RESEARCH APPENDIX

Date Transfer Requested: 11/30/2018 (Per: CMH)

☞ Appendix A ... has been added to the **2017 LRB-6072**

Appendix A ☞ LRB 17-6015
Appendix B ☞ LRB 17-6017
Appendix C ☞ LRB 17-6019

2017 DRAFTING REQUEST

Bill

For:	**Robin Vos (608) 266-9171**	Drafter:	**jkreye**
By:	**steve**	Secondary Drafters:	
Date:	**11/14/2018**	May Contact:	

Same as LRB:

Submit via email:	**YES**
Requester's email:	**Rep.Vos@legis.wisconsin.gov**
Carbon copy (CC) to:	**joseph.kreye@legis.wisconsin.gov** **steve.fawcett@legis.wisconsin.gov** **michael.gallagher@legis.wisconsin.gov** **alicia.schweitzer@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Electronic ballots and federal write-in ballots for military and overseas electors

Instructions:

See attached; redraft 2017 Assembly Bill 947

Drafting History:

Vers.	Drafted	Reviewed	Submitted	Jacketed	Required
/?	jkreye 11/14/2018	eweiss 11/15/2018			
/P1			dwalker 11/15/2018		State S&L

FE Sent For: **<END>**

State of Wisconsin
2017 - 2018 LEGISLATURE

17-6015/P1

LRB-4310/1
JK:emw

2017 ASSEMBLY BILL 947

in Wed 11-14

February 13, 2018 - Introduced by Representatives HORLACHER and BERNIER. Referred to Committee on Campaigns and Elections.

SA
TRF
PWF

Regen

AN ACT ***to repeal*** 6.34 (1) (b) and 6.87 (4) (a) 2.; ***to consolidate, renumber and amend*** 6.34 (1) (intro.) and (a) and 6.87 (4) (a) (intro.) and 1.; ***to amend*** 5.05 (13) (c), 5.05 (13) (d) 1., 6.22 (2) (b), 6.22 (2) (e), 6.22 (4) (a), 6.22 (4) (c), 6.24 (2), 6.24 (4) (c), 6.24 (4) (d), 6.24 (4) (e), 6.25 (1) (b), 6.276 (1), 6.865 (1), 6.87 (2), 6.87 (3) (d), 6.87 (4) (b) 1., 6.88 (1), 6.97 (1), 7.15 (1) (cm) and 7.15 (1) (j); and ***to create*** 5.02 (12n) of the statutes; **relating to:** absentee ballots cast by overseas and military voters.

Analysis by the Legislative Reference Bureau

This bill modifies current law regarding the voting procedures for military and overseas electors so that the law is in substantial compliance with the federal Uniformed and Overseas Citizens Absentee Voting Act. The bill also modifies current law so that an individual signing the witness certification for an absentee ballot cast by a military elector or overseas elector need not be a United States citizen.

The bill allows all overseas electors to receive absentee ballots electronically, regardless of whether such electors are considered permanently or temporarily overseas. Under the bill, an overseas elector is a U.S. citizen who is residing outside of the United States, who is not disqualified from voting, who has attained or will attain the age of 18 by the date of an election at which the citizen proposes to vote,

who was last domiciled in this state or whose parent was last domiciled in this state immediately prior to the parent's departure from the United States, and who is not registered to vote or voting in any other state, territory, or possession.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 5.02 (12n) of the statutes is created to read:

5.02 **(12n)** "Overseas elector" means a U.S. citizen who is residing outside of the United States, who is not disqualified from voting under s. 6.03, who has attained or will attain the age of 18 by the date of an election at which the citizen proposes to vote, who was last domiciled in this state or whose parent was last domiciled in this state immediately prior to the parent's departure from the United States, and who is not registered to vote or voting in any other state, territory, or possession.

SECTION 2. 5.05 (13) (c) of the statutes is amended to read:

5.05 **(13)** (c) The commission shall maintain a freely accessible system under which a military elector, as defined in s. 6.34 (1) ~~(a)~~, or an overseas elector~~, as defined in s. 6.34 (1) (b),~~ who casts an absentee ballot may ascertain whether the ballot has been received by the appropriate municipal clerk.

SECTION 3. 5.05 (13) (d) 1. of the statutes is amended to read:

5.05 **(13)** (d) 1. To permit a military elector, as defined in s. 6.34 (1) ~~(a)~~, or an overseas elector~~, as defined in s. 6.34 (1) (b),~~ to request a voter registration application or an application for an absentee ballot at any election at which the elector is qualified to vote in this state.

SECTION 4. 6.22 (2) (b) of the statutes is amended to read:

6.22 **(2)** (b) A military elector shall make and subscribe to the certification under s. 6.87 (2) before a witness who is an adult ~~U.S. citizen~~.

SECTION 5. 6.22 (2) (e) of the statutes is amended to read:

6.22 **(2)** (e) A military elector may file an application for an absentee ballot by means of electronic mail or facsimile transmission in the manner prescribed in s. 6.86 (1) (ac). Upon receipt of a valid application, the municipal clerk shall send the elector an absentee ballot or, if the elector is a military elector, as defined in s. 6.34 (1) ~~(a)~~, and the elector so requests, shall transmit an absentee ballot to the elector by means of electronic mail or facsimile transmission in the manner prescribed in s. 6.87 (3) (d).

