



**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 204**

June 8, 2021 - Offered by Senator STROEBEL.

1 **AN ACT to repeal** 6.87 (4) (b) 3.; **to renumber and amend** 6.86 (1) (ar); **to**
2 **amend** 6.18 (intro.), 6.30 (5), 6.86 (1) (ac), 6.86 (2m) (a), 6.87 (1), 6.87 (2) (intro.),
3 6.87 (4) (b) 1., 6.87 (4) (b) 2., 6.87 (4) (b) 5. and 12.60 (1) (a); **to repeal and**
4 **recreate** 6.86 (2); and **to create** 6.86 (1) (as), 6.86 (8), 6.88 (4) and 12.13 (3) (ig)
5 of the statutes; **relating to:** absentee ballot applications, unsolicited mailing
6 or transmission of absentee ballot applications and absentee ballots,
7 canvassing absentee ballots, electronic voter registration, and providing a
8 penalty.

Analysis by the Legislative Reference Bureau

ABSENTEE BALLOTS

This bill makes a number of changes to the laws relating to absentee ballots in Wisconsin.

1. Applications for absentee ballots

Subject to an exception for certain voters at residential care facilities and qualified retirement homes, current law prohibits a municipal clerk from issuing an

absentee ballot to a voter, including in person at the municipal clerk's office, unless the voter submits a written application for the absentee ballot. Current law does not prescribe a specific form of written application for requesting absentee ballots.

The bill requires the Elections Commission to prescribe the form and instructions of the absentee ballot application. The bill also requires the absentee ballot application to be separate and distinct from the certificate envelope in which voters must seal and submit absentee ballots, the outer portion of which includes certifications of both the voter and a witness. Additionally, the bill requires that the application require the voter to certify facts establishing that he or she is eligible to vote in the election and must include at least all of the following information:

- a. The voter's municipality and county of residence.
- b. The voter's name, date of birth, and contact information, including as applicable the voter's telephone number, fax number, and e-mail address.
- c. The street address of the voter's legal voting residence.
- d. The election at which the voter intends to vote absentee.
- e. Whether the voter is a military or overseas voter.
- f. The voter's confidential identification serial number if the voter has obtained a confidential listing for purposes of voting.
- g. The lawful method by which the voter prefers to receive the absentee ballot.
- h. Whether the voter is a hospitalized voter.

The bill provides that any municipal clerk issuing an absentee ballot without having received a completed application on the form prescribed by the Elections Commission under the bill that contains the voter's original written signature, a copy of the voter's original written signature if transmitted by facsimile transmission, or the voter's electronic signature if submitted in Portable Document Format (PDF) by e-mail, or the signature of a person authorized by law to sign on the voter's behalf, is subject to a Class I felony, which is punishable by a fine not to exceed \$10,000 or imprisonment not to exceed three years and six months, or both.

2. Absentee voting by indefinitely confined voters

Current law allows a voter who is indefinitely confined because of age, physical illness, infirmity, or disability to have, by signing a statement to that effect, an absentee ballot sent to the voter automatically every election. The voter is not required to submit a copy of his or her voter identification with the request to receive absentee ballots automatically, but is required to notify the municipal clerk when the voter is no longer indefinitely confined.

This bill does all of the following:

- a. Provides that a voter may apply for indefinitely confined status by filing a statement with the municipal clerk affirming that the elector is indefinitely confined because of his or her age or physical illness or infirmity or is disabled for an indefinite period. The bill requires the Elections Commission to prescribe the form of applications and instructions.
- b. Provides that a voter having indefinitely confined status may separately apply to the municipal clerk to have an absentee ballot sent to the voter automatically for every election that is held within the same calendar year in which the application is filed. Each application must include a copy of the voter's proof of

identification, except that if a voter does not possess proof of identification, the voter must submit with his or her application a sworn written statement signed by a U.S. citizen who is 18 years of age or older affirming the identity of the voter.

c. Specifies that the existence of a public health emergency, disaster, or epidemic of a communicable disease does not qualify a voter as indefinitely confined.

