

## CHAPTER 6

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## 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 the citizen offers to vote is an eligible elector.

**(2)** Any U.S. citizen age 18 or older who moves within this state later than 10 days before an election shall vote at his or her previous ward or election district if the person is otherwise qualified. If the elector can comply with the 10-day residence requirement at the new address and is otherwise qualified, he or she may vote in the new ward or election district.

**History:** 1971 c. 304 s. 29 (2); 1971 c. 336 s. 37; 1975 c. 85 ss. 5, 66 (3); 1977 c. 394; 1991 a. 316.

An eligible elector and a qualified elector are identical. Ch. 6 applies to annexation referendum elector qualifications under 66.021 (6). Washington v. Altoona, 73 W (2d) 250, 243 NW (2d) 404.

Durational residence requirements. Clifford, 1973 WLR 914.

**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 who is incapable of understanding the objective of the elective process or under guardianship pursuant to the order of a court under ch. 880, except that when a person is under limited guardianship, the court may determine that the person is competent to exercise the right to vote;

(b) Any person convicted of treason, felony or bribery, unless the person's civil rights are restored.

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

**(3)** No person may be denied the right to register to vote or the right to vote by reason that the person is alleged to be incapable of understanding the objective of the elective process unless the person has been so adjudicated in a separate proceeding instituted for that purpose by an elector

of the municipality in accordance with the procedures set forth in ch. 880 for determining incompetency. If a determination of incompetency of the person has already been made, or if a determination of limited incompetency has been made which does not include a specific finding that the subject is competent to exercise the right to vote, and a guardian or limited guardian has been appointed as a result of any such determination, then no determination of incapacity of understanding the objective of the elective process is required unless the guardianship is terminated or modified under s. 880.34.

**History:** 1973 c. 284; 1977 c. 26, 394; 1979 c. 110; 1991 a. 316. Disenfranchisement of felons does not deny them equal protection. Richardson v. Ramirez, 418 US 24.

**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 the person complies with this chapter.

**History:** 1971 c. 336 s. 37; 1981 c. 390 s. 252; 1991 a. 316.

**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 the person's habitation is fixed, without any present intent to move, and to which, when absent, the person 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 or municipality where residing upon transferring registration under s. 6.40 (1) or upon registering at the proper polling place or other registration location in the new ward or municipality under s. 6.55 (2). If the elector moves within 10 days of an election, the elector shall vote in the elector's old ward or municipality if otherwise qualified to vote there.

(4) The residence of an unmarried person sleeping in one ward and boarding in another is the place where the person sleeps. The residence of 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, if one of the places is the residence of the person's parents, is the place of the parents' residence unless through registration or similar act the person elects to establish a residence elsewhere. If the person has no parents and if the person has not registered elsewhere, the person's residence shall be at the place which the person considered his or her residence in preference to any other for at least 10 days before an election. If this place is within the municipality, the person 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 residence when the person leaves 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 by article III of the constitution, no person loses 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 of being 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 the guest or patient sleeps, unless before becoming a guest or patient at the home the guest or patient elects to maintain his or her prior residence as his or her voting residence.

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

(9) No person loses the right to vote at the person's 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 a permanent residence there, or, if while there the person exercises the right to vote as a citizen of that state by voting, the person loses 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.

(13) A military elector under s. 6.22 (1) (b) who is the spouse or dependent of another military elector may elect to take as his or her residence either the individual's most recent residence in this state or the residence of the individual's spouse or the individual providing his or her support.

**History:** 1971 c. 304 s. 29 (2); 1975 c. 85, 94, 199; 1977 c. 26; 1979 c. 260; 1983 a. 192, 484; 1985 a. 304; 1987 a. 391; 1991 a. 316.

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.

**6.15 New residents; presidential voting. (1) QUALIFICATIONS.** Any person who was or who is a qualified elector under ss. 6.02 and 6.03, except that he or she has been a resident of this state for less than 10 days prior to the date of the presidential election, is entitled to vote for the president and vice president but for no other offices. The fact that the person was not registered to vote in the state from which he or she moved does not prevent voting in this state if the elector is otherwise qualified.

(2) **APPLICATION FOR BALLOT.** Any person qualifying under sub. (1) need not register to vote, but shall apply for and cast his or her 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 10-day period in which the elector's residence requirement is incomplete, but not later than the applicable deadline for making application for an absentee ballot, or may be made at the proper polling place in the ward or election district in which the elector resides. 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 \_\_\_\_\_ (town) (village) (city) of \_\_\_\_\_, state of \_\_\_\_\_, residing at \_\_\_\_\_ (street address); that on the day of the next presidential election, I shall be at least 18 years of age and that I have been a legal resident of the state of Wisconsin since \_\_\_\_\_, 19\_\_\_\_, residing at \_\_\_\_\_ (street address), in the [\_\_\_\_ ward of the \_\_\_\_\_ aldermanic district of] the (town) (village) (city) of \_\_\_\_\_, county of \_\_\_\_\_; that I have resided in the state less than 10 days, that I am qualified to vote for president and vice president at the election to be held November \_\_\_\_\_, 19\_\_\_\_, that I am not voting at any other place in this election and that I hereby make application for an official presidential ballot, in accordance with section 6.15 of the Wisconsin statutes.

Signed \_\_\_\_\_

P.O. Address \_\_\_\_\_

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

\_\_\_\_\_(Name)

\_\_\_\_\_(Title)

(b) The clerk shall provide 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 the elector intends to vote for president and vice president in Wisconsin and that his or her voting privileges should be canceled at his or her previous residence. The card shall be in substantially the following form:

\_\_\_\_\_(Full Name - print or type)

It is my intent to vote for president and vice president in Wisconsin, under section 6.15, Wisconsin Statutes.

( ) I am not registered to vote at my previous address.

( ) I am registered to vote at my previous address and I hereby authorize the cancellation of my previous voting privileges at that address:

\_\_\_\_\_(Street), \_\_\_\_\_(Town, village, city), \_\_\_\_\_(State) \_\_\_\_\_(Zip)

Signature \_\_\_\_\_

Present Address \_\_\_\_\_

(c) The municipal clerk upon receipt of the application form and voting privileges cancellation card shall immediately forward the card to the proper official of the applicant's prior residence.

(3) **VOTING PROCEDURE.** (a) *Clerk's office.* 1. Upon proper completion of the application and cancellation card, the municipal clerk shall inform the elector that he or she may vote for the presidential electors not sooner than 9 days nor later than 5 p.m. on the day before the election at the office of the municipal clerk, or at a specified polling place on election day. When voting at the municipal clerk's office, the applicant shall provide identification and shall mark or punch the ballot in the clerk's presence in a manner that will not disclose his or her vote. Unless the ballot is utilized with an electronic voting system, the applicant shall fold the ballot so as to

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conceal his or her vote. The applicant shall then deposit the ballot and seal it in an envelope furnished by the clerk.

2. The clerk shall enclose the envelope containing the ballot in a carrier envelope, securely seal it, and indorse it with his or her 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 or her office until the clerk delivers it to the inspectors, as provided in sub. (4).

3. 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.

(b) *Election day.* An eligible elector may appear at the polling place for the ward or election district where he or she resides and make application for a ballot under sub. (2). In such case, the inspector or special registration deputy shall perform the duties of the municipal clerk. The elector shall provide identification. If the elector is qualified, he or she shall be permitted to vote. The elector shall mark or punch the ballot and, unless the ballot is utilized with an electronic voting system, the elector shall fold the ballot, and shall give it to the inspector. The inspector shall deposit it directly in the ballot box. Voting machines or ballots utilized with electronic voting systems may only be used by electors voting under this section if they permit voting for president and vice president only.

(4) **DELIVERY AND DEPOSIT OF BALLOTS.** (a) Clerks holding new resident ballots shall deliver them to the election inspectors in the proper ward or election district 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, announce the elector's name, check the affidavit for proper execution, and check the voting qualifications for the ward, if any.

(c) The inspectors 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 inspectors shall deposit the ballot in the ballot box. The inspectors shall enter the name of each elector voting under this section on a separate list maintained for the purpose under s. 6.79.

(e) If the person is not a qualified elector in the ward or municipality, 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 in the manner provided in ss. 6.92 to 6.95.

(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:* 1977 c. 394; 1979 c. 311; 1981 c. 391; 1983 a. 484; 1985 a. 304; 1987 a. 391.

**6.18 Former residents.** If ineligible to qualify as an elector in the state to which the elector has moved, any former qualified Wisconsin elector may vote an absentee ballot in the ward of the elector's 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 the elector's prior Wisconsin residence. When requesting an application form for an absentee ballot, the applicant shall specify the applicant's 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); 1991 a. 316

**6.20 Absent electors.** Any qualified elector of this state who registers where required may vote by absentee ballot under ss. 6.84 to 6.89.

*History:* 1985 a. 304.

**6.21 Deceased electors.** 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:* 1985 a. 304.

**6.22 Absentee voting for military electors. (1) DEFINITIONS.** In this section:

(a) "Member of the merchant marine" means an individual, other than a member of a uniformed service or an individual employed, enrolled or maintained on the Great Lakes or the inland waterways, who is any of the following:

1. Employed as an officer or crew member of a vessel documented under the laws of the United States, or a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States.

2. Enrolled with the United States for employment or training for employment, or maintained by the United States

for emergency relief service, as an officer or crew member of any such vessel.

(b) "Military elector" means any of the following:

1. Members of a uniformed service;
2. Members of the merchant marine of the United States.
3. Civilian employes of the United States and civilians officially attached to a uniformed service who are serving outside the United States.
4. Peace corps volunteers.
5. Spouses and dependents of those listed in the above categories residing with or accompanying them.

(c) "Uniformed service" means the U.S. army, navy, air force, marine corps or coast guard, the commissioned corps of the federal public health service or the commissioned corps of the national oceanic and atmospheric administration.

(2) APPLICATION AND VOTING PROCEDURE. (a) A military elector shall vote in the ward or election district for the address of his or her residence prior to becoming a military elector, except that:

1. A military elector voting in this state who is the spouse of another military elector and who did not maintain a residence in this state prior to becoming a military elector shall vote in the ward or election district for the address of his or her spouse.