SECTION 6. 6.22 (4) (a) of the statutes is amended to read:

6.22 **(4)** (a) Upon receiving a timely request for an absentee ballot under par. (b) by an individual who qualifies as a military elector, the municipal clerk shall send or, if the individual is a military elector as defined in s. 6.34 (1) ~~(a)~~, shall transmit to the elector upon the elector's request an absentee ballot for all elections that occur in the municipality or portion thereof where the elector resides in the same calendar year in which the request is received, unless the individual otherwise requests.

SECTION 7. 6.22 (4) (c) of the statutes is amended to read:

6.22 **(4)** (c) A military elector may indicate an alternate address on his or her absentee ballot application. If the elector's ballot is returned as undeliverable prior to the deadline for return of absentee ballots under s. 6.87 (6), and the elector remains eligible to receive absentee ballots under this section, the municipal clerk shall immediately send or, if the elector is a military elector as defined in s. 6.34 (1) ~~(a)~~, transmit an absentee ballot to the elector at the alternate address.

SECTION 8. 6.24 (2) of the statutes is amended to read:

6.24 **(2)** ELIGIBILITY. An overseas elector ~~under sub. (1)~~ may vote in any election for national office, including the partisan primary and presidential preference primary and any special primary or election. Such elector may not vote in an election for state or local office unless the elector qualifies as a resident of this state under s. 6.10. An overseas elector shall vote in the ward or election district in which the elector was last domiciled or in which the elector's parent was last domiciled prior to departure from the United States.

SECTION 9. 6.24 (4) (c) of the statutes is amended to read:

6.24 **(4)** (c) Upon receipt of a timely application from an individual who qualifies as an overseas elector and who has registered to vote in a municipality under sub. (3), the municipal clerk of the municipality shall send, or if the individual is an overseas elector, ~~as defined in s. 6.34 (1) (b),~~ shall transmit an absentee ballot to the individual upon the individual's request for all subsequent elections for national office to be held during the year in which the ballot is requested, except as otherwise provided in this paragraph, unless the individual otherwise requests or until the individual no longer qualifies as an overseas elector of the municipality. The clerk shall not send an absentee ballot for an election if the overseas elector's name appeared on the registration list in eligible status for a previous election following the date of the application but no longer appears on the list in eligible status. The municipal clerk shall ensure that the envelope containing the absentee ballot is clearly marked as not forwardable. If an overseas elector who files an application under this subsection no longer resides at the same address that is indicated on the application form, the elector shall so notify the municipal clerk.

SECTION 10. 6.24 (4) (d) of the statutes is amended to read:

6.24 **(4)** (d) An overseas elector, regardless of whether the elector qualifies as a resident of this state under s. 6.10, who is not registered may request both a registration form and an absentee ballot at the same time, and the municipal clerk shall send or transmit the ballot automatically if the registration form is received within the time prescribed in s. 6.28 (1). The commission shall prescribe a special certificate form for the envelope in which the absentee ballot for such overseas electors is contained, which shall be substantially similar to that provided under s. 6.87 (2). ~~An~~ The overseas elector shall make and subscribe to the special certificate form before a witness who is an adult ~~U.S. citizen~~.

SECTION 11. 6.24 (4) (e) of the statutes is amended to read:

6.24 **(4)** (e) An overseas elector, regardless of whether the elector qualifies as a resident of this state under s. 6.10, may file an application for an absentee ballot by means of electronic mail or facsimile transmission in the manner prescribed in s. 6.86 (1) (ac). Upon receipt of a valid application, the municipal clerk shall send the elector an absentee ballot or, if the elector ~~is an overseas elector, as defined in s. 6.34 (1) (b) and the elector~~ so requests, shall transmit an absentee ballot to the elector by means of electronic mail or facsimile transmission in the manner prescribed in s. 6.87 (3) (d).

SECTION 12. 6.25 (1) (b) of the statutes is amended to read:

6.25 **(1)** (b) Any individual who qualifies as an overseas elector ~~under s. 6.24 (1)~~, regardless of whether the elector qualifies as a resident of this state under s. 6.10, and who transmits an application for an official absentee ballot for an election ~~for national office~~, including a primary election, no later than the latest time specified for an elector in s. 6.86 (1) (b) 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

candidates of any recognized political party ~~for national office~~ listed on the official ballot at that election, if the federal write-in absentee ballot is received by the appropriate municipal clerk no later than the applicable time prescribed in s. 6.87 (6).

SECTION 13. 6.276 (1) of the statutes is amended to read:

6.276 **(1)** In this section, "military elector" ~~and "overseas elector" have~~ has the ~~meanings~~ meaning given in s. 6.34 (1).

SECTION 14. 6.34 (1) (intro.) and (a) of the statutes are consolidated, renumbered 6.34 (1) and amended to read:

6.34 **(1)** In this section~~: (a) "Military,~~ "military elector" means a member of a uniformed service on active duty who, by reason of that duty, is absent from the residence where the member is otherwise qualified to vote; a member of the merchant marine, as defined in s. 6.22 (1) (a), who by reason of service in the merchant marine, is absent from the residence where the member is otherwise qualified to vote; or the spouse or dependent of any such member who, by reason of the duty or service of the member, is absent from the residence where the spouse or dependent is otherwise qualified to vote.

SECTION 15. 6.34 (1) (b) of the statutes is repealed.

