



**ASSEMBLY AMENDMENT 14,
TO ASSEMBLY BILL 493**

November 14, 2013 – Offered by Representative MASON.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 3: after that line insert:

3 History: 1971 c. 304 s. 29 (1), (2); 1975 c. 85 ss. 9, 66 (3); 1991 a. 316; 1997 a. 250; 2001 a. 107, 109; 2003 a. 321, 327; 2011 a. 23, 227.

3 **“SECTION 1c.** 6.18 of the statutes is amended to read:

4 **6.18 Former residents.** If ineligible to qualify as an elector in the state to
5 which the elector has moved, any former qualified Wisconsin elector may vote an
6 absentee ballot in the ward of the elector’s prior residence in any presidential election
7 occurring within 24 months after leaving Wisconsin by requesting an application
8 form and returning it, properly executed, to the municipal clerk of the elector’s prior
9 Wisconsin residence. When requesting an application form for an absentee ballot,
10 the applicant shall specify the applicant’s eligibility for only the presidential ballot.
11 ~~Unless the applicant is exempted from providing proof of identification under s. 6.87~~
12 ~~(4) (b) 2. or 3., or the applicant is a military or overseas elector, the elector shall~~
13 ~~enclose a copy of his or her proof of identification or any authorized substitute~~

1 ~~document with his or her application. The municipal clerk shall verify that the name~~
2 ~~on the proof of identification conforms to the name on the application. The clerk shall~~
3 ~~not issue a ballot to an elector who is required to enclose a copy of proof of~~
4 ~~identification or an authorized substitute document with his or her application~~
5 ~~unless the copy is enclosed and the proof is verified by the clerk. The application form~~
6 shall require the following information and be in substantially the following form:

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

11 APPLICATION FOR PRESIDENTIAL
12 ELECTOR'S ABSENTEE BALLOT

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

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

24 Signed

25 Address(Present address)

1 (City)(State)

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

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

4 (County)

5 My Commission expires

6 MAIL BALLOT TO:

7 NAME

8 ADDRESS

9 CITY STATE ZIP CODE

10 *Penalties for Violations.* Whoever swears falsely to any absent elector affidavit
11 under this section may be fined not more than \$1,000 or imprisoned for not more than
12 6 months or both. Whoever intentionally votes more than once in an election may
13 be fined not more than \$10,000 or imprisoned for not more than 3 years and 6 months
14 or both.

15 (Municipal Clerk)

16 (Municipality)”.

17 **2.** Page 4, line 25: after that line insert:

18 “**SECTION 4c.** 6.86 (3) (a) 1. of the statutes is amended to read:

19 6.86 **(3)** (a) 1. Any elector who is registered and who is hospitalized, may apply
20 for and obtain an official ballot by agent. The agent may apply for and obtain a ballot
21 for the hospitalized absent elector by presenting a form prescribed by the board and
22 containing the required information supplied by the hospitalized elector and signed
23 by that elector, unless the elector is unable to sign due to physical disability. In this
24 case, the elector may authorize another elector to sign on his or her behalf. Any

1 elector signing an application on another elector’s behalf shall attest to a statement
2 that the application is made on request and by authorization of the named elector,
3 who is unable to sign the application due to physical disability. ~~The agent shall~~
4 ~~present this statement along with all other information required under this~~
5 ~~subdivision. Except as authorized for an elector who has a confidential listing under~~
6 ~~s. 6.47 (2) or as authorized under s. 6.87 (4) (b) 4., the agent shall present any proof~~
7 ~~of identification required under sub. (1) (ar). The form shall include a space for the~~
8 ~~municipal clerk or deputy clerk to enter his or her initials indicating that the agent~~
9 ~~presented proof of identification to the clerk on behalf of the elector.~~

History: 1975 c. 85 ss. 37, 38, 65; 1975 c. 90, 199, 200, 275, 422; 1977 c. 394 ss. 14, 40, 41; 1979 c. 232, 311; 1981 c. 391; 1983 a. 183, 484; 1985 a. 304 ss. 69, 156; 1987 a. 391; 1995 a. 313; 1999 a. 182; 2001 a. 51; 2003 a. 265; 2005 a. 451; 2011 a. 23, 75, 115, 227.