2. A military elector voting in this state who is the dependent of another military elector and who did not maintain a residence in this state prior to becoming a military elector shall vote in the ward or election district for the address of the individual providing his or her support.

3. A military elector who is the spouse of another military elector and whose most recent residence in this state was different than the residence of his or her spouse prior to becoming a military elector may vote in the ward or election district for the address of his or her former residence or the ward or election district for the address of his or her spouse.

4. A military elector who is the dependent of another military elector and whose most recent residence in this state was different than the residence of the individual providing his or her support prior to becoming a military elector may vote in the ward or election district for the address of his or her former residence or the ward or election district for the address of the individual providing his or her support.

(b) 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 or 2 adult U.S. citizens.

(c) A federal postcard registration and absentee ballot request form may be used to apply for an absentee ballot under this section if the form is completed in such a manner that the municipal clerk or board of election commissioners with whom it is filed is able to determine all of the following:

1. That the applicant is qualified to vote in the ward or election district where he or she seeks to vote under par. (a).
2. That the applicant qualifies to receive an absentee ballot under this section.

(d) If an applicant uses a federal form under par. (c) to request an absentee ballot for all elections, the application shall so state.

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

(4) INSTRUCTIONS AND HANDLING. A military elector may request an absentee ballot for any election or for all elections. A military elector's application for all elections may be received at any time. A military elector's application for an individual election may be received no earlier than the first day of the 6th month commencing before the election. The municipal clerk shall not mail a ballot for an election if the

application is received later than 5 p.m. on the Friday preceding that election. The municipal clerk shall mail a ballot, as soon as available, to each military elector who requests a ballot. The board shall prescribe the instructions for marking or punching 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 may 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 or her duties. The material shall be prepared and mailed to make use of the federal free postage laws. The mailing list established under this subsection shall be kept current in the same manner as provided in s. 6.86 (2) (b).

(5) VOTING PROCEDURE. Except as authorized in s. 6.25, the ballot shall be marked or punched and returned, deposited and recorded in the same manner as other absentee ballots. In addition, the affidavit under s. 6.87 (2) shall have a statement of the elector's birth date. Failure to return the unused ballots in a primary election does not invalidate the ballot on which the elector casts his or her votes.

(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 applies to all military electors for 10 days after the date of discharge from a uniformed service or termination of services or employment of individuals specified in sub. (1) (b) 1 to 4.

**History:** 1971 c. 304 s. 29 (2); 1971 c. 336 s. 37; 1973 c. 334 s. 57; 1975 c. 85 ss. 10, 66 (3); 1977 c. 394; 1979 c. 89, 311; 1981 c. 391; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 192

**6.24 Federal overseas voting.** (1) DEFINITION. In this section, "overseas elector" means a citizen not disqualified from voting under s. 6.03 who has or will attain the age of 18 by the date of an election who does not qualify as a resident of this state under s. 6.10, but who was last domiciled in this state immediately prior to departure from the United States, and is not registered to vote or voting in any other state, territory or possession.

(2) ELIGIBILITY. An overseas elector under sub. (1) may vote in any election for national office, including the September primary and presidential preference primary and any special primary or election. Such elector may not vote in an election for state or local office. An overseas elector shall vote in the ward or election district in which he or she was last domiciled prior to departure from the United States.

(3) REGISTRATION. If registration is required in the municipality where the overseas elector resides, the elector shall register on a form prescribed by the board designed to ascertain the elector's qualifications under this section. The form shall be substantially similar to the original form under s. 6.33 (1), insofar as applicable. Registration shall be accomplished in accordance with s. 6.30 (3).

(4) REQUESTS. (a) An overseas elector who is properly registered where registration is required may request an absentee ballot in writing under ss. 6.86 to 6.89. The board shall prescribe a special certificate affidavit form for the

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envelope for overseas electors under this section which shall be substantially similar to that provided in s. 6.87 (2). An overseas elector who is not registered may request both a registration form and an absentee ballot for a specific election at the same time, and the municipal clerk shall mail the ballot automatically if the registration form is received within the time prescribed in s. 6.30 (3). Whenever an application, affidavit or other act is required in ss. 6.86 to 6.89 an overseas elector may fulfill the requirements by subscribing or swearing before any person authorized to administer oaths or 2 adult U.S. citizens.

(b) A federal postcard registration and absentee ballot request form may be used to apply for an absentee ballot under par. (a) if the form is completed in such manner that the municipal clerk or board of election commissioners with whom it is filed is able to determine all of the following:

1. That the applicant is an overseas elector under sub. (1).
2. That the applicant qualifies to vote in the ward or election district where he or she seeks to vote under sub. (2).

(5) **BALLOTS.** The board shall prescribe a special ballot for use under this section whenever necessary. Official ballots under ss. 5.60 (8) and 5.64 (3) may also be used. The ballot shall be designed to comply with the requirements of ss. 5.60 (8), 5.62 and 5.64 insofar as applicable. All ballots shall be limited to national offices only.

(6) **INSTRUCTIONS AND HANDLING.** The municipal clerk shall mail a ballot, as soon as available, to each overseas elector by whom a request has been made. The board shall prescribe the instructions for marking or punching and returning ballots and the municipal clerk shall enclose such instructions with each ballot. The envelope, return envelope and instructions may 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 or her duties. The municipal clerk shall mail the material postage prepaid to any place in the world. The overseas elector shall provide return postage.

(7) **VOTING PROCEDURE.** Except as authorized under s. 6.25, the ballot shall be marked or punched and returned, deposited and recorded in the same manner as other absentee ballots. In addition, the certificate-affidavit shall have a statement of the elector's birth date. Failure to return the unused ballots in a primary election does not invalidate the ballot on which the elector casts his or her votes.

(8) **OVERSEAS ELECTOR LIST.** Each municipal clerk where registration is not required shall keep an up-to-date list of all eligible local overseas electors; city clerks shall keep the lists by wards. The list shall contain the name, latest-known residence and mailing address of each overseas elector. 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 polling places in the municipality for use on election day.

**History:** 1977 c. 394; 1979 c. 260, 311; 1985 a. 304; 1987 a. 391; 1989 a. 192

**6.25 Write-in absentee ballot.** (1) Any individual who qualifies as a military elector under s. 6.22 (1) (b) or an overseas elector under s. 6.24 (1) and who transmits an application for an official absentee ballot for a general election no later than 30 days before election day may, in lieu of the official ballot, cast a federal write-in absentee ballot prescribed under 42 USC 1973ff-2 for any candidate or for all of the candidates of any recognized political party for national office listed on the official ballot at the general election if the federal write-in absentee ballot is received by the

appropriate municipal clerk no later than the time prescribed in s. 6.87 (6).

(2) Any individual who qualifies as a military elector under s. 6.22 (1) (b) and who transmits an application for an official absentee ballot for any election no later than 30 days before election day may, in lieu of the official ballot, cast a write-in absentee ballot for any candidate or for all of the candidates of any recognized political party listed on the official ballot at the election if the write-in absentee ballot is received by the appropriate municipal clerk no later than the time prescribed in s. 6.87 (6). The ballot shall contain the information required under s. 5.55 whenever applicable and on the face shall indicate the type and date of election and shall list the offices to be filled and the number of votes that each elector may cast for each office. The ballot shall include a number of spaces under each office equal to the number of votes permitted to be cast for that office for the elector to write in the names of candidates.

(3) Any individual who qualifies as an overseas elector under s. 6.24 (1) and who transmits an application for an official absentee ballot for any election no later than 30 days before election day may, at any election for national office in lieu of the official ballot, cast a write-in absentee ballot for any candidate for national office or for all of the candidates of any recognized political party for national office listed on the official ballot at the election if the write-in absentee ballot is received by the appropriate municipal clerk no later than the time prescribed in s. 6.87 (6). The ballot shall contain the information required under s. 5.55 whenever applicable and on the face shall indicate the type and date of election and shall list the offices to be filled. The ballot shall include a space under each office for the elector to write in the name of a candidate.

(4) A write-in absentee ballot issued under sub. (1), (2) or (3) is valid only if all of the following apply:

- (a) The ballot is submitted from a location outside the United States.
- (b) The elector submitting the ballot does not submit an official ballot within the time prescribed in s. 6.87 (6).

**History:** 1987 a. 391; 1989 a. 192.

**REGISTRATION**

**6.26 Registrars.** (1) Where registration is applicable under s. 6.27, the municipal clerk or the board of election commissioners of each municipality shall administer elector registration within the municipality in accordance with the procedures prescribed under sub. (3). The clerk or board of election commissioners shall prepare and maintain the registration list under this chapter.

(2) (a) A qualified elector of the state may apply to any municipal clerk or board of election commissioners to be appointed as a special registration deputy for the purpose of registering electors prior to the close of registration. An applicant may be appointed by more than one municipal clerk or board of election commissioners to serve more than one municipality.

(b) The municipal clerk or board of election commissioners may appoint an applicant who qualifies under this subsection, unless the applicant's appointment has been revoked by a municipality for cause. A municipal clerk or board of election commissioners may revoke an appointment for cause at any time.

(c) No individual may serve as a special registration deputy in a municipality unless the individual is appointed by the municipal clerk or board of election commissioners of the municipality.

(d) This subsection does not apply to deputies appointed under s. 6.55 (6).

(3) The board shall, by rule, prescribe procedures for appointment of special registration deputies, for revocation of appointments of special registration deputies, and for training of special registration deputies by municipal clerks and boards of election commissioners. The procedures shall be formulated to promote increased registration of electors consistent with the needs of municipal clerks and boards of election commissioners to efficiently administer the registration process.

**History:** 1985 a. 304 ss 50, 52g; 1987 a. 391; 1989 a. 192.

**6.27 Where elector registration required. (1)** Every municipality over 5,000 population shall keep a registration list consisting of all currently registered electors. Where used, registration applies to all 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 conform to the requirements of s. 8.40 and be signed by electors at least 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 conforming to the requirements of s. 8.40 with the clerk requesting a referendum. The petition shall be signed by electors at least 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) 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.

