

**SENATE BILL 116 (LRB -1542)**

An Act to repeal 6.865 (3) and 6.865 (3m) (c); to renumber and amend 5.02 (18), 6.25 (1) and 6.86 (2m); to consolidate, renumber and amend 6.25 (4) (intro.), (a) and (b); to amend 5.05 (13) (title), 5.15 (6) (b), 5.25 (3), 5.37 (4), 5.62 (title), 5.62 (1), 5.62 (2), 5.62 (3), 5.62 (5), 6.22 (4) (a), 6.22 (4) (e), 6.22 (6), 6.221 (title), 6.221 (1), 6.221 (3), 6.221 (5), 6.24 (2), 6.24 (4) (c), 6.36 (1) (a), 6.50 (8), 6.86 (1) (a) (intro.), 6.86 (1) (a) 3., 6.86 (1) (ac), 6.86 (1) (b), 6.86 (1) (b), 6.865 (title), 6.865 (3m) (a), 6.865 (3m) (b), 6.869, 6.87 (3) (d), 6.87 (6), 7.08 (2) (b), 7.08 (2) (c), 7.10 (3) (a), 7.15 (1) (cm), 7.15 (1) (j), 7.60 (5) (a), 7.70 (3) (a), 7.70 (3) (e) 1., 8.10 (1), 8.15 (title), 8.15 (1), 8.16 (1), 8.16 (7), 8.17 (1) (b), 8.17 (4), 8.17 (5) (b), 8.19 (3), 8.20 (8) (a), 8.20 (8) (am), 8.20 (9), 8.50 (intro.), 8.50 (2), 8.50 (3) (a), 8.50 (3) (b), 8.50 (3) (c), 8.50 (4) (b), 8.50 (4) (fm), 10.01 (2) (d), 10.01 (2) (e), 10.02 (3) (b) 2m., 10.06 (1) (f), 10.06 (1) (h), 10.06 (1) (i), 10.06 (2) (gm), 10.06 (2) (h), 10.06 (2) (j), 10.06 (3) (cm), 11.06 (12) (a) 1., 11.26 (17) (d), 11.31 (3m), 11.31 (7) (a), 11.50 (1) (a) 1., 11.50 (2) (b) 4., 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (f), 11.50 (2) (i), 13.123 (3) (b) 1. a., 59.605 (3) (a) 1., 66.0602 (4) (a), 66.0619 (2m) (b), 66.0921 (2), 66.1113 (2) (g), 66.1113 (2) (h), 67.05 (6m) (b), 67.12 (12) (e) 5., 117.22 (2) (e), 121.91 (3) (a), 229.824 (15) and 995.20; and to create 5.05 (13) (c) and (d), 6.22 (2) (e), 6.24 (4) (e) and 6.25 (1) (b) of the statutes; relating to: the dates of the September primary and certain other election occurrences and absentee voting. (FE)

**2011**

05-31.	S.	Introduced by Senator <b>Lazich</b> ; cosponsored by Representative <b>Tauchen</b> .	
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06-07.	S.	Report passage recommended by committee on Transportation and Elections, Ayes 3, Noes 2 .....	320
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06-08.	A.	Read first time and referred to committee on Election and Campaign Reform .....	373
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10-25.	A.	Assembly amendment 4 to Assembly substitute amendment 1 laid on table, Ayes 59, Noes 34 .....	614
10-25.	A.	Assembly substitute amendment 1 <b>adopted</b> .....	615
10-25.	A.	Ordered to a third reading .....	615
10-25.	A.	Refused to suspend rules to read a third time, Ayes 59, Noes 34 .....	615
10-25.	A.	Made a special order of business at 11:04 A.M. on 11-1-2011 pursuant to Assembly Resolution 16 .....	615
11-01.	A.	Read a third time and <b>concurred in</b> as amended, Ayes 67, Noes 28, Paired 2 .....	637
11-01.	A.	Ordered immediately messaged .....	638
11-02.	S.	Received from Assembly amended and concurred in as amended, Assembly substitute amendment 1 adopted.	
11-02.	S.	Available for scheduling.	

- 11-02. S. Placed on calendar 11-3-2011 pursuant to Senate Rule 18(1).
- 11-03. S. Senate amendment 1 to Assembly substitute amendment 1 offered by Senators T. Cullen, Risser, Miller, Hansen, Taylor, Vinehout and Holperin (**LRB a1976**).
- 11-03. S. Senate amendment 1 to Assembly substitute amendment 1 laid on table, Ayes 17, Noes 16.
- 11-03. S. Assembly substitute amendment 1 **concurred in**.
- 11-03. S. Action ordered immediately messaged.

*qmb*

**2011  
ENROLLED BILL**

11en S B- 116

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**ADOPTED DOCUMENTS:**

Orig

Engr

A SubAmdt 1

11<sup>S</sup> 02081 4

Amendments to above (if none, write "NONE"):

None

Corrections - show date (if none, write "NONE"):

None

Topic

Rel

11-4-11

Date

J. Rhilly

Enrolling Drafter



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRBs0208/4  
JTK:nwn&kjf:rs

ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2011 SENATE BILL 116

October 24, 2011 – Offered by Representative TAUCHEN.

