

## CHAPTER 6

## THE ELECTORS

	WHO MAY VOTE		
6.02	Qualifications, general.	6.55	Failure to register; rights.
6.03	Disqualification of electors.	6.56	Verification of voters not appearing on list.
6.05	Election day-age determines elector's rights.	6.57	Registry list for school and special elections
6.10	Elector residence.		VOTING
6.18	Former residents.	6.76	Time off for voting.
6.20	Absent electors.	6.77	Place for voting.
6.22	Absentee voting for military electors.	6.78	Poll hours.
	REGISTRATION	6.79	Recording electors.
6.26	Registrars.	6.80	Mechanics of voting.
6.27	Where elector registration required.	6.82	Assisting electors.
6.28	Where and when to register.		VOTING ABSENTEE
6.30	How to register.	6.85	Absent elector; definition.
6.32	Verification of mail registrations.	6.86	Application for absentee ballot.
6.33	Registration forms.	6.87	Absent voting procedure.
6.35	Filing registration cards.	6.88	Voting and recording the absentee ballot.
6.36	Official registry.	6.89	Absent electors list public.
6.40	Transferring registration.		CHALLENGING ELECTORS
6.45	Registry lists public.	6.92	Inspector making challenge.
6.46	Poll lists; copying.	6.925	Elector making challenge in person.
6.48	Challenging registration.	6.93	Challenging the absent elector.
6.50	Revision of registry.	6.94	Challenged elector oath.
		6.95	Marking challenged elector ballot.

## WHO MAY VOTE

**6.02 Qualifications, general.** (1) Every U.S. citizen age 18 or older who has resided in an election district or ward for 10 days before any election where he offers to vote is an eligible elector.

(2) Any U.S. citizen age 18 or older who has not resided in the election district or ward for 10 days preceding any election is entitled to vote in the election in the election district or ward within this state where he was last a qualified elector.

(3) Any U.S. citizen age 18 or older who moves within this state later than 10 days before an election shall vote at his old ward if otherwise qualified, or he may vote in the new ward if he can comply with the 10-day residence requirement at the new address and complies with s. 6.55.

**History:** 1971 c. 304 s. 29 (2); 1971 c. 336 s. 37; 1975 c. 85 ss. 5, 66 (3).

Durational residence requirements. Clifford, 1973 WLR 914.

Declaratory relief denied in an action to have the 6-months residency requirement held invalid. Piliavin v. Hoel, 320 F Supp. 66.

**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, except that a court determination under s. 880.33 (3) is required in the case of a limited guardianship;

(b) Any person convicted of treason, felony 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:** 1973 c. 284.

**6.05 Election day age determines elector's rights.** Any person who will be 18 years old on or before election day is entitled to vote if he complies with ch. 6.

**History:** 1971 c. 336 s. 37.

**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 person's family resides at one place and that person's business is conducted at another place, the former place 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 ward to another or from one municipality to another within the state after the last registration day but at least 10 days before the election, the elector may vote in and be considered a resident of the new ward where residing upon registering at the proper polling place in the new ward under s.

**6.10 THE ELECTORS**

134

6.55 (2). If the elector moves within 10 days of an election, the elector shall vote in the elector's old ward if otherwise qualified to vote there.

(4) An unmarried person sleeping in one ward 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 ward 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.

(12) Student status shall not be a consideration in determining residence for the purpose of establishing voter eligibility.

History: 1971 c. 304 s. 29 (2); 1975 c. 85, 94, 199.

Voter residency and absentee voting discussed. 60 Atty Gen 214.

Voting residency of family members of military personnel stationed in Wisconsin discussed. 61 Atty Gen 269.

Upon marriage to a Wisconsin serviceman, a nonresident wife may take Wisconsin voting residence of husband. 61 Atty Gen 365.