**History:** 1973 c. 334 s. 57; 1977 c. 394; 1979 c. 260, 355; 1983 a. 484; 1985 a. 304; 1989 a. 192.

**6.275 Registration and voting statistics. (1)** Within 30 days after each primary and election at which a state or national office is filled or a statewide referendum is held, including any special election, the municipal clerk or board of election commissioners shall make a written statement in duplicate to the county clerk or board of election commissioners of each county in which the municipality is located specifying:

(a) The total number of electors residing in that county who voted in the municipality in that primary or election.

(b) Where registration applies, the total number of electors of the municipality residing in that county who were preregistered on the deadline specified in s. 6.28 (1), including valid mail registrations which are postmarked by that day.

(c) Where registration applies, the total number of electors of the municipality residing in that county who registered after the close of registration and prior to the day of the primary or election under s. 6.29.

(d) Where registration applies, the total number of electors of the municipality residing in that county who registered on the day of the primary or election under s. 6.55.

(e) The total number of electors of the municipality voting absentee ballots at the primary or election.

(2) Upon receipt of each report filed under this section, the county clerk or board of election commissioners shall forward one copy to the board within 7 days.

**History:** 1979 c. 260; 1979 c. 355 ss 12 to 14; 1983 a. 484; 1985 a. 304; 1989 a. 192.

**6.28 Where and when to register. (1) REGISTRATION LOCATIONS; DEADLINE.** Registration in person 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 delivered to the office of the municipal clerk or postmarked no later than the 2nd Wednesday preceding the election. All applications for registration 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, at the office of any register of deeds or at other locations provided by the board of election commissioners or the common council in cities over 500,000 population or by either or both the municipal clerk, or the common council, village or town board in all other municipalities and may also be made during the school year at any high school by qualified persons under sub. (2) (a). Other registration 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, savings and loan associations and savings banks. Special registration deputies shall be appointed for all locations.

(2) **AT HIGH SCHOOLS.** (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 elector 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 such person as a school registration deputy and explain the person's duties and responsibilities. Students and staff may register at the high school 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 add all those registering electors who have met the registration requirements to the registration list. The municipal clerk may reject any registration form 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 he or she is qualified. The form of each high school student who is 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 elector 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.

(3) **AT OFFICE OF REGISTER OF DEEDS.** Any person who resides in a municipality requiring registration of electors

**6.28 THE ELECTORS**

shall be given an opportunity to register to vote at the office of the register of deeds. An applicant may fill out the required registration form under s. 6.33. Upon receipt of a completed form, the register of deeds shall forward the form within 5 days to the appropriate municipal clerk, or to the board of election commissioners in cities over 500,000 population. The register of deeds shall forward the form immediately whenever registration closes within 5 days of receipt.

**History:** 1971 c. 304 s. 29 (2); 1973 c. 166, 225, 334; 1975 c. 85, 199; 1977 c. 378, 394, 447; 1979 c. 32; 1981 c. 44 s. 3; 1981 c. 202 s. 23; 1983 a. 484; 1985 a. 304; 1989 a. 31, 192; 1991 a. 221.

**6.29 Late registration in person.** (1) No names may be added to a registration list for any election after the close of registration, except as authorized under this section or s. 6.55 (2) or (3). Any person whose name is not on the registration list but who is otherwise a qualified elector is entitled to vote at the election upon compliance with this section.

(2) (a) Any qualified elector of a municipality where registration is required who has not previously filed a registration form or whose name does not appear on the registration list of the municipality shall be entitled to vote at the election if he or she delivers to the municipal clerk a registration form executed by the elector. The form shall contain a certification by the elector that all statements are true and correct. Alternatively, if the elector cannot obtain a registration form, the elector may deliver a statement, signed by the elector, containing all of the information required on the registration form. The elector shall present acceptable proof of residence as provided in s. 6.55 (7). If no proof is presented, the registration form or the listing of required information shall be substantiated by one other elector of the municipality, corroborating all the material statements therein. The corroborating elector shall then provide acceptable proof of residence under s. 6.55 (7). The signing of the form by the registering elector and statement by the corroborating elector shall be done in the presence of the municipal clerk or deputy clerk not later than 5 p.m. of the day before an election.

(b) Upon the filing of the registration form required by this section, the municipal clerk shall issue a certificate addressed to the inspectors of the proper ward directing that the elector be permitted to cast his or her vote. 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 or she appears at the correct polling place, shall deliver the certificate issued under par. (b) to the inspectors. If the elector applies for and obtains an absentee ballot, the certificate shall be annexed to and mailed with the absentee ballot to the office of the municipal clerk.

(d) The inspectors shall record the names of electors who present certificates in person or for whom certificates are presented with absentee ballots under this section on the list maintained under s. 6.56 (1). These names shall then be added to the registration list if the electors are qualified.

**History:** 1977 c. 394; 1987 a. 391; 1989 a. 192.

**6.30 How to register.** (1) **IN PERSON.** Registration applications shall be made in person, except under subs. (2) to (4).

(2) **WHEN CONFINED OR DISABLED.** A registration form for a qualified elector 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 the elector finds it difficult, due to such illness, infirmity or disability, to register in another manner. The form shall contain a certification by the elector that all statements are true and correct. A registration form for such an elector may be made in the presence of any individual who is authorized to register electors, or a form may be signed by the elector and witnessed by one other elector of the municipality and then mailed or

delivered to the municipal clerk. The form shall contain a statement that the elector is confined because of physical illness or infirmity or is disabled and finds it difficult, due to such illness, infirmity or disability, to register in another manner.

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

(a) The elector shall secure the necessary blank registration form and instructions for its completion from the municipal clerk.

(b) [The elector shall certify that all statements are true and correct. The elector's certification shall be witnessed by 2 adult U.S. citizens or by an individual who is authorized to administer oaths, who shall sign the form.]

**NOTE:** Par. (b) is shown as amended by 1989 Wis. Act 192, s. 34, eff. 7-1-90. 1989 Wis. Act 192, s. 33, repeals par. (b) effective that same date.

(c) The elector shall return the registration form to the clerk of the municipality where the elector resides. The form shall be prepostpaid for return when mailed at any point within the United States. To be eligible to vote in an election the form shall be received by the clerk prior to the close of the clerk's office on the registration deadline date for that election.

(4) **BY MAIL.** Any eligible elector who is located not more than 50 miles from his or her legal voting residence may register by mail on 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 contain a certification by the elector that all statements are true and correct. The form shall be prepostpaid for return when mailed at any point within the United States, and shall be signed by a special registration deputy or shall be signed and substantiated by one other elector residing in the same municipality in which the registering elector resides, corroborating all material statements therein. The form 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 elector upon written or oral request.

**History:** 1971 c. 249; 1975 c. 85 ss. 12, 65; 1975 c. 199, 200, 275, 422; 1977 c. 283, 394; 1983 a. 484; 1989 a. 192.

**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 or the clerk knows or has reliable information that the proposed elector is not qualified, 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 or substantiate the information presented.

(3) If the form is submitted later than the close of registration, the clerk shall make a good faith effort to notify the elector that he or she may register at the clerk's office under s. 6.29 or at the proper polling place or other location designated under s. 6.55 (2).

(4) If the form is sufficient to accomplish registration and the clerk has no reliable information to indicate that the proposed elector is not qualified, the clerk shall enter the elector's name on the registration list and transmit a 1st class letter or postcard to the registrant, specifying the elector's ward or aldermanic district, and polling place. If such letter or postcard is returned, or if the clerk is informed of a different address than the one specified by the elector, the clerk shall strike the name of the elector from the list. The letter or postcard shall specify "ADDRESS CORRECTION RE-

QUESTED" or "DO NOT FORWARD—", and if a postcard, "RETURN POSTAGE GUARANTEED"

History: 1975 c. 85, 199; 1977 c. 394; 1979 c. 260; 1983 a. 484

**6.325 Disqualification of electors.** No person may be disqualified as an elector unless the municipal clerk, board of election commissioners or a challenging elector under s. 6.48 demonstrates beyond a reasonable doubt that the person does not qualify as an elector or is not properly registered. If it appears that the elector or proposed elector is registered in another location, the municipal clerk or board of election commissioners may require the challenged elector to sign an authorization to cancel registration under s. 6.40 (1) (b) and shall notify the proper official at that location. The municipal clerk or board of election commissioners may require naturalized applicants to show their naturalization certificates.

History: 1983 a. 484 s. 37; 1985 a. 304.

**6.33 Registration forms. (1)** The municipal clerk shall supply sufficient registration forms as prescribed by the board printed on loose-leaf sheets or cards to obtain from each applicant information as to name, date, residence location, citizenship, age, whether the applicant has resided within the ward or election district for at least 10 days, whether the applicant has lost his or her right to vote, and whether the applicant is currently registered to vote at any other location, and shall provide a space for the applicant's signature. Each register of deeds shall obtain sufficient registration forms at the expense of the unit of government by which he or she is employed for completion by any elector who desires to register to vote.

(2) (a) The information may be recorded by any person, but the applicant shall sign his or her own name unless the applicant is unable to sign his or her name due to physical disability. In such case, the applicant may authorize another elector to sign the form on his or her behalf. If the applicant so authorizes, the elector signing the form shall attest to a statement that the application is made upon request and by authorization of a named elector who is unable to sign the form due to physical disability. Ward and aldermanic district information shall be filled in by the clerk.

(b) The registration form shall be signed by the registering elector and any corroborating elector under s. 6.29 (2) (a), 6.30 (2) to (4) or 6.55 (2) before the clerk, issuing officer or registration deputy. The form shall contain a certification by the registering elector that all statements are true and correct.

(3) The registration form may include a space for a voting record to be filled in by the municipal clerk. If the form does not include such a space, voting record information shall be maintained separately by the municipal clerk in such form that it may be retrieved by computer.

(4) When an individual's registration is canceled, the municipal clerk or board of election commissioners shall enter the date and reason for cancellation on the individual's registration form.

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; 1977 c. 378, 394, 447; 1979 c. 32; 1981 c. 44 s. 3; 1981 c. 202 s. 23; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192.

