2021 BILL

1   AN ACT *to amend* 6.86 (2) (a), 6.86 (2) (b) and 12.60 (1) (a); and *to create* 12.13

2   (3) (ig) of the statutes; **relating to:** status as an indefinitely confined voter for

3   purposes of receiving absentee ballots automatically and providing a penalty.

Analysis by the Legislative Reference Bureau

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:

1. Requires that the voter's statement claiming that he or she is indefinitely confined be made under oath.

2. If the voter is under the age of 65, requires that the voter's statement be signed by a physician, physician assistant, or advanced practice registered nurse who has primary responsibility for the treatment and care of the voter.

4. Specifies that the existence of an outbreak or epidemic of a communicable disease in a voter's community does not qualify the voter as indefinitely confined.

5. Provides that a voter's status as indefinitely confined is removed every two years unless the voter submits a renewal application.

6. Specifies that the penalty for making a false statement for the purpose of qualifying as indefinitely confined is a Class I felony, which is a fine not to exceed $10,000 or imprisonment not to exceed three years and six months, or both.

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6.   Requires the Elections Commission to facilitate the removal of the indefinitely confined status of each voter who received that status between March 12, 2020, and November 6, 2020. A voter whose indefinitely confined status is so removed must submit a new application for indefinitely confined status in order to continue receiving absentee ballots automatically.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

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. 6.86 (2) (a) of the statutes is amended to read:

2 6.86 **(2)** (a) An elector who is indefinitely confined because of his or her age,

3 physical illness, or infirmity or is disabled for an indefinite period may by signing a

4 statement to that effect require that an absentee ballot be sent to the elector

5 automatically for every election. The statement shall be made or subscribed by the

6 elector under oath or affirmation. If the elector is under the age of 65, the statement

7 shall be signed by an attending health care professional, as defined in s. 154.01 (1r).

8 The application form and instructions shall be prescribed by the commission, and

9 furnished upon request to any elector by each municipality. The envelope containing

10 the absentee ballot shall be clearly marked as not forwardable. If any elector is no

11 longer indefinitely confined, the elector shall so notify the municipal clerk. The

12 existence of an outbreak or epidemic of a communicable disease in an elector's

13 community does not qualify the elector as indefinitely confined for purposes of

14 receiving absentee ballots automatically under this subsection.

15 SECTION 2. 6.86 (2) (b) of the statutes is amended to read:

16 6.86 **(2)** (b) The mailing list established under this subsection shall be kept

17 current through all possible means. If an elector fails to cast and return an absentee

1   ballot received under this subsection, <u>or if 2 years have passed from the date on which</u>

2   <u>the elector last applied to receive absentee ballots automatically under this</u>

3   <u>subsection,</u> the clerk shall notify the elector by 1st class letter or postcard that his

4   or her name will be removed from the mailing list unless the clerk receives a renewal

5   of the application within 30 days of the notification. The clerk shall remove from the

6   list the name of each elector who does not apply for renewal within the 30-day period.

7   The clerk shall remove the name of any other elector from the list upon request of the

8   elector or upon receipt of reliable information that an elector <u>is</u> no longer ~~qualifies~~

9   ~~for the service~~ <u>indefinitely confined because of age, physical illness, or infirmity or</u>

10   <u>is no longer disabled for an indefinite period</u>. The clerk shall notify the elector of such

11   action not taken at the elector's request within 5 days, if possible.

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

13   12.13 **(3)** (ig) Falsely make any statement for the purpose of qualifying as

14   indefinitely confined under s. 6.86 (2) (a) or (b).

15   **SECTION 4.** 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), (j), <u>(ig),</u> (k), (L), (m), (y) or (z) is guilty of a Class I felony.

18   **SECTION 5. 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) of each elector who applied for automatic

22   receipt of absentee ballots under s. 6.86 (2) (a) during the period beginning on March

23   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) may receive an absentee ballot under that subsection unless the elector reapplies

3 for automatic receipt of absentee ballots under s. 6.86 (2) (a).

4   **(END)**