

## CHAPTER 6

## THE ELECTORS

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## WHO MAY VOTE

**6.02 Qualifications, general.** (1) Every United States citizen age 21 or older who has resided in this state for 6 months preceding any election and who has resided in an election district or precinct for 10 days before any election where he offers to vote is an eligible elector.

(2) Any United States citizen age 21 or older who has resided in this state for 6 months preceding any election, but who has not resided in the election district or precinct for 10 days preceding any election is entitled to vote in the election in the election district or precinct within this state where he was last a qualified elector.

(3) Any United States citizen age 21 or older who has resided in this state for 6 months preceding any election, but who moves within this state after registration closes shall vote at his old precinct if otherwise qualified, or he may vote in the new precinct if he can comply with the 10-day residence requirement at the new address and complies with s. 6.55.

**History:** 1965 c. 666; 1967 c. 28.

**Legislative Council Note, 1965:** Subs. (1) and (2) are based on s. 6.01 (1). Sub. (3) is new. It is intended to prevent confusion which exists due to change of address on election day. This does not disenfranchise an otherwise qualified elector. (Bill No. 755-A)

**6.03 Disqualification of electors.** (1) The following persons shall not be allowed to vote in any election and any attempt to vote shall be rejected.

(a) Any person under guardianship, non compos mentis, or insane;

(b) Any person convicted of treason, fel-

ony or bribery, unless his civil rights are restored.

(2) No person shall be allowed to vote in any election in which he has made or become interested, directly or indirectly, in any bet or wager depending upon the result of the election.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) (intro. par.) is a combination of ss. 6.01 (3) (in part) and 6.54 (in part). Both provisions are made general. Par. (a) is a restatement of s. 6.54 (in part). Par. (b) is a restatement of s. 6.01 (3) but incorporates treason and felony from Article III, s. 6 of the Wisconsin constitution.

Sub. (2) is a restatement of s. 6.01 (2). (Bill No. 755-A)

**6.05 Election day age determines elector's rights.** Any person who will be 21 years old on or before election day is entitled to vote if he complies with ch. 6.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This is a restatement of ss. 6.185 (5) and 10.16 (1) with some clarifications. (Bill No. 755-A)

**6.10 Elector residence.** Residence as a qualification for voting shall be governed by the following standards:

(1) The residence of a person is the place where his habitation is fixed, without any present intent to move, and to which, when absent, he intends to return.

(2) When a married man's family resides at one place and his business is conducted at another place, the former establishes the residence. If the family place is temporary or for transient purposes, it is not the residence.

(3) When an elector moves from one precinct to another or from one municipality to another within the state after the last registra-

tion day but at least 10 days before the election, he may vote in and be considered a resident of the new precinct where he resides upon changing his registration not later than 5 p.m. of the day before the election, under s. 6.55. If he does not change his address or if he moves within 10 days of an election, the elector shall vote in his old precinct if otherwise qualified to vote there.

(4) An unmarried person sleeping in one precinct and boarding in another has residence where he sleeps. 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, has his residence, if one of the places is with his parents, at the place of his parents unless through registration or similar act he elects to establish a residence elsewhere. If he has no parents and if he has not registered elsewhere, his residence shall be at the place which he considered his residence in preference to any other for at least 10 days before an election. If this place is within the municipality, he is entitled to all the privileges and subject to all the duties of other citizens having their residence there, including voting.

(5) A person shall not lose his residence when he leaves his home and goes into another state or county, town, village or ward of this state for temporary purposes with an intent to return.

(6) As prescribed in the constitution, no person loses his residence in this state while absent from this state on business for the United States or this state; and no member of the armed forces of the United States gains a residence in this state because he is stationed within this state.

(7) A guest at a national or a state soldiers' home in this state, a guest at a home for the aged supported by benevolence, or a patient of any county home or other charitable institution, resides in the municipality where the home is located and within the precinct where he sleeps, unless before becoming a guest at the home he elects to maintain his prior residence as his voting residence.

(8) No person gains a residence in any ward, town or village of this state while there for temporary purposes only.

(9) No person loses the right to vote at his place of residence while receiving public assistance or unemployment compensation even if the legal settlement for assistance is elsewhere.

(10) If a person moves to another state with an intent to make his permanent residence there, or, if while there he exercises his

right as a citizen of that state by voting, he loses his Wisconsin residence.

(11) Neither an intent to acquire a new residence without removal, nor a removal without intent, shall affect residence.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This section is mainly derived from s. 6.51, but it does not attempt to combine the residence requirements with the questions to be submitted to challenged electors at the polls. This section establishes the residence requirements. S. 6.92 in this bill sets forth the questions to be submitted to challenged electors at the polls.

The intro. par. is a restatement of s. 6.51 (intro. par.) except as noted above. S. 10.47 (last sentence) pertaining to residence is deleted since this section includes these provisions.

Sub. (1) is a restatement of s. 6.51 (2).

Sub. (2) is a restatement of s. 6.51 (7) and (8).

Sub. (3) is based on s. 6.51 (12) (2nd sentence). Changes were made to be consistent with s. 6.02 in this bill.

Sub. (4) is based on s. 6.51 (12) (1st sentence) and (13), except that obsolete provisions were deleted.

Sub. (5) is a restatement of s. 6.51 (3). Because of the conflict between that provision and s. 6.51 (6), the latter subsection is deleted.

Sub. (6) is a restatement of s. 6.51 (1).

Sub. (7) is a combination of ss. 6.51 (11) (1st sentence) and (14) and are made uniform. S. 6.02 (2), providing contradictory provisions, is deleted.

Sub. (8) is a restatement of s. 6.51 (4).

Sub. (9) is a restatement of s. 6.51 (11) (2nd sentence).

Sub. (10) is a restatement of s. 6.51 (5) and (10).

Sub. (11) is a restatement of s. 6.51 (9). (Bill No. 755-A)

#### **6.15 New residents. (1) QUALIFICATIONS.**

Any person who was or who would have been a qualified elector on the day of the presidential election had he remained in the state from which he moved and who is a qualified elector under ss. 6.02 and 6.03, except he has been a resident of this state for less than 6 months prior to the date of the presidential election, is entitled to vote for the president and vice president but for no other offices.

(2) **APPLICATION FOR BALLOT.** Any person qualifying under sub. (1) need not register to vote, but shall apply for and cast his ballot as follows:

(a) The elector's request for the application form may be made to the proper municipal clerk either in person or in writing any time during the 6 months in which his residence requirement is incomplete. 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 . . . . precinct of the . . . . ward of the (town) (village) (city) of . . . ., state of

..., and residing at ... street; that on the day of the next presidential election, I shall be at least 21 years of age and that I have been a legal resident of the state of Wisconsin since ..., 19..., residing at ... street, in the ... precinct of the ... ward of the (town) (village) (city) of ..., county of ...; that I have resided in the precinct less than 6 months, and pursuant to section 6.15 of the Wisconsin statutes, that I am qualified to vote for president and vice president at the election to be held November ..., 19..., and that I hereby make application for an official presidential ballot, subject to complying with section 6.15 (2) (b) and (c) of the Wisconsin statutes.

Signed .....  
P.O. Address .....

Subscribed and sworn to before me this ... day of ..., 19...

.....

(Name)

.....

(Title)

(b) The clerk shall enclose with the application form a card which the elector shall fill in and return with the application to the municipal clerk. The card shall state that he intends to vote for president and vice president in Wisconsin and that his voting privileges should be canceled at his previous residence. The card shall be in substantially the following form:

It is my intent to vote for president and vice president in Wisconsin, under section 6.15, Wisconsin Statutes. I hereby authorize the cancellation of my previous voting privileges at the following address:

....., .....  
(Street) (Town, village, city) (State)  
Signature .....  
Present address .....

(c) The municipal clerk upon receipt of the application form and voting privileges cancellation card shall immediately forward the card and a request for proof to the proper officials of the applicant's prior residence. The certificate of proof shall require the following information and be in substantially the following form:

CERTIFICATE OF PROOF OF  
MUNICIPAL OFFICIAL OF STATE  
OF FORMER RESIDENCE

State of ....  
County of ....

Application No. ....

I, ....., .....  
(Name) (Official title)

of the ..... of ....., State of .....,  
(Town, village, city)  
do hereby certify that ... would have been qualified to vote at the presidential election to be held November ..., 19., in the named municipality, had said elector remained a resident of this state.