**6.35 Filing registration forms. (1)** Under the direction of the municipal clerk or board of election commissioners, the original registration forms shall be filed in one of the following ways:

- (a) In alphabetical order of the electors' names.
- (b) In alphabetical order according to street names, in numerical order on each street and in alphabetical order of the electors' names at each address on the street.
- (2) Registration forms shall be kept on file in the office of the municipal clerk. When the original forms are used on

election day, they shall be returned to the clerk within 2 days after the election.

(3) In municipalities employing data processing for keeping of registration records, original registration forms shall be maintained in the office of the municipal clerk or board of election commissioners at all times.

(5) Duplicate registration forms shall be maintained by municipalities not employing data processing. Duplicates shall be filed in the same order as originals, except that duplicates shall be filed for the entire municipality without regard to wards.

(6) Original registration forms in municipalities not employing data processing shall be maintained by ward. Original registration forms in municipalities employing data processing need not be maintained by ward, but the data processing system employed shall enable retrieval of the registration list by ward.

History: 1971 c. 249; 1971 c. 304 s. 29 (2); 1971 c. 336; 1975 c. 85; 1977 c. 394; 1983 a. 484; 1985 a. 304; 1989 a. 192.

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

(2) The registration lists shall contain the full name and address of each registered elector, a blank column for the entry of the serial number of the electors when they vote, and a form of a certificate stating that each list is a true and complete combined check and registration list of the respective wards.

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

History: 1971 c. 304 s. 29 (2); 1975 c. 85; 1977 c. 394 ss. 21, 22, 53.

**6.40 Transferring registration. (1) ELECTOR INITIATIVE. (a) Within municipality.** Any registered elector shall transfer registration after a change of residence within the municipality in which he or she is registered by appearing in person or by mailing to the municipal clerk a signed request stating his or her present address, affirming that this will be the elector's residence for 10 days prior to the election and providing the address where he or she was last registered. Alternatively, the elector may transfer his or her registration at the proper polling place or other registration location under s. 6.02 (2) in accordance with s. 6.55 (2) (a). If an elector is voting at a former ward or election district, the change shall be effective for the next election.

(b) *Within state.* Any elector who changes residence within this state from one municipality to another shall give his or her 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 no later than 3 days after the close of registration. Such elector may also transfer his or her registration at the proper polling place or other registration location as provided in s. 6.55 (2) (a).

(c) *Name change.* Whenever an elector's name is legally changed, including a change by marriage or divorce, the elector shall transfer his or her registration to his or her legal name by appearing in person or mailing to the municipal clerk a signed request for a transfer of registration to such name. Alternatively, a registered elector may make notification of a name change at his or her polling place under s. 6.55 (2) (d).



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(2) **CLERK'S INITIATIVE.** (a) Municipal clerks may transfer any elector's registration upon receipt of reliable information that the elector has changed residence within the municipality. 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 registration list of the names of electors who no longer reside at the address for which they are registered and the addition to the registration 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) or (2m). The mail canvass may also consist of adding to the registration 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.

(3) **RECORDING CHANGES.** All changes of names and addresses under this section shall be filed with the municipal clerk and the clerk shall then correct the official registration list.

**History:** 1971 c. 242; 1971 c. 304 s. 29 (1), (2); 1975 c. 85, 199, 200; 1977 c. 394 ss. 23, 24, 53; 1983 a. 484; 1985 a. 304.

**6.45 Access to registration list.** (1) After the deadline for revision of the registration list, the municipal clerk shall make copies of the list for election use. The registration list and any supplemental lists which are prepared at polling places or other registration locations under s. 6.55, shall be open to public inspection. Under the regulations prescribed by the municipal clerk, any person may copy the registration list at the office of the clerk. A registration list maintained at a polling place may be examined by an observer when such use does not interfere with the conduct of the election.

(2) 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 registration 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; 1977 c. 394 s. 53; 1983 a. 484; 1989 a. 192.

**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) **GENERAL PROCEDURE.** (a) Any registered elector of a municipality may challenge the registration of any other registered elector by submitting to the municipal clerk or executive director of the board of election commissioners in cities of more than 500,000 population an affidavit stating that the elector is not qualified to vote and the reasons therefor. The clerk or director, upon receipt of the affidavit, shall mail a notification of the challenge to the challenged elector, at his or her registered address.

(b) The challenged and challenging electors shall appear before the municipal clerk within one week of notification or arrange under sub. (2) to appear before the board of election commissioners. The challenging elector shall make an affida-

vit 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, such clerk or board may make the decision without consulting the challenged elector. If the municipal clerk or board of election commissioners does not sustain the challenge, the challenged elector's registration remains valid.

(c) If the challenging elector fails to appear before the municipal clerk within one week or in cities of more than 500,000 population fails to appear before the board of election commissioners under sub. (2) to answer questions and take the oath under s. 6.925, such clerk or board shall cancel the challenge.

(d) If the clerk determines that the challenged elector is not qualified, the clerk shall cancel the challenged elector's registration, make the necessary change in the registration list and notify the inspectors for the ward or election district where the elector was registered.

(2) **SPECIAL PROCEDURE IN POPULOUS CITIES.** (a) In cities of more than 500,000 population, 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 a.m. 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) Upon appearing in person, objectors shall be examined, under oath, by the commissioners and 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. If they determine that a person is not qualified, the name shall be stricken from the registration list and the proper ward officials notified of the change immediately.

(3) **CHALLENGE BASED ON INCOMPETENCY.** Section 6.03 (3) applies to any challenge which is made to registration based on an allegation that an elector is incapable of understanding the objective of the elective process and thereby ineligible for registration.

(4) **DISQUALIFICATION.** The municipal clerk or board of election commissioners may not disqualify an elector under this section except upon the grounds and in accordance with the procedure specified in s. 6.325.

**History:** 1971 c. 304 s. 29 (2); 1973 c. 334; 1975 c. 85, 199; 1977 c. 394; 1979 c. 110; 1983 a. 484; 1985 a. 304; 1987 a. 391

**6.50 Revision of registration list.** (1) Within 90 days following each general election, the municipal clerk or board of election commissioners of each municipality in which registration is required shall examine the registration records and identify each elector who has not voted within the previous 4 years if qualified to do so during that entire period and shall mail a notice to the elector in substantially the following form:

**"NOTICE OF SUSPENSION OF  
REGISTRATION**

You are hereby notified that your voter registration will be canceled, according to state law, for failure to vote within the

previous 4-year period, unless you apply for continuation of your registration within 30 days. You may continue your registration by signing the statement below and returning it to this office by mail or in person.

**APPLICATION FOR CONTINUATION  
OF REGISTRATION**

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

Signed .... Present Address .....

If you have moved within this municipality or changed your name, please contact this office to complete a change of name or address form.

[Office of clerk or board of election commissioners  
Address  
Telephone]"

(2) The municipal clerk or board of election commissioners shall cancel the registration of all notified electors under sub. (1) who have not applied for continuation of registration within 30 days of the date of mailing of the notice of suspension.

(2m) (a) As an alternative to the procedure prescribed in subs. (1) and (2), the governing body of a municipality where registration is required may provide for revision of registration lists under this subsection.

(b) Following each general election, the municipal clerk of the municipality shall revise and correct the registration list by reviewing the registration of any elector who failed to vote within the past 4 years if qualified to do so during that entire period. Each such elector shall be mailed an address verification card under par. (c). 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. (4) to (7).

(c) Upon a 1st class postcard bearing the mailing legend, "DO NOT FORWARD — RETURN POSTAGE GUARANTEED", 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 changed his or her residence to a location outside of the municipality, the municipal clerk or board of election commissioners 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 changed his or her residence shall notify the clerk or board of election commissioners. If the elector no longer resides in the municipality or fails to apply for continuation of registration within 30 days of the date the notice is mailed, the clerk or board of election commissioners shall cancel the elector's registration. Upon receipt of reliable information that a registered elector has changed his or her residence within the municipality, the municipal clerk or board of election commissioners shall transfer the elector's registration and mail the elector a notice of the transfer under s. 6.40 (2). This subsection does not restrict the right of an elector to challenge any registration under s. 6.325, 6.48, 6.925 or 6.93.

(4) The municipal clerk or board of election commissioners shall cancel the registration of deceased electors by means of checking vital statistics reports. No notice need be sent of registrations canceled under this subsection.

(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 investigated by the municipal clerk or board of election commissioners. If the clerk or board of election commissioners can find no reason why the registration of such an elector should not be stricken from the registration list, the elector's registration shall be canceled. If the elector has left a forwarding address with the U.S. postal service, a notice of cancellation shall be mailed by the clerk or board of election commissioners 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) Any municipal governing body may direct the municipal clerk or board of election commissioners to arrange with the U.S. postal service pursuant to applicable federal regulations, to receive change of address information with respect to individuals residing within the municipality for revision of the elector registration list. If required by the U.S. postal service, the governing body may create a registration commission consisting of the municipal clerk or executive director of the board of election commissioners and 2 other electors of the municipality appointed by the clerk or executive director for the purpose of making application for address changes and processing the information received. The municipal clerk or executive director shall act as chairperson of the commission. Any authorization under this subsection shall be for a definite period or until the municipal governing body otherwise determines. The procedure shall apply uniformly to the entire municipality whenever used. The procedure shall provide for receipt of complete change of address information on an automatic basis, or not less often than once every 2 years during the 60 days preceding the close of registration for the September primary. If a municipality adopts the procedure for obtaining address corrections under this subsection, it need not comply with the procedure for mailing address verification cards under subs. (1) and (2) or (2m).

(9) Whenever a name is stricken from the registration list, the municipal clerk or board of election commissioners shall enter the reason for striking on the list next to the stricken name.

(10) Any elector whose registration is canceled under this section may have his or her registration reinstated by filing a new registration form.

**History:** 1971 c. 242; 1971 c. 304 s. 29 (2); 1971 c. 336 s. 37; 1973 c. 164; 1975 c. 85, 199, 200; 1977 c. 394 ss. 27, 53; 1979 c. 260; 1983 a. 484; 1985 a. 304; 1987 a. 391.

**6.54 Failure to register; rights.** No name may be added to the registration list after the close of registration, but any person whose name is not on the registration list but who is otherwise a qualified elector is entitled to vote at the election upon compliance with s. 6.29 or 6.55.