SECTION 16. 6.865 (1) of the statutes is amended to read:

6.865 **(1)** In this section, "military elector" ~~and "overseas elector" have~~ has the ~~meanings~~ meaning given under s. 6.34 (1).

SECTION 17. 6.87 (2) of the statutes is amended to read:

6.87 **(2)** Except as authorized under sub. (3) (d), 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 which shall include a space for the municipal clerk or deputy clerk to enter his or her initials indicating that if the absentee elector voted in person under s. 6.86 (1) (ar), the elector presented proof of identification to the clerk and the clerk verified the proof presented. The certificate shall also include a space for the municipal clerk or deputy clerk to enter his or her initials indicating that the elector is exempt from providing proof of identification because the individual is a military elector or an overseas elector who does not qualify as a resident of this state under s. 6.10 or is exempted from providing proof of identification under sub. (4) (b) 2. or 3. The certificate shall be in substantially the following form:

[STATE OF ....

County of ....]

or

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

I, ..., certify 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 am unable or unwilling to appear at the polling place in the (ward) (election district) on election day or have changed my residence within the state from one ward or election district to another later than 28 days before the election. I certify that I exhibited the enclosed ballot unmarked to the witness, that I then in (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 ....

Identification serial number, if any: ....

The witness shall execute the following:

I, the undersigned witness, subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false statements, certify that I am an adult U.S. citizen** and that the above statements are true and the voting procedure was executed as there stated. I am not a candidate for any office on the enclosed ballot (except in the case of an incumbent municipal clerk). I did not solicit or advise the elector to vote for or against any candidate or measure.

....(~~Name~~ Printed name)

....(Address)***

Signed ....

Wisconsin

* — An elector who provides an identification serial number issued under s. 6.47 (3), Wis. Stats., need not provide a street address.

** — An individual who serves as a witness for a military elector or an overseas elector voting absentee, regardless of whether the elector qualifies as a resident of this state under s. 6.10, Wis. Stats., need not be a U.S. citizen but must be 18 years of age or older.

*** — If this form is executed before 2 special voting deputies under s. 6.875 (6), Wis. Stats., both deputies shall witness and sign.

SECTION 18. 6.87 (3) (d) of the statutes is amended to read:

6.87 **(3)** (d) A municipal clerk shall, if the clerk is reliably informed by a military elector, as defined in s. 6.34 (1) ~~(a)~~, or an overseas elector, ~~as defined in s. 6.34 (1) (b)~~

regardless of whether the elector qualifies as a resident of this state under s. 6.10, of a facsimile transmission number or electronic mail address where the elector can receive an absentee ballot, transmit a facsimile or electronic copy of the elector's ballot to that elector in lieu of mailing under this subsection. An elector may receive an absentee ballot only if the elector is a military elector or an overseas elector ~~under s. 6.34 (1)~~ and has filed a valid application for the ballot as provided in s. 6.86 (1). If the clerk transmits an absentee ballot to a military or overseas elector electronically, the clerk shall also transmit a facsimile or electronic copy of the text of the material that appears on the certificate envelope prescribed in sub. (2), together with instructions prescribed by the commission. The instructions shall require the military or overseas elector to make and subscribe to the certification as required under sub. (4) (b) and to enclose the absentee ballot in a separate envelope contained within a larger envelope, that shall include the completed certificate. The elector shall then affix sufficient postage unless the absentee ballot qualifies for mailing free of postage under federal free postage laws and shall mail the absentee ballot to the municipal clerk. Except as authorized in s. 6.97 (2), an absentee ballot received from a military or overseas elector who receives the ballot electronically shall not be counted unless it is cast in the manner prescribed in this paragraph and sub. (4) and in accordance with the instructions provided by the commission.

SECTION 19. 6.87 (4) (a) (intro.) and 1. of the statutes are consolidated, renumbered 6.87 (4) (a) and amended to read:

6.87 **(4)** (a) In this subsection: ~~1. "Military,~~ "military elector" has the meaning given in s. 6.34 (1) ~~(a)~~.

SECTION 20. 6.87 (4) (a) 2. of the statutes is repealed.

SECTION 21. 6.87 (4) (b) 1. of the statutes is amended to read:

6.87 **(4)** (b) 1. Except as otherwise provided in s. 6.875, ~~the~~ an elector voting absentee, other than a military elector or an overseas elector, shall make and subscribe to the certification before one witness who is an adult U.S. citizen. A military elector or an overseas elector, regardless of whether the elector qualifies as a resident of this state under s. 6.10, voting absentee shall make and subscribe to the certification before one witness who is an adult but who need not be a U.S. citizen. The absent elector, in the presence of the witness, shall mark 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 witness, fold the ballots so each is separate and so that the elector conceals the markings thereon and deposit them in the proper envelope. If a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot so that the elector conceals the markings thereon and deposit the ballot in the proper envelope. If proof of residence under s. 6.34 is required and the document enclosed by the elector under this subdivision does not constitute proof of residence under s. 6.34, the elector shall also enclose proof of residence under s. 6.34 in the envelope. Except as provided in s. 6.34 (2m), proof of residence is required if the elector is not a military elector or an overseas elector and the elector registered by mail or by electronic application and has not voted in an election in this state. If the elector requested a ballot by means of facsimile transmission or electronic mail under s. 6.86 (1) (ac), the elector shall enclose in the envelope a copy of the request which bears an original signature of the elector. The elector may receive assistance under sub. (5). The return envelope shall then be sealed. The witness may not be a candidate. The envelope shall be mailed by the elector, or delivered in person, to the municipal clerk issuing the ballot or ballots. If the envelope is mailed from a location outside the United States, the elector shall affix sufficient postage unless the ballot qualifies for

delivery free of postage under federal law. 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 ballot in a primary or return of a ballot prepared under s. 5.655 or a ballot used with an electronic voting system in a primary which is marked for candidates of more than one party invalidates all votes cast by the elector for candidates in the primary.