Dated ....., 19.. Signed .....  
(Name)  
.....  
(Title)

(3) VOTING PROCEDURE. (a) If the certificate of proof required in sub. (2) is in order, the municipal clerk shall notify the applicant, in writing, of his eligibility and inform him that he may vote for the presidential electors not sooner than 15 nor later than one day before the election. The applicant, voting in person, shall mark the ballot in the clerk's presence in a manner that will not disclose his vote. The applicant shall fold the ballot so as to conceal his vote, deposit and seal it in an envelope furnished by the clerk, and execute the affidavit appearing thereon. The envelope shall on its face have the name and official title of the issuing clerk and on the other side an affidavit in substantially the following form:

STATE OF WISCONSIN  
County of .....

I, ....., do solemnly swear that I am a citizen of the United States, that on the day of the next election I shall be at least 21 years of age; that I am now a resident of the ... precinct in the (town) (village) of ..., or of the ... ward in the city of ..., residing at ... in that municipality, county of ..., state of Wisconsin; that within 6 months prior to this date I established permanent residency in Wisconsin; that immediately prior to my moving to this state I resided in the state of ..., county of ..., (city) (town) (village) of ..., where I was a qualified elector at the time of my moving (or) where I would have been qualified to vote in the next presidential election had I maintained my residency there.

.....  
Signature of elector

Subscribed and sworn to before me this ... day of ..., 19...

.....

Signature of municipal clerk

(b) The clerk shall enclose the envelope containing the ballot in a carrier envelope, securely seal it, and indorse it with his name, title and the words, "This envelope contains the vote for president and vice president of a new resident and shall be opened only at the polls during polling hours on election day." The clerk shall keep the envelope in his office

until delivered by him to the inspectors, as provided in sub. (4).

(c) The clerk shall keep open to public inspection a list of all new residents who have voted under this section. The list shall give the name, address and application date of each elector.

(4) DELIVERY AND DEPOSIT OF BALLOTS. (a) Clerks holding new resident ballots shall deliver them to the election inspectors in the precincts where the new residents reside, as provided by s. 6.88 for absentee ballots.

(b) During polling hours, the inspectors shall open each carrier envelope so as not to tear the affidavit, announce the elector's name, check the affidavit for proper execution, and check the voting qualifications for the precinct.

(c) The inspector shall open the inner envelope without examination of the ballot other than is necessary to see that the issuing clerk has indorsed it.

(d) Upon satisfactory completion of the procedure under pars. (b) and (c) the inspector shall deposit the ballot in the ballot box, and enter the elector's name on the registry list with a notation that he is a new resident voting only in the presidential election.

(e) If the affidavit is insufficient, the elector is not a qualified elector in the precinct, or if the envelope is open or has been opened and resealed, the inspectors shall reject the vote. Rejected ballots shall be processed the same as rejected absentee ballots, under s. 6.88 (3) (b).

(5) CHALLENGE OF VOTE. Any new resident's vote may be challenged for cause, and the inspectors shall have the authority conferred by ss. 6.92 to 6.95 to inspect and determine the legality of the challenged votes.

(6) DEATH OF ELECTOR. When it appears by due proof to the inspectors that a person voting under this section has died before the date of the election, the inspectors shall return the ballot with defective ballots to the issuing official.

History: 1965 c. 666; 1967 c. 28. Legislative Council Note, 1965: Sub. (1) is a restatement of s. 9.045.

Sub. (2) (intro. par.) is a restatement of s. 9.046 (intro. par.). Par. (a) is based on s. 9.046 (1) (a). The county clerk is removed as a person to whom application can be made. The request can now also be made in writing and the affidavit signed by a person authorized to administer oaths. Par. (b) is new. It is intended to serve notice to the elector's state of prior residence that he is voting in Wisconsin and therefore should not be allowed to vote there. Par. (c) is a restatement of s. 9.046 (1) (b) but the form prescribed by the secretary of state is included in the text of the statute.

Sub. (3) (a) is a restatement of s. 9.046 (2) (a) and (b). Par. (b) is a restatement of s. 9.046 (2) (c). Par. (c) is a restatement of s. 9.046 (3).

Sub. (4) (a) is a restatement of s. 9.046 (4) (a). Par. (b) is a restatement of s. 9.046 (4) (b) (1st part). Par. (c) is a restatement of s. 9.046 (4) (b) (middle part). Par. (d) is a restatement of s. 9.046 (4) (b) (remainder). Par. (e) is a restatement of s. 9.046 (4) (c). Sub. (5) is a restatement of s. 9.046 (5). Sub. (6) is a restatement of s. 9.046 (6). (Bill No. 755-A)

6.18 Former residents. If ineligible to qualify as an elector in the state to which he has moved, any former qualified Wisconsin elector may vote an absentee ballot in the precinct of his 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 his prior Wisconsin residence. When requesting an application form for an absentee ballot, the applicant shall specify his eligibility for only the presidential ballot. The application form shall require the following information and be in substantially the following form:

This blank 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 ABSENT BALLOT

(To be voted at the Presidential Election on November . . . ., 19..)

I, . . . . hereby swear or affirm that I am a citizen of the United States and had been a legal resident of the State of Wisconsin 6 months, formerly residing at . . . . in the . . . . precinct . . . . ward (city, town, village) of . . . ., County of . . . . for ten 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 . . . . . where I am presently (State you now reside in) residing. A citizen must be a resident of: State . . . . . County . . . . . City, (Insert time) (Insert time) Town or Village . . . . ., in order to be (Insert time) eligible to register or vote therein. I further swear or affirm that my legal residence was established in the State of . . . . . on (the State where you now reside) . . . . . Month . . . . . Day . . . . . Year.

Signed . . . . . Address . . . . . (Present address) . . . . . City State

Subscribed and sworn to before me this . . . . day of . . . ., 19..

.....  
 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 intentionally swears falsely to any absent elector affidavit is guilty of perjury and upon conviction shall be punished as provided by law. Whoever procures an official ballot and intentionally neglects or refuses to cast or return it or intentionally violates any provision of ss. 6.18 or 6.85 to 6.89 may be fined not to exceed \$100 or imprisoned in the county jail not to exceed 30 days or both. If any county or municipal clerk or any election official intentionally refuses or neglects to perform any of the duties prescribed by said sections, or violates any of the provisions, he may be fined not less than \$100 nor more than \$1,000 or imprisoned not to exceed 90 days or both.

.....  
 (Municipal Clerk)

.....  
 (Municipality)

**History:** 1965 c. 666; 1967 c. 28.

**Legislative Council Note, 1965:** This section, in part, is a restatement of s. 9.047. The form is new. It is intended to provide safeguards against double voting consistent with the degree of protection provided in other sections in this bill. (Bill No. 755-A)

**6.20 Absent electors.** (1) Any qualified elector of this state who registers where required, or who swears in his vote may vote by absentee ballot, under ss. 6.85 to 6.89.

(2) When by due proof it appears to the inspectors that a person voting under this section has died before the date of the election, they shall return the ballot with defective ballots to the issuing official. The casting of the ballot of a deceased elector does not invalidate the election.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) is a restatement of s. 11.54 (1) (1st sentence, 1st part). Sub. (2) is a restatement of s. 11.64. (Bill No. 755-A)

**6.22 Absentee voting for military electors.** (1) **DEFINITION.** In Title II, "military elector" means:

(a) Members of the armed forces of the United States;

(b) Members of the merchant marine of the United States;

(c) Civilian employes of the United States and civilians officially attached to the military

.....  
 serving outside the territorial limits of the United States;

(d) Spouses and dependents of those listed in the above categories residing with or accompanying them when living outside the territorial limits of the United States.

(2) **APPLICATION.** Whenever an application, affidavit or other act is required in ss. 6.86 to 6.89 any military elector may fulfill the requirements by subscribing or swearing before any person authorized to administer oaths.

(3) **REGISTRATION EXEMPT.** Military electors are not required to register as a prerequisite to voting in any election.

(4) **INSTRUCTIONS AND HANDLING.** The municipal clerk shall mail a ballot, as soon as available, to each military elector by or for whom a request has been made. The secretary of state shall prescribe the instructions for marking and returning ballots and the municipal clerk shall enclose instructions with each ballot and shall also enclose supplemental instructions for local elections. The envelope, return envelope or explanatory note shall not contain the name of any candidate appearing on the enclosed ballots other than that of the municipal clerk affixed in the fulfillment of his duties. The election material shall be printed and mailed to make use of the federal free postage laws.

(5) **VOTING PROCEDURE.** The ballot shall be marked, returned, deposited and recorded, the same as other absentee ballots. In addition, the affidavit under s. 6.87 (2) shall have a statement of the elector's birth date and that he has not returned another ballot. Failure to return the unused ballots in a primary election shall not invalidate the marked ballot.