**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 ward 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, formerly residing at ..... in the ..... ward ..... aldermanic district (city, town, village) of ....., County of ..... for 10 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 ..... (State you now reside in) where I am presently residing. A citizen must be a resident of: State ..... (Insert time) County ..... (Insert time) City, Town or Village ..... (Insert time), in order to be eligible to register or vote therein. I further swear or affirm that my legal residence was established in the State of ..... (the State where you now reside) on ..... 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 swears falsely to any absent elector affidavit under this section may be fined not more than \$1,000 or imprisoned not more than 6 months, or both. Whoever intentionally votes more than once in an election may be fined not more than \$10,000 or imprisoned not more than 3 years, or both.

.....(Municipal Clerk)

.....(Municipality)

**History:** 1971 c. 304 s. 29 (1), (2); 1975 c. 85 ss. 9, 66 (3).

Where an American citizen abandons his Wisconsin residency, moves from the United States and establishes a new permanent residence in a foreign country, no present provisions of law afford such citizen the right to vote for president in the election district of former residence by absentee ballot 61 Atty Gen 20.

**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.

**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 board 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) **VOIING 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 wards. The list shall contain the name, latest-known military residence and military mailing address of each military elector. All persons over 18 years of age or who will be 18 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 ward in the municipality for use on election day.

(7) **EXTENSION OF PRIVILEGE.** This section shall apply for 10 days 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:** 1971 c. 304 s. 29 (2); 1971 c. 336 s. 37; 1973 c. 334 s. 57; 1975 c. 85 ss. 10, 66 (3)

## 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.

**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

**6.27 THE ELECTORS**

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 board.

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

(6) The clerk of every municipality requiring registration shall notify the board of the number of registered voters within its boundaries twice yearly. One of the notifications shall be filed one week prior to the spring election. If a general election is to be held that year the other notification shall be filed one week prior to the general election. If there is no general election that year, the other notification shall be filed on November 1.

History: 1973 c. 334 s. 57.

**6.28 Where and when to register.** (1) Registration for any election shall close at 5 p. m. on the 2nd Wednesday preceding the election. Registrations made by mail under s. 6.30 (4) must be postmarked no later than the 2nd Wednesday preceding the election. All applications for registry corrections and additions may be made throughout the year at the office of the city board of election commissioners, at the office of the municipal clerk or at other locations provided by the board of election commissioners or the common council in cities of the 1st class or by either or both the municipal clerk, or the common council, village or town board in all other municipalities and may be made during the school year at any high school. Such other locations may include but are not limited to fire houses, police stations, public libraries, institutions of higher education, supermarkets, community centers, plants and factories, banks and savings and loan institutions. The municipal clerk or board of election commissioners shall appoint special registration deputies for all

locations. Any elector may be appointed as a qualified special registration deputy.

(2) (a) Public high schools shall be used for registration for enrolled students and members of the high school staff.

(b) The municipal clerk of each municipality in which voter registration is required shall notify the school board of each school district in which the municipality is located that high schools shall be used for registration pursuant to par. (a). The school board and the municipal clerk shall agree upon the appointment of at least one qualified elector at each high school as a special school registration deputy. The municipal clerk shall appoint any such person as a school registration deputy and explain the person's duties and responsibilities. Students and staff shall be permitted to register on any day that classes are regularly held. The school registration deputies shall promptly forward properly completed registration forms to the municipal clerk of the municipality in which the registering student or staff member resides. The municipal clerk upon receiving such registration forms shall certify all those registering electors who have met the registration requirements. The municipal clerk may reject any application and shall promptly notify the person whose registration is rejected of the rejection and the reason therefor. A person whose registration is rejected may reapply for registration if qualified. The cards of all high school students who are qualified and will be eligible to vote at the next election shall be filed in such a way that when a student attains the age of 18 years the student is registered to vote automatically. Each school board shall assure that the principal of every high school communicates voter registration information to students.

(c) The principal of any private high school having a substantial number of students residing in a municipality may request the municipal clerk to establish registration dates when a special registration deputy will be present in the high school, or to appoint a special school registration deputy in accordance with par. (b). The clerk shall establish registration dates or appoint a special school registration deputy in the high school if the clerk determines the school to have a substantial number of students residing in the municipality.

History: 1971 c. 304 s. 29 (2); 1973 c. 166, 225, 334; 1975 c. 85, 199.