1 AN ACT *to repeal* 6.22 (4) (g), 6.221 (1), 6.221 (3) (b), 6.25 (2), 6.25 (3), 6.865 (3),  
2 6.865 (3m) (a), 6.865 (3m) (c) and 7.15 (1) (cs); *to renumber* 6.221 (4); *to*  
3 *renumber and amend* 5.02 (18), 6.221 (title), 6.221 (2), 6.221 (3) (a), 6.221 (5),  
4 6.221 (6), 6.25 (1) and 6.865 (3m) (b); *to consolidate, renumber and amend*  
5 6.25 (4) (intro.), (a) and (b); *to amend* 5.05 (13) (title), 5.15 (4) (a), 5.15 (6) (b),  
6 5.25 (3), 5.62 (title), 5.62 (1) (a), 5.62 (1) (b), 5.62 (2), 5.62 (3), 6.22 (4) (a), 6.22  
7 (4) (c), 6.22 (4) (e), 6.22 (4) (f), 6.22 (5), 6.22 (6), 6.24 (1), 6.24 (2), 6.24 (4) (c), 6.36  
8 (1) (a), 6.50 (8), 6.86 (1) (a) (intro.), 6.86 (1) (a) 3., 6.86 (1) (ac), 6.86 (1) (b), 6.865  
9 (title), 6.869, 6.87 (3) (d), 6.87 (6), 6.875 (3), 6.88 (1), 6.88 (3) (b), 7.08 (2) (b), 7.10  
10 (3) (a), 7.15 (1) (cm), 7.15 (1) (j), 7.51 (5) (b), 7.52 (3) (b), 7.60 (5) (a), 7.70 (3) (a),  
11 8.10 (1), 8.15 (title), 8.15 (1), 8.16 (7), 8.17 (1) (b), 8.17 (4), 8.17 (5) (b), 8.19 (3),  
12 8.20 (8) (a), 8.20 (8) (am), 8.37, 8.50 (intro.), 8.50 (1) (d), 8.50 (2), 8.50 (3) (a), 8.50  
13 (3) (b), 8.50 (3) (c), 8.50 (4) (b), 8.50 (4) (fm), 9.01 (1) (a) 1., 9.01 (1) (ag) 1., 9.01

1 (1) (ag) 1m., 9.01 (1) (ag) 2., 9.01 (1) (b) (intro.), 10.01 (2) (d), 10.01 (2) (e), 10.06  
2 (1) (f), 10.06 (1) (h), 10.06 (1) (i), 10.06 (2) (gm), 10.06 (2) (h), 10.06 (2) (j), 10.06  
3 (3) (cm), 11.06 (12) (a) 1., 11.26 (17) (d), 11.31 (7) (a), 13.123 (3) (b) 1. a., 38.16  
4 (3) (br) 1., 59.08 (7) (b), 59.10 (3) (cm) 2., 59.605 (3) (a) 1., 60.30 (1e) (b), 62.13  
5 (6) (b), 66.0217 (7) (a) 3., 66.0219 (4) (b), 66.0227 (3), 66.0305 (6) (b), 66.0307 (4)  
6 (e) 2., 66.0602 (4) (a), 66.0619 (2m) (b), 66.0921 (2), 66.1113 (2) (g), 66.1113 (2)  
7 (h), 67.05 (6m) (b), 67.12 (12) (e) 5., 86.21 (2) (a), 92.11 (4) (c), 117.22 (2) (e),  
8 120.02 (1), 120.02 (2) (a), 120.02 (4), 121.91 (3) (a), 125.05 (1) (b) 5., 197.04 (1)  
9 (b), 229.824 (15), 343.50 (5m), 343.50 (7) and 995.20; and **to create** 5.05 (13) (c)  
10 and (d), 6.22 (2) (e), 6.24 (4) (e), 6.25 (1) (b) and 6.25 (1) (c) of the statutes;  
11 **relating to:** the dates of the September primary and certain other election  
12 occurrences, absentee voting, and the fee for duplicate identification cards  
13 issued by the Department of Transportation.

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#### ***Analysis by the Legislative Reference Bureau***

This substitute amendment changes the date of the September primary from the 2nd Tuesday in September to the 2nd Tuesday in August and renames it to be the “Partisan Primary”. The substitute amendment also changes the dates of related election events to accommodate the change in the date of the primary. In elections for national office or special elections that are held concurrently with the general election, the substitute amendment provides for absentee ballots to be available to electors for at least a 47–day period before the election. Currently, the length of this period varies but it is generally a shorter period.

The substitute amendment also 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 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 substitute amendment include:

1. 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 substitute amendment permits a military elector, as defined by state law, to cast such a ballot at any election, including any primary election, at which a federal, state, or local office is to be filled and permits an overseas elector, as defined by state law, to cast such a ballot at any election, including any primary election, at which a federal office is to be filled. The substitute amendment also provides that a completed and signed federal write-in absentee ballot serves as an application for an absentee ballot and need not be accompanied by a separate application, as required currently.