d. Requires the municipal clerk to remove a voter from the list of indefinitely confined voters, and stop automatically sending the voter absentee ballots, when the voter notifies the clerk that he or she is no longer indefinitely confined; when the voter fails to return an absentee ballot for any election and does not reapply for indefinitely confined status after receiving notification from the clerk; when the clerk receives reliable information that the voter is no longer indefinitely confined, and the clerk verifies that information; when the voter requests to be removed from the list; or if the voter fails to submit an application for indefinitely confined status within four years after the date of the elector's most recent application for indefinitely confined status.

e. Specifies that the penalty for making false statements or providing false information for the purpose of qualifying as indefinitely confined, or having someone else qualify as indefinitely confined, is a Class I felony, which is punishable by a fine not to exceed \$10,000 or imprisonment not to exceed three years and six months, or both. The penalty also applies to intentionally using the sworn statement affirming the voter's identity to avoid submitting valid proof of identification in the voter's possession.

3. Automatic receipt of absentee ballots

In addition to indefinitely confined voters, as well as military and overseas voters, current law allows any other voter eligible to vote absentee in Wisconsin to apply for automatic receipt of absentee ballots for all elections occurring in the voter's municipality during the year of application.

Under this bill, a voter must submit a separate application for each primary and the election associated with that primary for which the voter wishes to receive absentee ballots automatically. The application must specify the primary and election to which the application applies. The municipal clerk is required to send an absentee ballot to the voter automatically only with respect to the primary and election specified in the application, except that if the voter fails to return the absentee ballot for the primary, the municipal clerk may not send an absentee ballot automatically to the voter for the election specified in the application.

4. Photo ID requirements for absentee voters

Current law requires most voters applying to vote absentee in an election to submit proof of identification, such as a driver's license, with their absentee ballot application. The municipal clerk must verify that the name on the proof of identification conforms to the name on the voter's absentee ballot application. However, current law exempts from that proof of identification requirement certain voters, including voters who received an absentee ballot from the municipal clerk by mail for a previous election, had provided proof of identification with that ballot, and had not changed their name or address since providing that proof of identification.

This bill eliminates that exemption from providing proof of identification when voting absentee.

5. Unsolicited mailing or transmission of absentee ballot applications and absentee ballots

The bill prohibits any municipal or county clerk or municipal or county board of election commissioners, and any person acting on behalf of the Elections Commission, from sending or transmitting an absentee ballot application or an absentee ballot to a voter for purposes of voting in an election unless the voter applies for the application or ballot as provided by law.

Additionally, under the bill, no candidate committee, legislative campaign committee, political action committee, independent expenditure committee, political party, recall committee, or referendum committee, as those terms are defined by law, may send or transmit an absentee ballot application to a voter that contains a return address for the application other than the address of the municipal clerk or board of election commissioners of the municipality where the voter is registered to vote.

6. Notices concerning the canvass of absentee ballots

Under the bill, at 9 p.m. on election day, and at least hourly thereafter while absentee ballots are being canvassed, the municipal clerk must post, at his or her office and on the Internet, a statement showing the number of absentee ballots that the clerk has mailed or transmitted to voters, the number of absentee ballots that have been returned to the clerk, and the number of absentee ballots counted.

ELECTRONIC VOTER REGISTRATIONS

Under current law, an individual holding a valid driver's license or identification card issued by the Department of Transportation and who is eligible to vote in Wisconsin may register electronically. The Elections Commission maintains an Internet site that is used by voting-eligible individuals for purposes of electronic registration, currently titled MyVote Wisconsin. Current law requires the commission to provide a secure registration form on that Internet site that enables the individual to enter and update the information necessary for purposes of voter registration. Upon the voter's authorization, the commission obtains the individual's electronic signature from DOT for purposes of authenticating the information provided by the individual. The bill requires the Elections Commission to maintain a version of the completed application that contains the voter's electronic signature.