**6.30 How to register.** (1) **IN PERSON.** Registration applications shall be made in person, except under subs. (2) to (4). Each elector shall sign an original affidavit and, except in 1st class cities, a duplicate.

**(2) WHEN CONFINED OR DISABLED.** (a) Registration affidavits for qualified electors may be completed at the home or institution where an elector is confined because of physical illness or infirmity or where a disabled elector resides if such person finds it difficult to register in another manner. The affidavit may be made in the presence of any person authorized to register electors, or the affidavit may be witnessed by 2 other electors in the ward or aldermanic district and then mailed or delivered to the municipal clerk. The affidavit shall indicate that the elector is confined because of physical illness or infirmity or is disabled and finds it difficult to register in another manner.

(b) An elector who is indefinitely confined because of physical illness or infirmity or is disabled for an indefinite period may by signing an affidavit to that effect require that an absentee ballot application be sent to the elector automatically for every election. The affidavit form and instructions shall be prescribed by the board, and furnished upon request to any elector by each municipality. The envelope containing the absentee ballot application shall be clearly marked as not forwardable. If any elector is no longer indefinitely confined, the elector shall so notify the municipal clerk. The clerk shall remove the name of any elector from the mailing list established under this section upon receipt of reliable information that an elector no longer qualifies for the service. The elector shall be notified of such action within 5 days.

**(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 registration affidavits 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, except in any municipality which employs data processing for keeping of voting registration records only the original affidavit shall be returned. To be eligible to vote in that election the affidavit shall be received no later than the close of the clerk's office on the registration deadline date prior to the election.

**(4) BY MAIL.** Any eligible elector may register by mail upon a form prescribed by the board and provided by each municipality. The form shall be designed to obtain the information

required in ss. 6.33 (1) and 6.40 (1) (a) and (b). The form shall be pre-postpaid for return and shall be substantiated by 2 other electors in the ward or aldermanic district corroborating all material statements therein. Such forms shall be available in the municipal clerk's office and may be distributed by any elector of the municipality. The clerk shall mail a registration form to any person who is eligible to qualify as an elector upon written or oral request.

**History:** 1971 c. 249; 1975 c. 85 ss. 12, 65; 1975 c. 199, 200, 275, 422.

### **6.32 Verification of mail registrations.** (1)

Upon receipt of a registration form which is submitted by mail under s. 6.30 (4), the municipal clerk shall examine the form for sufficiency.

**(2)** If the form is insufficient to accomplish registration, the clerk shall notify the proposed elector within 5 days, if possible, and request that the elector appear at the clerk's office or other registration center to complete a proper registration.

**(3)** If the form is submitted later than the close of registration, the clerk shall make a good faith effort to notify the proposed elector that the elector may register at the proper polling place under s. 6.55 (2).

**(4)** If the form is sufficient to accomplish registration, the name shall be entered on the registry list and a nonforwardable postcard shall be transmitted to the registrant, specifying the voter's ward or aldermanic district, and polling place. If such postcard is returned, the name shall be stricken from the list. The postcard shall specify "VOTER LIST VERIFICATION—DO NOT FORWARD—RETURN POSTAGE GUARANTEED"

**History:** 1975 c. 85, 199.

**6.33 Registration forms.** (1) The municipal clerk shall supply sufficient registration affidavit forms as prescribed by the board to obtain from each applicant information as to name, date, residence location, citizenship, whether 18 years of age, whether a resident of the ward for at least 10 days, whether he has lost his right to vote and a space for the applicant's signature.

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

**History:** 1971 c. 304 s. 29 (1), (2); 1971 c. 336 s. 37; 1975 c. 85 ss. 15, 16, 17, 66 (3); 1975 c. 94 s. 91.

**6.35 Filing registration cards.** Under the direction of the municipal clerk, the original affidavit forms shall be filed in such an orderly and logical way that they are readily available to the municipal clerk.

**History:** 1971 c. 249; 1971 c. 304 s. 29 (2); 1971 c. 336; 1975 c. 85.

**6.36 THE ELECTORS**

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

History: 1971 c. 304 s. 29 (2); 1975 c. 85.