**History:** 1985 a. 304 s. 60.

**6.55 Polling place registration; voting by certification. (2)**

(a) Except where the procedure under par. (c) is employed, any person who qualifies as an elector in the ward or election district where he or she desires to vote, but has not previously filed a registration form, or was registered at another location in a municipality where registration is required, may request

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permission to vote at the polling place for that ward or election district, or at an alternate polling place assigned under s. 5.25 (5) (b). When a proper request is made, the inspector shall require the person to execute a registration form prescribed by the board which shall contain the following certification:

"I, \_\_\_\_\_, hereby certify 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." If a change of address is made from outside the municipality, the elector shall file a cancellation under s. 6.40 (1) (b).

(b) Upon executing the registration form under par. (a), the person shall be required by a special registration deputy or inspector to present acceptable proof of residence under sub. (7). If the person cannot supply such proof, the registration form shall be substantiated and signed by one other elector who resides in the same municipality as the registering elector, corroborating all the material statements therein. The corroborator shall then provide acceptable proof of residence. The signing by the elector executing the form and by any elector who corroborates the information in the form shall be in the presence of the special registration deputy or inspector. Upon compliance with this procedure, such person shall then be given the right to vote.

(c) 1. As an alternative to registration at the polling place under pars. (a) and (b), the board of election commissioners, or the governing body of any municipality in which registration is required may by resolution require a person who qualifies as an elector and who is not registered and desires to register on the day of an election to do so at another readily accessible location in the same building as the polling place serving the elector's residence or at an alternate polling place assigned under s. 5.25 (5) (b), instead of at the polling place serving the elector's residence. In such case, the municipal clerk shall prominently post a notice of the registration location at the polling place. The municipal clerk, deputy clerk or special registration deputy at the registration location shall require such person to execute a registration form as prescribed under par. (a) and to provide acceptable proof of residence as provided under sub. (7). If the person cannot supply such proof, the registration form shall be corroborated in the manner provided in par. (b). The signing by the elector executing the form and by any corroborating elector shall be in the presence of the municipal clerk, deputy clerk or special registration deputy. Upon proper completion of registration, the municipal clerk, deputy clerk or special registration deputy shall serially number the registration and give one copy to the elector for presentation at the polling place serving the elector's residence or an alternate polling place assigned under s. 5.25 (5) (b).

2. Upon compliance with the procedures under subd. 1, the municipal clerk or deputy clerk shall issue a certificate addressed to the inspectors of the proper polling place directing that the elector be permitted to cast his or her vote. If the elector's registration is corroborated, the clerk shall enter the name and address of the corroborator on the face of the certificate. The certificate shall be numbered serially and prepared in duplicate. The municipal clerk shall preserve one copy in his or her office.

3. The elector, at the time he or she appears to vote at the polling place, shall deliver the certificate issued under subd. 2 to the inspectors.

(d) A registered elector who has changed his or her name but resides at the same address, and has not notified the municipal clerk under s. 6.40 (1) (c), shall notify the inspector

of the change before voting. The inspector shall then notify the municipal clerk at the time which materials are returned under s. 6.56 (1). If an elector changes both a name and address, the elector shall complete a registration form at the polling place or other registration location under pars. (a) and (b).

(3) Any qualified elector in the ward or election district where the elector desires to vote whose name does not appear on the registration list where registration is required but who claims to be registered to vote in the election may request permission to vote at the polling place for that ward or election district. When the request is made, the inspector shall require the person to give his or her name and address. If the elector is not at the polling place which serves the ward or election district where the elector resides, the inspector shall provide the elector with directions to the correct polling place. If the elector is at the correct polling place, the elector shall then execute the following written statement: "I, \_\_\_\_\_, hereby certify 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 properly registered to vote in this election." The person shall be required to provide acceptable proof of residence as provided under sub. (7) and shall then be given the right to vote. If acceptable proof is presented, the elector need not have the information corroborated by any other elector. If acceptable proof is not presented, the statement shall be certified by the elector and shall be corroborated by another elector who resides in the municipality. The corroborator shall then provide acceptable proof of residence as provided in sub. (7). Whenever the question cannot be satisfactorily resolved and the elector permitted to vote, an inspector shall telephone the office of the municipal clerk to reconcile the records at the polling place with those at the office.

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

(6) The governing body or board of election commissioners of any municipality may provide by resolution that any of the registration duties of inspectors under sub. (2) shall be carried out in the municipality by special registration deputies appointed by the municipal clerk or board of election commissioners at any polling place or other registration location whenever the clerk or board of election commissioners determines that the registration process provided for in that subsection will be facilitated thereby. The deputies shall be specially appointed by the clerk or board of election commissioners for one election only to conduct elector registration only.

(7) (a) For purposes of this section, a form of identification constitutes acceptable proof of residence if it includes:

1. A current and complete name, including both the given and family name; and

2. A current and complete residential address, including a numbered street address, if any, and the name of a municipality.

(b) If an elector's address has changed since a piece of identification was issued, the new information may be typed or printed on the identification by hand, in ink.

(c) Forms of identification which constitute acceptable proof of residence under this section, when they contain the information specified in par. (a), include the following:

1. A Wisconsin motor vehicle operator's license.

2. A Wisconsin identification card issued under s. 125.08, 1987 stats.

3. Any other official identification card or license issued by a Wisconsin governmental body or unit or by an employer in the normal course of business, but not including a business card.

4. A credit card or plate.

5. A library card.

6. A check-cashing or courtesy card issued by a merchant in the normal course of business.

7. A real estate tax bill or receipt for the current year or the year preceding the date of the election.

8. A residential lease which is effective for a period that includes election day.

9. A university, college or technical institute fee card.

10. A university, college or technical institute identification card.

11. An airplane pilot's license.

12. A gas, electric or telephone service statement for the period commencing not earlier than 90 days before election day.

(d) Forms of identification specified in par. (c) which are valid for use during a specified period shall be valid on the day of an election in order to constitute acceptable proof of residence at that election.

**History:** 1971 c. 304 s. 29 (2); 1973 c. 222; 1975 c. 85, 93, 199, 200; 1977 c. 394, 427; 1979 c. 311; 1981 c. 44 s. 3; 1981 c. 202 s. 23; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192.

**6.56 Verification of voters not appearing on list. (1)** The list containing the names of persons voting under ss. 6.29 and 6.55 (2) and (3) shall be returned together with all forms and certificates to the municipal clerk.

(2) Upon receipt of the list, the municipal clerk shall make a check to determine whether each person who has been allowed to vote under s. 6.55 (3) is properly registered. If so, the clerk shall correct the registration list. If the address on the registration list is not correct, the clerk shall correct the address. The clerk shall then notify the elector by postcard when he or she is properly registered. If such person is found not to be properly registered, the clerk shall send the person a 1st class letter with that information, containing a mail registration form under s. 6.30 (4). The letter shall be marked "ADDRESS CORRECTION REQUESTED". If such letter is returned undelivered, or if the U.S. postal service notifies the clerk of an improper address which was apparently improper on the day of the election, the clerk shall notify the district attorney.

(3) The municipal clerk or board of election commissioners shall make an audit of all electors registering to vote at the polling place or other registration location under s. 6.55 (2) upon receipt of the list under sub. (1). The audit shall be made by 1st class postcard. The postcard shall be labeled "ADDRESS CORRECTION REQUESTED" or "DO NOT FORWARD—RETURN POSTAGE GUARANTEED". If any postcard is returned undelivered, or if the clerk or board of election commissioners is informed of a different address than the one specified by the elector which was apparently improper on the day of the election, the clerk or board shall remove the elector's name from the registration list, mail the elector a notice of the removal and provide the name to the district attorney for the county where the polling place is located.

(4) After each election, the municipal clerk shall carefully check to assure that no person has been allowed to vote more than once. Whenever the municipal clerk has good reason to believe that a person has voted more than once in an election, the clerk shall send the person a 1st class letter with return receipt and address correction requested, informing him or her that all registrations relating to that person may be canceled within 7 days unless the person contacts the office of the clerk to clarify the matter. A copy of such letter and any

subsequent information received from or about the addressee shall be sent to the district attorney.

(5) Whenever any letter or postcard mailed under this section is returned undelivered, or whenever the U.S. postal service notifies the clerk of an improper address which was apparently improper on the day of the election or whenever it otherwise appears that a person has voted who is not qualified or has voted more than once in an election, and the person has been permitted to vote after corroboration was made under s. 6.55 (2) or (3), the name of the corroborator shall also be provided to the district attorney.

(6) The municipal clerk may not disqualify an elector under this section except upon the grounds and in accordance with the procedures specified in s. 6.325.

**History:** 1975 c. 85, 199; 1977 c. 394; 1979 c. 260; 1983 a. 484; 1985 a. 304; 1989 a. 192.

**6.57 Registration list for school and special elections.** If the registration list has not been revised in time to be used at any school or special election, the registration list used at the last preceding general or municipal election plus a supplementary list shall be used for the election. 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 registration list was last revised.

**History:** 1975 c. 85 s. 30; Stats. 1975 s. 657; 1977 c. 394

## VOTING

**6.76 Time off for voting. (1)** Any person entitled to vote at an election is entitled to be absent from work while the polls are open for a period not to exceed 3 successive hours to vote. The elector shall notify the affected employer before election day of the 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 an elector by his or her employer by reason of the absence authorized by this section.

(3) This section applies to all employers including the state and all political subdivisions of the state and their employees, but does not affect the employees' right to holidays existing on June 28, 1945, or established after that date.

**History:** 1977 c. 394; 1991 a. 316

**6.77 Place for voting. (1)** An elector may vote only at the polling place for his or her residence designated by the governing body or board of election commissioners.

(2) Whenever territory which was formerly a part of one municipality becomes a part of another municipality, an elector of the territory shall vote in the municipality in which the territory is included on the day of the election.

**History:** 1975 c. 85; 1985 a. 304

**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) The polls at school elections shall be open the same hours as provided under subs. (1) and (2) in the municipality or municipalities in which the school district is located, except as authorized in s. 120.06 (9) (a).

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(4) Any elector waiting 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:** 1985 a. 304; 1991 a. 316.