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

- 1 **SECTION 1.** 6.18 (intro.) of the statutes is amended to read:
- 2 **6.18 Former residents.** (intro.) If ineligible to qualify as an elector in the
- 3 state to which the elector has moved, any former qualified Wisconsin elector may

1 vote an absentee ballot in the ward of the elector's prior residence in any presidential
2 election occurring within 24 months after leaving Wisconsin by requesting an
3 application form and returning it, properly executed, to the municipal clerk of the
4 elector's prior Wisconsin residence. When requesting an application form for an
5 absentee ballot, the applicant shall specify the applicant's eligibility for only the
6 presidential ballot. Unless the applicant is exempted from providing proof of
7 identification under s. 6.87 (4) (b) 2. or 3., ~~or the applicant is a military or overseas~~
8 elector, the elector shall enclose a copy of his or her proof of identification or any
9 authorized substitute document with his or her application. The municipal clerk
10 shall verify that the name on the proof of identification conforms to the name on the
11 application. The clerk shall not issue a ballot to an elector who is required to enclose
12 a copy of proof of identification or an authorized substitute document with his or her
13 application unless the copy is enclosed and the proof is verified by the clerk. The
14 application form shall require the following information and be in substantially the
15 following form:

16 **SECTION 2.** 6.30 (5) of the statutes is amended to read:

17 **6.30 (5) BY ELECTRONIC APPLICATION.** An eligible elector who holds a current and
18 valid operator's license issued under ch. 343 or a current and valid identification card
19 issued under s. 343.50 may register electronically in the manner prescribed by the
20 commission. The commission shall maintain on the Internet a secure registration
21 form that enables the elector to enter the information required under s. 6.33 (1)
22 electronically. An elector who registers electronically under this subsection must
23 authorize the commission to obtain from the department of transportation an
24 electronic copy of the elector's signature, which signature shall constitute an
25 affirmation that all information provided by the elector is correct and shall have the

1 same effect as if the elector had signed the application personally. The commission
2 shall include on the registration form a place for the elector to give this authorization.
3 Upon submittal of the electronic application, the commission shall obtain from the
4 department of transportation a copy of the electronic signature of the elector. The
5 commission shall maintain the a version of the completed application on file ~~and,~~
6 which shall contain the elector's electronic signature, and shall notify the municipal
7 clerk or board of election commissioners of the municipality where the elector resides
8 of its receipt of each completed application. The commission shall also permit any
9 elector who has a current and valid operator's license issued to the elector under ch.
10 343 or a current and valid identification card issued under s. 343.50 to make changes
11 in his or her registration at the same Internet site that is used by electors for original
12 registration under this subsection. An elector shall attest to the correctness of any
13 changes in the same manner as provided in this subsection for information entered
14 on an application for original registration.

15 **SECTION 3.** 6.86 (1) (ac) of the statutes is amended to read:

16 6.86 (1) (ac) Any elector qualifying under par. (a) may make written application
17 to the municipal clerk for an official ballot by means of facsimile transmission or
18 electronic mail. Any application under this paragraph ~~need not~~ shall contain a copy
19 of the applicant's original written signature. ~~An elector requesting a ballot under~~
20 ~~this paragraph shall return with the voted ballot a copy of the request bearing an~~
21 ~~original signature of the elector as provided in s. 6.87 (4) or contain the applicant's~~
22 electronic signature on the application form in portable document format (PDF).
23 Except as authorized in ss. 6.87 (4) (b) 2. ~~to 5., 4., and 5.~~ and 6.875 (6), and
24 notwithstanding s. 343.43 (1) (f), the elector shall transmit a copy of his or her proof

1 of identification in the manner provided in s. 6.87 (1) unless the elector is a military
2 elector or an overseas elector or the elector has a confidential listing under s. 6.47 (2).

3 **SECTION 4.** 6.86 (1) (ar) of the statutes is renumbered 6.86 (1) (ar) 1. and
4 amended to read:

5 6.86 (1) (ar) 1. Except as authorized in s. 6.875 (6), the municipal clerk shall
6 not issue an absentee ballot unless the clerk receives ~~a written application therefor~~
7 from a qualified elector of the municipality a completed application in the form
8 prescribed by the commission under par. (as) that contains the elector's original
9 written signature, or, if application is made under par. (ac), that contains the elector's
10 electronic signature or a copy of the elector's original written signature, or the
11 signature of a person the elector authorizes to sign on the elector's behalf under par.
12 (ag) or sub. (3) (a). The clerk shall retain each absentee ballot application until
13 destruction is authorized under s. 7.23 (1). A municipal clerk issuing an absentee
14 ballot contrary to this subdivision is guilty of a Class I felony.

