



## 2013 SENATE BILL 173

May 8, 2013 – Introduced by Senators RISSER, HARRIS, MILLER, L. TAYLOR, LEHMAN and T. CULLEN, cosponsored by Representatives GENRICH, BERCEAU, HESSELBEIN, HULSEY, SARGENT, HEBL, BERNARD SCHABER, YOUNG, KESSLER, RINGHAND, WACHS, GOYKE, HINTZ, C. TAYLOR and OHNSTAD. Referred to Elections and Urban Affairs.

1     **AN ACT to amend** 6.02 (1) and (2), 6.10 (3), 6.10 (4), 6.15 (1), 6.15 (2) (a), 6.18, 6.22  
2             (7), 6.29 (2) (a), 6.33 (1), 6.40 (1) (a) 1., 6.55 (2) (a) 1., 6.85 (2), 6.86 (1) (b), 6.87  
3             (2), 6.94 and 7.52 (5) (b) of the statutes; **relating to:** durational residency  
4             requirement for voting and deadlines for late registration and absentee voting  
5             in person.

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### *Analysis by the Legislative Reference Bureau*

Under current law, with certain limited exceptions, an individual must be a resident of this state and of the municipality and ward, if any, where the individual will vote for 28 consecutive days before an election to be eligible to vote in the election. This bill decreases the durational residency requirement to ten consecutive days. An individual who does not satisfy the ten-day residency requirement at his or her current location but who resided at another location in this state in the nine-day period preceding the election may vote absentee in the ward or municipality from which he or she moved if the individual is otherwise qualified to vote in that ward or municipality.

Currently, the deadline for late registration made in person and at the office of a municipal clerk or board of election commissioners to vote in an election is 5 p.m. or the close of business, whichever is later, on the Friday before the election. The deadline for absentee voting in person at the office of a municipal clerk or board of election commissioners is also 5 p.m. or the close of business, whichever is later, on

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the Friday before the election. This bill moves both of these deadlines to the day before the election.

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

1           **SECTION 1.** 6.02 (1) and (2) of the statutes are amended to read:

2           6.02 (1) Every U.S. citizen age 18 or older who has resided in an election district  
3 or ward for ~~28~~ 10 consecutive days before any election where the citizen offers to vote  
4 is an eligible elector.

5           (2) Any U.S. citizen age 18 or older who moves within this state later than ~~28~~  
6 10 days before an election shall vote at his or her previous ward or election district  
7 if the person is otherwise qualified. If the elector can comply with the ~~28-day~~ 10-day  
8 residence requirement at the new address and is otherwise qualified, he or she may  
9 vote in the new ward or election district.

10          **SECTION 2.** 6.10 (3) of the statutes is amended to read:

11          6.10 (3) When an elector moves his or her residence from one ward or  
12 municipality to another ward or municipality within the state at least ~~28~~ 10 days  
13 before the election, the elector may vote in and be considered a resident of the new  
14 ward or municipality where residing upon transferring registration under s. 6.40 (1)  
15 or upon registering at the proper polling place or other registration location in the  
16 new ward or municipality under s. 6.55 (2) or 6.86 (3) (a) 2. If the elector moves his  
17 or her residence later than ~~28~~ 10 days before an election, the elector shall vote in the  
18 elector's former ward or municipality if otherwise qualified to vote there.

19          **SECTION 3.** 6.10 (4) of the statutes is amended to read:

20          6.10 (4) The residence of an unmarried person sleeping in one ward and  
21 boarding in another is the place where the person sleeps. The residence of an

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1 unmarried person in a transient vocation, a teacher or a student who boards at  
2 different places for part of the week, month, or year, if one of the places is the  
3 residence of the person's parents, is the place of the parents' residence unless through  
4 registration or similar act the person elects to establish a residence elsewhere. If the  
5 person has no parents and if the person has not registered elsewhere, the person's  
6 residence shall be at the place that the person considered his or her residence in  
7 preference to any other for at least ~~28~~ 10 consecutive days before an election. If this  
8 place is within the municipality, the person is entitled to all the privileges and subject  
9 to all the duties of other citizens having their residence there, including voting.

10 **SECTION 4.** 6.15 (1) of the statutes is amended to read:

11 6.15 (1) **QUALIFICATIONS.** Any person who was or who is an eligible elector under  
12 ss. 6.02 and 6.03, except that he or she has been a resident of this state for less than  
13 ~~28~~ 10 consecutive days prior to the date of the presidential election, is entitled to vote  
14 for the president and vice president but for no other offices. The fact that the person  
15 was not registered to vote in the state from which he or she moved does not prevent  
16 voting in this state if the elector is otherwise qualified.