2. The substitute amendment 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 substitute amendment 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, as defined by federal law, 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.

3. 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 seven 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 substitute amendment provides instead that all absentee electors except those voting in person have until 4 p.m. on the Friday after an election for their ballots to be received if the ballots are postmarked by election day.

4. Currently, the municipal clerk or board of election commissioners of each municipality must, upon request of any absentee elector, transmit an absentee ballot to the elector by electronic mail or facsimile transmission. This bill authorizes and requires a municipal clerk or board to transmit an absentee ballot electronically only to a military or overseas elector, as defined in federal law, upon request of such an elector.

5. 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 substitute amendment 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 substitute amendment 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.

6. Currently, a military or overseas elector, as defined in state law, may cast a blank write-in absentee ballot under state law. In the case of military electors, the ballot may be used to vote for any candidate for state or local office. In the case of overseas electors, the ballot may only be used to vote for candidates for national office. This substitute amendment discontinues the state write-in absentee ballot for both groups of electors.

7. Currently, with certain exceptions, a military elector who requests an absentee ballot receives absentee ballots automatically for all elections unless the elector fails to return any absentee ballot during the entire period encompassed by two successive general elections. Under this substitute amendment, with certain exceptions, a military elector who requests an absentee ballot receives absentee ballots automatically for all elections held in the same calendar year in which the request is made.

8. Currently, GAB must prescribe uniform instructions for absentee voters. This substitute amendment 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.

Under current law, as created in 2011 Wisconsin Act 23, the Department of Transportation (DOT) may not charge a fee to an applicant for the initial issuance, renewal, or reinstatement of an identification card if the applicant is a U.S. citizen who will be at least 18 years of age on the date of the next election and the applicant requests that the identification card be provided without charge for purposes of voting.

This substitute amendment includes the issuance of a duplicate identification card by DOT in this fee exception.

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

1           **SECTION 1.** 5.02 (18) of the statutes, as affected by 2011 Wisconsin Act 32, is  
2           renumbered 5.02 (12s) and amended to read:

3           5.02 (12s) “~~September~~ Partisan primary” means the primary held the 2nd  
4           Tuesday in ~~September~~ August to nominate candidates to be voted for at the general  
5           election.

6           **SECTION 2.** 5.05 (13) (title) of the statutes is amended to read:

7           5.05 (13) (title) TOLL-FREE ELECTION INFORMATION ~~EXCHANGE~~ AND REQUESTS.

8           **SECTION 3.** 5.05 (13) (c) and (d) of the statutes are created to read:

9           5.05 (13) (c) The board shall maintain a freely accessible system under which  
10          a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, as defined in s.  
11          6.34 (1) (b), who casts an absentee ballot may ascertain whether the ballot has been  
12          received by the appropriate municipal clerk.

13          (d) The board shall designate and maintain at least one freely accessible means  
14          of electronic communication which shall be used for the following purposes:

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



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

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

8           **SECTION 4.** 5.15 (4) (a) of the statutes, as affected by 2011 Wisconsin Act 39, is  
9 amended to read:

10           5.15 (4) (a) Except as provided in par. (c), the division ordinance or resolution  
11 shall number all wards in the municipality with unique whole numbers in  
12 consecutive order, beginning with the number one, shall designate the polling place  
13 for each ward, and shall describe the boundaries of each ward consistent with the  
14 conventions set forth in s. 4.003. The ordinance or resolution shall be accompanied  
15 by a list of the block numbers used by the U.S. bureau of the census that are wholly  
16 or partly contained within each ward, with any block numbers partly contained  
17 within a ward identified, and a map of the municipality which illustrates the revised  
18 ward boundaries. If the legislature, in an act redistricting legislative districts under  
19 article IV, section 3, of the constitution, or in redistricting congressional districts,  
20 establishes a district boundary within a municipality that does not coincide with the  
21 boundary of a ward established under the ordinance or resolution of the  
22 municipality, the municipal governing body shall, no later than ~~May 15~~ April 10 of  
23 the 2nd year following the year of the federal decennial census on which the act is  
24 based, amend the ordinance or resolution to the extent required to effect the act. The  
25 amended ordinance or resolution shall designate the polling place for any ward that

1 is created to effect the legislative act. Nothing in this paragraph shall be construed  
2 to compel a county or city to alter or redraw supervisory or aldermanic districts.

