



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRBa2848/1  
JTK:wlj:jf

**ASSEMBLY AMENDMENT 3,  
TO 2005 SENATE BILL 612**

March 30, 2006 – Offered by COMMITTEE ON CAMPAIGNS AND ELECTIONS.

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 22, line 17: after that line insert:
- 3 “SECTION 12m. 6.22 (1) (intro.) of the statutes is amended to read:
- 4 6.22 (1) DEFINITIONS. (intro.) In this section, except as otherwise provided.”
- 5 **2.** Page 23, line 8: delete “unless s. 6.87 (3) (d) applies”.
- 6 **3.** Page 23, line 16: delete the material beginning with “Each” and ending with
- 7 “day.” on line 18.
- 8 **4.** Page 25, line 10: after “Except as” insert “provided in s. 6.221 and as”.
- 9 **5.** Page 25, line 10: delete “sub. (5m) and”.
- 10 **6.** Page 25, line 16: delete the material beginning with that line and ending
- 11 with page 27, line 12, and substitute:
- 12 “SECTION 18g. 6.22 (6) of the statutes is amended to read:

1           6.22 (6) MILITARY ELECTOR LIST. Each municipal clerk shall keep an up-to-date  
2 list of all eligible local military electors who reside in the municipality; city clerks  
3 shall keep the lists by wards. The list shall contain the name, latest-known military  
4 residence and military mailing address of each military elector. The list shall  
5 indicate whether each elector whose name appears on the list is a military elector,  
6 as defined in s. 6.36 (2) (c), and has so certified under s. 6.865 (3m). All persons over  
7 18 years of age or who will be 18 years old prior to an election shall be listed and  
8 remain on the list for the duration of their tour of duty. The list shall be kept current  
9 through all possible means. Each clerk shall exercise reasonable care to avoid  
10 duplication of names or listing anyone who is not eligible to vote. Each clerk shall  
11 distribute 2 copies of the list to the appropriate ward in the municipality for use on  
12 election day.

13           **SECTION 18r.** 6.221 of the statutes is created to read:

14           **6.221 Counting of absentee ballots for certain military electors;**  
15 **September primary and general election.** (1) In this section, “military elector”  
16 has the meaning given in s. 6.36 (2) (c) and active duty status for any election is  
17 determined as of election day.

18           (2) Each certificate envelope that is mailed or transmitted to a military elector  
19 under this section shall be clearly labeled as “Cast by a military elector under s.  
20 6.221, Wis. Stats., and may be eligible to be counted after election day.”

21           (3) (a) At the September primary, a ballot that is cast under s. 6.22 by an elector  
22 who is a military elector, that is received by mail from the U. S. postal service, and  
23 that is postmarked no later than election day shall be counted as provided in this  
24 section if it is received by a municipal clerk no later than 5 p.m. on the 7th day after  
25 the election.

1           (b) At the general election, a ballot that is cast under s. 6.22 by an elector who  
2           is a military elector, that is received by mail from the U.S. postal service, and that  
3           is postmarked no later than election day shall be counted as provided in this section  
4           if it is received by a municipal clerk no later than 5 p.m. on the 10th day after the  
5           election.

6           (4) For purposes of sub. (3), if a certificate envelope is not postmarked or has  
7           a postmark that is not legible to the board of canvassers, and the envelope was  
8           received by mail from the U.S. postal service in the manner and within the period  
9           prescribed in sub. (3), it is presumed that the envelope was placed in the mail on or  
10          before election day, unless established by a preponderance of the evidence to the  
11          contrary.

12          (5) No later than the closing hour of the polls on the day of the September  
13          primary and the day of the general election, the municipal clerk of each municipality  
14          shall post at his or her office and on the Internet at a site announced by the clerk  
15          before the polls open, and shall make available to any person upon request, a  
16          statement of the number of absentee ballots that the clerk has mailed or transmitted  
17          to military electors under this section and that have not been returned to the polling  
18          places where the electors reside by the closing hour on election day. The posting shall  
19          not include the names or addresses of any military electors.

