



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-3842/1
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2021 SENATE BILL 435

June 24, 2021 - Introduced by Senators JACQUE and WANGGAARD, cosponsored by Representatives HORLACHER, WICHGERS, BRANDTJEN, ALLEN, ARMSTRONG, CABRAL-GUEVARA, CALLAHAN, DITTRICH, EDMING, GUNDRUM, KUGLITSCH, RAMTHUN, ROZAR, SKOWRONSKI, TITTL, TUSLER and SCHRAA. Referred to Committee on Elections, Election Process Reform and Ethics.

- 1 **AN ACT** *to amend* 6.87 (4) (b) 1.; and *to create* 6.87 (4) (b) 1m. of the statutes;
2 **relating to:** returning absentee ballots.

Analysis by the Legislative Reference Bureau

Under current law, generally, a voter must return his or her absentee ballot by mail or deliver the ballot in person to the municipal clerk. Under this bill, a voter must return his or absentee ballot by mail or deliver the ballot in person to the office of the municipal clerk. The bill also prohibits designating an alternate site for the collection of absentee ballots, not including an alternate site for voting in person absentee, as provided under current law. In addition, the bill prohibits returning an absentee ballot by depositing it into a drop box, other than a drop box located in the office of the municipal clerk.

Finally, the bill provides that no individual may collect and deliver the absentee ballots of other voters unless the individual delivers the ballots in person to the office of the municipal clerk and prints his or her name and complete residential street address in a log maintained by the municipal clerk. In addition, the individual must print in the log the name of each voter for whom the individual delivers an absentee ballot and the individual's relation to the voter. The individual must also sign and date his or her entries in the log.

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

SENATE BILL 435

1 **SECTION 1.** 6.87 (4) (b) 1. of the statutes is amended to read:

2 6.87 (4) (b) 1. Except as otherwise provided in s. 6.875, an elector voting
3 absentee, other than a military elector or an overseas elector, shall make and
4 subscribe to the certification before one witness who is an adult U.S. citizen. A
5 military elector or an overseas elector voting absentee, regardless of whether the
6 elector qualifies as a resident of this state under s. 6.10, shall make and subscribe
7 to the certification before one witness who is an adult but who need not be a U.S.
8 citizen. The absent elector, in the presence of the witness, shall mark the ballot in
9 a manner that will not disclose how the elector's vote is cast. The elector shall then,
10 still in the presence of the witness, fold the ballots so each is separate and so that the
11 elector conceals the markings thereon and deposit them in the proper envelope. If
12 a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot so that
13 the elector conceals the markings thereon and deposit the ballot in the proper
14 envelope. If proof of residence under s. 6.34 is required and the document enclosed
15 by the elector under this subdivision does not constitute proof of residence under s.
16 6.34, the elector shall also enclose proof of residence under s. 6.34 in the envelope.
17 Except as provided in s. 6.34 (2m), proof of residence is required if the elector is not
18 a military elector or an overseas elector and the elector registered by mail or by
19 electronic application and has not voted in an election in this state. If the elector
20 requested a ballot by means of facsimile transmission or electronic mail under s. 6.86
21 (1) (ac), the elector shall enclose in the envelope a copy of the request which bears an
22 original signature of the elector. The elector may receive assistance under sub. (5).
23 The return envelope shall then be sealed. The witness may not be a candidate. The
24 envelope shall be mailed by the elector, or delivered in person, to the office of the
25 municipal clerk issuing the ballot or ballots. Except as provided in s. 6.855, no

SENATE BILL 435

1 alternate site may be designated for the collection of absentee ballots and no
2 absentee ballot may be returned by depositing the ballot into a drop box, other than
3 a drop box located in the office of the municipal clerk. If the envelope is mailed from
4 a location outside the United States, the elector shall affix sufficient postage unless
5 the ballot qualifies for delivery free of postage under federal law. Failure to return
6 an unused ballot in a primary does not invalidate the ballot on which the elector's
7 votes are cast. Return of more than one marked ballot in a primary or return of a
8 ballot prepared under s. 5.655 or a ballot used with an electronic voting system in a
9 primary which is marked for candidates of more than one party invalidates all votes
10 cast by the elector for candidates in the primary.

11 **SECTION 2.** 6.87 (4) (b) 1m. of the statutes is created to read:

12 6.87 (4) (b) 1m. No individual may collect and deliver return envelopes of other
13 electors unless the individual delivers the return envelopes in person to the office of
14 the municipal clerk and prints his or her name and complete residential street
15 address in a log maintained by the municipal clerk. In addition, the individual shall
16 print in the log the name of each elector for whom the individual delivers a return
17 envelope and the individual's relation to the elector. The individual shall also sign
18 and date his or her entries in the log.

19 (END)