3 **SECTION 5.** 5.15 (6) (b) of the statutes is amended to read:

4 5.15 ~~(6)~~ (b) No later than ~~60 days before each September primary and general~~  
5 ~~election, and no later than~~ 30 days before each ~~other~~ election, the governing body of  
6 any municipality may by resolution combine 2 or more wards for voting purposes to  
7 facilitate using a common polling place. Whenever wards are so combined, the  
8 original ward numbers shall continue to be utilized for all official purposes. Except  
9 as otherwise authorized under this paragraph, every municipality having a  
10 population of 35,000 or more shall maintain separate returns for each ward so  
11 combined. In municipalities having a population of less than 35,000, the governing  
12 body may provide in the resolution that returns shall be maintained only for each  
13 group of combined wards at any election. Whenever a governing body provides for  
14 common ballot boxes and ballots or voting machines, separate returns shall be  
15 maintained for each separate ballot required under ss. 5.62 and 5.64 at the  
16 ~~September~~ partisan primary and general election. The municipal clerk shall  
17 transmit a copy of the resolution to the county clerk of each county in which the  
18 municipality is contained. In municipalities having a population of less than 35,000,  
19 the resolution shall remain in effect for each election until modified or rescinded, or  
20 until a new division is made under this section.

21 **SECTION 6.** 5.25 (3) of the statutes is amended to read:

22 5.25 ~~(3)~~ (3) Polling places shall be established for each ~~September primary and~~  
23 ~~general election at least 60 days before the election, and for each other~~ election at  
24 least 30 days before the election.

25 **SECTION 7.** 5.62 (title) of the statutes is amended to read:

1           **5.62 (title) September Partisan primary ballots.**

2           **SECTION 8.** 5.62 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 32, is  
3 amended to read:

4           5.62 (1) (a) At ~~September primaries~~ the partisan primary, the following ballot  
5 shall be provided for the nomination of candidates of recognized political parties for  
6 national, state and county offices and independent candidates for state office in each  
7 ward, in the same form as prescribed by the board under s. 7.08 (1) (a), except as  
8 authorized in s. 5.655. The ballots shall be made up of the several party tickets with  
9 each party entitled to participate in the primary under par. (b) or sub. (2) having its  
10 own ballot, except as authorized in s. 5.655. The ballots shall be secured together at  
11 the bottom. The party ballot of the party receiving the most votes for president or  
12 governor at the last general election shall be on top with the other parties arranged  
13 in descending order based on their vote for president or governor at the last general  
14 election. The ballots of parties qualifying under sub. (2) shall be placed after the  
15 parties qualifying under par. (b), in the same order in which the parties filed petitions  
16 with the board. Any ballot required under par. (b) 2. shall be placed next in order.  
17 At polling places where voting machines are used, each party shall be represented  
18 in one or more separate columns or rows on the ballot. At polling places where an  
19 electronic voting system is used other than an electronic voting machine, each party  
20 may be represented in separate columns or rows on the ballot.

21           **SECTION 9.** 5.62 (1) (b) of the statutes is amended to read:

22           5.62 (1) (b) 1. Except as provided in subd. 2. and s. 5.64 (1) (e) 2., every  
23 recognized political party listed on the official ballot at the last gubernatorial election  
24 whose candidate for any statewide office received at least 1% of the total votes cast  
25 for that office and, if the last general election was also a presidential election, every

1 recognized political party listed on the ballot at that election whose candidate for  
2 president received at least 1% of the total vote cast for that office shall have a  
3 separate primary ballot or one or more separate columns or rows on the primary  
4 ballot as prescribed in par. (a) and a separate column on the general election ballot  
5 in every ward and election district. An organization which was listed as  
6 “independent” at the last general election and whose candidate meets the same  
7 qualification shall receive the same ballot status upon petition of the chairperson  
8 and secretary of the organization to the board requesting such status and specifying  
9 their party name, which may not duplicate the name of an existing party. A petition  
10 under this subdivision may be filed no later than 5 p.m. on ~~June~~ April 1 in the year  
11 of each general election.

12 2. Subdivision 1. applies to a party within any assembly district or county at  
13 any ~~September~~ partisan primary election only if at least one candidate of the party  
14 for any national, state or county office qualifies to have his or her name appear on  
15 the ballot under the name of that party within that assembly district or county. The  
16 county clerk or county board of election commissioners shall provide a combined  
17 separate ballot or one or more separate columns or rows on the ballot that will permit  
18 an elector to cast a vote for a write-in candidate for the nomination of any such party  
19 for each national, state and county office whenever that party qualifies to be  
20 represented on a separate primary ballot or in one or more separate columns or rows  
21 under subd. 1. but does not qualify under this subdivision. The ballot shall include  
22 the name of each party qualifying for a separate ballot or one or more separate  
23 columns or rows on the ballot under each office, with the names of the candidates for  
24 each such party appearing in the same order in which the ballots of the parties would  
25 appear under par. (a).

1           **SECTION 10.** 5.62 (2) of the statutes is amended to read:

2           5.62 (2) (a) Except as provided in par. (b) and s. 5.64 (1) (e) 2., any political  
3 organization may be represented on a separate primary ballot or in one or more  
4 separate columns or rows on the primary ballot as prescribed in sub. (1) (a) and in  
5 a separate column on the general election ballot in every ward and election district.  
6 To qualify for a separate ballot under this paragraph, the political organization shall,  
7 not later than 5 p.m. on ~~June~~ April 1 in the year of the ~~September~~ partisan primary,  
8 file with the board a petition requesting separate ballot status. The petition shall  
9 be signed by at least 10,000 electors, including at least 1,000 electors residing in each  
10 of at least 3 separate congressional districts. The petition shall conform to the  
11 requirements of s. 8.40. No signature obtained before January 1 in the year of filing  
12 is valid. When the candidates of a political organization filing a valid petition fulfill  
13 the requirements prescribed by law, they shall appear on a separate ballot or one or  
14 more separate columns or rows on the ballot for the period ending with the following  
15 general election.