(6) **MILITARY ELECTOR LIST.** Each municipal clerk shall keep an up-to-date list of all eligible local military electors; city clerks shall keep the lists by precincts. The list shall contain the name, latest-known military residence and military mailing address of each military elector. All persons over 21 years of age or who will be 21 years old prior to an election 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 2 copies of the list to the appropriate precinct in the municipality for use on election day.

(7) **EXTENSION OF PRIVILEGE.** This section shall apply for 6 months after the date of honorable discharge from the armed forces or

termination of services or employment of military electors. The extension shall not apply to spouses or dependents of military electors.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) is a restatement of s. 11.70 (1).

Sub. (2) is a restatement of ss. 11.54 (2), except the reference to women's auxiliary groups is deleted since they are included in sub. (1) (a), and 11.70 (5) (2nd sentence).

Sub. (3) is a restatement of s. 11.70 (2).

Sub. (4) is a restatement of ss. 11.70 (4) and (5) (last sentence), except it allows for the clerk's signature although his name may also be on one of the ballots as a candidate. This is an administrative necessity.

Sub. (5) is a restatement of s. 11.70 (5) (1st and 3rd sentences).

Sub. (6) is a restatement of s. 11.70 (3).

Sub. (7) is a restatement of s. 11.70 (6). (Bill No. 755-A)

#### REGISTRATION

**6.26 Registrars.** Where registration is applicable under s. 6.27, the municipal clerk or the board of election commissioners shall have control of elector registration within the municipality for which they are elected or appointed. They shall prepare, continue and revise the registry under this chapter.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This section is a restatement of ss. 6.15, 6.185 (1), 10.03 and 10.08. (Bill No. 755-A)

Municipal clerks, except in Milwaukee, may employ such temporary employes as authorized by municipal legislative body for house to house canvass to register voters. 49 Atty. Gen. 151.

#### **6.27 Where elector registration required.**

(1) Every municipality over 5,000 population shall keep a registry of electors. Where used, registration applies to all primaries and elections.

(2) By ordinance, the governing body in municipalities with less than 5,000 population may require registration.

(3) Any municipality with less than 5,000 population and any municipality where a federal census has not yet determined the population may have registration by a referendum vote. The vote may be taken at the spring or general election whenever, at least 60 days before the election, the electors file with the municipal clerk a petition requesting a referendum asking whether registration shall be required. The petition shall be signed by electors equal to 15% of the votes cast for governor in the municipality in the last general election.

(4) (a) When registration is ordered or directed under sub. (2) or (3), it may be abolished by a referendum vote. The vote may be taken at the spring or general election whenever, at least 60 days before the election, the electors file a petition with the clerk requesting a referendum, signed by electors equal to

15% of the votes cast for governor in the municipality in the last general election.

(b) Notice shall be given as for municipal elections.

(5) (a) Whenever registration is established or abolished, under sub. (2), (3) or (4), the municipal clerk shall immediately certify the action to the county clerk and the secretary of state.

(b) The election pamphlet prepared by the secretary of state shall carry a list of all the municipalities that have acted under this section.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) is based on s. 6.14 (1) (1st 2 sentences).

Sub. (2) is based on s. 6.14 (2).

Sub. (3) is based on s. 6.14 (1) (last sentence) and s. 6.14 (3). In s. 6.14 (3) a petition could make registration necessary. The provision is changed to be consistent procedurally with sub. (4) which pertains to the abolition of registration.

Sub. (4) (a) is a restatement of s. 6.14 (4) (1st 2 sentences), except the number of days and percentage are changed to be uniform with sub. (3). Par. (b) is based on s. 6.14 (4) (last sentence), but the notice requirement is made uniform.

Sub. (5) (a) is a restatement of s. 6.14 (5) (1st sentence). Par. (b) is a restatement of s. 6.14 (5) (last sentence). (Bill No. 755-A)

**6.28 When to register.** (1) Registration for any election shall close at 5 p.m. on the 3rd Wednesday preceding the election in cities having a population of 200,000 or more, and at 5 p.m. on the 2nd Wednesday preceding the election in other municipalities. In 1st class cities, all applications for registry corrections and additions may be made during office hours throughout the year at the office of the city board of election commissioners or other locations provided by the board with common council approval. In other municipalities, all applications for registration may be made to the clerk of the municipality during office hours throughout the year at the office of the clerk or other locations provided.

(2) At the first election held after registration is required or adopted, any qualified elector may register at the polls the day of the election and vote in the election being conducted. Registration shall be by the regular election officials, or, in the discretion of the municipal governing body, by a special registration deputy appointed by the municipal clerk for each precinct.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) makes the registration deadline uniform. It is based on ss. 6.17 (1) (1st sentence), 6.185 (4) (c) and 10.15 (1) (a) (1st sentence, last part and 3rd sentence).

Sub. (2) is based on s. 6.17 (1) (2nd sentence), but is changed to permit registration at the 1st election rather than just a primary. The 2nd sentence is a restatement of s. 6.17 (1) (last sentence). (Bill No. 755-A)

**6.30 How to register.** (1) **IN PERSON.** Registration applications shall be made in per-

son, except under subs. (2) and (3). Each elector shall sign an original affidavit and, except in 1st class cities, a duplicate.

(2) **WHEN CONFINED.** Registration affidavits for qualified electors may be completed at the home or institution where an elector is confined because of physical illness or infirmity. The affidavit shall be made in the presence of the municipal clerk.

(3) **WHEN ABSENT.** Any elector more than 50 miles from his legal voting residence may register before the close of registration for any election as follows:

(a) He shall secure the necessary blank registration affidavits and instructions for their completion from the municipal clerk.

(b) He shall appear before any person authorized to administer oaths with the completed and signed original and duplicate registration affidavit and shall swear to the truth of their contents. The person administering the oath shall sign his name on the line for the signature of the registration official.

(c) The original affidavit and one duplicate shall be returned to the clerk of the municipality. To be eligible to vote in that election the affidavit shall be received no later than the close of the clerks' office on the registration deadline date prior to the election.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) is a restatement of s. 6.17 (2) (a).

Sub. (2) is a restatement of ss. 6.17 (2) (b), 6.185 (4) (d) and 10.15 (1) (b).

Sub. (3) (intro. par.) is a restatement of ss. 6.17

(5) (intro. sent.), 6.185 (10) (intro. sentence), and 10.15 (3) (intro. sentence). Par. (a) is a restatement of ss. 6.17 (5) (2nd sentence, 1st part), 6.185 (10) (2nd sentence, 1st part), 10.15 (3) (2nd sentence, 1st part). Par. (b) is a restatement of ss. 6.17 (5) (2nd sentence, in part, and 3rd sentence), 6.185 (10) (2nd sentence, in part, and 3rd sentence), and 10.15 (3) (2nd sentence, in part, and 3rd sentence). Par. (c) is a restatement of ss. 6.17 (5) (last sentence), 6.185 (10) (last sentence) and 10.15 (3) (last sentence). (Bill No. 755-A)

**6.33 Registration forms.** (1) The municipal clerk shall supply sufficient registration affidavit forms printed on loose-leaf sheets or cards to obtain from each applicant information as to name, date, ward, precinct, residence location, citizenship, whether 21 years of age, whether within the state for at least 6 months and the precinct at least 10 days, whether he has lost his right to vote and a space for the applicant's signature.

(2) The registration affidavit form shall be substantially as follows, except municipalities having permanent registration need not provide space for a voting record on the form. (See Fig. 6.33 (2).)

(3) The information may be recorded by any person, but the elector applicant shall sign his own name or make a mark.

**History:** 1965 c. 666; 1967 c. 28.

**Legislative Council Note, 1965:** Sub. (1) is a restatement of combined ss. 6.16 (1), 6.185 (2) (in part), and 10.10 (in part).

Sub. (2) is a restatement of s. 6.16 (2) but occupation has been deleted and birth date has been added. Sub. (3) is a restatement of ss. 6.17 (4) and 10.10 (2nd sentence), except the requirement of s. 6.17 (4) that a Mrs. or Miss shall precede women electors' names was deleted. (Bill No. 755-A)

Fig. 6.33 (2):

			Residence		
Last Name	First Name	Middle Name	Street	No.	Ward and Precinct
Birth date					
Birthplace					
If naturalized: Name of Court					
Place					
Date					
Through whom naturalized:					
Husband					
Father	Name				

Affidavit of Registration

State of Wisconsin, County of . . . .

I hereby swear (or affirm) that I am a citizen of the United States, that on the day of the next election I shall be at least 21 years of age, and shall have resided in the state of Wisconsin for 6 months next preceding said election, and in the precinct 10 days, and that I am legally qualified to vote.

.....  
Signature of elector

Subscribed and sworn before me this . . . . day of .....

.....  
Signature of registration official

Voting Record

Stamp or write the date of each election at which the elector votes on the first vacant space.