17 **SECTION 5.** 6.15 (2) (a) of the statutes is amended to read:

18 6.15 (2) (a) The elector's request for the application form may be made in person  
19 to the municipal clerk of the municipality where the person resides. Application may  
20 be made not sooner than ~~27~~ 9 days nor later than 5 p.m. on the day before the election,  
21 or may be made at the proper polling place in the ward or election district in which  
22 the elector resides. If an elector makes application before election day, the  
23 application form shall be returned to the municipal clerk after the affidavit has been  
24 signed in the presence of the clerk or any officer authorized by law to administer  
25 oaths. The affidavit shall be in substantially the following form:

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1 STATE OF WISCONSIN

2 County of ....

3 I, ..., do solemnly swear that I am a citizen of the United States; that prior to  
4 establishing Wisconsin residence, my legal residence was in the ... (town) (village)  
5 (city) of ..., state of ..., residing at ... (street address); that on the day of the next  
6 presidential election, I shall be at least 18 years of age and that I have been a legal  
7 resident of the state of Wisconsin since ..., ... (year), residing at ... (street address),  
8 in the [... ward of the ... aldermanic district of] the (town) (village) (city) of ..., county  
9 of ...; that I have resided in the state less than ~~28~~ 10 consecutive days, that I am  
10 qualified to vote for president and vice president at the election to be held November  
11 ..., ... (year), that I am not voting at any other place in this election and that I hereby  
12 make application for an official presidential ballot, in accordance with section 6.15  
13 of the Wisconsin statutes.

14 Signed ....

15 P.O. Address ....

16 Subscribed and sworn to before me this ... day of ..., ... (year)

17 ...(Name)

18 ...(Title)

19 **SECTION 6.** 6.18 of the statutes is amended to read:

20 **6.18 Former residents.** If ineligible to qualify as an elector in the state to  
21 which the elector has moved, any former qualified Wisconsin elector may vote an  
22 absentee ballot in the ward of the elector's prior residence in any presidential election  
23 occurring within 24 months after leaving Wisconsin by requesting an application  
24 form and returning it, properly executed, to the municipal clerk of the elector's prior  
25 Wisconsin residence. When requesting an application form for an absentee ballot,

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1 the applicant shall specify the applicant's eligibility for only the presidential ballot.  
2 Unless the applicant is exempted from providing proof of identification under s. 6.87  
3 (4) (b) 2. or 3., or the applicant is a military or overseas elector, the elector shall  
4 enclose a copy of his or her proof of identification or any authorized substitute  
5 document with his or her application. The municipal clerk shall verify that the name  
6 on the proof of identification conforms to the name on the application. The clerk shall  
7 not issue a ballot to an elector who is required to enclose a copy of proof of  
8 identification or an authorized substitute document with his or her application  
9 unless the copy is enclosed and the proof is verified by the clerk. The application form  
10 shall require the following information and be in substantially the following form:

11 This form shall be returned to the municipal clerk's office. Application must be  
12 received in sufficient time for ballots to be mailed and returned prior to any  
13 presidential election at which applicant wishes to vote. Complete all statements in  
14 full.

15 APPLICATION FOR PRESIDENTIAL

16 ELECTOR'S ABSENTEE BALLOT

17 (To be voted at the Presidential Election

18 on November ....., .... (year)

19 I, .... hereby swear or affirm that I am a citizen of the United States, formerly  
20 residing at .... in the .... ward .... aldermanic district (city, town, village) of ....., County  
21 of .... for ~~28~~ 10 consecutive days prior to leaving the State of Wisconsin. I, .... do  
22 solemnly swear or affirm that I do not qualify to register or vote under the laws of  
23 the State of ....(State you now reside in) where I am presently residing. A citizen must  
24 be a resident of: State ....(Insert time) County ....(Insert time) City, Town or Village  
25 ....(Insert time), in order to be eligible to register or vote therein. I further swear or

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1 affirm that my legal residence was established in the State of ...(the State where you  
2 now reside) on ... Month ... Day ... Year.

3 Signed ...  
4 Address ...(Present address)  
5 ...(City) ...(State)

6 Subscribed and sworn to before me this ... day of ... .. (year)  
7 ...(Notary Public, or other officer authorized to administer oaths.)  
8 ...(County)

9 My Commission expires

10 MAIL BALLOT TO:

11 NAME ...

12 ADDRESS ...

13 CITY ... STATE ... ZIP CODE ...

14 *Penalties for Violations.* Whoever swears falsely to any absent elector affidavit  
15 under this section may be fined not more than \$1,000 or imprisoned for not more than  
16 6 months or both. Whoever intentionally votes more than once in an election may  
17 be fined not more than \$10,000 or imprisoned for not more than 3 years and 6 months  
18 or both.

