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 (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 (2), 6.94 and 7.52 (5) (b) of the statutes; relating to: durational residency requirement for voting and deadlines for late registration and absentee voting in person.

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

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

_Section 1._ 6.02 (1) and (2) of the statutes are amended to read:

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

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

_Section 2._ 6.10 (3) of the statutes is amended to read:

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

_Section 3._ 6.10 (4) of the statutes is amended to read:

6.10 (4) The residence of an unmarried person sleeping in one ward and boarding in another is the place where the person sleeps. The residence of an
unmarried person in a transient vocation, a teacher or a student who boards at
different places for part of the week, month, or year, if one of the places is the
residence of the person’s parents, is the place of the parents’ residence unless through
registration or similar act the person elects to establish a residence elsewhere. If the
person has no parents and if the person has not registered elsewhere, the person’s
residence shall be at the place that the person considered his or her residence in
preference to any other for at least 28 10 consecutive days before an election. If this
place is within the municipality, the person is entitled to all the privileges and subject
to all the duties of other citizens having their residence there, including voting.

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

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

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

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

County of ....

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

Signed ....

P.O. Address ....

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

....(Name)

....(Title)

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

6.18 Former residents. If ineligible to qualify as an elector in the state to which the elector has moved, any former qualified Wisconsin elector may vote an absentee ballot in the ward of the elector’s prior residence in any presidential election occurring within 24 months after leaving Wisconsin by requesting an application form and returning it, properly executed, to the municipal clerk of the elector’s prior Wisconsin residence. When requesting an application form for an absentee ballot,
the applicant shall specify the applicant’s eligibility for only the presidential ballot. Unless the applicant is exempted from providing proof of identification under s. 6.87 (4) (b) 2. or 3., or the applicant is a military or overseas elector, the elector shall enclose a copy of his or her proof of identification or any authorized substitute document with his or her application. The municipal clerk shall verify that the name on the proof of identification conforms to the name on the application. The clerk shall not issue a ballot to an elector who is required to enclose a copy of proof of identification or an authorized substitute document with his or her application unless the copy is enclosed and the proof is verified by the clerk. The application form shall require the following information and be in substantially the following form:

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

APPLICATION FOR PRESIDENTIAL ELECTOR'S ABSENTEE BALLOT

(To be voted at the Presidential Election on November ...., .... (year)

I, .... hereby swear or affirm that I am a citizen of the United States, formerly residing at .... in the .... ward .... aldermanic district (city, town, village) of ...., County of .... for 28 10 consecutive days prior to leaving the State of Wisconsin. I, .... do solemnly swear or affirm that I do not qualify to register or vote under the laws of the State of .....(State you now reside in) where I am presently residing. A citizen must be a resident of: State .....(Insert time) County .....(Insert time) City, Town or Village .....(Insert time), in order to be eligible to register or vote therein. I further swear or
affirm that my legal residence was established in the State of ....(the State where you
now reside) on .... Month .... Day .... Year.

Signed ....

Address ....(Present address)

...(City) ...(State)

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

....(Notary Public, or other officer authorized to administer oaths.)

....(County)

My Commission expires

MAIL BALLOT TO:

NAME ....

ADDRESS ....

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

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

....(Municipal Clerk)

....(Municipality)

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

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

SECTION 8. 6.29 (2) (a) of the statutes is amended to read:
SENATE BILL 173

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

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

6.33 (1) The board shall prescribe the format, size, and shape of registration forms. All forms shall be printed on cards and each item of information shall be of uniform font size, as prescribed by the board. The municipal clerk shall supply sufficient forms to meet voter registration needs. The forms shall be designed to obtain from each applicant information as to name; date; residence location; location of previous residence immediately before moving to current residence location; citizenship; date of birth; age; the number of a current and valid operator’s license issued to the elector under ch. 343 or the last 4 digits of the elector’s social security account number; whether the applicant has resided within the ward or election district for at least 28 10 consecutive days; whether the applicant has been convicted of a felony for which he or she has not been pardoned, and if so, whether the applicant is incarcerated, or on parole, probation, or extended supervision; whether the
applicant is disqualified on any other ground from voting; and whether the applicant
is currently registered to vote at any other location. The form shall include a space
for the applicant’s signature. Below the space for the signature, the form shall state
“Falsification of information on this form is punishable under Wisconsin law as a
Class I felony.”. The form shall include a space to enter the name of any special
registration deputy under s. 6.26 or 6.55 (6) or inspector, municipal clerk, or deputy
clerk under s. 6.55 (2) who obtains the form and a space for the deputy, inspector,
clerk, or deputy clerk to sign his or her name, affirming that the deputy, inspector,
clerk, or deputy clerk has accepted the form. The form shall include a space for entry
of the ward and aldermanic district, if any, where the elector resides and any other
information required to determine the offices and referenda for which the elector is
certified to vote. The form shall also include a space where the clerk may record an
indication of whether the form is received by mail, a space where the clerk may record
an indication of the type of identifying document submitted by the elector as proof
of residence under s. 6.34, whenever required, and a space where the clerk, for any
applicant who possesses a valid voting identification card issued to the person under
s. 6.47 (3), may record the identification serial number appearing on the voting
identification card. Each county clerk shall obtain sufficient registration forms for
completion by an elector who desires to register to vote at the office of the county clerk
under s. 6.28 (4).

