 longer appears on the list in eligible status. The municipal clerk shall ensure that  
4 the envelope containing the absentee ballot is clearly marked as not forwardable.  
5 If an overseas elector who files an application under this subsection no longer resides  
6 at the same address that is indicated on the application form, the elector shall so  
7 notify the municipal clerk. The municipal clerk shall discontinue mailing absentee  
8 ballots to an overseas elector under this subsection if the elector fails to return any  
9 absentee ballot mailed to the elector. The municipal clerk shall notify the elector of  
10 any such action not taken at the elector's request within 5 days, if possible. An  
11 overseas elector who fails to cast an absentee ballot but who remains qualified to  
12 receive absentee ballots under this subsection may then receive absentee ballots for  
13 subsequent elections by notifying the municipal clerk that the elector wishes to  
14 continue receiving absentee ballots for subsequent elections.

15 **SECTION 10.** 6.24 (4) (e) of the statutes is created to read:

16 6.24 (4) (e) An overseas elector may file an application for an absentee ballot  
17 by means of electronic mail or facsimile transmission in the manner prescribed in s.  
18 6.86 (1) (ac). Upon receipt of a valid application, the municipal clerk shall send the  
19 elector an absentee ballot or, if the elector so requests, shall transmit an absentee  
20 ballot to the elector by means of electronic mail or facsimile transmission in the  
21 manner prescribed in s. 6.87 (3) (d).

22 **SECTION 11.** 6.25 (1) of the statutes is amended to read:

23 6.25 (1) Any individual who qualifies as a military elector under s. 6.22 (1) (b)  
24 or an overseas elector under s. 6.24 (1) and who transmits an application for an  
25 official absentee ballot for ~~a general election~~ an election for national office, including

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1 a primary election, no later than 30 days before election day the latest time specified  
2 for the elector in s. 6.86 (1) (b) may, in lieu of the official ballot, cast a federal write-in  
3 absentee ballot prescribed under 42 USC 1973ff-2 for any candidate or for all of the  
4 candidates of any recognized political party for national office listed on the official  
5 ballot at the general that election if the federal write-in absentee ballot is received  
6 by the appropriate municipal clerk no later than the applicable time prescribed in  
7 s. 6.221 (3) or 6.87 (6).

8 **SECTION 12.** 6.25 (4) (intro.), (a) and (b) of the statutes are consolidated,  
9 renumbered 6.25 (4) and amended to read:

10 6.25 (4) A write-in absentee ballot issued under sub. (1), (2) or (3) is valid only  
11 if all of the following apply: (a) ~~The ballot is submitted from a location outside the~~  
12 ~~United States.~~ (b) ~~The~~ the elector submitting the ballot does not submit an official  
13 ballot within the time prescribed in s. 6.87 (6) and, if the elector is an overseas elector,  
14 the ballot is submitted from a location outside the United States.

15 **SECTION 13.** 6.36 (1) (a) of the statutes is amended to read:

16 6.36 (1) (a) The board shall compile and maintain electronically an official  
17 registration list. The list shall contain the name and address of each registered  
18 elector in the state, the date of birth of the elector, the ward and aldermanic district  
19 of the elector, if any, and, for each elector, a unique registration identification number  
20 assigned by the board, the number of a valid operator's license issued to the elector  
21 under ch. 343, if any, or the last 4 digits of the elector's social security account  
22 number, if any, any identification serial number issued to the elector under s. 6.47  
23 (3), the date of any election in which the elector votes, an indication of whether the  
24 elector is a military elector, as defined in ~~sub. (2) (c)~~ s. 6.34 (1), who has so certified  
25 under s. 6.865 (3m), an indication of whether the elector is an overseas elector, as

**BILL****SECTION 13**

1 defined in s. 6.24 (1), any information relating to the elector that appears on the  
2 current list transmitted to the board by the department of corrections under s. 301.03  
3 (20m), an indication of any accommodation required under s. 5.25 (4) (a) to permit  
4 voting by the elector, an indication of the method by which the elector's registration  
5 form was received, and such other information as may be determined by the board  
6 to facilitate administration of elector registration requirements.