**6.35 Filing registration cards.** (1) Under the direction of the municipal clerk, the original affidavit cards shall be filed by precincts. Within each precinct the cards shall be filed in a logical order to facilitate their use in preparing the registry list.

(2) Duplicate affidavits shall be filed in alphabetical order for the entire municipality without regard to precincts.

(3) Registration affidavits shall be kept on file in the office of the municipal clerk. When the original affidavits are used on election day, they shall be returned to the clerk within 2 days after the election.

**History:** 1965 c. 666.  
**Legislative Council Note, 1965:** Sub. (1) is based on ss. 6.16 (3), 6.185 (3) and 10.12 (in part), except the detailed provisions for arrangement have been changed to local discretion and the obsolete portions of s. 6.185 (3) have been deleted.  
 Sub. (2) is a restatement of s. 6.16 (4) (in part).  
 Sub. (3) is a restatement of ss. 6.16 (4) (in part), 6.16 (5) (last sentence) and 10.16 (2). (Bill No. 755-A)

**6.36 Official registry.** (1) The municipal clerk shall compile a registry for use in each precinct following the precinct arrangement for registration affidavits under s. 6.35 (1).

(2) The registry lists shall contain the full name and address of each registered elector, a blank column for the entry of the serial numbers of the electors when they vote, blank space to enter the names of electors who vote by affidavit, and a form of certificate stating each list is a true and complete combined check and registry list of the respective precincts.

(3) Municipalities shall prepare at least 2 copies of the registry for each precinct and bind them in book form. The original affidavits constitute the official registry and shall be controlling whenever discrepancies occur.

**History:** 1965 c. 666.  
**Legislative Council Note, 1965:** Sub. (1) is based on s. 10.12 (1) (1st part), but has been broadened to become state-wide and reflects present practice.  
 Sub. (2) is a restatement of ss. 6.16 (6) (1st sentence, last part and last sentence, in part), 6.185 (7) (b) (last sentence, in part) and 10.18 (2) (last sentence, in part).  
 Sub. (3) combines several sections making the necessary changes to provide uniformity. The

subsection is based on s. 6.16 (5) (except last sentence) and (6) (1st sentence, 1st part, and 2nd sentence). The requirement of s. 6.16 (5) and (6) (2nd sentence) providing the original registry be sent to the polls is changed to a more general provision to reflect present practice in many municipalities and to accommodate the exception of s. 10.18 (2) where copies are used. The official registry still provides the final authority whenever a question arises, whether or not it is delivered to the polls. S. 6.185 (7) (b) (1st sentence) and s. 10.18 (2) are included and the number of registry lists are reduced for uniformity, but this only establishes a minimum and does not prevent sending more. (Bill No. 755-A)

**6.40 Transferring registration.** (1) ELECTOR INITIATIVE. (a) *Within municipality.* Any registered elector shall transfer his registration after a change of residence within the municipality by appearing in person or by mailing to the municipal clerk a signed request stating his present address, that this will be his residence for 10 days prior to the election and the address where last registered. The new address, precinct and ward shall be recorded on the registration cards after striking through the old information. The cards shall be filed in the proper precinct.

(b) *Within state.* Any elector who changes his residence within this state from one municipality to another shall give his previous residence upon application for registration at his new residence and shall sign an authorization to cancel his voting privileges at his former residence on a form substantially as follows:

I hereby give notice of my registering to vote at the following address .....  
 (Street)  
 ....., Wisconsin, and direct that my  
 (City, town, village)  
 voting privileges be canceled at .....  
 (Street)  
 .....  
 (City, town, village) (State).  
 Signature .....  
 Present address .....

The cancellation authorization forms shall be forwarded to the proper election officials within 3 days after the close of registration.

(2) CLERK'S INITIATIVE. Municipal clerks may transfer any elector's registration upon

receipt of reliable information that the elector has changed his residence. The clerk shall mail the elector a form notice of the transfer.

(3) **REGISTRATION CARDS.** Each elector voting by affidavit shall fill out a registration card and return it to the clerk before a certificate shall be issued under s. 6.55 (2) (b). If still qualified, the names from the cards shall be added to subsequent registry lists.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) (a) is a restatement of ss. 6.17 (6) and 10.15 (2). Par. (b) is based on s. 6.17 (3). The provision is expanded from the present requirement of notice if registered elsewhere in Wisconsin. The provision is state-wide and the time for forwarding the forms is 3 days instead of 24 hours.

Sub. (2) is a restatement of s. 6.17 (7) but applies state-wide.

Sub. (3) is a restatement of s. 6.17 (8). (Bill No. 755-A)

**6.45 Registry lists public.** After the deadline for revision of the registry lists, the municipal clerk shall make copies for election use. All registry lists shall at all times be open to public inspection. Under the regulations prescribed by the municipal clerk, an elector may copy the registry list.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This section is a combination of ss. 6.16 (8), 6.18 (7), 6.185 (7) (a), 10.13, 10.18 (1) and 10.21 (1st part) without substantive change except for the deletion of the number of copies and posting of ss. 10.13 and 10.18. (Bill No. 755-A)

**6.48 Challenging registration.** (1) **MUNICIPALITIES.** (a) Any elector of the municipality may challenge the registration of any registered elector by submitting to the clerk an affidavit stating the elector is not qualified to vote and the reasons therefor. The clerk, upon receipt of the affidavit, shall mail a notification of the challenge to the challenged elector, at his registered address.

(b) The challenged elector shall appear before the municipal clerk within one week of notification or arrange under sub. (2) in 1st class cities to appear before the full board. He shall make an affidavit answering the pertinent questions under s. 6.92 and any other questions necessary to establish his qualifications. Judgment rests with the municipal clerk and decisions shall be rendered as soon as heard. If the clerk cannot resolve the issue or has reservations as to the answers, he may require the challenged elector to take the oath under s. 6.94. If the clerk determines the person is not qualified, the name shall be stricken from the registry and the proper precinct officials notified.

(c) If the challenged elector fails to appear before the municipal clerk within one week or in 1st class cities fails to appear before the

full board under sub. (2) to answer questions and take the oath required of challenged persons, the same as at an election, the clerk shall cancel his registration and make the necessary change in the registry list.

(2) **CITIES OF THE 1ST CLASS.** (a) In 1st class cities objections may be made before the board of election commissioners which shall sit on the last Wednesday before each election from 9 a.m. to 12 noon and from 2 p.m. to 5 p.m. to hear objections then made or deferred under sub. (1). If all the objections cannot then be determined, the commissioners shall sit during the same hours the next day.

(b) Objectors appearing in person may be further examined, under oath, by the commissioners and additional testimony taken. Judgment rests with the board and decisions shall be rendered as soon as heard. All cases are heard and decided summarily. The commissioners shall determine whether the person objected to is qualified. The board may require naturalized applicants to show their naturalization certificates. If they determine a person is not qualified, the name shall be stricken from the registry and the proper precinct officials notified of the change immediately.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) (a) is based on ss. 6.18 (4) (1st 2 sentences), 10.20 (1st sentence) and 10.21 (in part) with some modification and clarification. The provision is applicable state-wide. The requirement that 2 electors sign oaths in ss. 10.21 and 6.185 (4) (a) is changed so one person signing an affidavit is sufficient, but the reasons for the challenge must be given. Par. (b) is based on ss. 6.185 (4) (a) (in part) and 10.15 (1) (a) (in part) but is made state-wide. Par. (c) is a restatement of s. 6.18 (4) (last sentence).

Sub. (2) (a) is a restatement of s. 10.20 (2nd sentence). Par. (b) is based on ss. 10.20 (last part) and 10.21 (last part). The change is that under sub. (1) of this bill, the objections can be heard and resolved by the executive secretary of the board of election commissioners of the city if the challenged elector so wishes. (Bill No. 755-A)

**6.50 Revision of registry.** (1) **CITY OF MILWAUKEE.** In any city over 500,000 population the municipal clerk, prior to each election, shall revise and correct the registry prepared by him by:

(a) Striking the name of any person who has died, moved from the precinct where registered, adopted a new name, or who under s. 6.48 has been found to be ineligible to vote in the precinct at the next election. Whenever a name is stricken from the registry, the reason for striking shall be stated on the registry list next to the stricken name. The registration card, stating the reason for striking the registration, shall be kept for a period of 4 years in a separate index and then may be destroyed.

(b) Entering on the proper precinct list the name of every elector entitled to vote in that precinct at the next election who either files a registration card properly filled in and sworn to before the municipal clerk under s. 6.33 or who qualifies for reinstatement.