**6.40 Transferring registration.** (1) **ELECTOR INITIATIVE.** (a) *Within municipality.* Any registered elector shall transfer registration after a change of residence within the municipality by appearing in person or by mailing to the municipal clerk a signed request stating present address, that this will be the elector's residence for 10 days prior to the election and the address where last registered. The new information shall be recorded and filed in such an orderly and logical way that it is readily available to the municipal clerk.

(b) *Within state.* Any elector who changes residence within this state from one municipality to another shall give the previous residence upon application for registration at the new residence and shall sign an authorization to cancel voting privileges at the former residence on a form prescribed by the board and furnished by each municipality. The cancellation authorization shall be forwarded to the proper election officials within 3 days after the close of registration.

(c) *Name change.* Whenever an elector's name is legally changed, including by marriage or divorce, he shall transfer his registration to his legal name by appearing in person or mailing to the municipal clerk a signed request for a transfer of registration to such name, stating that this will be his name for at least 10 days prior to the election.

(2) **CLERK'S INITIATIVE.** (a) Municipal clerks may transfer any elector's registration upon receipt of reliable information that the elector has changed residence. The clerk shall mail the elector a notice of the transfer.

(b) In addition to the revision which is required under s. 6.50, municipal clerks may conduct door-to-door and mail registration canvasses at any time. The door-to-door canvass shall consist of both the deletion from the registry list of the names of electors who no longer reside at the address for which they are registered and the addition to the registry list of the names of electors who reside at that address. The mail canvass shall consist of the municipal clerk examining the registration records and canceling the registration of electors after the mailing of notices in accordance with s. 6.50 (1) and (2). The mail canvass may also consist of adding to the registry list the names of eligible electors. Both door-to-door and mail canvasses

whenever made shall be made throughout the municipality in a uniform manner.

History: 1971 c. 242; 1971 c. 304 s. 29 (1), (2); 1975 c. 85, 199, 200.

**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, including supplemental lists which are prepared at the polling place under s. 6.55, shall at all times be open to public inspection. Under the regulations prescribed by the municipal clerk, an elector may copy the registry list. The municipal clerk shall furnish upon request to each candidate who has filed nomination papers for an office which represents at least part of the residents of the municipality one copy of the current registry list for those areas for which he or she is a candidate for a fee not to exceed the cost of reproduction.

History: 1975 c. 85, 199.

**6.46 Poll lists; copying.** Poll lists shall be preserved by the municipal clerk until destruction or other disposition is authorized under s. 7.23, and shall be open to public inspection. The municipal clerk shall furnish upon request to each candidate who has filed nomination papers for an office which represents at least part of the municipality one copy of the current poll list for those areas for which he or she is a candidate for a fee not to exceed the cost of reproduction. If a copying machine is not accessible, the clerk shall remove the lists from the office for the purposes of copying, and return them immediately thereafter.

History: 1975 c. 85, 199.

**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 and challenging electors 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 of election commissioners. The challenging elector shall make an affidavit answering any questions necessary to determine the challenged elector's 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, the clerk may require the challenging elector to take the oath under s. 6.925. If the challenged elector appears and contests any answer of the

challenging elector, the clerk may require the challenged elector to take the oath under s. 6.94 and to answer any question necessary to determine the challenged elector's qualifications. If the challenging elector appears before the municipal clerk or board of election commissioners but the challenged elector fails to appear, the municipal clerk or board of election commissioners may make the decision without consulting the challenged elector. If the clerk determines that the challenged elector is not qualified, the name shall be stricken from the registry and the proper ward officials notified. If the clerk does not determine the challenged elector is not qualified, the challenged elector's registration remains valid.

(c) If the challenging elector fails to appear before the municipal clerk within one week or in 1st class cities fails to appear before the full board of election commissioners under sub. (2) to answer questions and take the oath under s. 6.925, the clerk shall cancel the challenge. If the clerk determines that the challenged elector is not qualified, the clerk shall cancel the challenged elector's 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 shall be further examined, under oath, by the commissioners and additional testimony taken. Judgment rests with the board of election commissioners 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 of election commissioners 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 ward officials notified of the change immediately.

