

State of Misconsin 2003 - 2004 LEGISLATURE

2003 ASSEMBLY BILL 172

- March 18, 2003 Introduced by Representatives Krug, Freese, Huber, Ladwig, Travis, Musser, Plouff, Hahn, Cullen, Albers, Zepnick, Staskunas, J. Lehman, Sinicki, Morris, Gundrum, Berceau, Coggs and Lassa, cosponsored by Senators Moore, Reynolds, Robson and Schultz. Referred to Committee on Campaigns and Elections.
- 1 AN ACT to renumber and amend 6.87 (3) (b); and to amend 6.87 (3) (a) and 6.87
- 2 (3) (c) and (d) of the statutes; **relating to:** mailing and transmitting absentee
- 3 ballots.

Analysis by the Legislative Reference Bureau

Currently, each municipal clerk and Board of Election Commissioners is directed to mail an absentee ballot requested by an elector to the residence of the elector unless the elector specifies a different mailing address. However, no elector may specify that an absentee ballot shall be mailed to the address of a candidate, political party, or other campaign finance registrant. If a clerk or board is reliably informed of a facsimile transmission number or electronic mail address where an eligible elector who has applied for an absentee ballot is able to receive the ballot and there may not be sufficient time before an election to send and receive the ballot through the mail, the clerk or board may transmit the ballot to the elector at the facsimile transmission number or electronic mail address.

This bill provides that a municipal clerk or Board of Election Commissioners may only mail an absentee ballot to the permanent or temporary residence or place of employment of an absent elector. Under the bill, if a clerk or board transmits an absentee ballot to an elector, the clerk or board may only transmit the ballot to an

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address located at the permanent or temporary residence or place of employment of the elector.

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

1	SECTION 1. 6.87 (3) (a) of the statutes is amended to read:
2	6.87 (3) (a) Except as authorized under par. (d) and as otherwise provided in
3	s. 6.875, the municipal clerk shall mail the absentee ballot postage prepaid for return
4	to the elector's permanent or temporary residence unless otherwise or place of
5	employment of the elector, as directed by the elector, or shall deliver it to the elector
6	personally at the clerk's office.
7	SECTION 2. 6.87 (3) (b) of the statutes is renumbered 6.87 (3) (e) and amended
8	to read:
9	6.87 (3) (e) No elector may direct that a ballot be sent to the address of a
10	candidate, political party or other registrant under s. 11.05 unless the elector
11	permanently or temporarily resides at that address. Upon receipt of reliable
12	information that an address given by an elector is not eligible to receive ballots under
13	this paragraph, the municipal clerk shall refrain from sending mailing or
14	transmitting ballots to that address. Whenever possible, the municipal clerk shall
15	notify an elector if his or her ballot cannot be mailed <u>or transmitted</u> to the address
16	directed by the elector.
17	SECTION 3. 6.87 (3) (c) and (d) of the statutes are amended to read:
18	6.87 (3) (c) If an elector's ballot is mailed to a location other than the elector's
19	permanent residence or place of employment, it shall be prepaid for return when
20	mailed within the United States. If the ballot is delivered to the elector at the clerk's
21	office, the ballot shall be voted at the office and may not be removed therefrom.

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(d) A municipal clerk of a municipality may, if the clerk is reliably informed by 1 2 an absent elector of a facsimile transmission number or electronic mail address 3 located at the permanent or temporary residence or place of employment of the elector where the elector can receive an absentee ballot, transmit a facsimile or 4 5 electronic copy of the absent elector's ballot to that elector in lieu of mailing under 6 this subsection if, in the judgment of the clerk, the time required to send the ballot 7 through the mail may not be sufficient to enable return of the ballot by the time 8 provided under sub. (6). An elector may receive an absentee ballot under this 9 subsection only if the elector has filed a valid application for the ballot under sub. (1). 10 If the clerk transmits an absentee ballot under this paragraph, the clerk shall also 11 transmit a facsimile or electronic copy of the text of the material that appears on the 12certificate envelope prescribed in sub. (2), together with instructions prescribed by 13the board. The instructions shall require the absent elector to make and subscribe 14to the certification as required under sub. (4) and to enclose the absentee ballot in 15a separate envelope contained within a larger envelope, that shall include the 16 completed certificate. The elector shall then mail the absentee ballot with postage 17prepaid to the municipal clerk. An absentee ballot received under this paragraph 18 shall not be counted unless it is transmitted and cast in the manner prescribed in this 19 paragraph and in accordance with the instructions provided by the board.

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(END)