(c) Submitting all applications for registration received by the board to the chief of police for verification of the statements contained therein. The police department shall also report to the board the names of registered electors who have died or moved from the precinct.

(2) MUNICIPALITIES. In any municipality of 500,000 or under in population, the municipal clerk shall revise and correct registration records as follows:

(a) Following every presidential election, the clerk shall examine the registration records and cancel the registration of any elector who has not voted within the previous 2 years after mailing a notice to the elector in substantially the following form:

NOTICE OF SUSPENSION  
OF REGISTRATION

You are hereby notified that your registration will be canceled, according to state law, for failure to vote within the previous 2-year period, unless you apply for reinstatement within 30 days. You may reinstate your registration by signing the statement below and returning it to this office or by applying in person.

APPLICATION FOR REINSTATEMENT  
OF REGISTRATION

I hereby certify that I still reside at the address from which I am registered and apply for reinstatement of registration.

Signed . . . . .,  
Present address . . . . .

(b) The clerk shall cancel the registration of all notified electors who have not applied for reinstatement within 30 days. The registration affidavit of all reinstated electors shall show the date of reinstatement. Any canceled elector may register again by making a new application for registration.

(c) Upon receipt of reliable information that a registered elector has moved from the municipality, the clerk shall notify the elector by mailing a notice to the elector's registration address stating the source of the information. If the electors fails to apply for continuation of registration within 30 days, his registration shall be canceled.

(d) At least once a month the clerk shall secure from the local register of vital statis-

tics a list of all persons over 21 years of age who have died. The list of deceased persons shall be compared with the registration lists and the registration of all deceased electors shall be canceled.

(e) The clerk, upon authorization by the elector, shall cancel the elector's registration.

(f) When an elector's registration is canceled the clerk shall make an entry upon the original and duplicate affidavits of registration, giving the date, cause of cancellation, and the initials of the person making the cancellation. The original canceled affidavit shall be filed in the office of the clerk for 4 years after which it may be destroyed.

(g) The municipal clerk shall enter on the proper precinct list the name of every elector entitled to vote in that precinct at the next election who files a registration card properly filled in and sworn to before him under s. 6.33.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) (a) is a restatement of s. 10.15 (1) (a) (1st sentence, in part, and 2nd sentence). The provision that canceled registration cards may be destroyed after 4 years is new. Par. (b) is based on s. 10.15 (1) (a) (1st sentence, in part), but the reinstatement provision is new to the extent that it is clearly stated rather than implied. Par. (c) is a restatement of s. 10.15 (1) (a) (5th sentence).

Sub. (2) includes all municipalities of the state having registration, except the city of Milwaukee. Sub. (2) (a) is based on s. 6.18 (1) (a), but the registry list revision is changed from every 2 years to after every presidential election for the 2 years preceding. Par. (b) is a restatement of s. 6.18 (1) (b). Par. (c) is a restatement of s. 6.18 (5). Par. (d) is based on ss. 6.18 (2) and 6.185 (4) (a) (1st part). Par. (e) is a restatement of s. 6.50 (3). Par. (f) is a restatement of ss. 6.18 (6), 6.185 (4) (b) (last sentence), except the canceled registration card can now be destroyed after 4 years. Par. (g) is based on s. 6.185 (4) (b) (1st sentence) and is made state-wide and reflects present practice. (Bill No. 755-A)

**6.55 Failure to register; rights.** (1) Registry lists shall be final and no names shall be added after the close of registration, but any person whose name is not on the registry but who is otherwise a qualified elector is entitled to vote at the election upon compliance with this section.

(2) (a) Any qualified elector in the precinct where he desires to vote who has not previously filed a registration card or whose name does not appear on the registry list shall be entitled to vote at the election if he delivers to the municipal clerk a properly executed registration card with an affidavit sworn to by him, or if he cannot obtain a registration card, he shall list all the information required on the registration card. The registration card or the listing of required information shall be substantiated by the affidavit of 2 freeholders, electors in the precinct, corroborating all the material statements therein. The signing of the affidavits by the freeholders and the elec-

tor's signature shall be done in the presence of the municipal clerk not later than 5 p.m. of the day before an election. All affidavits shall be sworn to before an officer authorized to administer oaths.

(b) Upon the filing of the affidavits and registration card required by this section, the municipal clerk shall issue a certificate addressed to the inspectors of the proper precinct directing that the elector be permitted to cast his ballot. The certificate shall be numbered serially, prepared in duplicate and one copy preserved in the office of the municipal clerk.

(c) The elector, at the time he requests the ballot, shall deliver to the inspectors the certificate issued under par. (b).

(d) The inspectors shall keep a list of the names and residences of the electors voting whose names are not on the registry list, attach the list to the registry and return it, together with all the certificates, to the municipal clerk. These names shall then be added to the registry if they are qualified at the time of revision.

(e) Upon his own initiative the municipal clerk may, or, upon petition of 5 qualified electors, the municipal clerk shall refer any affidavit filed under this section to the local police department for verification.

(f) No affidavit shall be made on the day the polls are open.

(3) No compensation shall be paid or received for taking or certifying any affidavit, under sub. (2). A freeholder may not corroborate more than 5 elector affidavits at any one election.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) is a restatement of ss. 6.185 (6) (a), 6.44 (1) (intro. par.) (2nd sentence), 10.17 (1) (1st sentence) and 10.19.

Sub. (2) (a) is based on ss. 6.185 (6) (b) (1st and 5th sentences), 6.44 (2) (1st 4 and last sentences) and 10.17 (1) (2nd, 3rd and last sentences). The provision that the registering elector sign an affidavit is changed to a sworn acknowledgment. The deadline is clarified. The 2nd sentence of s. 6.185 (6) (b) is deleted since there can be no registration on the day of an election. Par. (b) is a restatement of s. 6.44 (3). Par. (c) is a restatement of s. 6.44 (1) (a). Par. (d) is a combination of ss. 6.44 (1) (b), 6.185 (6) (b) (last sentence) and 10.17 (2) without substantive change. Par. (e) is a restatement of s. 6.44 (4). Par. (f) is based on ss. 6.185 (6) (c), 6.44 (4a) and 10.17 (1a), but the provision permitting a change of address on election day is deleted. Either the change of address is made before 5 p.m. the day before the election, or the elector must vote in his old precinct.

Sub. (3) is a restatement of ss. 6.185 (6) (b) (3rd and 4th sentences), 6.44 (2) (5th and 6th sentences) and 10.17 (1) (4th and 5th sentences). (Bill No. 755-A)

**6.56 Registry list for school and special elections.** The registry list used at the last preceding general or municipal election plus a supplementary list may be used for school or

special elections. Before issuing the supplementary list the municipal clerk shall add the newly registered electors and strike the names of those electors known to have died or become disqualified since the last preceding registration.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This section is based on s. 10.17 (3) but now applies state-wide. The judicial election provision is deleted here as this is adequately covered under the general registration provisions. The duty of the supplementary list is placed on the municipal clerk rather than the inspectors. (Bill No. 755-A)

#### VOTING

**6.76 Time off for voting.** (1) Any person entitled to vote at an election is entitled to absent himself from work while the polls are open for a period not to exceed 3 successive hours to vote. The elector shall notify his employer before election day of his intended absence. The employer may designate the time of day for the absence.

(2) No penalty, other than a deduction for time lost, may be imposed upon him by his employer by reason of the absence.

(3) This section includes all political subdivisions of the state and their employes, but shall not affect the employes' right to holidays presently existing or established in the future.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This section is a restatement of s. 6.047 (except last sentence). (Bill No. 755-A)

**6.77 Place for voting.** (1) Electors shall vote only in the polling place provided by the governing body.

(2) Whenever territory is annexed to any municipality, the electors who would have been entitled to vote in the territory had no annexation taken place shall vote under s. 6.28 (2) in the municipality to which the territory is annexed.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) is a restatement of s. 6.02 (1) (1st sentence, in part).

Sub. (2) is based on s. 6.02 (3), but the provision that the annexation must be 10 days before the election is deleted for clarification. The cross reference makes it possible for electors of an annexed territory to register at the 1st election after annexation if they did not have registration before annexation but do after annexation. (Bill No. 755-A)

**6.78 Poll hours.** The polls at any election shall be open:

(1) In 1st, 2nd and 3rd class cities, from 7 a.m. until 8 p.m.

(2) In 4th class cities, villages and towns, from 9 a.m. until 8 p.m.; extendable by the governing body to not earlier than 7 a.m. Notice of the change of hours shall be given by publication in a newspaper, under ch. 985, once each week for 2 successive weeks, with

the first insertion not less than 8 days before the election. The new hours shall take effect only after the notice provisions have been complied with. When the ordinance applies to all future elections, notice need be given only for the first election affected by the change.