SECTION 22. 6.88 (1) of the statutes is amended to read:

6.88 **(1)** When an absentee ballot arrives at the office of the municipal clerk, or at an alternate site under s. 6.855, if applicable, 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 elector and must be opened in the same room where votes are being cast at the polls during polling hours on election day or, in municipalities where absentee ballots are canvassed under s. 7.52, stats., at a meeting of the municipal board of absentee ballot canvassers under s. 7.52, stats.". If the elector is a military elector, as defined in s. 6.34 (1) ~~(a)~~, or an overseas elector, ~~as defined in s. 6.34 (1) (b)~~ regardless of whether the elector qualifies as a resident of this state under s. 6.10, and the ballot was received by the elector by facsimile transmission or electronic mail and is accompanied by a separate certificate, the clerk shall enclose the ballot in a certificate envelope and securely append the completed certificate to the outside of the envelope before enclosing the ballot in the carrier envelope. The clerk shall keep the ballot in the clerk's office or at the alternate site, if applicable until delivered, as required in sub. (2).

SECTION 23. 6.97 (1) of the statutes is amended to read:

6.97 **(1)** Whenever any individual who is required to provide proof of residence under s. 6.34 in order to be permitted to vote appears to vote at a polling place and cannot provide the required proof of residence, the inspectors shall offer the opportunity for the individual to vote under this section. Whenever any individual, other than a military elector, as defined in s. 6.34 (1) ~~(a), or~~ an overseas elector, ~~as defined in s. 6.34 (1) (b),~~ or an elector who has a confidential listing under s. 6.47 (2), appears to vote at a polling place and does not present proof of identification under s. 6.79 (2), whenever required, the inspectors or the municipal clerk shall similarly offer the opportunity for the individual to vote under this section. If the individual wishes to vote, the inspectors shall provide the elector with an envelope marked "Ballot under s. 6.97, stats." on which the serial number of the elector is entered and shall require the individual to execute on the envelope a written affirmation stating that the individual is a qualified elector of the ward or election district where he or she offers to vote and is eligible to vote in the election. The inspectors shall, before giving the elector a ballot, write on the back of the ballot the serial number of the individual corresponding to the number kept at the election on the poll list or other list maintained under s. 6.79 and the notation "s. 6.97". If voting machines are used in the municipality where the individual is voting, the individual's vote may be received only upon an absentee ballot furnished by the municipal clerk which shall have the corresponding number from the poll list or other list maintained under s. 6.79 and the notation "s. 6.97" written on the back of the ballot by the inspectors before the ballot is given to the elector. When receiving the individual's ballot, the inspectors shall provide the individual with written voting information prescribed by the commission under s. 7.08 (8). The inspectors shall indicate on the list the fact that the individual is required to provide proof of residence or proof of identification

under s. 6.79 (2) but did not do so. The inspectors shall notify the individual that he or she may provide proof of residence or proof of identification to the municipal clerk or executive director of the municipal board of election commissioners. The inspectors shall also promptly notify the municipal clerk or executive director of the name, address, and serial number of the individual. The inspectors shall then place the ballot inside the envelope and place the envelope in a separate carrier envelope.

SECTION 24. 7.15 (1) (cm) of the statutes is amended to read:

7.15 **(1)** (cm) Prepare official absentee ballots for delivery to electors requesting them, and except as provided in this paragraph, send an official absentee ballot to each elector who has requested a ballot by mail, and to each military elector, as defined in s. 6.34 (1) ~~(a)~~, and overseas elector~~, as defined in s. 6.34 (1) (b),~~ who has requested a ballot by mail, electronic mail, or facsimile transmission no later than the 47th day before each partisan primary and general election and no later than the 21st day before each other primary and election if the request is made before that day; otherwise, the municipal clerk shall send or transmit an official absentee ballot within one business day of the time the elector's request for such a ballot is received. The clerk shall send or transmit an absentee ballot for the presidential preference primary to each elector who has requested that ballot no later than the 47th day before the presidential preference primary if the request is made before that day, or, if the request is not made before that day, within one business day of the time the request is received. For purposes of this paragraph, "business day" means any day from Monday to Friday, not including a legal holiday under s. 995.20.

