
Wisconsin Legislative Council

AMENDMENT MEMO



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2021 Senate Bill 937

Senate Amendments 1, 2, and 3

CURRENT LAW

Current law allows absentee voters who are indefinitely confined because of age, physical illness, or infirmity, or who are disabled for an indefinite period to receive an absentee ballot automatically for every election, unlike other absentee voters who may only request absentee ballots for elections occurring during the calendar year in which the request was submitted. In addition, indefinitely confined voters are not required to provide proof of identification for voting (“Voter ID”). Instead, an indefinitely confined voter may submit a statement from the absentee ballot witness verifying the voter’s name and address.

2021 SENATE BILL 937

Senate Bill 937 changes the indefinitely confined voting status to apply to voters who are indefinitely confined and cannot travel independently without significant burden because of frailty, physical illness, or a disability lasting more than one year (“indefinitely confined”). The bill also changes the Voter ID exemption to require indefinitely confined voters who possess ID to submit a copy of that ID, or if applying electronically, to provide a name, date of birth, and driver’s license or State ID card number for verification by the Wisconsin Elections Commission (WEC).

Indefinitely confined voters who do not possess ID must provide certain affirmations and the last four digits of their Social Security numbers for verification by WEC. Specifically, these voters must provide the following along with an application for indefinitely confined voter status: (1) voter affirmation that the individual is indefinitely confined; (2) a witness affirmation from a U.S. citizen who is 18 years of age or older that the voter is indefinitely confined; (3) the last four digits of the voter’s Social Security account number; and (4) a statement authorizing WEC to use that number to verify the voter’s identity.

The bill also requires that the indefinitely confined voter application form be separate and distinct from the application for an absentee ballot. Additionally, the bill requires WEC to remove from the indefinitely confined voter list any individual who applied for that status between March 12, 2020, and November 3, 2020. These individuals must reapply for indefinitely confined voting status before receiving automatic absentee ballots.

SENATE AMENDMENT 1

Senate Amendment 1 changes the affirmations that an indefinitely confined voter must submit if he or she does not possess Voter ID. Instead of providing a witness affirmation that the voter is indefinitely confined, the voter must provide a witness affirmation of the voter’s identity. Next, the amendment allows any voter who possesses ID to provide a name, date of birth, and driver’s license or State ID card number for verification, rather than only those voters applying for the status electronically. Finally, the amendment requires absentee ballot applications to indicate that a voter may apply for indefinitely confined status using a separate form.

SENATE AMENDMENT 2

Senate Amendment 2 makes a minor wording change such that the indefinitely confined voting status applies to voters with a disability that “is expected to” last longer than one year, rather than to voters with a disability that “will” last longer than one year.

SENATE AMENDMENT 3

Senate Amendment 3 requires a clerk who receives an application form for indefinitely confined voting status to affirm in writing on the form that the voter provided the following with his or her application: (1) a copy of Voter ID; (2) a current and valid driver’s license number or State ID card number, together with name and date of birth; or (3) voter and witness affirmations, the last four digits of the voter’s Social Security number, and a statement authorizing WEC to use that number to verify the voter’s identity.

BILL HISTORY

Senate Amendment 1 was offered by Senator Bernier on February 15, 2022. On February 16, 2022, the Senate Committee on Elections, Election Process Reform, and Ethics adopted the amendment, and voted to recommend passage of the bill, as amended, both on votes of Ayes, 3; Noes, 2.

Senate Amendments 2 and 3 were offered by Senator Bernier on February 18, 2022. On February 22, 2022, the Senate adopted Senate Amendments 1, 2, and 3 and passed the bill, as amended, on a vote of Ayes, 18; Noes, 15.

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