History: 1971 c. 242; 1971 c. 304 s. 29 (1), (2); 1975 c. 85; 1975 c. 93 s. 119 (2); 1975 c. 199; 1977 c. 394; 1979 c. 232, 260, 311, 355; 1983 a. 36, 484, 538; 1985 a. 304; 1991 a. 316; 1999 a. 49, 182; 2001 a. 16, 38, 109; 2003 a. 265; 2005 a. 451; 2011 a. 23, 75, 227.

10 **SECTION 4d.** 6.869 of the statutes is amended to read:

11 **6.869 Uniform instructions.** The board shall prescribe uniform instructions
12 for municipalities to provide to absentee electors. The instructions shall include the
13 specific means of electronic communication that an absentee elector may use to file
14 an application for an absentee ballot and, if the absentee elector is required to
15 register, to request a registration form or change his or her registration. The
16 instructions shall include information concerning whether proof of identification is
17 required to be presented or enclosed. The instructions shall also include information
18 concerning the procedure for correcting errors in marking a ballot and obtaining a
19 replacement for a spoiled ballot. The procedure shall, to the extent possible, respect
20 the privacy of each elector and preserve the confidentiality of each elector’s vote.

History: 2003 a. 265; 2011 a. 23, 75, 227.

History: 1971 c. 304 s. 29 (1), (2); 1975 c. 85 ss. 9, 66 (3); 1991 a. 316; 1997 a. 250; 2001 a. 107, 109; 2003 a. 321, 327; 2011 a. 23, 227.

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

22 **6.87 (1)** Upon proper request made within the period prescribed in s. 6.86, the
23 municipal clerk or a deputy clerk authorized by the municipal clerk shall write on

1 the official ballot, in the space for official endorsement, the clerk's initials and official
2 title. ~~Unless application is made in person under s. 6.86 (1) (ar), the absent elector~~
3 ~~is exempted from providing proof of identification under sub. (4) (b) 2. or 3., or the~~
4 ~~applicant is a military or overseas elector, the absent elector shall enclose a copy of~~
5 ~~his or her proof of identification or any authorized substitute document with his or~~
6 ~~her application. The municipal clerk shall verify that the name on the proof of~~
7 ~~identification conforms to the name on the application. The clerk shall not issue an~~
8 ~~absentee ballot to an elector who is required to enclose a copy of proof of identification~~
9 ~~or an authorized substitute document with his or her application unless the copy is~~
10 ~~enclosed and the proof is verified by the clerk.~~

11 **SECTION 4f.** 6.87 (2) of the statutes is amended to read:

12 6.87 (2) Except as authorized under sub. (3) (d), the municipal clerk shall place
13 the ballot in an unsealed envelope furnished by the clerk. The envelope shall have
14 the name, official title and post-office address of the clerk upon its face. The other
15 side of the envelope shall have a printed certificate which shall include a space for
16 the municipal clerk or deputy clerk to enter his or her initials indicating that if the
17 absentee elector voted in person under s. 6.86 (1) (ar), the elector presented proof of
18 identification to the clerk and the clerk verified the proof presented. The certificate
19 shall also include a space for the municipal clerk or deputy clerk to enter his or her
20 initials indicating that the elector is exempt from providing proof of identification
21 because the individual is a military or overseas elector ~~or is exempted from providing~~
22 ~~proof of identification under sub. (4) (b) 2. or 3.~~ The certificate shall be in
23 substantially the following form:

24 [STATE OF

25 County of]

1 or

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

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

16 Signed ...

17 Identification serial number, if any:

18 The witness shall execute the following:

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

25(Name)

1 (Address)**

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

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

History: 1971 c. 242; 1971 c. 304 s. 29 (1), (2); 1975 c. 85; 1975 c. 93 s. 119 (2); 1975 c. 199; 1977 c. 394; 1979 c. 232, 260, 311, 355; 1983 a. 36, 484, 538; 1985 a. 304; 1991 a. 316; 1999 a. 49, 182; 2001 a. 16, 38, 109; 2003 a. 265; 2005 a. 451; 2011 a. 23, 75, 227.