(3) Any elector waiting his turn to vote, whether within the polling booth or in the line outside the booth at the time the polls officially close, shall be permitted to vote.

**History:** 1965 c. 666; 1967 c. 133.

**Legislative Council Note, 1965:** Sub. (1) is based on ss. 6.35 (1) (1st 2 sentences) and 10.36 (2) but the opening and closing of the polls are made uniform for 1st, 2nd and 3rd class cities.

Sub. (2) is based on ss. 6.35 (1) (3rd sentence), (2) and (3) and 10.36 (2). The hours are more uniform. The publication provision is changed and decreased from 3 to 2. Posting is covered in ch. 10.

Sub. (3) is a restatement of s. 6.35 (1) (last sentence). (Bill No. 755-A)

**6.79 Recording electors.** Two election officials at each election precinct shall be in charge of and shall maintain 2 separate lists of all persons voting.

(1) **MUNICIPALITIES WITHOUT REGISTRATION.** Where there is no registration, before receiving his ballot, each person shall state his full name and address which shall be recorded in the same order the votes are cast. If the residence of the elector does not have a number, the clerks shall, in the appropriate space, write "none".

(2) **MUNICIPALITIES WITH REGISTRATION.** Where there is registration, each person, before receiving his voting number, shall state his address and full name. Upon the prepared registry list, after the name of each elector, shall be entered the serial number of his vote as it is polled, beginning with number one. Each elector shall receive a slip bearing the same serial number.

(3) **REFUSAL TO GIVE NAME.** If any elector offering to vote at any poll refuses to give his name and address, he shall not receive a ballot.

(4) **VOTING BY AFFIDAVIT.** When any person offering to vote has taken the oath or presents affidavits under s. 6.55, his name shall be placed on the list and following the person's name shall be added the word "Sworn".

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** The intro. par. is based on ss. 6.45 (1) (1st part), 6.49 (1st part), 6.16 (7) (1st part), 6.185 (7) (b) (2nd sentence, in part) and 10.18 (2) (2nd sentence, 1st part). Any 2 election officials are permitted to maintain the poll lists. The reference to the lists is general to include the entire state.

Sub. (1) is a restatement of ss. 6.45 (1) (last part) and 6.49 (1st sentence).

Sub. (2) is a restatement of ss. 6.16 (7) (1st sentence, last part), 6.185 (7) (b) (2nd sentence), 10.18 (2) (2nd sentence, in part), except that ss. 6.185 (7) (b) and 10.18 (2) referred to a certification slip which is deleted as unnecessary. S. 6.44 (1) (1st sentence) is also included.

Sub. (3) is a restatement of s. 6.49 (next to last sentence).

Sub. (4) is a restatement of ss. 6.16 (7) (last sentence), 6.45 (2) and 6.49 (last sentence). (Bill No. 755-A)

**6.80 Mechanics of voting.** (1) **VOTING BOOTH USE.** Except when assistance is required to mark a ballot, only one person at a time shall be permitted to occupy a voting booth.

(2) **METHOD OF VOTING.** (a) Upon receiving his ballot and without leaving the polling place, the elector shall enter an unoccupied voting booth alone to mark his ballot. An elector may use or copy an unofficial sample ballot which may be marked in advance of his entering the polling place, but he shall not use or bring into the polling place any ballot printed upon paper of the quality required for official ballots.

(b) After preparing his ballot, the elector shall fold it so its face will be concealed and so the ballot clerks' printed indorsement and initials may be seen.

(c) Any elector who, by accident or mistake, spoils or erroneously prepares his ballot may receive another, by returning the defective ballot, but not to exceed 3 ballots in all.

(d) After folding the completed ballot, the elector shall publicly and in person deliver the official ballot to one of the inspectors at the polling place where he offers to vote. The inspector receiving the ballot, without opening it or permitting it to be opened or examined, shall deposit it in the ballot box in the elector's presence.

(e) In primary elections or for delegates to the national conventions, after the elector prepares his ballot he shall detach the remaining ballots, fold both the completed ballot and the ballots to be discarded, personally deposit the ballots to be discarded in the separate ballot box marked "blank ballot box", and deliver the completed ballot as in par. (d). The inspectors shall keep the blank ballot box locked until the canvass is completed and shall dispose of the blank ballots as prescribed by the municipal clerk.

(3) **TIME IN BOOTH.** (a) Each elector shall be allowed a reasonable time to vote. Unless otherwise specified for that election, a majority of the inspectors shall determine the time each elector shall have to mark his ballot, taking into consideration the size of the ballot and the number of electors in line waiting to vote. In no case shall the time be less than one minute. If there are electors in line waiting to vote, the time shall not exceed 5 minutes.

(b) If an elector refuses to leave the booth

or machine after being notified by one of the inspectors that his time has expired, he shall be removed by the inspectors.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This section incorporates s. 5.14 (4) which makes a cross-reference to s. 6.37 and both are included throughout sub. (2).

Sub. (1) is a restatement of s. 6.38 (1st sentence, in part).

Sub. (2) (a) is a restatement of ss. 5.14 (4), 6.25 (3) (last part) and 6.37 (1st 2 sentences). Par. (b) is a restatement of s. 6.37 (3rd sentence) with some clarification. Par. (c) is a restatement of s. 6.38 (last sentence). Par. (d) is a restatement of s. 6.37 (last sentence) with some clarification. Par. (e) is based on ss. 5.14 (5), (6) and (7) and 5.39 (4) and (5). The destruction of ballots is changed from immediately after the canvass to provide local discretion to prevent possible mixing of the official and blank ballots.

Sub. (3) (a) combines the provisions of ss. 6.38 (1st sentence, last part) and 11.06 (5) (1st sentence). The provisions are made uniform and broadened to apply to paper ballots and machine voting. Par. (b) is a restatement of s. 11.06 (5), but is broadened to include paper ballot voting. (Bill No. 755-A)

**6.82 Assisting electors.** (1) RECEIPT OF BALLOT AT DOOR. (a) When any precinct inspectors are informed that an elector is at the door who is unable to enter the polling place without assistance, they may appoint 2 of their number to take an official ballot to the entrance, present it to the physically disabled person and assist in marking the ballot if the elector desires assistance. The 2 persons chosen to assist shall not be of the same political party. When the ballot is marked it shall be folded and immediately taken into the polling place. The inspector shall distinctly announce that he has "a ballot offered by . . . . (stating person's name), an elector physically disabled from entering the room without assistance." He shall then ask, "Does any one object to the reception of this ballot?" If no objection is made, the ballot shall be deposited in the ballot box and a notation made on the registry book: "Ballot received at the door."

(b) If objection to receiving ballot is made by any qualified elector present, the inspectors shall decide upon the objection, and if they find the objection has merit shall destroy the ballot. If the objection is overruled, the ballot shall be deposited. If the ballot is destroyed, the inspectors shall immediately notify the elector of such fact.

(2) AID IN MARKING BALLOT. (a) If an elector declares to the presiding election official that he cannot read or write, or that due to physical disability, he is unable to mark his ballot, he shall be informed that he may have assistance. When assistance is requested, 2 election officials shall be selected by the elector to assist him in marking his ballot. The 2 persons chosen to assist shall not be of the same political party. The selected officials

shall certify on the back of the ballot that it was marked with their assistance but shall not disclose to anyone how the elector voted.

(b) If the elector is totally blind or his vision is so impaired that he cannot read the ballot, he may be assisted by any qualified elector of his own choice from within the county where the precinct is located. The person chosen shall enter the booth with the elector and shall read to him the names of all candidates on the ballot for each office, and ask him, "For which one do you vote?" The ballot shall be marked according to his expressed preference. The person selected to assist shall not disclose to anyone how the elector voted.

(c) The presiding official at the election may require the elector to make a declaration of disability under oath, and he may administer the oath. Intoxication shall not be regarded as a physical disability.

(d) An election official shall enter upon the registry list after the name of any elector who had assistance in marking his ballot the word "assisted".

(e) The provisions of this section also apply to referendum ballots.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) is a restatement of s. 6.40, except there is added the safeguard that the 2 inspectors assisting the disabled elector be of different political parties.