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

8 6.86 (1) (a) (intro.) Any elector of a municipality who is registered to vote  
9 whenever required and who qualifies under ss. 6.20 and 6.85 as an absent elector  
10 may make written application to the municipal clerk of that municipality for an  
11 official ballot by one of the following methods:

12 **SECTION 15.** 6.86 (1) (a) 3. of the statutes is amended to read:

13 6.86 (1) (a) 3. ~~By signing a statement~~ filing a request to receive absentee ballots  
14 under sub. ~~(2)~~ <sup>(2)</sup> (2m) (a) or s. 6.22 (4) or 6.24 (4).

15 **SECTION 16.** 6.86 (1) (ac) of the statutes is amended to read:

16 6.86 (1) (ac) Any elector qualifying under par. (a) may make written application  
17 to the municipal clerk for an official ballot by means of facsimile transmission or  
18 electronic mail. Any application under this paragraph ~~shall~~ need not contain a copy  
19 of the applicant's original signature. ~~An elector requesting a ballot under this~~  
20 ~~paragraph shall return with the voted ballot a copy of the request bearing an original~~  
21 ~~signature of the elector as provided in s. 6.87 (4).~~

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

23 6.86 (1) (b) Except as provided in this section, if application is made by mail,  
24 the application, signed by the elector, shall be received no later than 5 p.m. on the  
25 5th day immediately preceding the election. If application is made in person, the

**BILL**

1 application shall be made no later than 5 p.m. on the day preceding the election. If  
2 Except as provided in par. (c), if the elector is making written application for an  
3 absentee ballot at the September primary or, the general election, the presidential  
4 preference primary, or a special election for national office, and the application  
5 indicates that the elector is a military elector, as defined in s. 6.36 (2) (c), the  
6 application shall be received by the municipal clerk no later than 5 p.m. on election  
7 day. If the application indicates that the reason for requesting an absentee ballot is  
8 that the elector is a sequestered juror, the application shall be received no later than  
9 5 p.m. on election day. If the application is received after 5 p.m. on the Friday  
10 immediately preceding the election, the municipal clerk or the clerk's agent shall  
11 immediately take the ballot to the court in which the elector is serving as a juror and  
12 deposit it with the judge. The judge shall recess court, as soon as convenient, and  
13 give the elector the ballot. The judge shall then witness the voting procedure as  
14 provided in s. 6.87 and shall deliver the ballot to the clerk or agent of the clerk who  
15 shall deliver it to the polling place or, in municipalities where absentee ballots are  
16 canvassed under s. 7.52, to the municipal clerk as required in s. 6.88. If application  
17 is made under sub. (2) or (2m), the application may be received no later than 5 p.m.  
18 on the Friday immediately preceding the election.

19 **SECTION 18.** 6.86 (1) (b) of the statutes, as affected by 2009 Wisconsin Act  
20 ....(this act), is amended to read:

21 6.86 (1) (b) Except as provided in this section, if application is made by mail,  
22 the application, signed by the elector, shall be received no later than 5 p.m. on the  
23 5th day immediately preceding the election. If application is made in person, the  
24 application shall be made no later than 5 p.m. on the day preceding the election.  
25 Except as provided in par. (c), if the elector is making written application for an