6 **SECTION 4g.** 6.87 (4) (a) of the statutes is repealed.

7 **SECTION 4i.** 6.87 (4) (b) 2. to 5. of the statutes are repealed.

8 **SECTION 4j.** 6.875 (6) (c) 1. of the statutes is amended to read:

9 6.875 (6) (c) 1. Upon their visit to the home, facility, or complex under par. (a),
10 the deputies shall personally offer each elector who has filed a proper application for
11 an absentee ballot the opportunity to cast his or her absentee ballot. ~~In lieu of~~
12 ~~providing a copy of proof of identification under s. 6.87 (4) (b) 1. with his or her~~
13 ~~absentee ballot, the elector may submit with his or her ballot a statement signed by~~
14 ~~both deputies that contains the name and address of the elector and verifies that the~~
15 ~~name and address are correct. The deputies shall enclose the statement in the~~
16 ~~certificate envelope. If an elector presents proof of identification under s. 6.87 (4) (b)~~
17 ~~1., the deputies shall make a copy of the document presented by the elector and shall~~
18 ~~enclose the copy in the certificate envelope. No elector who votes at the home, facility,~~
19 ~~or complex with the assistance of the deputies is required to present proof of~~
20 ~~identification.~~ If an elector is present who has not filed a proper application for an
21 absentee ballot, the 2 deputies may accept an application from the elector and shall
22 issue a ballot to the elector if the elector is qualified, the elector presents proof of
23 identification, whenever required, or submits a statement containing his or her
24 name and address under this subdivision, and the application is proper. The

1 deputies shall each witness the certification and may, upon request of the elector,
2 assist the elector in marking the elector’s ballot. All voting shall be conducted in the
3 presence of the deputies. Upon request of the elector, a relative of the elector who
4 is present in the room may assist the elector in marking the elector’s ballot. No
5 individual other than a deputy may witness the certification and no individual other
6 than a deputy or relative of an elector may render voting assistance to the elector.

7 **History:** 1985 a. 304; 1987 a. 391; 1989 a. 192; 1997 a. 127, 188, 237; 1999 a. 32, 182; 2001 a. 16, 109; 2005 a. 149, 451; 2007 a. 96; 2011 a. 23, 75.

7 **SECTION 4L. 6.965 of the statutes is amended to read:**

8 **6.965 Voting procedure for electors presenting citation or notice in**
9 **lieu of license or receipt.** Whenever any elector is allowed to vote at a polling place
10 under s. 6.79 (7) by presenting a citation or notice of intent to revoke or suspend an
11 operator’s license in lieu of an operator’s license or driving receipt issued to the
12 elector under ch. 343, the inspectors shall, before giving the elector a ballot, write on
13 the back of the ballot the serial number of the elector corresponding to the number
14 kept at the election on the poll list or other list maintained under s. 6.79 and the
15 notation “s. 6.965.” If voting machines are used in the municipality where the elector
16 is voting, the elector’s vote may be received only upon an absentee ballot furnished
17 by the municipal clerk which shall have the notation “s. 6.965” written on the back
18 of the ballot by the inspectors before the ballot is given to the elector. ~~If the municipal~~
19 ~~clerk receives an absentee ballot from an elector who presents a citation or notice,~~
20 ~~or copy thereof, under s. 6.87 (4) (b) 4., the clerk shall enter a notation on the~~
21 ~~certificate envelope “Ballot under s. 6.965, stats.” Upon receiving the envelope, the~~
22 ~~inspectors shall open and write on the back of the ballot the serial number of the~~
23 ~~elector corresponding to the number kept at the election on the poll list or other list~~
24 ~~maintained under s. 6.79 and the notation “s. 6.965.” The inspectors shall indicate~~

1 on the poll list or other list maintained under s. 6.79 the fact that the elector is voting
2 by using a citation or notice in lieu of a license or driving receipt. The inspectors shall
3 then deposit the ballot. The ballot shall then be counted under s. 5.85, or under s.
4 7.51 or 7.52.