15 2. Except as authorized in s. 6.79 (6) and (7), if a qualified elector applies for
16 an absentee ballot in person at the clerk's office, the clerk shall not issue the elector
17 an absentee ballot unless the elector presents proof of identification. The clerk shall
18 verify that the name on the proof of identification presented by the elector conforms
19 to the name on the elector's application and shall verify that any photograph
20 appearing on that document reasonably resembles the elector. The clerk shall then
21 enter his or her initials on the certificate envelope indicating that the absentee
22 elector presented proof of identification to the clerk.

23 **SECTION 5.** 6.86 (1) (as) of the statutes is created to read:

24 6.86 (1) (as) The absentee ballot application form and instructions shall be
25 prescribed by the commission and shall be separate and distinct from the certificate

1 envelope prescribed in s. 6.87 (2). The application shall require the elector to certify
2 facts establishing that he or she is qualified to vote in the election at the municipality
3 of his or her legal voting residence and shall include at least all of the following
4 information:

5 1. The elector's municipality and county of residence.

6 2. The elector's name, date of birth, and contact information, including as
7 applicable the elector's telephone number, fax number, and electronic mail address.

8 3. The street address of the elector's legal voting residence.

9 4. The election at which the elector intends to vote absentee.

10 5. Whether the elector is a military or overseas elector.

11 6. The elector's confidential identification serial number if the elector has
12 obtained a confidential listing under s. 6.47 (2).

13 7. The lawful method by which the elector prefers to receive the absentee ballot.

14 8. Whether the elector is hospitalized for purposes of sub. (3).

15 **SECTION 6.** 6.86 (2) of the statutes is repealed and recreated to read:

16 6.86 (2) (a) An elector may apply for indefinitely confined status for purposes
17 of this subsection by filing a statement with the municipal clerk affirming that the
18 elector is indefinitely confined because of his or her age or physical illness or
19 infirmity or is disabled for an indefinite period. The existence anywhere in this state
20 of a public health emergency, as defined in s. 323.02 (16), a disaster, as defined in s.
21 323.02 (6), or an epidemic of a communicable disease does not qualify an elector as
22 indefinitely confined under this subsection. The statement shall contain the name,
23 address, date of signature, and signature of the elector.

24 (b) 1. An indefinitely confined elector may, by written application filed with the
25 municipal clerk of the municipality where the elector resides, request that an

1 absentee ballot be sent to the elector automatically for every election that is held
2 within the same calendar year in which the application is filed.

3 2. Every application filed under this paragraph shall be accompanied by a copy
4 of the elector's proof of identification, except that if an elector does not possess proof
5 of identification, the elector shall submit with his or her application a sworn written
6 statement from a U.S. citizen who is 18 years of age or older affirming the identity
7 of the elector. The commission shall prescribe the form of the statement. The
8 statement shall contain the name, address, date of signature, and signature of the
9 elector and the name, address, date of signature, and signature of the person
10 affirming the elector's identity. The statement shall specify that intentionally
11 providing false information on or using or attempting to use the sworn statement as
12 a means of not providing a copy of proof of identification when the elector possesses
13 a valid proof of identification is a Class I felony.

14 3. An elector who submits an application under this paragraph by electronic
15 means is not required to provide proof of identification under subd. 2. if, at the time
16 of application, the elector provides the number of a current and valid operator's
17 license issued under ch. 343, or the number of a current and valid identification card
18 issued under s. 343.50, together with the elector's name and date of birth, and the
19 commission is able to verify the elector's information using the system maintained
20 under s. 6.34 (4).