16           (b) Paragraph (a) applies to a party within any assembly district or county at  
17 any ~~September~~ partisan primary election only if at least one candidate of the party  
18 for any national, state or county office qualifies to have his or her name appear on  
19 the ballot under the name of that party within that assembly district or county. The  
20 county clerk or county board of election commissioners shall provide a combined  
21 separate ballot or one or more separate columns or rows on the ballot that will permit  
22 an elector to cast a vote for a write-in candidate for the nomination of any such party  
23 for each national, state and county office whenever that party qualifies to be  
24 represented on a separate primary ballot or in one or more separate columns or rows  
25 under par. (a) but does not qualify under this paragraph. The ballot shall include the

1 name of each party qualifying for a separate ballot or one or more separate columns  
2 or rows on the ballot under each office, with the names of the candidates for each such  
3 party appearing in the same order in which the ballots of the parties would appear  
4 under sub. (1) (a).

5 **SECTION 11.** 5.62 (3) of the statutes, as affected by 2011 Wisconsin Act 32, is  
6 amended to read:

7 5.62 (3) The board shall designate the official primary ballot arrangement for  
8 statewide offices and district attorney within each prosecutorial district by using the  
9 same procedure as provided in s. 5.60 (1) (b). On each ballot and on each separate  
10 column or row on the ballot, the candidates for office shall be listed together with the  
11 offices which they seek in the following order whenever these offices appear on the  
12 ~~September~~ partisan primary ballot: governor, lieutenant governor, attorney general,  
13 secretary of state, state treasurer, U.S. senator, U.S. representative in congress,  
14 state senator, representative to the assembly, district attorney and the county offices.

15 **SECTION 12.** 6.22 (2) (e) of the statutes is created to read:

16 6.22 (2) (e) A military elector may file an application for an absentee ballot by  
17 means of electronic mail or facsimile transmission in the manner prescribed in s. 6.86  
18 (1) (ac). Upon receipt of a valid application, the municipal clerk shall send the elector  
19 an absentee ballot or, if the elector is a military elector, as defined in s. 6.34 (1) (a),  
20 and the elector so requests, shall transmit an absentee ballot to the elector by means  
21 of electronic mail or facsimile transmission in the manner prescribed in s. 6.87 (3)  
22 (d).

23 **SECTION 13.** 6.22 (4) (a) of the statutes is amended to read:

24 6.22 (4) (a) ~~A request for an absentee ballot by an individual who qualifies as~~  
25 ~~a military elector shall be treated as a request for an absentee ballot for all elections.~~

1 Upon receiving a timely request for an absentee ballot under par. (b) by an individual  
2 who qualifies as a military elector, the municipal clerk shall send or, if the individual  
3 is a military elector as defined in s. 6.34 (1) (a), shall transmit to the elector upon the  
4 elector's request an absentee ballot for all elections that occur in the municipality or  
5 portion thereof where the elector resides ~~beginning on the date that the clerk receives~~  
6 ~~the request~~ in the same calendar year in which the request is received, unless the  
7 individual otherwise requests.

8 **SECTION 14.** 6.22 (4) (c) of the statutes is amended to read:

9 6.22 (4) (c) A military elector may indicate an alternate address on his or her  
10 absentee ballot application. If the elector's ballot is returned as undeliverable prior  
11 to the deadline for return of absentee ballots under s. 6.87 (6), and the elector remains  
12 eligible to receive absentee ballots under this section, the municipal clerk shall  
13 immediately send or, if the elector is a military elector as defined in s. 6.34 (1) (a),  
14 transmit an absentee ballot to the elector at the alternate address.

15 **SECTION 15.** 6.22 (4) (e) of the statutes is amended to read:

16 6.22 (4) (e) Whenever the material is mailed, the material shall be prepared  
17 and mailed to make use of the federal free postage laws. If the material does not  
18 qualify for mailing without postage under federal free postage laws, the municipal  
19 clerk shall pay the postage required for mailing to the military elector. If the return  
20 envelope qualifies for mailing free of postage under federal free postage laws, the  
21 clerk shall affix the appropriate legend required by U.S. postal regulations.  
22 Otherwise the municipal clerk shall pay the postage required for return when the  
23 ballot is mailed from within the United States. If the ballot is not mailed by the  
24 military elector from within the United States the military elector shall provide

1 return postage. ~~The mailing list established under this subsection shall be kept~~  
2 ~~current in the same manner as provided in s. 6.86 (2) (b).~~

3 **SECTION 16.** 6.22 (4) (f) of the statutes is amended to read:

4 6.22 (4) (f) ~~If there occur 2 successive general elections at which a military~~  
5 ~~elector fails to return an absentee ballot sent or transmitted to the elector under par.~~  
6 ~~(a) and the elector has not cast an absentee ballot at any intervening election, if the~~  
7 municipal clerk is reliably informed that ~~the elector~~ an individual who requests an  
8 absentee ballot under this section is no longer a military elector or no longer resides  
9 in the municipality, or if the elector so requests, the clerk shall discontinue sending  
10 or transmitting absentee ballots to the elector under this subsection. If a military  
11 elector who has requested an absentee ballot changes his or her residence from the  
12 municipality where a request is filed to another municipality in this state, the  
13 municipal clerk of the municipality who received the request shall notify the clerk  
14 of the municipality to which the elector's residence is changed of the date of the  
15 request ~~or the latest renewal under par. (g) and the date of the most recent absentee~~  
16 ~~ballot received by the clerk.~~ The municipal clerk who is so notified shall treat the  
17 request as having been made to him or her.

18 **SECTION 17.** 6.22 (4) (g) of the statutes is repealed.

19 **SECTION 18.** 6.22 (5) of the statutes is amended to read:

20 6.22 (5) VOTING PROCEDURE. Except as provided in s. ~~6.221~~ 7.515 and as  
21 authorized in s. 6.25, the ballot shall be marked and returned, deposited and  
22 recorded in the same manner as other absentee ballots. In addition, the certification  
23 under s. 6.87 (2) shall have a statement of the elector's birth date. Failure to return  
24 any unused ballots in a primary election does not invalidate the ballot on which the  
25 elector casts his or her votes.



1           **SECTION 19.** 6.22 (6) of the statutes is amended to read:

2           6.22 **(6)** MILITARY ELECTOR LIST. Each municipal clerk shall keep an up-to-date  
3 list of all eligible military electors who reside in the municipality; ~~city clerks shall~~  
4 ~~keep the lists by wards in the format prescribed by the board.~~ The list shall contain  
5 the name, latest-known military residence and military mailing address of each  
6 military elector. The list shall indicate whether each elector whose name appears on  
7 the list is a military elector, as defined in s. ~~6.36 (2) (c)~~ 6.34 (1), and has so certified  
8 under s. 6.865 (3m). All persons over 18 years of age or who will be 18 years old prior  
9 to an election shall be listed and remain on the list for the duration of their tour of  
10 duty. The list shall be kept current through all possible means. Each clerk shall  
11 exercise reasonable care to avoid duplication of names or listing anyone who is not  
12 eligible to vote. Each clerk shall distribute ~~2 copies of~~ one copy of the list to the  
13 ~~appropriate ward~~ each polling place in the municipality for use on election day.

14           **SECTION 20.** 6.221 (title) of the statutes is renumbered 7.515 (title) and  
15 amended to read:

16           **7.515 (title) Counting of certain absentee ballots ~~for certain military~~**  
17 **~~electors; September primary and general election received after election~~**  
18 **day.**

19           **SECTION 21.** 6.221 (1) of the statutes is repealed.

20           **SECTION 22.** 6.221 (2) of the statutes is renumbered 7.515 (2) and amended to  
21 read:

22           7.515 **(2)** Each certificate envelope that is mailed ~~or transmitted to a military~~  
23 an absentee elector and each certificate envelope that is transmitted to a military or  
24 overseas elector under s. 6.87 (3) (d) under this section shall be clearly labeled as

1 “Cast by ~~a military~~ an absentee elector under s. ~~6.221~~ 7.515, Wis. Stats., and may  
2 be eligible to be counted after election day.”

3 **SECTION 23.** 6.221 (3) (a) of the statutes is renumbered 7.515 (3) and amended  
4 to read:

5 7.515 (3) ~~At the September primary, a~~ A ballot that is cast ~~under s. 6.22~~ by an  
6 absentee elector ~~who is a military elector~~, that is received by mail from the U. S.  
7 postal service, and that is postmarked no later than election day shall be counted as  
8 provided in this section if it is received by a municipal clerk no later than ~~5~~ 4 p.m.  
9 on the ~~7th day~~ Friday after the election.

10 **SECTION 24.** 6.221 (3) (b) of the statutes is repealed.

11 **SECTION 25.** 6.221 (4) of the statutes is renumbered 7.515 (4).

12 **SECTION 26.** 6.221 (5) of the statutes is renumbered 7.515 (5) and amended to  
13 read:

14 7.515 (5) No later than the closing hour of the polls on the day of ~~the September~~  
15 ~~primary and the day of the general~~ each election, the municipal clerk of each  
16 municipality shall post at his or her office and on the Internet at a site announced  
17 by the clerk before the polls open, and shall make available to any person upon  
18 request, a statement of the number of absentee ballots that the clerk has mailed or  
19 transmitted to ~~military~~ absentee electors under this section and that have not been  
20 returned to the polling places where the electors reside by the closing hour on election  
21 day. The posting shall not include the names or addresses of any ~~military~~ absentee  
22 electors.