SECTION 25. 7.15 (1) (j) of the statutes is amended to read:

7.15 **(1)** (j) Send an absentee ballot automatically to each elector and send or transmit an absentee ballot to each military elector, as defined in s. 6.34 (1) ~~(a)~~, and

1 each overseas elector~~, as defined in s. 6.34 (1) (b),~~ making an authorized request
2 therefor in accordance with s. 6.22 (4), 6.24 (4) ~~(c)~~, or 6.86 (2) or (2m).
3 **(END)**

State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-6015/P1
JK:emw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT ***to repeal*** 6.34 (1) (b) and 6.87 (4) (a) 2.; ***to consolidate, renumber and***
2 ***amend*** 6.34 (1) (intro.) and (a) and 6.87 (4) (a) (intro.) and 1.; ***to amend*** 5.05
3 (13) (c), 5.05 (13) (d) 1., 6.22 (2) (b), 6.22 (2) (e), 6.22 (4) (a), 6.22 (4) (c), 6.24 (2),
4 6.24 (4) (c), 6.24 (4) (d), 6.24 (4) (e), 6.25 (1) (b), 6.276 (1), 6.865 (1), 6.87 (2), 6.87
5 (3) (d), 6.87 (4) (b) 1., 6.88 (1), 6.97 (1), 7.15 (1) (cm) and 7.15 (1) (j); and ***to create***
6 5.02 (12n) of the statutes; **relating to:** absentee ballots cast by overseas and
7 military voters.

Analysis by the Legislative Reference Bureau

This bill modifies current law regarding the voting procedures for military and overseas electors so that the law is in substantial compliance with the federal Uniformed and Overseas Citizens Absentee Voting Act. The bill also modifies current law so that an individual signing the witness certification for an absentee ballot cast by a military elector or overseas elector need not be a United States citizen.

The bill allows all overseas electors to receive absentee ballots electronically, regardless of whether such electors are considered permanently or temporarily overseas. Under the bill, an overseas elector is a U.S. citizen who is residing outside of the United States, who is not disqualified from voting, who has attained or will attain the age of 18 by the date of an election at which the citizen proposes to vote,

who was last domiciled in this state or whose parent was last domiciled in this state immediately prior to the parent's departure from the United States, and who is not registered to vote or voting in any other state, territory, or possession.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 5.02 (12n) of the statutes is created to read:

2 5.02 **(12n)** "Overseas elector" means a U.S. citizen who is residing outside of
3 the United States, who is not disqualified from voting under s. 6.03, who has attained
4 or will attain the age of 18 by the date of an election at which the citizen proposes to
5 vote, who was last domiciled in this state or whose parent was last domiciled in this
6 state immediately prior to the parent's departure from the United States, and who
7 is not registered to vote or voting in any other state, territory, or possession.

8 **SECTION 2.** 5.05 (13) (c) of the statutes is amended to read:

9 5.05 **(13)** (c) The commission shall maintain a freely accessible system under
10 which a military elector, as defined in s. 6.34 (1) ~~(a)~~, or an overseas elector~~, as defined~~
11 ~~in s. 6.34 (1) (b),~~ who casts an absentee ballot may ascertain whether the ballot has
12 been received by the appropriate municipal clerk.

13 **SECTION 3.** 5.05 (13) (d) 1. of the statutes is amended to read:

14 5.05 **(13)** (d) 1. To permit a military elector, as defined in s. 6.34 (1) ~~(a)~~, or an
15 overseas elector~~, as defined in s. 6.34 (1) (b),~~ to request a voter registration
16 application or an application for an absentee ballot at any election at which the
17 elector is qualified to vote in this state.

18 **SECTION 4.** 6.22 (2) (b) of the statutes is amended to read:

6.22 **(2)** (b) A military elector shall make and subscribe to the certification under s. 6.87 (2) before a witness who is an adult ~~U.S. citizen~~.

SECTION 5. 6.22 (2) (e) of the statutes is amended to read:

6.22 **(2)** (e) A military elector may file an application for an absentee ballot by means of electronic mail or facsimile transmission in the manner prescribed in s. 6.86 (1) (ac). Upon receipt of a valid application, the municipal clerk shall send the elector an absentee ballot or, if the elector is a military elector, as defined in s. 6.34 (1) ~~(a)~~, and the elector so requests, shall transmit an absentee ballot to the elector by means of electronic mail or facsimile transmission in the manner prescribed in s. 6.87 (3) (d).

SECTION 6. 6.22 (4) (a) of the statutes is amended to read:

6.22 **(4)** (a) Upon receiving a timely request for an absentee ballot under par. (b) by an individual who qualifies as a military elector, the municipal clerk shall send or, if the individual is a military elector as defined in s. 6.34 (1) ~~(a)~~, shall transmit to the elector upon the elector's request an absentee ballot for all elections that occur in the municipality or portion thereof where the elector resides in the same calendar year in which the request is received, unless the individual otherwise requests.

SECTION 7. 6.22 (4) (c) of the statutes is amended to read:

6.22 **(4)** (c) A military elector may indicate an alternate address on his or her absentee ballot application. If the elector's ballot is returned as undeliverable prior to the deadline for return of absentee ballots under s. 6.87 (6), and the elector remains eligible to receive absentee ballots under this section, the municipal clerk shall immediately send or, if the elector is a military elector as defined in s. 6.34 (1) ~~(a)~~, transmit an absentee ballot to the elector at the alternate address.

SECTION 8. 6.24 (2) of the statutes is amended to read:

1 6.24 **(2)** ELIGIBILITY. An overseas elector ~~under sub. (1)~~ may vote in any election
2 for national office, including the partisan primary and presidential preference
3 primary and any special primary or election. Such elector may not vote in an election
4 for state or local office unless the elector qualifies as a resident of this state under
5 s. 6.10. An overseas elector shall vote in the ward or election district in which the
6 elector was last domiciled or in which the elector's parent was last domiciled prior
7 to departure from the United States.