21 (c) The commission shall prescribe the application forms and instructions for
22 use under pars. (a) and (b), and each municipal clerk shall provide the form and
23 instructions, upon request, to any elector. The forms for use under this subsection,
24 including the application for indefinitely confined voting status and sworn

1 statement attesting to the elector's identity, shall be unique to the procedures under
2 this subsection.

3 (d) Any absentee ballot mailed under this subsection shall be clearly marked
4 as not forwardable.

5 (e) An elector who is no longer indefinitely confined because of age, illness,
6 infirmity, or disability shall immediately notify the clerk of the municipality where
7 the elector resides.

8 (f) The municipal clerk shall maintain a list of the electors of the municipality
9 who are indefinitely confined for purposes of this subsection. The clerk shall remove
10 the name of an elector from the list, cease sending absentee ballots to the elector, and
11 notify the elector of his or her removal from the list, if any of the following applies:

12 1. The elector notifies the clerk that the elector is no longer indefinitely
13 confined.

14 2. The elector fails to cast and return an absentee ballot received under this
15 subsection for any election and fails to renew the application for indefinitely confined
16 voting status under par. (a) within 30 days after receiving notification from the clerk
17 that the clerk will remove the elector's name from the mailing list unless the elector
18 renews the elector's application.

19 3. The clerk receives reliable information that the elector no longer qualifies
20 as indefinitely confined under par. (a) or (b) and verifies the accuracy of that
21 information.

22 4. The elector requests to be removed from the list.

23 5. The elector fails to submit an application for indefinitely confined status
24 under par. (a) within 4 years after the date of the elector's most recent application
25 under that paragraph.

1 **SECTION 7.** 6.86 (2m) (a) of the statutes is amended to read:

2 6.86 **(2m)** (a) Except as provided in this subsection, any elector other than an
3 elector who receives an absentee ballot under sub. (2) or s. 6.22 (4) or 6.24 (4) (c) may
4 by written application filed with the municipal clerk of the municipality where the
5 elector resides require that an absentee ballot be sent to the elector automatically for
6 every a primary and its associated election that is held within the same calendar year
7 in which the application is filed. An elector must submit a separate application for
8 each primary and the election associated with that primary, and the application shall
9 specify the primary and election to which the application applies. The application
10 form and instructions shall be prescribed by the commission, and furnished upon
11 request to any elector by each municipal clerk. The municipal clerk shall thereupon
12 mail an absentee ballot to the elector for ~~all elections that are held in the municipality~~
13 ~~during the same calendar year that the application is filed~~ the primary and election
14 to which the application applies, except that the clerk shall not send an absentee
15 ballot for an election if the elector's name appeared on the registration list in eligible
16 status for a previous election following the date of the application but no longer
17 appears on the list in eligible status. The municipal clerk shall ensure that any
18 envelope containing the absentee ballot is clearly marked as not forwardable. If an
19 elector who files an application under this subsection no longer resides at the same
20 address that is indicated on the application form, the elector shall so notify the
21 municipal clerk. The municipal clerk ~~shall discontinue mailing absentee ballots~~ may
22 not mail an absentee ballot to an elector under this subsection upon receipt of reliable
23 information that the elector no longer qualifies as an elector of the municipality. In
24 addition, the municipal clerk ~~shall discontinue mailing absentee ballots~~ may not
25 mail an absentee ballot to an elector under this subsection for the election specified

1 in the elector's application if the elector fails to return ~~any~~ the absentee ballot mailed
2 to the elector. ~~The municipal clerk shall notify the elector of any such action not~~
3 ~~taken at the elector's request within 5 days, if possible. An elector who fails to cast~~
4 ~~an absentee ballot but who remains qualified to receive absentee ballots under this~~
5 ~~subsection may then receive absentee ballots for subsequent elections by notifying~~
6 ~~the municipal clerk that the elector wishes to continue receiving absentee ballots for~~
7 ~~subsequent elections.~~ for the primary specified in the elector's application.

8 **SECTION 8.** 6.86 (8) of the statutes is created to read:

9 6.86 (8) (a) No municipal or county clerk or municipal or county board of
10 election commissioners, and no person acting on behalf of the commission, may send
11 or transmit an absentee ballot application or an absentee ballot to an elector for
12 voting in an election unless the elector applies for the application or ballot as
13 provided by law.