Sub. (2) (a) is a restatement of s. 6.39 (1) (1st sentence). Par. (b) is a restatement of s. 6.39 (1) (last 2 sentences). Par. (c) is a restatement of s. 6.39 (2) (1st 2 sentences). Par. (d) is a restatement of s. 6.39 (2) (4th sentence). Par. (e) is a restatement of s. 6.39 (2) (last sentence) with clarification. S. 6.39 (2) (3rd sentence) pertaining to a blind person having his ballot inspected by someone else is deleted. (Bill No. 755-A)

#### VOTING ABSENTEE

**6.85 Absent elector; definition.** An absent elector is any otherwise qualified elector who is or expects to be absent from the municipality in which he is a qualified elector on election day whether by reason of active service in the U. S. armed forces or for any other reason, or who because of sickness, physical disability, jury duty or religious reasons cannot appear at the polling place in his precinct. Any otherwise qualified elector who changes his residence within this state after registration closes but who fails to change his registration may vote an absentee ballot in the precinct where qualified to vote before moving. Any elector qualifying under this section may vote by absentee ballot under ss. 6.86 to 6.89.

**History:** 1965 c. 666; 1967 c. 140, 207.

**Legislative Council Note, 1965:** This section is a restatement of s. 6.54 (1) (last part) but also provides for electors who move. (Bill No. 755-A)

An absentee ballot personally cast by an employe in the office of city clerk who had no grounds for using an absentee ballot, but who had executed the required affidavit stating that she had such grounds, is nevertheless deemed to have been properly cast so as to be counted as a vote. Schmidt v. West Bend Board of Canvassers, 18 W (2d) 316, 118 NW (2d) 154.

Absentee voting is a privilege, not an absolute right. Where explicit language does not call for strict compliance, statutory provisions relating to absentee voting are held directory and strict compliance therewith not required. Clapp v. Joint School Dist. 21 W (2d) 473, 124 NW (2d) 678.

**6.86 Application for absentee ballot.** Any elector, qualifying under ss. 6.20 (1) and 6.85 as an absent elector may apply to the municipal clerk for his official ballot either in writing or in person. If application is made in writing, the application, signed by the elector, shall be received no sooner than the first of the month 3 months before the election nor after 5 p.m. on the Friday immediately preceding the election. If application is made in person the application shall not be made sooner than the first of the month 3 months before the month of the election nor later than 5 p.m. on the day preceding the election. If the elector is making written application and the reason for requesting an absentee ballot is that the elector is a sequestered juror, the application shall be received no sooner than the first of the month 3 months before the election nor after 12 noon on election day. If the application is received after 5 p.m. on the Friday immediately preceding the election, the municipal clerk or his 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 his court, as soon as convenient, and give the elector his ballot. The judge shall then notarize the affidavit as provided in s. 6.87 and shall turn the ballot over to the clerk or his agent who shall deliver it to the polling place as required in s. 6.88.

**History:** 1965 c. 666; 1967 c. 140.

**Legislative Council Note, 1965:** This section is based on ss. 11.55 and 11.56. The county clerk is eliminated as an official for issuing absentee ballots since he does not have the necessary information to decide whether the applicant is a qualified elector. The beginning date for application is advanced. Specific hour deadlines are established. (Bill No. 755-A)

**6.87 Absent voting procedure.** (1) Upon request, within the time requirements of s. 6.86, the municipal clerk shall write on the official ballot, in the space for official indorsement, his initials and his official title.

(2) The municipal clerk shall place the ballot in an unsealed envelope furnished by him. 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-affidavit in substantially the following form:

STATE OF ....

County of ....

I, . . . ., (certify) (do solemnly swear) subject to the penalties of ch. 12, Wis. Stats. for false statements that I am a resident of the . . . . precinct of the (town) (village) of . . . ., or of the . . . . ward in the city of . . . ., residing at . . . . in said city, the county of . . . ., state of Wisconsin, and am entitled to vote in the precinct at the election to be held on . . . .; that I cannot appear at the polling place in the precinct on election day because I expect to be absent from the municipality or because of sickness, physical disability, religious reasons, jury duty, or because I have changed my residence within the state within 20 days before the election but have not changed my registration. I (certify) (swear) that I exhibited the enclosed ballot unmarked to the (2 witnesses) (person administering the oath), that I then in (their) (his) presence and in the presence of no other person marked the ballot and enclosed and sealed the same in this envelope in such a maner that no one but myself and assistance rendered under s. 6.87 (5), Wisconsin Statutes, if I requested assistance, could know how I voted.

Signed .....

The (2 witnesses) (person administering the oath) shall execute either of the following as appropriate:

We, the undersigned witnesses, qualified electors of the state of Wisconsin, subject to the penalties of ch. 12, Wis. Stats., for false statements, certify that the above statements are true and the voting procedure was executed as there stated. Neither of us is a candidate for any office on the enclosed ballot. The elector was not solicited or advised by us to vote for or against any candidate or measure.

.....  
(name)

.....  
(address)

.....  
(name)

.....  
(address)

Subscribed and sworn to before me this . . . . day of . . . ., A. D. . . . ., and I hereby certify that I am not a candidate on the ballot upon which the affiant voted, that the voting procedure above was executed as therein stated, and that the affiant was not solicited or advised by me to vote for or against any candidate or measure.

.....  
(name)

.....  
(title)

(3) The municipal clerk shall mail it postage prepaid to the elector's residence unless otherwise directed, or shall deliver it to the elector personally at the clerk's office.

(4) The elector voting absentee shall either make and subscribe to the affidavit before a person authorized to administer oaths or make and subscribe to the certification before 2 witnesses. The absent elector, in the presence of the administrator of the oath or witnesses, shall mark the ballot in a manner that will not disclose how the ballot is marked. The elector shall then, still in the presence of the administrator of the oath or the 2 witnesses, fold the ballots so each is separate and conceals the markings thereon and deposit them in the proper envelope, but may receive assistance under sub. (5). The unused ballots shall be placed in the envelope for unused ballots and deposited with the voted ballot in the return envelope, which shall then be sealed. The witnesses or the official oath administrator shall not be a candidate. The envelope shall be mailed by the elector, postage prepaid, or delivered in person, to the municipal clerk issuing the ballot.

(5) If a person requests assistance, an officer authorized to administer oaths shall assist an absentee elector who is unable to read, or who by reason of physical disability is unable to mark his ballot, and shall then sign his name to a certification on the back of the ballot, substantially as under s. 5.55.

(6) The ballot shall be returned so it is received by the municipal clerk in time for delivery to the polls before the closing hour. Any ballot not mailed or delivered as provided in this section shall not be counted.

(7) Any candidate who administers the oath or serves as a witness shall be penalized by the discounting of a number of votes for his candidacy equal to the number of certificate-affidavit envelopes bearing his signature.

(8) The provisions of this section which prohibit candidates from assisting or administering the oath to absentee electors shall not apply to the municipal clerk in the performance of his official duties.

History: 1965 c. 666; 1967 c. 140.

Legislative Council Note, 1965: Sub. (1) is a restatement of s. 11.57 (1st sentence, in part), and includes the new deadlines as changed under s. 6.86 in this bill.

Sub. (2) is based on s. 11.58 (1), but permits certification before 2 witnesses as an alternative to an affidavit and provides that neither the witnesses nor the official oath administrator, other than the municipal clerk, shall be a candidate on one of the ballots involved.

Sub. (3) is a restatement of s. 11.57 (1st sentence, last part), but it adds a provision as to where the ballots shall be sent.

Sub. (4) is a restatement of s. 11.59, except it provides for 2 witnesses and provides the witness-

es or oath administrator, unless he is the municipal clerk, shall not be candidates.

Sub. (5) is a restatement of s. 11.58 (2), except it provides as above, that they shall not be candidates.

Sub. (6) is in part based on s. 11.57 (last sentence). The subsection also provides clarification as to when the ballot must be received by the municipal clerk.

Sub. (7) is new. It penalizes a candidate for witnessing the certificate or notarizing the affidavit of an absentee elector. (Bill No. 755-A)

Although 11.58 and 11.59 are deemed to be directory and not mandatory, nevertheless there must be substantial compliance with such statutory provisions. Where certain voters came to the city hall and each there received an absentee ballot from an employe in the city clerk's office but thereafter none of the required formalities were complied with, but everything concerning these absentee ballots was done at the city hall and in good faith by these voters, their absentee ballots should be considered as having sufficiently complied with the statutory requirement so as to be considered properly cast and so as to be properly counted. [Kaufmann v. La Crosse City Board of Canvassers, 8 W (2d) 182, distinguished.] Schmidt v. West Bend Board of Canvassers, 18 W (2d) 316, 118 NW (2d) 154.

#### 6.88 Voting and recording the absentee ballot.

(1) When an absentee ballot arrives at the office of the municipal clerk, the clerk shall enclose it, unopened, in a carrier envelope which shall be securely sealed and indorsed with the name and official title of the clerk, and the words "This envelope contains an absent, sick or disabled elector's ballot and must be opened at the polls during polling hours on election day." The clerk shall keep the ballot in his office until delivered by him, as required in sub. (2).