History: 1971 c. 304 s. 29 (2); 1973 c. 334; 1975 c. 85, 199

**6.50 Revision of registry.** (1) Following each general election, the municipal clerk of every municipality where registration is required shall revise and correct the registry by reviewing the registration of any elector who failed to vote within the past 2 years if qualified to do so during such entire period. Each such elector shall be mailed an address verification card under sub. (2). If an address verification card is returned by

the postal service to the clerk, the registration of such elector shall be canceled. Otherwise, the registration shall be retained notwithstanding failure of the elector to vote at any election, except as provided in subs. (3) to (6). No notice need be sent of registrations canceled under sub. (4).

(2) Upon a card bearing the mailing legend, "VOTER LIST VERIFICATION—DO NOT FORWARD—RETURN POSTAGE GUARANTEED", or similar words of like import, the voter address verification shall read substantially as follows:

"OFFICIAL VOTER ADDRESS VERIFICATION

The official voter registration list shows that you are registered to vote by the name and address appearing on the front of this card. If either the name or address appearing on the front of this card is incorrect, please contact this office in person or by mail. Improper registration may result in your being denied the right to vote.

Office of clerk: .....

Clerk's address: .....

Telephone: ....."

(3) Upon receipt of reliable information that a registered elector has moved, the municipal clerk shall notify the elector by mailing a notice by 1st class mail to the elector's registration address stating the source of the information. All municipal departments and agencies receiving information that a registered elector has moved shall notify the clerk. If the elector fails to apply for continuation of registration within 30 days, the registration shall be canceled. This subsection does not restrict the right of an elector to challenge any registration under s. 6.48.

(4) The registration of deceased electors shall be canceled by means of checking vital statistics reports.

(5) The registration of any elector whose address is listed at a building which has been condemned for human habitation by the municipality under s. 66.05 (2) shall be canceled by the clerk. If the elector has left a forwarding address with the U.S. postal service, a notice of cancellation shall be mailed by the clerk to the forwarding address.

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

(7) When an elector's registration is canceled, the municipal clerk shall make an entry upon the registration card, giving the date and cause of cancellation.

(8) Whenever a name is stricken from the registry, the reason for striking shall be stated on the registry list next to the stricken name.

(9) Any canceled elector may be reinstated by filing a written request for reinstatement or change of address prior to the close of registration. The registration card of each

**6.50 THE ELECTORS**

reinstated elector shall show the date of reinstatement.

**History:** 1971 c. 242; 1971 c. 304 s. 29 (2); 1971 c. 336 s. 37; 1973 c. 164; 1975 c. 85, 199, 200.

**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 person who qualifies as an elector in the ward or aldermanic district where the elector desires to vote, but has not previously filed a registration form where registration is required may request a ballot at the proper polling place. When a proper request is made, the inspector shall require such person to execute a registration form prescribed by the board which shall contain the following written oath or affirmation:

"I, ..., do solemnly swear (or affirm) that to the best of my knowledge, I am a qualified elector, having resided at ... for at least 10 days immediately preceding this election, and that I am not disqualified on any ground from voting, and I have not voted, at this election."

(b) Upon executing the affidavit under par. (a), the person shall be required by the inspector to present acceptable proof of residence. Such proof includes a Wisconsin operator's license, a Wisconsin identification card, and any other form of proof prescribed by rule of the board. If the person cannot supply such proof, the registration form shall be substantiated and signed by one other elector who resides in the ward or aldermanic district, corroborating all the material statements therein. The signing by such other elector and by the elector executing the affidavit shall be in the presence of the inspector. Upon compliance with this procedure, such person shall then be given the right to vote.