23 **SECTION 27.** 6.221 (6) of the statutes is renumbered 7.515 (6) and amended to  
24 read:

1           7.515 **(6)** (a) Whenever the municipal clerk of any municipality receives an  
2 absentee ballot cast by an absentee elector ~~who is a military elector~~ under this section  
3 and the ballot is not received in sufficient time for delivery to the polling place serving  
4 the residence of the elector on election day but is received within the time specified  
5 in sub. (3), the clerk shall promptly provide written notice to the board of canvassers  
6 of each municipality, special purpose district, and county that is responsible for  
7 canvassing the election of the number of such ballots that have been ~~cast~~ received  
8 by the clerk in each ward or election district.

9           (b) Whenever a board of canvassers receives notification from a municipal clerk  
10 under par. (a), the board of canvassers shall reconvene no later than 9 a.m. on the  
11 day after the last day permitted for acceptance of absentee ballots under sub. (3) and  
12 shall proceed to open and record the names of the ~~military~~ absentee electors whose  
13 ballots have been received. If the ballot cast by ~~a military~~ an absentee elector is  
14 otherwise valid, the board of canvassers shall count the ballot and adjust the  
15 statements, certifications, and determinations accordingly. If the municipal clerk  
16 transmits returns of the election to the county clerk, the municipal clerk shall  
17 transmit to the county clerk a copy of the amended returns together with all  
18 additional ballots and envelopes reviewed by the board of canvassers and with  
19 amended tally sheets.

20           **SECTION 28.** 6.24 (1) of the statutes is amended to read:

21           6.24 (1) DEFINITION. In this section, except as otherwise provided, “overseas  
22 elector” means a U.S. citizen who is not disqualified from voting under s. 6.03, who  
23 has attained or will attain the age of 18 by the date of an election at which the citizen  
24 proposes to vote and who does not qualify as a resident of this state under s. 6.10, but  
25 who was last domiciled in this state or whose parent was last domiciled in this state

1 immediately prior to the parent's departure from the United States, and who is not  
2 registered to vote or voting in any other state, territory or possession.

3 **SECTION 29.** 6.24 (2) of the statutes is amended to read:

4 6.24 (2) ELIGIBILITY. An overseas elector under sub. (1) may vote in any election  
5 for national office, including the ~~September~~ partisan primary and presidential  
6 preference primary and any special primary or election. Such elector may not vote  
7 in an election for state or local office. An overseas elector shall vote in the ward or  
8 election district in which the elector was last domiciled or in which the elector's  
9 parent was last domiciled prior to departure from the United States.

10 **SECTION 30.** 6.24 (4) (c) of the statutes, as affected by 2011 Wisconsin Act 23,  
11 is amended to read:

12 6.24 (4) (c) Upon receipt of a timely application from an individual who  
13 qualifies as an overseas elector and who has registered to vote in a municipality  
14 under sub. (3), the municipal clerk of the municipality shall send ~~or transmit, or if~~  
15 the individual is an overseas elector, as defined in s. 6.34 (1) (b), shall transmit an  
16 absentee ballot to the individual upon the individual's request for all subsequent  
17 elections for national office to be held during the year in which the ballot is requested,  
18 except as otherwise provided in this paragraph, unless the individual otherwise  
19 requests or until the individual no longer qualifies as an overseas elector: of the  
20 municipality. The clerk shall not send an absentee ballot for an election if the  
21 overseas elector's name appeared on the registration list in eligible status for a  
22 previous election following the date of the application but no longer appears on the  
23 list in eligible status. The municipal clerk shall ensure that the envelope containing  
24 the absentee ballot is clearly marked as not forwardable. If an overseas elector who

1 files an application under this subsection no longer resides at the same address that  
2 is indicated on the application form, the elector shall so notify the municipal clerk.

3 **SECTION 31.** 6.24 (4) (e) of the statutes is created to read:

4 6.24 (4) (e) An overseas elector may file an application for an absentee ballot  
5 by means of electronic mail or facsimile transmission in the manner prescribed in s.  
6 6.86 (1) (ac). Upon receipt of a valid application, the municipal clerk shall send the  
7 elector an absentee ballot or, if the elector is an overseas elector, as defined in s. 6.34  
8 (1) (b) and the elector so requests, shall transmit an absentee ballot to the elector by  
9 means of electronic mail or facsimile transmission in the manner prescribed in s. 6.87  
10 (3) (d).

11 **SECTION 32.** 6.25 (1) of the statutes is renumbered 6.25 (1) (a) and amended to  
12 read:

13 6.25 (1) (a) Any individual who qualifies as a military elector under s. 6.22 (1)  
14 (b) ~~or an overseas elector under s. 6.24 (1)~~ and who transmits an application for an  
15 official absentee ballot for ~~a general election~~ any election, including a primary  
16 election, no later than 30 days before election day the latest time specified for the  
17 elector in s. 6.86 (1) (b) may, in lieu of the official ballot, cast a federal write-in  
18 absentee ballot prescribed under 42 USC 1973ff-2 for any candidate for an office  
19 listed on the official ballot or for all of the candidates of any recognized political party  
20 for ~~national office~~ the offices listed on the official ballot at ~~the general~~ that election  
21 if the federal write-in absentee ballot is received by the appropriate municipal clerk  
22 no later than the applicable time prescribed in s. 6.221 (3) or 6.87 (6).