(2) When an absentee ballot is received by the municipal clerk prior to the delivery of the official ballots to the election officials of the precinct in which the elector resides, the ballot envelope, sealed in the carrier envelope, shall be enclosed in the package and delivered to the election inspectors of the proper precinct. When the official ballots for the precinct have been delivered to the election officials before the receipt of an absentee ballot, the clerk shall immediately enclose the envelope containing the absentee ballot in a carrier envelope as under sub. (1) and deliver it in person to the proper election officials if the delivery does not create an expense to the municipality or the school district.

(3) (a) Any time between the opening and closing of the polls on election day, the precinct election inspectors shall open the carrier envelope only, and announce the absent elector's name. When the inspectors find that the certification or affidavit has been properly executed, the applicant is a qualified elector of the precinct, and the applicant has not voted in the election, they shall open the envelope containing the ballot in a manner so as not to deface or destroy the affidavit or certification thereon. The inspectors shall take

out the ballots without unfolding them or permitting them to be unfolded or examined and, after verification that the ballots have been indorsed by the issuing clerk, deposit them in the proper ballot boxes and enter the absent elector's name or voting number after his name on the registry list the same as if he had been present and voted in person.

(b) When the affidavit or certification is found to be insufficient, the applicant is not a qualified elector in the precinct, the ballot envelope is open or has been opened and resealed, the ballot envelope contains more than one ballot of any one kind, the ballot does not contain the initials of the clerk of the issuing municipality, or if due proof appears to the inspector that an absentee elector has since died, the vote shall not be accepted or counted. Every ballot not counted shall be indorsed on the back, "rejected (giving the reason)." Each rejected ballot shall be reinserted into the affidavit envelope in which it was delivered and the affidavit envelopes and ballots shall be enclosed and securely sealed in an envelope marked for rejected absentee ballots. The inspectors shall indorse the envelope, "defective ballots" with a statement of the precinct and date of the election, signed by the inspectors and returned to the same official in the same manner as official ballots voted at the election.

(c) All absentee certificate-affidavit envelopes which have been opened and the ballots deposited in the ballot boxes shall also be returned in a carrier envelope which is clearly marked "used absentee certificate-affidavit envelopes" and returned to the official who issued the absentee ballots.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) is a restatement of s. 11.60, except reference to the county clerk is deleted.

Sub. (2) is a restatement of s. 11.61, except reference to the county clerk is deleted and therefore also deleted is the provision for mailing after the ballots are delivered to the inspectors. The receipt requirement is deleted. "Election officials" rather than "inspectors" is used for uniformity in this bill.

Sub. (3) (a) is a restatement of s. 11.62 (1st 3 sentences) but provides for witnesses. Par. (b) is a restatement of s. 11.62 (4th and 5th sentences), but includes the provision for 2 witnesses. The provision of s. 11.64 pertaining to the death of an elector voting under this section is repeated here. Par. (c) is a restatement of s. 11.62 (last sentence). (Bill No. 755-A)

The provision [11.62, 1963 Stats.] that an absentee ballot shall not be counted unless it contains the name or initials of the issuing municipal clerk is mandatory. It is not unconstitutional as denying an elector the right to vote. *Gradinjan v. Boho*, 29 W (2d) 674, 139 NW (2d) 557.

**6.89 Absent electors list public.** The municipal clerk shall keep a list of all electors who make application for an absent elector's ballot and who have voted under the absent

elector provisions giving the name, address and date of application. The list shall be open to public inspection.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This section is a restatement of s. 11.605. (Bill No. 755-A)

#### CHALLENGING ELECTORS

##### 6.92 Challenging the elector in person.

Each inspector shall and any elector of the county may challenge for cause any person offering to vote whom he knows or suspects is not a qualified elector. If a person is challenged as unqualified, one of the inspectors shall administer the following oath or affirmation to him: "You do solemnly swear (or affirm) that you will fully and truly answer all questions put to you regarding your place of residence and qualifications as an elector of this election"; and shall then ask those of the following questions which are appropriate to test his qualifications:

(1) If challenged as unqualified on the ground that he is not a citizen: Are you a citizen of the United States?

(2) If challenged as unqualified on the ground that he has not resided in this state for 6 months immediately preceding the election:

(a) How long have you resided in this state immediately preceding this election?

(b) Have you been absent from this state within the 6 months immediately preceding this election? If yes, then—

(c) When you left, did you leave for a temporary purpose, with the intent of returning, or for the purpose of remaining away?

(d) What state or territory did you regard as your home while absent?

(e) Did you, while absent, vote in any other state or territory?

(3) If challenged as unqualified on the ground that he is not a resident of the precinct where he offers his vote:

(a) When did you last come into this precinct?

(b) Did you come for a temporary purpose only, or for the purpose of making it your home?

(c) Did you come into this precinct for the purpose of voting here?

(d) Have you now and have you had for the last 10 days a voting residence in this precinct? If so, what is the particular description, name and location of your residence?

(e) If the answer to par. (d) is no, then: Have you moved from the precinct after the close of registration?

(f) Have you registered to vote at this

election at any other place within or outside this state?

(g) Have you applied for an absentee ballot at any place in this or any other state?

(h) If single, do you board for part of the week, month or year with your parents?

(i) If you have no parents, or are self-supporting, have you registered to vote in this precinct?

(j) Will you file your next income tax return with the assessor of incomes for this county as a resident of this precinct?

(4) If challenged as unqualified on the ground that he is not 21 years of age: Are you 21 years of age to the best of your knowledge and belief?

(5) If challenged as unqualified on the ground that he has made or become directly or indirectly interested in any bet or wager depending upon the result of the election:

(a) Have you made, in any manner, any bet or wager depending upon the result of this election, or on the election of any person for whom votes may be cast at the election?

(b) Are you in any manner, directly or indirectly, interested in any bet or wager depending in any way upon the result of this election?

(6) If challenged as unqualified on the ground that he has been convicted of treason, felony or bribery and not been subsequently restored to civil rights:

(a) Have you ever been tried or convicted in this state of any crime? If yes, then—

(b) Of what crime, when and in what court were you so convicted?

(c) Have you in any manner since the conviction been restored to civil rights, and if yes, how?

(7) If challenged as unqualified on the ground that he has been engaged, directly or indirectly, in a duel, either as principal or accessory:

(a) Have you ever been engaged in any duel, directly or indirectly, either as principal or as a second, or in counseling or aiding either principal or second in a duel? And if yes, then—

(b) When and where, and had you before that time been an inhabitant of this state?

(8) The inspectors, or one of them, shall ask the challenged person any other or further questions to test his qualifications as an elector at the election.

**History:** 1965 c. 666; 1967 c. 28.

**Legislative Council Note, 1965:** This section is a restatement of s. 6.50 except in the intro. par. in this section the words "for cause" are added and a provision is made in sub. (3) (e) in this section for electors who move after registration closes so that they may still vote in their old precinct even

though it is no longer their residence. (Bill No. 755-A)

**6.93 Challenging the absent elector.** The vote of any absent elector may be challenged for cause and the inspectors of election shall have all the power and authority given them to hear and determine the legality of the ballot the same as if the ballot had been voted in person.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This section is a restatement of s. 11.63. (Bill No. 755-A)

**6.94 Challenged elector oath.** If the person challenged refuses to answer fully any relevant questions put to him, the inspectors shall reject his vote. If the challenge is not withdrawn after the person offering to vote has answered the questions, one of the inspectors shall administer to him the following oath or affirmation: "You do solemnly swear (or affirm) that: you are 21 years of age; you are a citizen of the United States; you have resided in this state 6 months preceding the election; you are now and for 10 days have been a resident of this precinct except under s. 6.02 (3); 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, his vote shall be rejected. If the person takes the oath or affirmation and fulfills the registration requirements, when applicable, his vote shall be received.

**History:** 1965 c. 666; 1967 c. 28.

**Legislative Council Note, 1965:** This section is a restatement of s. 6.53, except it provides for electors moving after registration closes. (Bill No. 755-A)

**6.95 Marking challenged elector ballot.** Whenever the inspectors under ss. 6.92 to 6.94 decide to receive the vote of a person offering to vote who has been challenged, before depositing the ballot they shall write on the back of the ballot the number of the challenged person corresponding to the tally sheet or voting list number kept at the election. When the inspectors similarly decide to receive the vote of a challenged person offering to vote where voting machines are used, his vote shall be received only upon an absentee ballot furnished by the municipal clerk which shall similarly have the corresponding number from the tally sheet or voting list printed on the back of the ballot before the ballot is deposited.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This is based on s. 6.52. The provision for areas where voting machines are used is new to the statutes, but is the present practice in many areas. (Bill No. 755-A)