14 (b) No committee, as defined in s. 11.0101 (6), may send or transmit an absentee
15 ballot application to an elector that contains a return address for the application
16 other than the address of the municipal clerk or board of election commissioners of
17 the municipality where the elector is registered to vote.

18 **SECTION 9.** 6.87 (1) of the statutes is amended to read:

19 6.87 (1) Upon proper request made within the period prescribed in s. 6.86, the
20 municipal clerk or a deputy clerk authorized by the municipal clerk shall write on
21 the official ballot, in the space for official endorsement, the clerk's initials, which may
22 not be preprinted or stamped, and official title. Unless application is made in person
23 under s. 6.86 (1) (ar), the absent elector is exempted from providing proof of
24 identification under sub. (4) (b) 2. ~~or 3.~~, or the applicant is a military or overseas
25 elector, the absent elector shall enclose a copy of his or her proof of identification or

1 any authorized substitute document with his or her application. The municipal clerk
2 shall verify that the name on the proof of identification conforms to the name on the
3 application. The clerk shall not issue an absentee ballot to an elector who is required
4 to enclose a copy of proof of identification or an authorized substitute document with
5 his or her application unless the copy is enclosed and the proof is verified by the clerk.

6 **SECTION 10.** 6.87 (2) (intro.) of the statutes is amended to read:

7 6.87 (2) (intro.) Except as authorized under sub. (3) (d), the municipal clerk
8 shall place the ballot in an unsealed envelope furnished by the clerk. The envelope
9 shall have the name, official title and post-office address of the clerk upon its face.
10 The other side of the envelope shall have a printed certificate which shall include a
11 space for the municipal clerk or deputy clerk to ~~enter~~ write his or her initials
12 indicating that if the absentee elector voted in person under s. 6.86 (1) (ar), the elector
13 presented proof of identification to the clerk and the clerk verified the proof
14 presented. The certificate shall also include a space for the municipal clerk or deputy
15 clerk to ~~enter~~ write his or her initials indicating that the elector is exempt from
16 providing proof of identification because the individual is a military elector or an
17 overseas elector who does not qualify as a resident of this state under s. 6.10 or is
18 exempted from providing proof of identification under sub. (4) (b) 2. ~~or 3.~~ The
19 certificate shall be in substantially the following form:

20 **SECTION 11.** 6.87 (4) (b) 1. of the statutes is amended to read:

21 6.87 (4) (b) 1. Except as otherwise provided in s. 6.875, an elector voting
22 absentee, other than a military elector or an overseas elector, shall make and
23 subscribe to the certification before one witness who is an adult U.S. citizen. A
24 military elector or an overseas elector voting absentee, regardless of whether the
25 elector qualifies as a resident of this state under s. 6.10, shall make and subscribe

1 to the certification before one witness who is an adult but who need not be a U.S.
2 citizen. The absent elector, in the presence of the witness, shall mark the ballot in
3 a manner that will not disclose how the elector's vote is cast. The elector shall then,
4 still in the presence of the witness, fold the ballots so each is separate and so that the
5 elector conceals the markings thereon and deposit them in the proper envelope. If
6 a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot so that
7 the elector conceals the markings thereon and deposit the ballot in the proper
8 envelope. If proof of residence under s. 6.34 is required and the document enclosed
9 by the elector under this subdivision does not constitute proof of residence under s.
10 6.34, the elector shall also enclose proof of residence under s. 6.34 in the envelope.
11 Except as provided in s. 6.34 (2m), proof of residence is required if the elector is not
12 a military elector or an overseas elector and the elector registered by mail or by
13 electronic application and has not voted in an election in this state. If the elector
14 requested a ballot by means of facsimile transmission or electronic mail under s. 6.86
15 (1) (ac), the elector shall enclose in the envelope a copy of the request which bears an
16 original written signature of the elector. The elector may receive assistance under
17 sub. (5). The return envelope shall then be sealed. The witness may not be a
18 candidate. The envelope shall be mailed by the elector, or delivered in person, to the
19 municipal clerk issuing the ballot or ballots. If the envelope is mailed from a location
20 outside the United States, the elector shall affix sufficient postage unless the ballot
21 qualifies for delivery free of postage under federal law. Failure to return an unused
22 ballot in a primary does not invalidate the ballot on which the elector's votes are cast.
23 Return of more than one marked ballot in a primary or return of a ballot prepared
24 under s. 5.655 or a ballot used with an electronic voting system in a primary which

1 is marked for candidates of more than one party invalidates all votes cast by the
2 elector for candidates in the primary.