8 **SECTION 9.** 6.24 (4) (c) of the statutes is amended to read:

9 6.24 **(4)** (c) Upon receipt of a timely application from an individual who
10 qualifies as an overseas elector and who has registered to vote in a municipality
11 under sub. (3), the municipal clerk of the municipality shall send, or if the individual
12 is an overseas elector, ~~as defined in s. 6.34 (1) (b),~~ shall transmit, an absentee ballot
13 to the individual upon the individual's request for all subsequent elections for
14 national office to be held during the year in which the ballot is requested, except as
15 otherwise provided in this paragraph, unless the individual otherwise requests or
16 until the individual no longer qualifies as an overseas elector of the municipality.
17 The clerk shall not send an absentee ballot for an election if the overseas elector's
18 name appeared on the registration list in eligible status for a previous election
19 following the date of the application but no longer appears on the list in eligible
20 status. The municipal clerk shall ensure that the envelope containing the absentee
21 ballot is clearly marked as not forwardable. If an overseas elector who files an
22 application under this subsection no longer resides at the same address that is
23 indicated on the application form, the elector shall so notify the municipal clerk.

24 **SECTION 10.** 6.24 (4) (d) of the statutes is amended to read:

1 6.24 **(4)** (d) An overseas elector, regardless of whether the elector qualifies as
2 a resident of this state under s. 6.10, who is not registered may request both a
3 registration form and an absentee ballot at the same time, and the municipal clerk
4 shall send or transmit the ballot automatically if the registration form is received
5 within the time prescribed in s. 6.28 (1). The commission shall prescribe a special
6 certificate form for the envelope in which the absentee ballot for such overseas
7 electors is contained, which shall be substantially similar to that provided under s.
8 6.87 (2). ~~An~~ The overseas elector shall make and subscribe to the special certificate
9 form before a witness who is an adult ~~U.S. citizen~~.

10 **SECTION 11.** 6.24 (4) (e) of the statutes is amended to read:

11 6.24 **(4)** (e) An overseas elector, regardless of whether the elector qualifies as
12 a resident of this state under s. 6.10, may file an application for an absentee ballot
13 by means of electronic mail or facsimile transmission in the manner prescribed in s.
14 6.86 (1) (ac). Upon receipt of a valid application, the municipal clerk shall send the
15 elector an absentee ballot or, if the elector ~~is an overseas elector, as defined in s. 6.34~~
16 ~~(1) (b) and the elector~~ so requests, shall transmit an absentee ballot to the elector by
17 means of electronic mail or facsimile transmission in the manner prescribed in s. 6.87
18 (3) (d).

19 **SECTION 12.** 6.25 (1) (b) of the statutes is amended to read:

20 6.25 **(1)** (b) Any individual who qualifies as an overseas elector ~~under s. 6.24~~
21 ~~(1)~~, regardless of whether the elector qualifies as a resident of this state under s. 6.10,
22 and who transmits an application for an official absentee ballot for an election ~~for~~
23 ~~national office~~, including a primary election, no later than the latest time specified
24 for an elector in s. 6.86 (1) (b) may, in lieu of the official ballot, cast a federal write-in
25 absentee ballot prescribed under 42 USC 1973ff-2 for any candidate or for all

candidates of any recognized political party ~~for national office~~ listed on the official ballot at that election, if the federal write-in absentee ballot is received by the appropriate municipal clerk no later than the applicable time prescribed in s. 6.87 (6).

SECTION 13. 6.276 (1) of the statutes is amended to read:

6.276 **(1)** In this section, "military elector" ~~and "overseas elector" have~~ has the ~~meanings~~ meaning given in s. 6.34 (1).

SECTION 14. 6.34 (1) (intro.) and (a) of the statutes are consolidated, renumbered 6.34 (1) and amended to read:

6.34 **(1)** In this section~~: (a) "Military,~~ "military elector" means a member of a uniformed service on active duty who, by reason of that duty, is absent from the residence where the member is otherwise qualified to vote; a member of the merchant marine, as defined in s. 6.22 (1) (a), who by reason of service in the merchant marine, is absent from the residence where the member is otherwise qualified to vote; or the spouse or dependent of any such member who, by reason of the duty or service of the member, is absent from the residence where the spouse or dependent is otherwise qualified to vote.

SECTION 15. 6.34 (1) (b) of the statutes is repealed.

SECTION 16. 6.865 (1) of the statutes is amended to read:

6.865 **(1)** In this section, "military elector" ~~and "overseas elector" have~~ has the ~~meanings~~ meaning given under s. 6.34 (1).