**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 being permitted to vote, each person shall state his or her full name and address. The officials shall record each name and address on a poll list in the same order as the votes are cast. If the residence of the elector does not have a number, the election officials shall, in the appropriate space, write "none". Alternatively, the municipal clerk may maintain a poll list consisting of the full name and address of electors compiled from previous elections. Whenever an elector appears to vote, the officials shall verify the correctness of the elector's name and address, and shall enter a serial number next to the name of the elector in the order that the votes are cast, beginning with the number one. If the name and address of an elector do not appear on the prepared poll list, the officials shall record the name, address and serial number of the elector at the bottom of the list. The officials may require any elector to provide identification, including acceptable proof of residence, or to have another elector corroborate his or her information in accordance with the procedure specified in s. 6.55 (2) (b) before permitting the elector to vote. The officials shall maintain a separate list of those persons voting under ss. 6.15 and 6.24.

(2) **MUNICIPALITIES WITH REGISTRATION.** Where there is registration, each person, before receiving a voting number, shall state his or her full name and address. Upon the prepared registration list, after the name of each elector, the officials shall enter 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 under s. 6.15, 6.29 or 6.55 (2) or (3) and electors who are reassigned from another polling place under s. 5.25 (5) (b). Each such elector shall have his or her full name, address and serial number likewise recorded and shall be given a slip bearing such number.

(3) **REFUSAL TO GIVE NAME AND ADDRESS.** If any elector offering to vote at any polling place refuses to give his or her name and address, the elector may not be permitted to vote.

(4) **SUPPLEMENTAL INFORMATION.** When any elector provides identification under sub. (1) or s. 6.15, 6.29 or 6.55 (2) or (3), the election officials shall enter the type of identification on the poll or registration list, or supplemental list maintained under sub. (2). If the form of identification includes a number which applies only to the individual holding that piece of identification, the election officials shall also enter that number on the list. When any elector corroborates the registration identity or residence of any person offering to vote under sub. (1) or s. 6.55 (2) (b) or (c) or (3) the name and address of the corroborator shall also be entered next to the name of the elector whose information is being corroborated on the registration or poll list, or the separate list maintained under sub. (2). When any person offering to vote has been challenged and taken the oath, following the person's name on the registration or poll list, the officials shall enter the word "Sworn".

(5) **POLL LIST FORMS.** Poll lists shall be kept on forms designed by the board to be substantially similar to the standard registration list 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; 1977 c. 394. 447; 1979 c. 260. 311. 355; 1985 a. 304; 1989 a. 192.

**6.80 Mechanics of voting. (1) VOTING BOOTH OR MACHINE USE.** Only one individual at a time is permitted to occupy a voting booth or machine, except that an elector who is a parent or guardian may be accompanied by the elector's minor child or minor ward, and an elector who qualifies for assistance under s. 6.82 (2) may be assisted as provided in that subsection.

(2) **METHOD OF VOTING.** (a) Upon receiving his or her ballot and without leaving the polling place, the elector shall enter an unoccupied voting booth or machine alone to cast his or her vote, except as authorized in sub. (1). An elector may use or copy an unofficial sample ballot which may be marked in advance of entering the polling place, but an elector may not use or bring into the polling place any ballot printed upon paper of the type required or utilized for official ballots at that polling place.

(am) In partisan primaries, an elector may vote for a person as the candidate of the party of the elector's choice, if that person's name does not appear on the official ballot of that party, by writing in the name of the person in the space provided on the ballot or the ballot provided for that purpose, or where voting machines are used, in the irregular ballot device, designating the party for which the elector desires such person to be the nominee.

(b) After preparing his or her ballot, unless the ballot is intended for counting with automatic tabulating equipment, the elector shall fold it so its face will be concealed.

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

(d) If an elector receives a ballot which is not initialed by 2 inspectors, or is defective in any other way, the elector shall return it to the inspectors. If the initials are missing, the inspectors shall supply the missing initials. If the ballot is defective, they shall destroy it and issue another ballot to the elector.

(e) Upon voting his or her ballot, the elector shall publicly and in person deposit it in the ballot box or deliver it to an inspector for deposit in the box.

(f) In the presidential preference primary and other partisan primary elections at polling places where ballots are distributed to electors, unless the ballots are utilized with an electronic voting system in which all candidates appear on the same ballot, after the elector prepares his or her ballot the elector shall detach the remaining ballots, fold the ballots to be discarded, fold the completed ballot unless the ballot is intended for counting with automatic tabulating equipment, personally deposit the ballots to be discarded in the separate ballot box marked "blank ballot box", and deposit the completed ballot in the ballot box indicated by the inspectors. 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 OR MACHINE.** (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 the 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 the time has expired, the elector shall be removed by the inspectors.

**History:** 1977 c. 427 ss. 40, 41, 132; 1979 c. 311; 1981 c. 377, 391; 1983 a. 484 ss. 45m, 172 (3); 1985 a. 304; 1991 a. 316.

**6.82 Assisting electors. (1) RECEIPT OF BALLOT AT POLL ENTRANCE.** (a) When any inspectors are informed that an elector is at the entrance to the polling place who as a result of disability is unable to enter the polling place, they shall permit the elector to be assisted in marking or punching a ballot by any individual selected by the elector, except the elector's employer or an agent of that employer or an officer or agent of a labor organization which represents the elector. The inspectors shall issue a ballot to the individual selected by the elector and shall accompany the individual to the polling place entrance where the assistance is to be given. If the ballot is a paper ballot, the assisting individual shall fold the ballot after the ballot is marked or punched by the assisting individual. The assisting individual shall then immediately take the ballot into the polling place and give the ballot to an inspector. The inspector shall distinctly announce that he or she has "a ballot offered by .... (stating person's name), an elector who, as a result of disability, is unable to enter the polling place without assistance". The inspector shall then ask, "Does anyone object to the reception of this ballot?" If no objection is made, the inspectors shall record the elector's name under s. 6.79 and deposit the ballot in the ballot box, and shall make a notation on the registration or poll list: "Ballot received at poll entrance".

(b) If objection to receiving the ballot is made by any qualified elector present, the inspectors shall receive the ballot under s. 6.95.

**(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 disability is unable to mark or punch a ballot or depress a button or lever on a voting machine, the elector shall be informed by the officials that he or she may have assistance. When assistance is requested, the elector may select any individual to assist in casting his or her vote. The selected individual rendering assistance may not be the elector's employer or an agent of that employer or an officer or agent of a labor organization which represents the elector. The selected individual shall certify on the back of the ballot that it was marked or punched with his or her assistance. Where voting machines are used, certification shall be made on the registration list.

(b) The individual chosen shall enter the voting booth or machine 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 punched or the lever or button depressed according to the elector's expressed preference. The individual selected to assist may not disclose to anyone how the elector voted.

(c) Intoxication shall not be regarded as a disability.

(d) The election officials shall enter upon the poll list after the name of any elector who had assistance in voting the word "assisted". The officials shall also record on the poll list the full name and address of the individual who renders assistance.

**(3) USE OF PAPER BALLOTS.** Whenever, in a municipality in which voting machines are used, an elector declares to the chief inspector that, due to physical disability, the elector is unable to depress a button or lever on a voting machine, the inspectors shall permit the elector to vote using a paper ballot and voting booth.

**(4) SOLICITATION PROHIBITED.** No election official or other person assisting an elector under this section or s. 5.79 may request, suggest or seek to persuade an elector to cast a vote for or against any candidate, party or question.

**History:** 1971 c. 304 s. 29 (2); 1975 c. 85, 199, 275; 1977 c. 26; 1977 c. 394 s. 53; 1979 c. 260, 311, 355; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 192.

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

## VOTING ABSENTEE

**6.84 Construction. (1) LEGISLATIVE POLICY.** The legislature finds that voting is a constitutional right, the vigorous exercise of which should be strongly encouraged. In contrast, voting by absentee ballot is a privilege exercised wholly outside the traditional safeguards of the polling place. The legislature finds that the privilege of voting by absentee ballot must be carefully regulated to prevent the potential for fraud or abuse; to prevent overzealous solicitation of absent electors who may prefer not to participate in an election; to prevent undue influence on an absent elector to vote for or against a candidate or to cast a particular vote in a referendum; or other similar abuses.

**(2) INTERPRETATION.** Notwithstanding s. 5.01 (1), with respect to matters relating to the absentee ballot process, ss. 6.86, 6.87 (3) to (7) and 9.01 (1) (b) 2 and 4 shall be construed as mandatory. Ballots cast in contravention of the procedures specified in those provisions may not be counted. Ballots counted in contravention of the procedures specified in those provisions may not be included in the certified result of any election.

**History:** 1985 a. 304; 1987 a. 391.

**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 age, sickness, handicap, physical disability, jury duty, service as an election official or religious reasons cannot appear at the polling place in his or her ward. No person under the age of 70 qualifies as an absent elector solely because of age. Any otherwise qualified elector who changes residence within this state by moving to a different ward or municipality later than 10 days prior to an election may vote an absentee ballot in the ward or municipality where he or she was qualified to vote before moving. An 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; 1977 c. 394; 1979 c. 232; 1983 a. 484.

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

**6.86 Application for absentee ballot. (1)** (a) Any elector, qualifying under ss. 6.20 and 6.85 as an absent elector, may make written application to the municipal clerk for an official ballot by one of the following methods:

1. By mail.
2. In person at the office of the municipal clerk.
3. By signing a statement under sub. (2) (a).
4. By agent as provided in sub. (3).
5. By delivering an application to a special voting deputy under s. 6.875 (6).

(ag) An elector who is unable to write his or her name due to physical disability may authorize an application to be made by another elector on his or her behalf. In such case, the application shall state that it is made on request and by authorization of a named elector who is unable to sign the application due to physical disability.

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(ar) Except as authorized in s. 6.875 (6), the municipal clerk shall not issue an absentee ballot unless the clerk receives a written application therefor from a qualified elector of the municipality. The clerk shall retain each absentee ballot application until destruction is authorized under s. 7.23 (1).