23 **SECTION 33.** 6.25 (1) (b) of the statutes is created to read:

24 6.25 (1) (b) Any individual who qualifies as an overseas elector under s. 6.24  
25 (1) and who transmits an application for an official absentee ballot for an election for

1 national office, including a primary election, no later than the latest time specified  
2 for an 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  
4 candidates of any recognized political party for national office listed on the official  
5 ballot at that election, if the federal write-in absentee ballot is received by the  
6 appropriate municipal clerk no later than the applicable time prescribed in s. 6.221  
7 (3) or 6.87 (6).

8 **SECTION 34.** 6.25 (1) (c) of the statutes is created to read:

9 6.25 (1) (c) A completed and signed federal write-in absentee ballot submitted  
10 by a qualified elector under par. (a) serves as an application for an absentee ballot  
11 and need not be accompanied by a separate application.

12 **SECTION 35.** 6.25 (2) of the statutes is repealed.

13 **SECTION 36.** 6.25 (3) of the statutes is repealed.

14 **SECTION 37.** 6.25 (4) (intro.), (a) and (b) of the statutes are consolidated,  
15 renumbered 6.25 (4) and amended to read:

16 6.25 (4) A write-in absentee ballot issued under sub. (1), ~~(2) or (3)~~ is valid only  
17 if all of the following apply: ~~(a) The ballot is submitted from a location outside the~~  
18 ~~United States. (b) The~~ the elector submitting the ballot does not submit an official  
19 ballot within the time prescribed in s. 6.87 (6) and, if the elector is an overseas elector,  
20 the elector resides outside the United States.

21 **SECTION 38.** 6.36 (1) (a) of the statutes is amended to read:

22 6.36 (1) (a) The board shall compile and maintain electronically an official  
23 registration list. The list shall contain the name and address of each registered  
24 elector in the state, the date of birth of the elector, the ward and aldermanic district  
25 of the elector, if any, and, for each elector, a unique registration identification number

1 assigned by the board, the number of a valid operator's license issued to the elector  
2 under ch. 343, if any, or the last 4 digits of the elector's social security account  
3 number, if any, any identification serial number issued to the elector under s. 6.47  
4 (3), the date of any election in which the elector votes, ~~an indication of whether the~~  
5 ~~elector is a military elector, as defined in sub. (2) (c) who has so certified under s.~~  
6 ~~6.865 (3m)~~, an indication of whether the elector is an overseas elector, as defined in  
7 s. 6.24 (1), any information relating to the elector that appears on the current list  
8 transmitted to the board by the department of corrections under s. 301.03 (20m), an  
9 indication of any accommodation required under s. 5.25 (4) (a) to permit voting by  
10 the elector, an indication of the method by which the elector's registration form was  
11 received, and such other information as may be determined by the board to facilitate  
12 administration of elector registration requirements.

13 **SECTION 39.** 6.50 (8) of the statutes is amended to read:

14 6.50 (8) Any municipal governing body may direct the municipal clerk or board  
15 of election commissioners to arrange with the U.S. postal service pursuant to  
16 applicable federal regulations, to receive change of address information with respect  
17 to individuals residing within the municipality for revision of the elector registration  
18 list. If required by the U.S. postal service, the governing body may create a  
19 registration commission consisting of the municipal clerk or executive director of the  
20 board of election commissioners and 2 other electors of the municipality appointed  
21 by the clerk or executive director for the purpose of making application for address  
22 changes and processing the information received. The municipal clerk or executive  
23 director shall act as chairperson of the commission. Any authorization under this  
24 subsection shall be for a definite period or until the municipal governing body  
25 otherwise determines. The procedure shall apply uniformly to the entire

1 municipality whenever used. The procedure shall provide for receipt of complete  
2 change of address information on an automatic basis, or not less often than once  
3 every 2 years during the 60 days preceding the close of registration for the ~~September~~  
4 partisan primary. If a municipality adopts the procedure for obtaining address  
5 corrections under this subsection, it need not comply with the procedure for mailing  
6 address verification cards under subs. (1) and (2).

7 **SECTION 40.** 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 41.** 6.86 (1) (a) 3. of the statutes is amended to read:

13 6.86 (1) (a) 3. By signing a statement and filing a request to receive absentee  
14 ballots under sub. (2) or (2m) (a) or s. 6.22 (4), 6.24 (4), or 6.25 (1) (c).

15 **SECTION 42.** 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 43.** 6.86 (1) (b) of the statutes, as affected by 2011 Wisconsin Act 23,  
23 is amended to read:

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



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

21 **SECTION 44.** 6.865 (title) of the statutes is amended to read:

22 **6.865 (title) Federal absentee ballot requests ballots.**

23 **SECTION 45.** 6.865 (3) of the statutes is repealed.

24 **SECTION 46.** 6.865 (3m) (a) of the statutes is repealed.