ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO ASSEMBLY BILL 201

June 11, 2021 – Offered by Representatives GUNDRUM and DUCHOW.

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   affirmance 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~~ <u>a version of the completed</u> application on file ~~and,~~

6   <u>which shall contain the elector's electronic signature, and</u> 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~~ <u>shall</u> contain a copy

19   of the applicant's original <u>written</u> 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)~~ <u>or contain the applicant's</u>

22   <u>electronic signature on the application form in portable document format (PDF)</u>.

23   Except as authorized in ss. 6.87 (4) (b) 2. ~~to 5.,~~ <u>4., and 5.</u> 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~~ <u>a completed application in the form</u>

8   <u>prescribed by the commission under par. (as) that contains the elector's original</u>

9   <u>written signature, or, if application is made under par. (ac), that contains the elector's</u>

10   <u>electronic signature or a copy of the elector's original written signature, or the</u>

11   <u>signature of a person the elector authorizes to sign on the elector's behalf under par.</u>

12   <u>(ag) or sub. (3) (a)</u>. The clerk shall retain each absentee ballot application until

13   destruction is authorized under s. 7.23 (1). <u>A municipal clerk issuing an absentee</u>

14   <u>ballot contrary to this subdivision is guilty of a Class I felony.</u>

15   <u>2.</u> 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 <u>written</u> 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.

1   (2) No elector who under sub. (1) is removed from the mailing list under s. 6.86

2   (2), 2019 stats., may receive an absentee ballot under that subsection unless the

3   elector reapplies for automatic receipt of absentee ballots as provided under this act.

4   **SECTION 19. Initial applicability.**

5   (1) ELECTRONIC REGISTRATIONS. The treatment of s. 6.30 (5) first applies to

6   electronic registrations initiated or updated on the effective date of this subsection.

7   **SECTION 20. Effective dates.** This act takes effect on the day after publication,

8   except as follows:

9   (1) ELECTRONIC REGISTRATIONS. The treatment of s. 6.30 (5) and SECTION 19 (1)

10   of this act take effect on the first day of the 4th month beginning after publication.

11   **(END)**