19 ...(Municipal Clerk)

20 ...(Municipality)

21 **SECTION 7.** 6.22 (7) of the statutes is amended to read:

22 **6.22 (7) EXTENSION OF PRIVILEGE.** This section applies to all military electors for  
23 ~~28~~ 10 days after the date of discharge from a uniformed service or termination of  
24 services or employment of individuals specified in sub. (1) (b) 1. to 4.

25 **SECTION 8.** 6.29 (2) (a) of the statutes is amended to read:

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1           6.29 (2) (a) Any qualified elector of a municipality who has not previously filed  
2 a registration form or whose name does not appear on the registration list of the  
3 municipality may register after the close of registration but not later than 5 p.m. or  
4 the close of business, whichever is later, on the Friday day before an election at the  
5 office of the municipal clerk and at the office of the clerk's agent if the clerk delegates  
6 responsibility for electronic maintenance of the registration list to an agent under  
7 s. 6.33 (5) (b). The elector shall complete, in the manner provided under s. 6.33 (2),  
8 a registration form containing all information required under s. 6.33 (1). The  
9 registration form shall also contain the following certification: "I, ..., hereby certify  
10 that, to the best of my knowledge, I am a qualified elector, having resided at ... for  
11 at least ~~28~~ 10 consecutive days immediately preceding this election, and I have not  
12 voted at this election". The elector shall also provide proof of residence under s. 6.34.

13           **SECTION 9.** 6.33 (1) of the statutes is amended to read:

14           6.33 (1) The board shall prescribe the format, size, and shape of registration  
15 forms. All forms shall be printed on cards and each item of information shall be of  
16 uniform font size, as prescribed by the board. The municipal clerk shall supply  
17 sufficient forms to meet voter registration needs. The forms shall be designed to  
18 obtain from each applicant information as to name; date; residence location; location  
19 of previous residence immediately before moving to current residence location;  
20 citizenship; date of birth; age; the number of a current and valid operator's license  
21 issued to the elector under ch. 343 or the last 4 digits of the elector's social security  
22 account number; whether the applicant has resided within the ward or election  
23 district for at least ~~28~~ 10 consecutive days; whether the applicant has been convicted  
24 of a felony for which he or she has not been pardoned, and if so, whether the applicant  
25 is incarcerated, or on parole, probation, or extended supervision; whether the

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1 applicant is disqualified on any other ground from voting; and whether the applicant  
2 is currently registered to vote at any other location. The form shall include a space  
3 for the applicant's signature. Below the space for the signature, the form shall state  
4 "Falsification of information on this form is punishable under Wisconsin law as a  
5 Class I felony." The form shall include a space to enter the name of any special  
6 registration deputy under s. 6.26 or 6.55 (6) or inspector, municipal clerk, or deputy  
7 clerk under s. 6.55 (2) who obtains the form and a space for the deputy, inspector,  
8 clerk, or deputy clerk to sign his or her name, affirming that the deputy, inspector,  
9 clerk, or deputy clerk has accepted the form. The form shall include a space for entry  
10 of the ward and aldermanic district, if any, where the elector resides and any other  
11 information required to determine the offices and referenda for which the elector is  
12 certified to vote. The form shall also include a space where the clerk may record an  
13 indication of whether the form is received by mail, a space where the clerk may record  
14 an indication of the type of identifying document submitted by the elector as proof  
15 of residence under s. 6.34, whenever required, and a space where the clerk, for any  
16 applicant who possesses a valid voting identification card issued to the person under  
17 s. 6.47 (3), may record the identification serial number appearing on the voting  
18 identification card. Each county clerk shall obtain sufficient registration forms for  
19 completion by an elector who desires to register to vote at the office of the county clerk  
20 under s. 6.28 (4).

21 **SECTION 10.** 6.40 (1) (a) 1. of the statutes is amended to read:

22 6.40 (1) (a) 1. Any registered elector may transfer registration after a change  
23 of residence within the state by filing in person with the municipal clerk of the  
24 municipality where the elector resides or by mailing to the municipal clerk a signed  
25 request stating his or her present address, affirming that this will be his or her



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1 residence for ~~28~~ 10 consecutive days prior to the election and providing the address  
2 where he or she was last registered. Alternatively, the elector may transfer his or  
3 her registration at the proper polling place or other registration location under s. 6.02  
4 (2) in accordance with s. 6.55 (2) (a). If an elector is voting in the ward or election  
5 district where the elector formerly resided, the change shall be effective for the next  
6 election.