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

6.40 (1) (a) 1. Any registered elector may transfer registration after a change
of residence within the state by filing in person with the municipal clerk of the
municipality where the elector resides or by mailing to the municipal clerk a signed
request stating his or her present address, affirming that this will be his or her
residence for 28 10 consecutive days prior to the election and providing the address
where he or she was last registered. Alternatively, the elector may transfer his or
her registration at the proper polling place or other registration location under s. 6.02
(2) in accordance with s. 6.55 (2) (a). If an elector is voting in the ward or election
district where the elector formerly resided, the change shall be effective for the next
election.

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

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

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

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

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

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

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

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

[STATE OF ....
County of ....]  
or

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

I, ...., certify subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false
statements, that I am a resident of the [.... ward of the] (town) (village) of ...., or of
the .... aldermanic district in the city of ...., residing at ....* in said city, the county
of ...., state of Wisconsin, and am entitled to vote in the (ward) (election district) at
the election to be held on ....; that I am not voting at any other location in this election;
that I am unable or unwilling to appear at the polling place in the (ward) (election
district) on election day or have changed my residence within the state from one ward
or election district to another later than 28 10 days before the election. I certify that
I exhibited the enclosed ballot unmarked to the witness, that I then in (his) (her)
presence and in the presence of no other person marked the ballot and enclosed and
sealed the same in this envelope in such a manner that no one but myself and any
person rendering assistance under s. 6.87 (5), Wis. Stats., if I requested assistance, could know how I voted.

Signed ....

Identification serial number, if any: ....

The witness shall execute the following:

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

....(Name)

....(Address)**

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

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

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

6.94 Challenged elector oath. If the person challenged refuses to answer fully any relevant questions put to him or her by the inspector under s. 6.92, the inspectors shall reject the elector’s vote. If the challenge is not withdrawn after the person offering to vote has answered the questions, one of the inspectors shall administer to the person the following oath or affirmation: “You do solemnly swear (or affirm) that: you are 18 years of age; you are a citizen of the United States; you are now and for 28 10 consecutive days have been a resident of this ward except under
s. 6.02 (2); you have not voted at this election; you have not made any bet or wager
or become directly or indirectly interested in any bet or wager depending upon the
result of this election; you are not on any other ground disqualified to vote at this
election.”. If the person challenged refuses to take the oath or affirmation, the
person’s vote shall be rejected. If the person challenged answers fully all relevant
questions put to the elector by the inspector under s. 6.92, takes the oath or
affirmation, and fulfills the applicable registration requirements, and if the answers
to the questions given by the person indicate that the person meets the voting
qualification requirements, the person’s vote shall be received.

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

7.52 (5) (b) For the purpose of deciding upon ballots that are challenged for any
reason, the board of absentee ballot canvassers may call before it any person whose
absentee ballot is challenged if the person is available to be called. If the person
challenged refuses to answer fully any relevant questions put to him or her by the
board of absentee ballot canvassers under s. 6.92, the board of absentee ballot
canvassers shall reject the person’s vote. If the challenge is not withdrawn after the
person offering to vote has answered the questions, one of the members of the board
of absentee ballot canvassers shall administer to the person the following oath or
affirmation: “You do solemnly swear (or affirm) that: you are 18 years of age; you are
a citizen of the United States; you are now and for 28 10 consecutive days have been
a resident of this ward except under s. 6.02 (2), stats.; you have not voted at this
election; you have not made any bet or wager or become directly or indirectly
interested in any bet or wager depending upon the result of this election; you are not
on any other ground disqualified to vote at this election.”. If the person challenged
refuses to take the oath or affirmation, the person’s vote shall be rejected. If the
person challenged answers fully all relevant questions put to the elector by the board of absentee ballot canvassers under s. 6.92, takes the oath or affirmation, and fulfills the applicable registration requirements, and if the answers to the questions given by the person indicate that the person meets the voting qualification requirements, the person's vote shall be received.

**SECTION 17. Initial applicability.**

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

(2) **Deadline for late registration.** The treatment of section 6.29 (2) (a) of the statutes first applies to late registration for voting at elections on the effective date of this subsection.

(END)