(3) Any qualified elector in the ward or aldermanic district where the elector desires to vote whose name does not appear on the registry list where registration is required but who claims to be registered to vote in the election may request a ballot at the polling place. When the request is made, the inspector shall require such person to give name and address. If the elector is not at the correct polling place, the elector shall be provided with directions to the correct location. If the elector is at the correct polling place, the elector shall then execute the following written oath or affirmation: "I, ..., do solemnly swear (or affirm) that to the best of my knowledge, I am a qualified elector, having resided at ... for at least 10 days immediately preceding this election, and that I am not disqualified on any ground from voting, and I

have not voted at this election and am registered to vote in this election." The person shall be required to provide identification as under sub. (2) and shall then be given the right to vote. If proper identification is presented, such elector need not have the affidavit corroborated by any other elector. If proper identification is not presented, the affidavit shall be corroborated by another elector in the ward or aldermanic district. Whenever the question cannot be satisfactorily resolved and the elector permitted to vote, an election official shall telephone the office of the municipal clerk to reconcile the records at the polling place with those at the office.

(4) The inspector shall upon request administer oaths to any person making an affidavit under this section. No compensation may be paid or received for taking or certifying any such affidavit.

(5) Any person who violates this section may be punished as provided in ss. 12.13 (3) (g) and 12.60 (1) (b).

**History:** 1971 c. 304 s. 29 (2); 1973 c. 222; 1975 c. 85, 93, 199, 200.

**Note:** See 12.13 (3) (i) and 12.60 (1) (b) for penalty for violating this section.

**6.56 Verification of voters not appearing on list.**

(1) A separate list shall be kept by the election officials containing the name, address and serial number of each person who does not appear on the registry list but is allowed to vote under s. 6.55. Such list shall be returned together with all forms and affidavits to the municipal clerk.

(2) Upon receipt of the list, a check shall be made to determine whether each person who has been allowed to vote under s. 6.55 (3) is properly registered. If so, the registry list shall be corrected. If the address on the registry list is not correct, the address shall be corrected. The elector shall then be notified by postcard when properly registered. If such person is found not to be properly registered, the person shall be sent a nonforwardable first-class letter with that information and containing a mail registration form under s. 6.30 (4). If such letter is returned undelivered, the clerk shall notify the district attorney.

(3) In the case of persons registering to vote at the polling place under s. 6.55, a check shall be made by postcard upon receipt of the list, in the same manner as provided in s. 6.32 (4). If any postcard is returned undelivered, the voter's name shall be stricken from the registry list and the name shall be provided by the clerk to the district attorney.

**History:** 1975 c. 85, 199.

**6.57 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: 1975 c. 85.

## 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.

**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 in the municipality to which the territory is annexed.

History: 1975 c. 85.

**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.

**6.79 Recording electors.** Two election officials at each election ward 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 a voting number, shall state address and full name. Upon the prepared registry list, after the name of each elector, shall be entered the serial number of the vote as it is polled, beginning with number one. Each elector shall receive a slip bearing the same serial number. A separate list shall be maintained for electors who are voting by affidavit under s. 6.55 (2) or (3). Each such elector shall have full name, address and serial number likewise recorded and shall be given a slip bearing such 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) CHALLENGED ELECTORS. When any person offering to vote has been challenged and taken the oath, following the person's name on the list of persons voting, the officials shall enter the word "Sworn".

(5) POLL LISTS FORMS. Poll lists shall be kept on forms designed by the board to be substantially similar to the standard registry forms used in municipalities where registration is required and shall require, for each person offering to vote, the entry of the person's full name and address.

History: 1971 c. 304 s. 29 (2); 1975 c. 85, 199, 200.

**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

**6.80 THE ELECTORS**

142

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.

**6.82 Assisting electors.** (1) **RECEIPT OF BALLOT AT DOOR.** (a) When any ward 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 the 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.

(c) If a polling place does not have at least one entrance which is accessible to persons in wheelchairs, the ward inspectors shall receive the ballots of physically disabled persons at the door.

(2) **AID IN MARKING BALLOT.** (a) If an elector declares to the presiding election official that he or she cannot read or write, or has difficulty in reading, writing or understanding English or that due to physical disability, is unable to mark a ballot, the elector shall be informed that he or she may have assistance. When assistance is requested, the elector may select any other elector or 2 election officials to assist in marking the ballot. An elector who is chosen to assist another elector may be any qualified elector within the county where the ward is located. If an elector chooses 2 election officials to assist, the 2 persons shall not be of the same political party. The selected person or persons rendering assistance 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. Where voting machines are used, certification shall be made on the registry list.