**BILL**

**SECTION 18**

1 absentee ballot at the September primary, the general election, the presidential  
 2 preference primary, or a special election for national office, and the application  
 3 indicates that the elector is a military elector, as defined in s. 6.36 (2) (c) 6.34 (1), the  
 4 application shall be received by the municipal clerk no later than 5 p.m. on election  
 5 day. If the application indicates that the reason for requesting an absentee ballot is  
 6 that the elector is a sequestered juror, the application shall be received no later than  
 7 5 p.m. on election day. If the application is received after 5 p.m. on the Friday  
 8 immediately preceding the election, the municipal clerk or the clerk's agent shall  
 9 immediately take the ballot to the court in which the elector is serving as a juror and  
 10 deposit it with the judge. The judge shall recess court, as soon as convenient, and  
 11 give the elector the ballot. The judge shall then witness the voting procedure as  
 12 provided in s. 6.87 and shall deliver the ballot to the clerk or agent of the clerk who  
 13 shall deliver it to the polling place or, in municipalities where absentee ballots are  
 14 canvassed under s. 7.52, to the municipal clerk as required in s. 6.88. If application  
 15 is made under sub. <sup>plain</sup> ~~(2)~~ <sup>restored</sup> (2m), the application may be received no later than 5 p.m.  
 16 on the Friday immediately preceding the election.

17 ~~SECTION 19. 6.86 (2) of the statutes is repealed.~~

18 SECTION 20. 6.86 (2m) of the statutes is renumbered 6.86 (2m) (a) and amended  
 19 to read:

20 6.86 (2m) (a) An Except as provided in this subsection, any elector other than  
 21 an elector who is ~~eligible to receive absentee ballots under sub. (2)~~ receives an  
 22 absentee ballot under s. 6.22 (4) or 6.24 (4) (c) may by written application filed with  
 23 the municipal clerk of the municipality where the elector resides require that an  
 24 absentee ballot be sent to the elector automatically for every ~~succeeding~~ <sup>plain</sup> election that  
 25 ~~is held within the same calendar year in which the application is filed until the~~

plain

restore

period stays

**BILL**

1 ~~elector is no longer an elector of the municipality or the elector otherwise requests~~

2 The application form and instructions shall be prescribed by the board, and

3 furnished upon request to any elector by each municipal clerk. The municipal clerk

4 shall thereupon mail an absentee ballot to the elector for all ~~succeeding~~ elections that

5 are held in the municipality ~~during the same calendar year that the application is~~ plain

6 filed, except that the clerk shall not send an absentee ballot for an election if the

7 elector's name appeared on the registration list in eligible status for a previous

8 election following the date of the application but no longer appears on the list in

9 eligible status. The municipal clerk shall ensure that the envelope containing the

10 absentee ballot is clearly marked as not forwardable. If an elector who files an

11 application under this subsection no longer resides at the same address that is

12 indicated on the application form, the elector shall so notify the municipal clerk. The

13 municipal clerk shall discontinue mailing absentee ballots to an elector under this

14 subsection upon receipt of reliable information that the elector no longer qualifies for

15 the service as an elector of the municipality. In addition, the municipal clerk shall

16 discontinue mailing absentee ballots to an elector under this subsection if the elector

17 fails to return any absentee ballot mailed to the elector. The municipal clerk shall

18 notify the elector of any such action not taken at the elector's request within 5 days,

19 if possible. An elector who fails to cast an absentee ballot but who remains qualified

20 to receive absentee ballots under this subsection may then receive absentee ballots

21 for subsequent elections by notifying the municipal clerk that the elector wishes to

22 continue receiving absentee ballots for subsequent elections.

23 (b) If a municipal clerk is notified by an elector that the elector's residence is

24 changed to another municipality within this state, the municipal clerk shall forward

25 the request to the municipal clerk of that municipality and that ~~the~~ municipal clerk

Yes/No

restore plain

**BILL**

**SECTION 20**

*plain* *to here*

1  
2  
3  
4

~~shall honor the request, except as provided in this subsection of that municipality shall thereupon send an absentee ballot to the elector for each succeeding election held in the municipality until the elector is no longer an elector of the municipality or the elector otherwise requests, except as otherwise provided in this subsection.~~