(b) Except as provided in s. 6.22 (4) and sub. (3), if application is made in writing, the application, signed by the elector, shall be received no sooner than the first day of the 6th month commencing 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 day of the 6th month commencing 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 7 days before the election nor after 5 p.m. 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 agent of the clerk who shall deliver it to the polling place as required in s. 6.88. If application is made under sub. (2), the application may be received at any time before 5 p.m. on the Friday immediately preceding the election.

(2) (a) An elector who is indefinitely confined because of age, physical illness or infirmity or is disabled for an indefinite period may by signing a statement to that effect require that an absentee ballot be sent to the elector automatically for every election. The application 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 shall be clearly marked as not forwardable. If any elector is no longer indefinitely confined, the elector shall so notify the municipal clerk.

(b) The mailing list established under this subsection shall be kept current through all possible means. If an elector fails to cast and return an absentee ballot received under this subsection, the clerk shall notify the elector by 1st class letter or postcard that his or her name will be removed from the mailing list unless the clerk receives a renewal of the application within 30 days of the notification. The clerk shall remove from the list the name of each elector who does not apply for renewal within the 30-day period. The clerk shall remove the name of any other elector from the list upon request of the elector or upon receipt of reliable information that an elector no longer qualifies for the service. The clerk shall notify the elector of such action not taken at the elector's request within 5 days, if possible.

(3) (a) Any elector who is registered, or otherwise qualified where registration is not required, and who qualifies under ss. 6.20 and 6.85 as an absent elector because the elector is hospitalized, may apply for and obtain an official ballot by agent. The agent may apply for and obtain a ballot for the hospitalized absent elector by presenting a form prescribed by the board and containing the required information supplied by the hospitalized elector and signed by that elector and any other elector residing in the same municipality as the hospitalized elector, corroborating the information contained therein. The corroborating elector shall state on the form his or her full name and address.

(b) 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 the name of such hospitalized elector shall be recorded by the clerk. An agent who is issued an absentee ballot under this section shall present identification, provide his or her 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.

(c) An application under this subsection by agent may be made in person at the office of the municipal clerk not earlier than 7 days before an election and not later than 5 p.m. on the day of the election. A list of hospitalized electors applying for ballots under this subsection shall be made by the municipal clerk and used to check that the electors vote only once, and by absentee ballot. The ballot shall be sealed by the elector and returned to the municipal clerk either by mail or by personal delivery of the agent; but if the ballot is returned on the day of the election, the agent shall make personal delivery at the polling place serving the hospitalized elector's residence before the closing hour for the ballot to be counted.

(4) If a municipality employs an electronic voting system which utilizes a ballot that is inserted into automatic tabulating equipment, the municipality may distribute ballots for utilization with the electronic voting system as absentee ballots or it may distribute paper ballots as absentee ballots.

(5) Whenever an elector returns a spoiled or damaged absentee ballot to the municipal clerk, or an elector's agent under sub. (3) returns a spoiled or damaged ballot to the clerk on behalf of an elector, and the clerk believes that the ballot was issued to or on behalf of the elector who is returning it, the clerk shall issue a new ballot to the elector or elector's agent, and shall destroy the spoiled or damaged ballot. Any request for a replacement ballot under this subsection must be made within the applicable time limits under subs. (1) and (3) (c).

**History:** 1975 c. 85 ss. 37, 38, 65; 1975 c. 90, 199, 200, 275, 422; 1977 c. 394 ss. 14, 40, 41; 1979 c. 232, 311; 1981 c. 391; 1983 a. 183, 484; 1985 a. 304 ss. 69, 156; 1987 a. 391.

**6.865 Federal postcard request form.** A federal postcard registration and absentee ballot request form may be used to apply for an absentee ballot under s. 6.86 (1) if the form is completed in such manner that the municipal clerk or board of election commissioners with whom it is filed is able to determine all of the following:

(1) That the applicant is an elector of this state and of the ward or election district where the elector seeks to vote.

(2) That the applicant qualifies for an absentee ballot under s. 6.85.

**History:** 1989 a. 192.

**6.87 Absent voting procedure.** (1) Upon proper request made within the period prescribed in s. 6.86, the municipal clerk or a deputy clerk authorized by the municipal clerk shall write on the official ballot, in the space for official endorsement, the clerk's initials and 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 \_\_\_\_\_]

or

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

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) (election district) at the election to be held on \_\_\_\_\_; that I am not voting at any other location in this election; that I cannot appear at the polling place in the (ward) (election district) on election day because I expect to be absent from the municipality or because of age, sickness, handicap, physical disability, religious reasons, jury duty, service as an election official, or because I have changed my residence within the state from one ward or election district to another within 10 days before the election. 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 any person rendering assistance under s. 6.87 (5), Wis. Stats., 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 (except in the case of an incumbent municipal clerk). 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 (unless I am an incumbent municipal clerk), 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)

\_\_\_\_\_(State or nation)

(3) (a) Except as otherwise provided in s. 6.875, the municipal clerk shall mail the absentee ballot postage prepaid for return to the elector's residence unless otherwise directed, or shall deliver it to the elector personally at the clerk's office.

(b) No elector may direct that a ballot be sent to the address of a candidate, political party or other registrant under s. 11.05 unless the elector permanently or temporarily resides at that address. Upon receipt of reliable information that an address given by an elector is not eligible to receive ballots under this paragraph, the municipal clerk shall refrain from sending ballots to that address. Whenever possible, the municipal clerk shall notify an elector if his or her ballot cannot be mailed to the address directed by the elector.

(c) If an elector's ballot is mailed to a location other than the elector's residence, it shall be prepaid for return when mailed within the United States. If the ballot is delivered to the elector at the clerk's office, the ballot shall be voted at the office and may not be removed therefrom.

(4) Except as otherwise provided in s. 6.875, 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 or punch the ballot in a manner that will not disclose how the elector's vote is cast. The elector shall then, still in the presence of the administrator of the oath or the 2 witnesses, fold the ballots if they are paper ballots so each is separate and conceals the markings or punches 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 may 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 an unused ballot in a primary does not invalidate the ballot on which the elector's votes are cast. Return of more than one marked or punched ballot in a primary or return of a ballot used with an electronic voting system in a primary which is marked or punched for candidates of more than one party invalidates all votes cast by the elector for candidates in the primary.

(5) If the absent elector declares that he or she is unable to read, has difficulty in reading, writing or understanding English or due to disability is unable to mark or punch his or her ballot, the elector may select any individual, except the elector's employer or an agent of that employer or an officer or agent of a labor organization which represents the elector, to assist in marking or punching the ballot, and the assistant shall then sign his or her name to a certification on the back of the ballot, as provided 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 subsection may not be counted.

(7) No individual who is a candidate at the election in which absentee ballots are cast may administer the oath or serve as a witness. Any candidate who administers the oath or serves as a witness shall be penalized by the discounting of a number of votes for his or her candidacy equal to the number of certificate-affidavit envelopes bearing his or her 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 the clerk's official duties.

(9) If a municipal clerk receives an absentee ballot with an improperly completed certificate-affidavit or with no certificate-affidavit, the clerk may return the ballot to the elector, inside the sealed envelope when an envelope is received, together with a new envelope if necessary, whenever time permits the elector to correct the defect and return the ballot within the period prescribed in sub. (6).

**History:** 1971 c. 242; 1971 c. 304 s. 29 (1), (2); 1975 c. 85; 1975 c. 93 s. 119 (2); 1975 c. 199; 1977 c. 394; 1979 c. 232, 260, 311, 355; 1983 a. 36, 484, 538; 1985 a. 304; 1991 a. 316.

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.

See note to 9.01, citing Appeal From Recount in Election Contest, 105 W (2d) 468, 313 NW (2d) 869 (Ct. App. 1981).

**6.875 Absentee voting in nursing and retirement homes and certain community-based residential facilities. (1) In this section:**

(a) "Community-based residential facility" has the meaning given in s. 50.01 (1g), except that the term does not include a place where fewer than 10 unrelated adults reside.



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(am) "Nursing home" means a facility occupied by 10 or more unrelated individuals for the primary purpose of obtaining full-time personal or nursing care which is necessitated by their physical or mental conditions, but does not include a hospital.

(as) "Qualified community-based residential facility" means a community-based residential facility that qualifies under sub. (2) (b) to utilize the procedures under this section.

(at) "Qualified retirement home" means a retirement home that qualifies under sub. (2) (b) to utilize the procedures under this section.

(b) "Relative" means a spouse or individual related within the 1st, 2nd or 3rd degree of kinship under s. 852.03 (2).

(c) "Retirement home" means a facility occupied as a primary place of abode by 10 or more unrelated individuals.

**(2) (a)** The procedures prescribed in this section are the exclusive means of absentee voting for electors who are occupants of nursing homes or qualified community-based residential facilities.

(b) The municipal clerk or board of election commissioners of any municipality where a community-based residential facility home is located may adopt the procedures under this section for absentee voting in any community-based residential facility located in the municipality if the municipal clerk or board of election commissioners finds that a significant number of the occupants of the community-based residential facility lack adequate transportation to the appropriate polling place, a significant number of the occupants of the community-based residential facility may need assistance in voting, there are a significant number of the occupants of the community-based residential facility aged 60 or over, or there are a significant number of indefinitely confined electors who are occupants of the community-based residential facility. The municipal clerk or board of election commissioners shall promptly notify the individual submitting nominations for special voting deputies under s. 7.30 (4) of any action taken under this paragraph.

(c) The municipal clerk or board of election commissioners of any municipality where a retirement home is located may adopt the procedures under this section for absentee voting in any retirement home located in the municipality if the municipal clerk or board of election commissioners finds that a significant number of the occupants of the retirement home lack adequate transportation to the appropriate polling place, a significant number of the occupants of the retirement home may need assistance in voting, there are a significant number of the occupants of the retirement home aged 60 or over, or there are a significant number of indefinitely confined electors who are occupants of the retirement home. The municipal clerk or board of election commissioners shall promptly notify the individual submitting nominations for special voting deputies under s. 7.30 (4) of any action taken under this paragraph.