5 **SECTION 4m.** 6.97 (2) of the statutes is amended to read:

6 6.97 (2) Whenever any individual who votes by absentee ballot is required to
7 provide proof of residence in order to be permitted to vote and does not provide the
8 required proof of residence under s. 6.34, the inspectors shall treat the ballot as a
9 provisional ballot under this section. Upon removing the ballot from the envelope,
10 the inspectors shall write on the back of the ballot the serial number of the individual
11 corresponding to the number kept at the election on the poll list or other list
12 maintained under s. 6.79 and the notation "s. 6.97". The inspectors shall indicate on
13 the list the fact that the individual is required to provide proof of residence but did
14 not do so. The inspectors shall promptly notify the municipal clerk or executive
15 director of the municipal board of election commissioners of the name, address, and
16 serial number of the individual. The inspectors shall then place the ballot inside an
17 envelope on which the name and serial number of the elector is entered and shall
18 place the envelope in a separate carrier envelope.

19 **History:** 2003 a. 265; 2005 a. 253, 451; 2009 a. 180; 2011 a. 23, 115, 227.

19 **SECTION 4p.** 6.97 (3) (b) of the statutes is amended to read:

20 6.97 (3) (b) Whenever the municipal clerk or executive director of the municipal
21 board of election commissioners is informed by the inspectors that a ballot has been
22 cast under this section, the clerk or executive director shall promptly provide written
23 notice to the board of canvassers of each municipality, special purpose district, and
24 county that is responsible for canvassing the election of the number of ballots cast

1 under this section in each ward or election district. The municipal clerk or executive
2 director then shall determine whether each individual voting under this section is
3 qualified to vote in the ward or election district where the individual's ballot is cast.
4 If the elector is required to provide proof of identification ~~or a copy thereof~~ under s.
5 6.79 (2), or 6.86 (1) (ar), ~~or 6.87 (4) (b) 1.~~ and fails to do so, the elector bears the burden
6 of correcting the omission by providing the proof of identification ~~or copy thereof~~ at
7 the polling place before the closing hour or at the office of the municipal clerk or board
8 of election commissioners no later than 4 p.m. on the Friday after the election. The
9 municipal clerk or executive director shall make a record of the procedure used to
10 determine the validity of each ballot cast under this section. If, prior to 4 p.m. on the
11 Friday after the election, the municipal clerk or executive director determines that
12 the individual is qualified to vote in the ward or election district where the
13 individual's ballot is cast, the municipal clerk or executive director shall notify the
14 board of canvassers for each municipality, special purpose district and county that
15 is responsible for canvassing the election of that fact.

16 **SECTION 4q.** 6.97 (3) (c) of the statutes is amended to read:

17 6.97 (3) (c) A ballot cast under this section by an elector for whom proof of
18 identification ~~or a copy thereof~~ is required under s. 6.79 (2), or 6.86 (1) (ar), ~~or 6.87~~
19 ~~(4) (b) 1.~~ shall not be counted unless the municipal clerk or executive director of the
20 board of election commissioners provides timely notification that the elector has
21 provided proof of identification ~~or a copy thereof~~ under this section.”.

22 **3.** Page 5, line 16: after “sections” insert “6.18,”.

23 **4.** Page 5, line 16: after “(1) (a),” insert “6.86 (3) (a) 1., 6.869, 6.87 (1), (2), and
24 (4) (a), (b) 1. to 5., 6.875 (6) (c) 1., 6.88 (3) (a), 6.965, 6.97 (2) and (3) (a) to (c),”.