**SECTION 21.** 6.865 (title) of the statutes is amended to read:

**6.865 (title) Federal absentee ballot requests ballots.**

**SECTION 22.** 6.865 (3) of the statutes is repealed.

**SECTION 23.** 6.865 (3m) (a) of the statutes is amended to read:

~~6.865 (3m) (a) Except as provided in par. (c), if any elector who certifies If an individual who will be a military elector on election day applies for an absentee ballot, the individual may certify that he or she will be a military elector on election day requests an absentee ballot, the municipal clerk shall send or transmit to the elector an absentee ballot for all elections that occur in the municipality or portion thereof where the elector resides beginning on the date that the clerk receives the request and ending on the day after the 3rd successive general election that follows receipt of the request, unless the elector otherwise requests. In addition, the municipal clerk shall continue to send or transmit to the elector an absentee ballot for all elections ending on the day after the 3rd successive general election that follows any election at which the elector returns an absentee ballot under this section or renews his or her request under par. (c) and the municipal clerk shall treat the ballot as provided under s. 6.221.~~

**SECTION 24.** 6.865 (3m) (b) of the statutes is amended to read:

**6.865 (3m) (b)** A military elector may indicate an alternate address on his or her absentee ballot application. If the elector's ballot is returned as undeliverable prior to the deadline for receipt and return of absentee ballots under sub. (3) s. 6.87



**BILL**

1 (6) and the elector remains eligible to receive absentee ballots under this subsection,  
2 the municipal clerk shall immediately send or transmit an absentee ballot to the  
3 elector at the alternate address.

4 **SECTION 25.** 6.865 (3m) (c) of the statutes is repealed.

5 **SECTION 26.** 6.869 of the statutes is amended to read:

6 **6.869 Uniform instructions.** The board shall prescribe uniform instructions  
7 for municipalities to provide to absentee voters. The instructions shall include the  
8 specific means of electronic communication that an absentee elector may use to file  
9 an application for an absentee ballot and, if the absentee elector is required to  
10 register, to request a registration form or change his or her registration. The  
11 instructions also shall include information concerning the procedure for correcting  
12 errors in marking a ballot and obtaining a replacement for a spoiled ballot. The  
13 procedure shall, to the extent possible, respect the privacy of each elector and  
14 preserve the confidentiality of each elector's vote.

15 **SECTION 27.** 6.87 (3) (d) of the statutes is amended to read:

16 **6.87 (3) (d)** A municipal clerk ~~may~~ shall, if the clerk is reliably informed by an  
17 absent elector of a facsimile transmission number or electronic mail address where  
18 the elector can receive an absentee ballot, transmit a facsimile or electronic copy of  
19 the absent elector's ballot to that elector in lieu of mailing under this subsection ~~if,~~  
20 ~~in the judgment of the clerk, the time required to send the ballot through the mail~~  
21 ~~may not be sufficient to enable return of the ballot by the time provided under sub-~~  
22 ~~(6).~~ An elector may receive an absentee ballot ~~under this subsection~~ only if the elector  
23 has filed a valid application for the ballot under s. 6.86 (1). If the clerk transmits an  
24 absentee ballot ~~under this paragraph~~ to an absent elector electronically, the clerk  
25 shall also transmit a facsimile or electronic copy of the text of the material that

**BILL****SECTION 27**

1 appears on the certificate envelope prescribed in sub. (2), together with instructions  
2 prescribed by the board. The instructions shall require the absent elector to make  
3 and subscribe to the certification as required under sub. (4) and to enclose the  
4 absentee ballot in a separate envelope contained within a larger envelope, that shall  
5 include the completed certificate. The elector shall then affix sufficient postage  
6 unless the absentee ballot qualifies for mailing free of postage under federal free  
7 postage laws and shall mail the absentee ballot to the municipal clerk. Except as  
8 authorized in s. 6.97 (2), an absentee ballot received ~~under this paragraph~~ from an  
9 elector who receives the ballot electronically shall not be counted unless it is cast in  
10 the manner prescribed in this paragraph and sub. (4) and in accordance with the  
11 instructions provided by the board.