7 **SECTION 11.** 6.55 (2) (a) 1. of the statutes is amended to read:

8 6.55 (2) (a) 1. Except where the procedure under par. (c) or (cm) is employed,  
9 any person who qualifies as an elector in the ward or election district where he or she  
10 desires to vote, but has not previously filed a registration form, or was registered at  
11 another location, may request permission to vote at the polling place for that ward  
12 or election district, or at an alternate polling place assigned under s. 5.25 (5) (b).  
13 When a proper request is made, the inspector shall require the person to execute a  
14 registration form prescribed by the board. The registration form shall be completed  
15 in the manner provided under s. 6.33 (2) and shall contain all information required  
16 under s. 6.33 (1), together with the following certification:

17 “I, ....., hereby certify that, to the best of my knowledge, I am a qualified elector,  
18 having resided at .... for at least ~~28~~ 10 consecutive days immediately preceding this  
19 election, and I have not voted at this election.”

20 **SECTION 12.** 6.85 (2) of the statutes is amended to read:

21 6.85 (2) Any otherwise qualified elector who changes residence within this  
22 state by moving to a different ward or municipality later than ~~28~~ 10 days prior to an  
23 election may vote an absentee ballot in the ward or municipality where he or she was  
24 qualified to vote before moving.

25 **SECTION 13.** 6.86 (1) (b) of the statutes is amended to read:

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1           6.86 (1) (b) Except as provided in this section, if application is made by mail,  
2 the application shall be received no later than 5 p.m. on the 5th day immediately  
3 preceding the election. If application is made in person, the application shall be  
4 made no earlier than the opening of business on the 3rd Monday preceding the  
5 election and no later than 5 p.m. or the close of business, whichever is later, on the  
6 ~~Friday~~ day preceding the election. Except as provided in par. (c), if the elector is  
7 making written application for an absentee ballot at the partisan primary, the  
8 general election, the presidential preference primary, or a special election for  
9 national office, and the application indicates that the elector is a military elector, as  
10 defined in s. 6.34 (1), the application shall be received by the municipal clerk no later  
11 than 5 p.m. on election day. If the application indicates that the reason for requesting  
12 an absentee ballot is that the elector is a sequestered juror, the application shall be  
13 received no later than 5 p.m. on election day. If the application is received after 5 p.m.  
14 on the Friday immediately preceding the election, the municipal clerk or the clerk's  
15 agent shall immediately take the ballot to the court in which the elector is serving  
16 as a juror and deposit it with the judge. The judge shall recess court, as soon as  
17 convenient, and give the elector the ballot. The judge shall then witness the voting  
18 procedure as provided in s. 6.87 and shall deliver the ballot to the clerk or agent of  
19 the clerk who shall deliver it to the polling place or, in municipalities where absentee  
20 ballots are canvassed under s. 7.52, to the municipal clerk as required in s. 6.88. If  
21 application is made under sub. (2) or (2m), the application may be received no later  
22 than 5 p.m. on the Friday immediately preceding the election.

23           **SECTION 14.** 6.87 (2) of the statutes is amended to read:

24           6.87 (2) Except as authorized under sub. (3) (d), the municipal clerk shall place  
25 the ballot in an unsealed envelope furnished by the clerk. The envelope shall have

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1 the name, official title and post-office address of the clerk upon its face. The other  
2 side of the envelope shall have a printed certificate which shall include a space for  
3 the municipal clerk or deputy clerk to enter his or her initials indicating that if the  
4 absentee elector voted in person under s. 6.86 (1) (ar), the elector presented proof of  
5 identification to the clerk and the clerk verified the proof presented. The certificate  
6 shall also include a space for the municipal clerk or deputy clerk to enter his or her  
7 initials indicating that the elector is exempt from providing proof of identification  
8 because the individual is a military or overseas elector or is exempted from providing  
9 proof of identification under sub. (4) (b) 2. or 3. The certificate shall be in  
10 substantially the following form:

11 [STATE OF ....