**(3)** An occupant of a nursing home or qualified retirement home or qualified community-based residential facility who qualifies as an absent elector and desires to receive an absentee ballot shall make application under s. 6.86 (1) or (2) with the municipal clerk or board of election commissioners of the municipality in which the elector is a resident. The clerk or board of election commissioners of a municipality receiving an application from an elector who is an occupant of a nursing home or qualified retirement home or qualified community-based residential facility located in a different municipality shall, as soon as possible, notify and transmit an absentee ballot for the elector to the clerk or board of election commissioners of the municipality in which the home or qualified community-based residential facility is located. The

clerk or board of election commissioners of a municipality receiving an application from an elector who is an occupant of a nursing home or qualified retirement home or qualified community-based residential facility located in the municipality but who is a resident of a different municipality shall, as soon as possible, notify and request transmission of an absentee ballot from the clerk or board of election commissioners of the municipality in which the elector is a resident. The clerk or board of election commissioners shall make a record of all absentee ballots to be transmitted, delivered and voted under this section.

**(4)** For the purpose of absentee voting in nursing homes and qualified retirement homes and qualified community-based residential facilities, the municipal clerk or board of election commissioners of each municipality in which one or more nursing homes or qualified retirement homes or qualified community-based residential facilities are located shall appoint at least 2 special voting deputies for the municipality in the manner prescribed in s. 7.30 (4). Upon application under s. 6.86 (1) or (2) by one or more qualified electors who are occupants of such a nursing home or qualified retirement home or qualified community-based residential facility, the clerk or board of election commissioners shall dispatch 2 special voting deputies to visit the home or qualified community-based residential facility for the purpose of supervising absentee voting procedure by occupants of the home or qualified community-based residential facility. The 2 deputies designated to visit each nursing home or qualified retirement home and qualified community-based residential facility shall be affiliated with different political parties whenever deputies representing different parties are available. Nominations for deputy positions shall be submitted by the 2 recognized political parties whose candidates for governor or president received the greatest numbers of votes in the municipality at the most recent general election. The deputies shall be specially appointed to carry out duties under this section for the period specified in s. 7.30 (6) (a). The clerk or board of election commissioners may revoke an appointment at any time. No individual who is employed or retained, or within the 2 years preceding appointment has been employed or retained at a nursing home or qualified retirement home or qualified community-based residential facility in the municipality, or any member of the immediate family of such an individual as defined in s. 19.42 (7), may be appointed to serve as a deputy.

**(5)** Prior to entering upon his or her duties, each individual appointed to serve as a deputy under this section shall file the oath required by s. 7.30 (5). In the oath, the individual shall swear that he or she is qualified to act as a deputy under this section, that he or she has read the statutes governing absentee voting, that he or she understands the proper absentee voting procedure, that he or she understands the penalties for noncompliance with the procedure under s. 12.13, that his or her sacred obligation will be to fully and fairly implement the absentee voting law and seek to have the intent of the electors ascertained. In addition, the oath shall state that the individual realizes that any error in conducting the voting procedure may result in invalidation of an elector's vote under s. 7.51 (2) (e) and that the individual realizes that absentee voting is a privilege and not a constitutional right. The form of the oath shall be prescribed by the board.

**(6)** Special voting deputies in each municipality shall, not later than 5 p.m. on the Friday preceding an election, arrange one or more convenient times with the administrator of each nursing home or qualified retirement home and qualified community-based residential facility in the municipality from which one or more occupants have filed an application under

s. 6.86 to conduct absentee voting for the election. The time may be no earlier than the 4th Monday preceding the election and no later than 5 p.m. on the Monday preceding the election. Upon request of a relative of an occupant of a nursing home or qualified retirement home or qualified community-based residential facility, the administrator may notify the relative of the time or times at which special voting deputies will conduct absentee voting at the home or facility, and permit the relative to be present in the room where the voting is conducted. At the designated time, 2 deputies appointed under sub. (4) shall visit the nursing home or qualified retirement home or qualified community-based residential facility. The municipal clerk or executive director of the board of election commissioners shall issue a supply of absentee ballots to the deputies sufficient to provide for the number of valid applications received by the clerk, and a reasonable additional number of ballots. The municipal clerk or executive director shall keep a careful record of all ballots issued to the deputies and shall require the deputies to return every ballot issued to them. The deputies shall personally offer each elector who has filed a proper application the opportunity to cast his or her absentee ballot. If an elector is present who has not filed a proper application, the 2 deputies may accept an application from the elector and shall issue a ballot to the elector if the elector is qualified and the application is proper. The deputies shall administer the oath and may, upon request of the elector, assist the elector in marking or punching the elector's ballot. Upon request of the elector, a relative of the elector who is present in the room may assist the elector in marking or punching the elector's ballot. All voting shall be conducted in the presence of the deputies. No individual other than a deputy may administer the oath and no individual other than a deputy or relative of an elector may render voting assistance to the elector. Upon completion of the voting, the deputies shall promptly deliver, either personally or by 1st class mail, any absentee ballot applications and the sealed certificate-affidavit envelope containing each ballot to the clerk or board of election commissioners of the municipality in which the elector casting the ballot resides, within such time as will permit delivery to the polling place serving the elector's residence on election day. Personal delivery may be made by the deputies no later than noon on election day. If a qualified elector is not able to cast his or her ballot on 2 separate visits by the deputies to the nursing home or qualified retirement home, they shall so inform the municipal clerk or executive director of the board of election commissioners, who may then mail the ballot to the elector no later than 5 p.m. on the Friday preceding the election.

**History:** 1985 a. 304; 1987 a. 391; 1989 a. 192.

**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 endorsed with the name and official title of the clerk, and the words "This envelope contains the ballot of an absent, aged, sick, handicapped or disabled elector or the ballot of an election official 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 enve-

lope 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 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 or election district, and the applicant has not voted in the election, they shall enter an indication on the poll or registration list next to the applicant's name indicating an absentee ballot is cast by the elector. They shall then 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 ballot without unfolding it or permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95, the inspectors shall verify that the ballot has been endorsed by the issuing clerk. The inspectors shall deposit the ballot in the proper ballot box and enter the absent elector's name or voting number after his or her name on the poll or registration list the same as if the elector had been present and voted in person.

**(b)** When the inspectors find that an affidavit or certification is insufficient, that the applicant is not a qualified elector in the ward, that the ballot envelope is open or has been opened and resealed, or that the ballot envelope contains more than one ballot of any one kind, or if proof is submitted to the inspectors that an elector voting an absentee ballot has since died, the inspectors shall not count the ballot. The inspectors shall endorse every ballot not counted on the back, "rejected (giving the reason)". The inspectors shall reinsert each rejected ballot into the affidavit envelope in which it was delivered and enclose the affidavit envelopes and ballots, and securely seal the ballots and envelopes in an envelope marked for rejected absentee ballots. The inspectors shall endorse the envelope, "rejected ballots" with a statement of the ward or election district and date of the election, signed by the chief inspector and one of the inspectors representing each of the 2 major political parties and returned to the municipal clerk in the same manner as official ballots voted at the election.

**History:** 1971 c. 304 s. 29 (2); 1975 c. 85, 199; 1977 c. 394 ss. 43, 53; 1979 c. 232, 260; 1983 a. 183, 484; 1987 a. 391.

**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 the person is not a citizen: Are you 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's vote is offered:

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

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(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?

(3) If challenged as unqualified on the ground that the person is not 18 years of age: Are you 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) 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?

(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) 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?

(6) 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; 1977 c. 394; 1991 a. 316.

**6.925 Elector making challenge in person.** Any elector 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 may administer the oath or affirmation to the challenged elector under s. 6.92 and ask the challenged elector the questions under that section which are appropriate to test the elector's qualifications. In addition, 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; 1977 c. 394; 1985 a. 304.

**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.

**6.935 Challenge based on incompetency.** Section 6.03 (3) applies to any challenge of a person's right to vote under s. 6.92, 6.925 or 6.93 based on an allegation that an elector is incapable of understanding the objective of the elective process and thereby ineligible to vote.

History: 1977 c. 394; 1979 c. 110

**6.94 Challenged elector oath.** If the person challenged refuses to answer fully any relevant questions put to him or her by the inspector under s. 6.92, the inspectors shall reject the elector's vote. If the challenge is not withdrawn after the person offering to vote has answered the questions, one of the inspectors shall administer to the person the following oath

or affirmation: "You do solemnly swear (or affirm) that: you are 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 (2); you have not voted at this election; you have not made any bet or wager or become directly or indirectly interested in any bet or wager depending upon the result of this election; you are not on any other ground disqualified to vote at this election". If the person challenged refuses to take the oath or affirmation, the person's vote shall be rejected. If the person challenged answers fully all relevant questions put to the elector by the inspector under s. 6.92, takes the oath or affirmation, fulfills the registration requirements, where applicable, and the answers to the questions given by the person indicate that the person meets the voting qualification requirements, the person's vote shall be received.

**History:** 1971 c. 304 s. 29 (2); 1971 c. 336 s. 37; 1975 c. 85 ss. 45, 66 (3); 1977 c. 394 s. 54; 1983 a. 484.

**6.95 Voting procedure for challenged electors.** Whenever the inspectors under ss. 6.92 to 6.94 receive the vote of a person offering to vote who has been challenged, they shall give the elector a ballot. Before depositing the ballot, the

inspectors shall write on the back of the ballot the serial number of the challenged person corresponding to the number kept at the election on the registration or poll list, or other list maintained under s. 6.79. If voting machines are used in the municipality where the person is voting, the person's vote may be received only upon an absentee ballot furnished by the municipal clerk which shall have the corresponding serial number from the registration or poll list or other list maintained under s. 6.79 written on the back of the ballot before the ballot is deposited. The inspectors shall indicate on the list the reason for the challenge. The challenged ballots shall be counted under s. 5.85 or 7.51. The municipal board of canvassers may decide any challenge when making its canvass under s. 7.53. If the returns are reported under s. 7.60, a challenge may be reviewed by the county board of canvassers. If the returns are reported under s. 7.70, a challenge may be reviewed by the board of state canvassers. The decision of the canvassers may be appealed under s. 9.01. The standard for disqualification specified in s. 6.325 shall be used to determine the validity of challenged ballots.

**History:** 1977 c. 427; 1983 a. 484; 1985 a. 304