12 **SECTION 28.** 6.87 (4) of the statutes is amended to read:

13 6.87 (4) Except as otherwise provided in s. 6.875, the elector voting absentee  
14 shall make and subscribe to the certification before one witness who is an adult U.S.  
15 citizen. The absent elector, in the presence of the witness, shall mark the ballot in  
16 a manner that will not disclose how the elector's vote is cast. The elector shall then,  
17 still in the presence of the witness, fold the ballots so each is separate and so that the  
18 elector conceals the markings thereon and deposit them in the proper envelope. If  
19 a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot so that  
20 the elector conceals the markings thereon and deposit the ballot in the proper  
21 envelope. If proof of residence is required, the elector shall enclose proof of residence  
22 under s. 6.34 in the envelope. Proof of residence is required if the elector is not a  
23 military elector or an overseas elector, as defined in s. 6.34 (1), and the elector  
24 registered by mail and has not voted in an election in this state. ~~If the elector~~  
25 ~~requested a ballot by means of facsimile transmission or electronic mail under s. 6.86~~

**BILL**

1     ~~(1) (ac), the elector shall enclose in the envelope a copy of the request which bears an~~  
2     ~~original signature of the elector.~~ The elector may receive assistance under sub. (5).  
3     The return envelope shall then be sealed. The witness may not be a candidate. The  
4     envelope shall be mailed by the elector, or delivered in person, to the municipal clerk  
5     issuing the ballot or ballots. If the envelope is mailed from a location outside the  
6     United States, the elector shall affix sufficient postage unless the ballot qualifies for  
7     delivery free of postage under federal law. Failure to return an unused ballot in a  
8     primary does not invalidate the ballot on which the elector's votes are cast. Return  
9     of more than one marked ballot in a primary or return of a ballot prepared under s.  
10    5.655 or a ballot used with an electronic voting system in a primary which is marked  
11    for candidates of more than one party invalidates all votes cast by the elector for  
12    candidates in the primary.

13         ~~SECTION 29. 6.875 (3) of the statutes is amended to read:~~

14         6.875 (3) An occupant of a nursing home or qualified retirement home or  
15         qualified community-based residential facility who qualifies as an absent elector  
16         and desires to receive an absentee ballot shall make application under s. 6.86 (1), ~~(2),~~  
17         or (2m) with the municipal clerk or board of election commissioners of the  
18         municipality in which the elector is a resident. The clerk or board of election  
19         commissioners of a municipality receiving an application from an elector who is an  
20         occupant of a nursing home or qualified retirement home or qualified  
21         community-based residential facility located in a different municipality shall, as  
22         soon as possible, notify and transmit an absentee ballot for the elector to the clerk  
23         or board of election commissioners of the municipality in which the home or qualified  
24         community-based residential facility is located. The clerk or board of election  
25         commissioners of a municipality receiving an application from an elector who is an

**BILL****SECTION 29**

1 occupant of a nursing home or qualified retirement home or qualified  
2 community-based residential facility located in the municipality but who is a  
3 resident of a different municipality shall, as soon as possible, notify and request  
4 transmission of an absentee ballot from the clerk or board of election commissioners  
5 of the municipality in which the elector is a resident. The clerk or board of election  
6 commissioners shall make a record of all absentee ballots to be transmitted,  
7 delivered, and voted under this section.

8 **SECTION 30.** 6.875 (4) (a) of the statutes is amended to read: ✓

9 6.875 (4) (a) For the purpose of absentee voting in nursing homes and qualified  
10 retirement homes and qualified community-based residential facilities, the  
11 municipal clerk or board of election commissioners of each municipality in which one  
12 or more nursing homes or qualified retirement homes or qualified community-based  
13 residential facilities are located shall appoint at least 2 special voting deputies for  
14 the municipality. Upon application under s. 6.86 (1), (2), or (2m) by one or more  
15 qualified electors who are occupants of a nursing home or qualified retirement home  
16 or qualified community-based residential facility, the municipal clerk or board of  
17 election commissioners of the municipality in which the home or facility is located  
18 shall dispatch 2 special voting deputies to visit the home or qualified  
19 community-based residential facility for the purpose of supervising absentee voting  
20 procedure by occupants of the home or qualified community-based residential  
21 facility. The clerk shall maintain a list, available to the public upon request, of each  
22 nursing home or qualified retirement home or qualified community-based  
23 residential facility where an elector has requested an absentee ballot. The list shall  
24 include the date and time the deputies intend to visit each home or facility. The 2  
25 deputies designated to visit each nursing home or qualified retirement home and

**BILL**

1 qualified community-based residential facility shall be affiliated with different  
2 political parties whenever deputies representing different parties are available.