(b) The officials or the elector chosen shall enter the booth with the elector and shall read the names of all candidates on the ballot for each office, and ask, "For which one do you vote?". The ballot shall be marked or lever depressed according to the elector's expressed preference. Any 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 as provided in par. (a) under oath, and may administer the oath. Intoxication shall not be regarded as a physical disability.

(d) The election officials shall enter upon the list of persons voting after the name of any elector who had assistance in marking a ballot the word "assisted". Where a person chooses another elector to assist, the officials shall record on the list of persons voting the full name and address of the elector who renders assistance.

**History:** 1971 c. 304 s. 29 (2); 1975 c. 85, 199, 275.

An elector with dyslexia may qualify for voter assistance under (2), [1971 stats] 62 Atty Gen. 195.

**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 the absent elector 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, handicap, physical disability, jury duty or religious reasons cannot appear at the polling place in his or her ward. Any otherwise qualified elector who changes residence within this state after registration closes but who fails to change registration may vote an absentee ballot in the ward 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:** 1971 c. 304 s. 29 (2); 1975 c. 85, 199

Voter residency and absentee voting discussed 60 Atty. Gen. 214

**6.86 Application for absentee ballot.** (1)

Any elector, qualifying under ss. 6.20 (1) and 6.85 as an absent elector may apply to the municipal clerk for an official ballot either in writing, in person, by completing an affidavit as provided under s. 6.30 (2) (b) or by agent as provided in sub. (2). 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 day 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 the clerk's 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 court, as soon as convenient, and give the elector the ballot. The judge shall then notarize the affidavit as provided in s. 6.87 and shall turn the ballot over to the clerk or an agent who shall deliver it to the polling place as required in s. 6.88. If application is made by completing an affidavit as provided under s. 6.30 (2) (b), the affidavit may be received at any time before 5 p.m. on the Friday immediately preceding the election.

(2) Any elector who is registered, or otherwise qualified where registration is not required, and who qualifies under ss. 6.20 (1) and 6.85 as an absent elector because the elector has been hospitalized, may apply for and obtain an official ballot by agent. Such agent may apply for and obtain a ballot for such hospitalized

absent elector by presenting a form prescribed by the board and containing the required information supplied by such hospitalized elector and signed by any other elector from such hospitalized elector's ward or aldermanic district corroborating the information contained therein. The corroborating elector shall state on the form full name and address. When such properly executed form is presented to the municipal clerk, if the elector who proposes to vote is qualified, an absentee ballot shall be issued and such elector recorded. An agent who is issued an absentee ballot under this section shall present identification, provide name and address, and attest to a statement that the ballot is received solely for the benefit of a named elector who is hospitalized, and the agent will promptly transmit the ballot to such person. An application under this subsection by agent may be made in person not later than 5 p.m. on the day of the election. A list of such hospitalized electors shall be made by the municipal clerk and used to check that such electors voted only once, and by absentee ballot.

**History:** 1975 c. 85 ss. 37, 38, 65; 1975 c. 90, 199, 200, 275, 422.

**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 the clerk. 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 s. 12.60 (1) (b), Wis. Stats. for false statements that I am a resident of the ... ward of the (town) (village) of ..., or of the ... aldermanic district in the city of ..., residing at ... in said city, the county of ..., state of Wisconsin, and am entitled to vote in the ward at the election to be held on ...; that I cannot appear at the polling place in the ward on election day because I expect to be absent from the municipality or because of sickness, handicap, 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) (her) presence and in the presence of no other

person marked the ballot and enclosed and sealed the same in this envelope in such a manner 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, subject to the penalties of s. 12.60 (1) (b), 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 return envelope 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. Failure to return the unused ballot in a primary shall not invalidate the marked 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:** 1971 c. 242; 1971 c. 304 s. 29 (1), (2); 1975 c. 85; 1975 c. 93 s. 119 (2); 1975 c. 199.