3 **SECTION 12.** 6.87 (4) (b) 2. of the statutes is amended to read:

4 6.87 (4) (b) 2. ~~Unless subd. 3. applies, if~~ If the absentee elector has applied for
5 and qualified to receive absentee ballots automatically under s. 6.86 (2) (a), the
6 elector may, in lieu of providing proof of identification, submit with his or her
7 absentee ballot a statement signed by the same individual who witnesses voting of
8 the ballot which contains the name and address of the elector and verifies that the
9 name and address are correct.

10 **SECTION 13.** 6.87 (4) (b) 3. of the statutes is repealed.

11 **SECTION 14.** 6.87 (4) (b) 5. of the statutes is amended to read:

12 6.87 (4) (b) 5. Unless subd. 3. ~~or~~ 4. applies, if the absentee elector resides in a
13 qualified retirement home, as defined in s. 6.875 (1) (at), or a residential care facility,
14 as defined in s. 6.875 (1) (bm), and the municipal clerk or board of election
15 commissioners of the municipality where the facility or home is located does not send
16 special voting deputies to visit the facility or home at the election under s. 6.875, the
17 elector may, in lieu of providing proof of identification, submit with his or her
18 absentee ballot a statement signed by the same individual who witnesses voting of
19 the ballot that contains the certification of an authorized representative of the
20 facility or home that the elector resides in the facility or home and the facility or home
21 is certified or registered as required by law, that contains the name and address of
22 the elector, and that verifies that the name and address are correct.

23 **SECTION 15.** 6.88 (4) of the statutes is created to read:

24 6.88 (4) At 9 p.m. on election day, and at least hourly thereafter while absentee
25 ballots are being canvassed, the municipal clerk or his or her designee shall post, at

1 his or her office and on the Internet at a site announced by the clerk before
2 canvassing begins, a statement that shows as of the time of posting the number of
3 absentee ballots that the clerk has mailed or transmitted to electors, the number of
4 absentee ballots that have been returned to the clerk, and the number of absentee
5 ballots counted. The posting may not include the names or addresses of any electors.

6 **SECTION 16.** 12.13 (3) (ig) of the statutes is created to read:

7 12.13 (3) (ig) Do any of the following:

8 1. Falsely make any statement for the purpose of qualifying as indefinitely
9 confined under s. 6.86 (2) (a).

10 2. Intentionally providing false information on or using or attempting to use
11 the sworn statement under s. 6.86 (2) (b) 2. as a means of not providing a copy of proof
12 of identification when the elector possesses a valid proof of identification, as defined
13 under s. 5.02 (16c).

14 3. Falsely affirming another person's identity for purposes of s. 6.86 (2) (b) 2.

15 **SECTION 17.** 12.60 (1) (a) of the statutes is amended to read:

16 12.60 (1) (a) Whoever violates s. 12.09, 12.11 or 12.13 (1), (2) (b) 1. to 7. or (3)
17 (a), (e), (f), (ig), (j), (k), (L), (m), (y) or (z) is guilty of a Class I felony.

18 **SECTION 18. Nonstatutory provisions.**

19 (1) The elections commission shall facilitate the removal, no later than the first
20 day of the 3rd month beginning after the effective date of this subsection, from the
21 mailing list maintained under s. 6.86 (2), 2019 stats., of each elector who applied for
22 automatic receipt of absentee ballots under s. 6.86 (2) (a), 2019 stats., during the
23 period beginning on March 12, 2020, and ending on November 3, 2020.