3 ~~SECTION 31. 7.08 (1) (c) of the statutes is amended to read:~~

4 7.08 (1) (c) Prescribe forms required by ss. ~~6.24 (3) and (4), 6.30 (4), 6.33 (1),~~  
5 ~~6.40 (1) (a), 6.47 (1) (am) 2. and (3), 6.55 (2), and 6.86 (2) to (2m) and (3).~~ All such  
6 forms shall contain a statement of the penalty applicable to false or fraudulent  
7 registration or voting through use of the form. Forms are not required to be furnished  
8 by the board.

9 ~~SECTION 32. 7.15 (1) (j) of the statutes is amended to read:~~

10 7.15 (1) (j) Send an absentee ballot automatically to each person making an  
11 authorized request therefor in accordance with s. ~~6.22 (4), 6.24 (4) (c), or 6.86 (2) or~~  
12 (2m).

*Restore*  
*plain*

13 **SECTION 33. Nonstatutory provisions.**

14 (1) **HARDSHIP WAIVER REQUEST; STUDY OF ABSENTEE VOTING TIMELINE.**

15 (a) Prior to the 2010 September primary, the legal counsel to the Government  
16 Accountability Board shall apply on behalf of this state to the presidential designee  
17 under 42 USC 1973ff-1 (g) for a determination that this state is unable to meet the  
18 requirement under 42 USC 1973ff-1 (a) (8) with respect to transmittal of absentee  
19 ballots to military and overseas electors at the 2010 September primary and general  
20 election. The application shall include a description of this state's efforts to enable  
21 delivery of absentee ballots to military and overseas electors as expeditiously as  
22 possible. If the waiver is not granted, the legal counsel shall promptly report the  
23 response of the designee to the appropriate standing committees of the legislature  
24 in the manner prescribed in section 13.172 (3) of the statutes.

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**SECTION 33**

1 (b) No later than January 1, 2011, the Government Accountability Board shall  
 2 report to the appropriate standing committees of the legislature, in the manner  
 3 prescribed in section 13.172 (3) of the statutes, concerning the timeline used by this  
 4 state for the absentee voting process and the feasibility of making adjustments to  
 5 enable compliance with the timeline prescribed in 42 USC 1973ff-1 (a) (8) (A).

**SECTION 34. Initial applicability.**

6  
 7 (1) The treatment of sections 6.24 (4) (c), 6.86 (1) (a) 3. and (b) (by SECTION 18)  
 8 ~~and (2m), 6.865 (title) (3), and (3m) (a), (b), and (c), 6.875 (3) and (4) (a), and 7.15~~  
 9 (1) (j) of the statutes first applies with respect to requests for absentee ballots made  
 10 for voting at elections held on or after the effective date of this subsection.

11 **SECTION 35. Effective dates.** This act takes effect on the day after publication,  
 12 except as follows:

13 (1) The treatment of sections 6.24 (4) (c), 6.86 (1) (a) 3. and (b) (by SECTION 18)  
 14 ~~and (2m), 6.865 (title), (3), and (3m) (a), (b), and (c), 6.875 (3) and (4) (a), 7.08 (1)~~  
 15 ~~and 7.15 (1) (j) of the statutes and SECTION 34 (1) of this act take effect on the 90th~~  
 16 day beginning after publication.

(END)

no CS

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Extensive handwritten annotations, including deletions and arrows, throughout the text of Section 34 and 35.