2021 SENATE BILL 458

July 21, 2021 - Introduced by Senators ROYS, SMITH, ERPENBACH, AGARD and LARSON, cosponsored by Representatives SHELTON, HINTZ, BALDEH, ANDRACA, SUBECK, SPREITZER, STUBBS, CONSIDINE, ANDERSON, NEUBAUER and SNODGRASS. Referred to Committee on Elections, Election Process Reform and Ethics.

AN ACT to amend 5.02 (12n), 6.02 (1), 6.02 (2), 6.05, 6.22 (6), 6.24 (1), 6.94 and 7.52 (5) (b) of the statutes; relating to: extending voting rights to certain 17-year-old individuals and requiring a referendum.

Analysis by the Legislative Reference Bureau

Currently, in addition to other qualifications, an individual must be at least 18 years of age to vote at an election in this state. This bill allows an individual who is 17 years of age to vote at a primary if the individual will be 18 years of age on the date on which the election following the primary is held.

Because the bill extends the right to vote to a class of individuals beyond the class currently entitled to vote under the Wisconsin Constitution, the bill cannot become law unless, following enactment, it is approved by the majority of the votes cast at a statewide referendum to be held at the November 2022 general election.

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

SECTION 1. 5.02 (12n) of the statutes is amended to read:

5.02 (12n) “Overseas elector” means a U.S. citizen who is residing outside of the United States, who is not disqualified from voting under s. 6.03, who has attained
or will attain the age of will be at least 18 by years of age on the date of an election at which the citizen proposes to vote or, if voting in a primary, will be 18 years of age on the date of the election following the primary, who was last domiciled in this state or whose parent was last domiciled in this state immediately prior to the parent’s departure from the United States, and who is not registered to vote or voting in any other state, territory, or possession.

SECTION 2. 6.02 (1) of the statutes is amended to read:

6.02 (1) Every U.S. citizen age 18 or older, or age 17 on the date of a primary for an election to be held on a date on which the citizen will be age 18, who has resided in an election district or ward for 28 consecutive days before any election where the citizen offers to vote is an eligible elector.

SECTION 3. 6.02 (2) of the statutes is amended to read:

6.02 (2) Any U.S. citizen age 18 or older, or age 17 on the date of a primary for an election to be held on a date on which the citizen will be age 18, who moves within this state later than 28 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 residence requirement at the new address and is otherwise qualified, he or she may vote in the new ward or election district.

SECTION 4. 6.05 of the statutes is amended to read:

6.05 Election day age determines elector’s voting rights. Any person who will be at least 18 years old of age on or before election day is entitled to vote at an election if the person is otherwise qualified to vote and the person complies with this chapter. Any person who is 17 years of age on the date of a primary for an election to be held on a date on which the person will be 18 years of age is entitled to vote at
the primary if the person is otherwise qualified to vote and the person complies with this chapter.

SECTION 5. 6.22 (6) of the statutes is amended to read:

6.22 (6) MILITARY ELECTOR LIST. Each municipal clerk shall keep an up-to-date list of all eligible military electors who reside in the municipality in the format prescribed by the commission. The list shall contain the name, latest-known military residence and military mailing address of each military elector. The list shall indicate whether each elector whose name appears on the list is a military elector, as defined in s. 6.34 (1), and has so certified under s. 6.865 (3m). All persons over who are at least 18 years of age or who will be 18 years old prior to of age on the date of an election or, if voting in a primary, will be 18 years of age on the date of the election following the primary shall be listed and remain on the list for the duration of their tour of duty. The list shall be kept current through all possible means. Each clerk shall exercise reasonable care to avoid duplication of names or listing anyone who is not eligible to vote. Each clerk shall distribute one copy of the list to the each polling place in the municipality for use on election day.

SECTION 6. 6.24 (1) of the statutes is amended to read:

6.24 (1) DEFINITION. In this section, except as otherwise provided, “overseas elector” means a U.S. citizen who is not disqualified from voting under s. 6.03, who has attained or will attain the age of 18 by will be at least 18 years of age on the date of an election at which the citizen proposes to vote or, if voting in a primary, will be 18 years of age on the date of the election following the primary, and who does not qualify as a resident of this state under s. 6.10, but who was last domiciled in this state or whose parent was last domiciled in this state immediately prior to the
Section 6. Parent's departure from the United States, and who is not registered to vote or voting in any other state, territory or possession.

Section 7. 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 at least 18 years of age or, if voting in a primary, will be 18 years of age on the date of the election following the primary; you are a citizen of the United States; you are now and for 28 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 8. 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 at least 18 years of age
or, if voting in a primary, will be 18 years of age on the date of the election following
the primary; you are a citizen of the United States; you are now and for 28
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.


(1) The following question shall be submitted to the vote of the electors at the
general election to be held in November 2022: “Shall 2021 Wisconsin Act .... (this act),
which extends the right to vote in a primary to an individual who is 17 years of age
if the individual will be 18 years of age on the date on which the election following
the primary is held, become effective on January 1, 2023?” If the question is approved
by the majority of all votes cast on the question at the election, this act shall become
law; otherwise, this act shall not take effect.
SECTION 10. Effective date.

(1) This act takes effect on January 1, 2021, if the condition set forth in SECTION 9 (1) of this act is satisfied.