SECTION 17. 6.87 (2) of the statutes is amended to read:

6.87 **(2)** Except as authorized under sub. (3) (d), 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

1 side of the envelope shall have a printed certificate which shall include a space for
2 the municipal clerk or deputy clerk to enter his or her initials indicating that if the
3 absentee elector voted in person under s. 6.86 (1) (ar), the elector presented proof of
4 identification to the clerk and the clerk verified the proof presented. The certificate
5 shall also include a space for the municipal clerk or deputy clerk to enter his or her
6 initials indicating that the elector is exempt from providing proof of identification
7 because the individual is a military elector or an overseas elector who does not
8 qualify as a resident of this state under s. 6.10 or is exempted from providing proof
9 of identification under sub. (4) (b) 2. or 3. The certificate shall be in substantially the
10 following form:

11 [STATE OF ....
12 County of ....]
13 or
14 [(name of foreign country and city or other jurisdictional unit)]

15 I, ..., certify subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false
16 statements, that I am a resident of the [.... ward of the] (town) (village) of ...., or of
17 the .... aldermanic district in the city of ...., residing at ....* in said city, the county
18 of ...., state of Wisconsin, and am entitled to vote in the (ward) (election district) at
19 the election to be held on ....; that I am not voting at any other location in this election;
20 that I am unable or unwilling to appear at the polling place in the (ward) (election
21 district) on election day or have changed my residence within the state from one ward
22 or election district to another later than 28 days before the election. I certify that I
23 exhibited the enclosed ballot unmarked to the witness, that I then in (his) (her)
24 presence and in the presence of no other person marked the ballot and enclosed and
25 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 ....

Identification serial number, if any: ....

The witness shall execute the following:

I, the undersigned witness, subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false statements, certify that I am an adult U.S. citizen** and that the above statements are true and the voting procedure was executed as there stated. I am not a candidate for any office on the enclosed ballot (except in the case of an incumbent municipal clerk). I did not solicit or advise the elector to vote for or against any candidate or measure.

....(~~Name~~ Printed name)

....(Address)***

Signed ....

* — An elector who provides an identification serial number issued under s. 6.47 (3), Wis. Stats., need not provide a street address.

** — An individual who serves as a witness for a military elector or an overseas elector voting absentee, regardless of whether the elector qualifies as a resident of Wisconsin under s. 6.10, Wis. Stats., need not be a U.S. citizen but must be 18 years of age or older.

*** — If this form is executed before 2 special voting deputies under s. 6.875 (6), Wis. Stats., both deputies shall witness and sign.

SECTION 18. 6.87 (3) (d) of the statutes is amended to read:

6.87 **(3)** (d) A municipal clerk shall, if the clerk is reliably informed by a military elector, as defined in s. 6.34 (1) ~~(a)~~, or an overseas elector, ~~as defined in s. 6.34 (1) (b)~~

regardless of whether the elector qualifies as a resident of this state under s. 6.10, of a facsimile transmission number or electronic mail address where the elector can receive an absentee ballot, transmit a facsimile or electronic copy of the elector's ballot to that elector in lieu of mailing under this subsection. An elector may receive an absentee ballot only if the elector is a military elector or an overseas elector ~~under s. 6.34 (1)~~ and has filed a valid application for the ballot as provided in s. 6.86 (1). If the clerk transmits an absentee ballot to a military or overseas elector electronically, the clerk shall also transmit a facsimile or electronic copy of the text of the material that appears on the certificate envelope prescribed in sub. (2), together with instructions prescribed by the commission. The instructions shall require the military or overseas elector to make and subscribe to the certification as required under sub. (4) (b) and to enclose the absentee ballot in a separate envelope contained within a larger envelope, that shall include the completed certificate. The elector shall then affix sufficient postage unless the absentee ballot qualifies for mailing free of postage under federal free postage laws and shall mail the absentee ballot to the municipal clerk. Except as authorized in s. 6.97 (2), an absentee ballot received from a military or overseas elector who receives the ballot electronically shall not be counted unless it is cast in the manner prescribed in this paragraph and sub. (4) and in accordance with the instructions provided by the commission.

SECTION 19. 6.87 (4) (a) (intro.) and 1. of the statutes are consolidated, renumbered 6.87 (4) (a) and amended to read:

6.87 **(4)** (a) In this subsection: ~~1. "Military,~~ "military elector" has the meaning given in s. 6.34 (1) ~~(a)~~.

SECTION 20. 6.87 (4) (a) 2. of the statutes is repealed.

SECTION 21. 6.87 (4) (b) 1. of the statutes is amended to read:

1 6.87 **(4)** (b) 1. Except as otherwise provided in s. 6.875, ~~the~~ an elector voting
2 absentee, other than a military elector or an overseas elector, shall make and
3 subscribe to the certification before one witness who is an adult U.S. citizen. A
4 military elector or an overseas elector voting absentee, regardless of whether the
5 elector qualifies as a resident of this state under s. 6.10, shall make and subscribe
6 to the certification before one witness who is an adult but who need not be a U.S.
7 citizen. The absent elector, in the presence of the witness, shall mark the ballot in
8 a manner that will not disclose how the elector's vote is cast. The elector shall then,
9 still in the presence of the witness, fold the ballots so each is separate and so that the
10 elector conceals the markings thereon and deposit them in the proper envelope. If
11 a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot so that
12 the elector conceals the markings thereon and deposit the ballot in the proper
13 envelope. If proof of residence under s. 6.34 is required and the document enclosed
14 by the elector under this subdivision does not constitute proof of residence under s.
15 6.34, the elector shall also enclose proof of residence under s. 6.34 in the envelope.
16 Except as provided in s. 6.34 (2m), proof of residence is required if the elector is not
17 a military elector or an overseas elector and the elector registered by mail or by
18 electronic application and has not voted in an election in this state. If the elector
19 requested a ballot by means of facsimile transmission or electronic mail under s. 6.86
20 (1) (ac), the elector shall enclose in the envelope a copy of the request which bears an
21 original signature of the elector. The elector may receive assistance under sub. (5).
22 The return envelope shall then be sealed. The witness may not be a candidate. The
23 envelope shall be mailed by the elector, or delivered in person, to the municipal clerk
24 issuing the ballot or ballots. If the envelope is mailed from a location outside the
25 United States, the elector shall affix sufficient postage unless the ballot qualifies for

delivery free of postage under federal law. 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 ballot in a primary or return of a ballot prepared under s. 5.655 or a ballot used with an electronic voting system in a primary which is marked for candidates of more than one party invalidates all votes cast by the elector for candidates in the primary.