12 County of ....]

13 or

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

15 I, ..., certify subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false  
16 statements, that I am a resident of the [... ward of the] (town) (village) of ..., or of  
17 the ... aldermanic district in the city of ..., residing at ...\* in said city, the county  
18 of ..., state of Wisconsin, and am entitled to vote in the (ward) (election district) at  
19 the election to be held on ...; that I am not voting at any other location in this election;  
20 that I am unable or unwilling to appear at the polling place in the (ward) (election  
21 district) on election day or have changed my residence within the state from one ward  
22 or election district to another later than ~~28~~ 10 days before the election. I certify that  
23 I exhibited the enclosed ballot unmarked to the witness, that I then in (his) (her)  
24 presence and in the presence of no other person marked the ballot and enclosed and  
25 sealed the same in this envelope in such a manner that no one but myself and any

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1 person rendering assistance under s. 6.87 (5), Wis. Stats., if I requested assistance,  
2 could know how I voted.

3 Signed ....

4 Identification serial number, if any: ....

5 The witness shall execute the following:

6 I, the undersigned witness, subject to the penalties of s. 12.60 (1) (b), Wis.  
7 Stats., for false statements, certify that I am an adult U.S. citizen and that the above  
8 statements are true and the voting procedure was executed as there stated. I am not  
9 a candidate for any office on the enclosed ballot (except in the case of an incumbent  
10 municipal clerk). I did not solicit or advise the elector to vote for or against any  
11 candidate or measure.

12 ....(Name)

13 ....(Address)\*\*

14 \* — An elector who provides an identification serial number issued under s.  
15 6.47 (3), Wis. Stats., need not provide a street address.

16 \*\* — If this form is executed before 2 special voting deputies under s. 6.875 (6),  
17 Wis. Stats., both deputies shall witness and sign.

18 **SECTION 15.** 6.94 of the statutes is amended to read:

19 **6.94 Challenged elector oath.** If the person challenged refuses to answer  
20 fully any relevant questions put to him or her by the inspector under s. 6.92, the  
21 inspectors shall reject the elector’s vote. If the challenge is not withdrawn after the  
22 person offering to vote has answered the questions, one of the inspectors shall  
23 administer to the person the following oath or affirmation: “You do solemnly swear  
24 (or affirm) that: you are 18 years of age; you are a citizen of the United States; you  
25 are now and for ~~28~~ 10 consecutive days have been a resident of this ward except under

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1 s. 6.02 (2); you have not voted at this election; you have not made any bet or wager  
2 or become directly or indirectly interested in any bet or wager depending upon the  
3 result of this election; you are not on any other ground disqualified to vote at this  
4 election.”. If the person challenged refuses to take the oath or affirmation, the  
5 person’s vote shall be rejected. If the person challenged answers fully all relevant  
6 questions put to the elector by the inspector under s. 6.92, takes the oath or  
7 affirmation, and fulfills the applicable registration requirements, and if the answers  
8 to the questions given by the person indicate that the person meets the voting  
9 qualification requirements, the person’s vote shall be received.

10 **SECTION 16.** 7.52 (5) (b) of the statutes is amended to read:

11 7.52 (5) (b) For the purpose of deciding upon ballots that are challenged for any  
12 reason, the board of absentee ballot canvassers may call before it any person whose  
13 absentee ballot is challenged if the person is available to be called. If the person  
14 challenged refuses to answer fully any relevant questions put to him or her by the  
15 board of absentee ballot canvassers under s. 6.92, the board of absentee ballot  
16 canvassers shall reject the person’s vote. If the challenge is not withdrawn after the  
17 person offering to vote has answered the questions, one of the members of the board  
18 of absentee ballot canvassers shall administer to the person the following oath or  
19 affirmation: “You do solemnly swear (or affirm) that: you are 18 years of age; you are  
20 a citizen of the United States; you are now and for ~~28~~ 10 consecutive days have been  
21 a resident of this ward except under s. 6.02 (2), stats.; you have not voted at this  
22 election; you have not made any bet or wager or become directly or indirectly  
23 interested in any bet or wager depending upon the result of this election; you are not  
24 on any other ground disqualified to vote at this election.”. If the person challenged  
25 refuses to take the oath or affirmation, the person’s vote shall be rejected. If the

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1 person challenged answers fully all relevant questions put to the elector by the board  
2 of absentee ballot canvassers under s. 6.92, takes the oath or affirmation, and fulfills  
3 the applicable registration requirements, and if the answers to the questions given  
4 by the person indicate that the person meets the voting qualification requirements,  
5 the person's vote shall be received.

6 **SECTION 17. Initial applicability.**

7 (1) ABSENTEE VOTING. The treatment of section 6.86 (1) (b) of the statutes first  
8 applies to requests for absentee ballots made for voting at elections on the effective  
9 date of this subsection.

10 (2) DEADLINE FOR LATE REGISTRATION. The treatment of section 6.29 (2) (a) of the  
11 statutes first applies to late registration for voting at elections on the effective date  
12 of this subsection.

13 (END)