In consonance with the statutory rule of construction applicable to the election laws, and the general rule as to whether an election statute should be construed as being either mandatory or directory, the direction in (3) for mailing or personal delivery of an absentee ballot and the provision in (6) that a ballot not mailed or delivered as provided in the section should not be counted, are directory and not mandatory. *Lanser v. Koconis*, 62 W (2d) 86, 214 NW (2d) 425.

Sub. (4), which prescribes that the absentee voter shall either make and subscribe to the affidavit or to the certification, is directory and not mandatory, and printing their names constituted substantial, albeit nontechnical compliance with the statute's requirements. *Lanser v. Koconis*, 62 W (2d) 86, 214 NW (2d) 425.

### 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, handicapped 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 the clerk's office until delivered, 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 ward 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 ward. When the official ballots for the ward 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.

(3) (a) Any time between the opening and closing of the polls on election day, the ward 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 ward, 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 ward, the ballot envelope is open or has been opened and resealed, the ballot envelope contains more than one ballot of any one kind, 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 ward 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: 1971 c. 304 s. 29 (2); 1975 c. 85, 199.

**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.

## CHALLENGING ELECTORS

**6.92 Inspector making challenge.** Each inspector shall challenge for cause any person offering to vote whom the inspector knows or suspects is not a qualified elector. If a person is challenged as unqualified by an inspector, one of the inspectors shall administer the following

oath or affirmation to the person: "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 the person's qualifications:

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

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

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

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

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

(d) Have you now and have you had for the last 10 days a voting residence in this ward? 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 ward 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 ward?

(j) Will you file your next state income tax return as a resident of this ward?

(4) If challenged as unqualified on the ground that he is not 18 years of age: Are you 18 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) The inspectors, or one of them, shall ask the challenged person any other or further questions to test qualifications as an elector at the election.

History: 1971 c. 304 s. 29 (2); 1971 c. 336 s. 37; 1975 c. 85 ss. 41, 42, 43, 66 (3); 1975 c. 199, 200, 421.

### 6.925 Elector making challenge in person.

Any elector of the county may challenge for cause any person offering to vote whom the elector knows or suspects is not a qualified elector. If a person is challenged as unqualified by an elector, one of the inspectors shall administer the following oath or affirmation to the challenging elector: "You do solemnly swear (or affirm) that you will fully and truly answer all questions put to you regarding the challenged person's 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 the qualifications of the challenged elector:

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

(2) If challenged as unqualified on the ground that the person is not a resident of the ward where the person offers to vote:

(a) When did the challenged person last come into this ward?

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

(c) Did the challenged person come into this ward for the purpose of voting here?

(d) Has the person now and for the last 10 days a voting residence in this ward? If so, what is the particular description, name and location of the person's residence?

(e) If the answer to par. (d) is no, then: Has the challenged person moved from the ward after the close of registration?

(f) Has the challenged person registered to vote at this election at any other place within or outside this state?

(g) Has the challenged person applied for an absentee ballot at any place in this or any other state?

(h) If single, has the challenged person boarded for part of the week, month or year with the person's parents?

(i) If the challenged person has no parents, or is self-supporting, has the person registered to vote in this ward?

(j) Will the challenged person file his or her next state income tax return as a resident of this ward?

(3) If challenged as unqualified on the ground that the person is not 18 years of age: Is the challenged person 18 years of age to the best of your knowledge and belief?

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

(a) Has the challenged person 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) Is the challenged person in any manner, directly or indirectly, interested in any bet or wager depending in any way upon the result of this election?

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

(a) Has the challenged person ever been tried or convicted in this state of any crime? If yes, then—

(b) Of what crime, when and in what court was the challenged person so convicted?

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

(6) The inspectors, or one of them, shall ask the challenging person any further questions to test the challenging person's knowledge of the qualifications of the challenged person as an elector at the election.

History: 1975 c. 85, 199.

**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.

**6.94 Challenged elector oath.** If the person challenged refuses to answer fully any relevant questions put to him by the inspector under s. 6.92, 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 18 years of age; you are a citizen of the United States; you are now and for 10 days have been a resident of this ward 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: 1971 c. 304 s. 29 (2); 1971 c. 336 s. 37; 1975 c. 85 ss. 45, 66 (3).

**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.