SECTION 22. 6.88 (1) of the statutes is amended to read:

6.88 **(1)** When an absentee ballot arrives at the office of the municipal clerk, or at an alternate site under s. 6.855, if applicable, 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 elector and must be opened in the same room where votes are being cast at the polls during polling hours on election day or, in municipalities where absentee ballots are canvassed under s. 7.52, stats., at a meeting of the municipal board of absentee ballot canvassers under s. 7.52, stats.". If the elector is a military elector, as defined in s. 6.34 (1) ~~(a)~~, or an overseas elector, ~~as defined in s. 6.34 (1) (b)~~ regardless of whether the elector qualifies as a resident of this state under s. 6.10, and the ballot was received by the elector by facsimile transmission or electronic mail and is accompanied by a separate certificate, the clerk shall enclose the ballot in a certificate envelope and securely append the completed certificate to the outside of the envelope before enclosing the ballot in the carrier envelope. The clerk shall keep the ballot in the clerk's office or at the alternate site, if applicable until delivered, as required in sub. (2).

SECTION 23. 6.97 (1) of the statutes is amended to read:

1 6.97 **(1)** Whenever any individual who is required to provide proof of residence
2 under s. 6.34 in order to be permitted to vote appears to vote at a polling place and
3 cannot provide the required proof of residence, the inspectors shall offer the
4 opportunity for the individual to vote under this section. Whenever any individual,
5 other than a military elector, as defined in s. 6.34 (1) ~~(a), or~~, an overseas elector, ~~as~~
6 ~~defined in s. 6.34 (1) (b),~~ or an elector who has a confidential listing under s. 6.47 (2),
7 appears to vote at a polling place and does not present proof of identification under
8 s. 6.79 (2), whenever required, the inspectors or the municipal clerk shall similarly
9 offer the opportunity for the individual to vote under this section. If the individual
10 wishes to vote, the inspectors shall provide the elector with an envelope marked
11 "Ballot under s. 6.97, stats." on which the serial number of the elector is entered and
12 shall require the individual to execute on the envelope a written affirmation stating
13 that the individual is a qualified elector of the ward or election district where he or
14 she offers to vote and is eligible to vote in the election. The inspectors shall, before
15 giving the elector a ballot, write on the back of the ballot the serial number of the
16 individual corresponding to the number kept at the election on the poll list or other
17 list maintained under s. 6.79 and the notation "s. 6.97". If voting machines are used
18 in the municipality where the individual is voting, the individual's vote may be
19 received only upon an absentee ballot furnished by the municipal clerk which shall
20 have the corresponding number from the poll list or other list maintained under s.
21 6.79 and the notation "s. 6.97" written on the back of the ballot by the inspectors
22 before the ballot is given to the elector. When receiving the individual's ballot, the
23 inspectors shall provide the individual with written voting information prescribed
24 by the commission under s. 7.08 (8). The inspectors shall indicate on the list the fact
25 that the individual is required to provide proof of residence or proof of identification

under s. 6.79 (2) but did not do so. The inspectors shall notify the individual that he or she may provide proof of residence or proof of identification to the municipal clerk or executive director of the municipal board of election commissioners. The inspectors shall also promptly notify the municipal clerk or executive director of the name, address, and serial number of the individual. The inspectors shall then place the ballot inside the envelope and place the envelope in a separate carrier envelope.

SECTION 24. 7.15 (1) (cm) of the statutes is amended to read:

7.15 **(1)** (cm) Prepare official absentee ballots for delivery to electors requesting them, and except as provided in this paragraph, send an official absentee ballot to each elector who has requested a ballot by mail, and to each military elector, as defined in s. 6.34 (1) ~~(a)~~, and overseas elector~~, as defined in s. 6.34 (1) (b),~~ who has requested a ballot by mail, electronic mail, or facsimile transmission, no later than the 47th day before each partisan primary and general election and no later than the 21st day before each other primary and election if the request is made before that day; otherwise, the municipal clerk shall send or transmit an official absentee ballot within one business day of the time the elector's request for such a ballot is received. The clerk shall send or transmit an absentee ballot for the presidential preference primary to each elector who has requested that ballot no later than the 47th day before the presidential preference primary if the request is made before that day, or, if the request is not made before that day, within one business day of the time the request is received. For purposes of this paragraph, "business day" means any day from Monday to Friday, not including a legal holiday under s. 995.20.

SECTION 25. 7.15 (1) (j) of the statutes is amended to read:

7.15 **(1)** (j) Send an absentee ballot automatically to each elector and send or transmit an absentee ballot to each military elector, as defined in s. 6.34 (1) ~~(a)~~, and

1 each overseas elector~~, as defined in s. 6.34 (1) (b),~~ making an authorized request
2 therefor in accordance with s. 6.22 (4), 6.24 (4) ~~(c)~~, or 6.86 (2) or (2m).
3 **(END)**