20          (6) (a) Whenever the municipal clerk of any municipality receives an absentee  
21          ballot cast by an elector who is a military elector under this section and the ballot is  
22          not received in sufficient time for delivery to the polling place serving the residence  
23          of the elector on election day but is received within the time specified in sub. (3), the  
24          clerk shall promptly provide written notice to the board of canvassers of each  
25          municipality, special purpose district, and county that is responsible for canvassing

1 the election of the number of such ballots that have been cast received by the clerk  
2 in each ward or election district.

3 (b) Whenever a board of canvassers receives notification from a municipal clerk  
4 under par. (a), the board of canvassers shall reconvene no later than 9 a.m. on the  
5 day after the last day permitted for acceptance of absentee ballots under sub. (3) and  
6 shall proceed to open and record the names of the military electors whose ballots  
7 have been received. If the ballot cast by a military elector is otherwise valid, the  
8 board of canvassers shall count the ballot and adjust the statements, certifications,  
9 and determinations accordingly. If the municipal clerk transmits returns of the  
10 election to the county clerk, the municipal clerk shall transmit to the county clerk  
11 a copy of the amended returns together with all additional ballots and envelopes  
12 reviewed by the board of canvassers and with amended tally sheets.”.

13 **7.** Page 28, line 14: delete the material beginning with that line and ending  
14 with page 29, line 17.

15 **8.** Page 39, line 12: after “votes,” insert “an indication of whether the elector  
16 is a military elector, as defined in sub. (2) (c), who has so certified under s. 6.865  
17 (3m),”.

18 **9.** Page 52, line 21: after “election.” insert “If the elector is making written  
19 application for an absentee ballot at the September primary or general election and  
20 the application indicates that the elector is a military elector, as defined in s. 6.36 (2)  
21 (c), the application shall be received by the municipal clerk no later than 5 p.m. on  
22 election day.”.

23 **10.** Page 55, line 7: delete the material beginning with “6.865” and ending  
24 with “or” on line 8 and substitute:

1           “6.865 (3) If Except as provided in sub. (3m), if the elector making a timely  
2 request for an absentee ballot is a military elector or”.

3           **11.** Page 55, line 18: delete lines 18 to 21 and substitute:

4           “**SECTION 78a.** 6.865 (3m) of the statutes is created to read:

5           6.865 (3m) (a) Except as provided in par. (c), if any elector who certifies that  
6 he or she will be a military elector on election day requests an absentee ballot, the  
7 municipal clerk shall send or transmit to the elector an absentee ballot for all  
8 elections that occur in the municipality or portion thereof where the elector resides  
9 beginning on the date that the clerk receives the request and ending on the day after  
10 the 3rd successive general election that follows receipt of the request, unless the  
11 elector otherwise requests. In addition, the municipal clerk shall continue to send  
12 or transmit to the elector an absentee ballot for all elections ending on the day after  
13 the 3rd successive general election that follows any election at which the elector  
14 returns an absentee ballot under this section or renews his or her request under par.  
15 (c).

16           (b) A military elector may indicate an alternate address on his or her absentee  
17 ballot application. If the elector’s ballot is returned as undeliverable prior to the  
18 deadline for receipt and return of absentee ballots under sub. (3) and the elector  
19 remains eligible to receive absentee ballots under this subsection, the municipal  
20 clerk shall immediately send or transmit an absentee ballot to the elector at the  
21 alternate address.

22           (c) If there occur 3 successive general elections at which a military elector fails  
23 to return an absentee ballot sent or transmitted to the elector under this subsection  
24 and the elector has not cast an absentee ballot at any intervening election, if the clerk

1 is reliably informed that the elector is no longer a military elector or no longer resides  
2 in the municipality, or if the elector so requests, the clerk shall discontinue sending  
3 or transmitting absentee ballots to the elector under this subsection. If a military  
4 elector is subject to a registration requirement and the name of the military elector  
5 no longer appears on the registration list, the municipal clerk shall discontinue  
6 sending or transmitting absentee ballots to the elector under this subsection. If a  
7 military elector who has requested an absentee ballot changes his or her residence  
8 from the municipality where a request is filed to another municipality in this state,  
9 the municipal clerk of the municipality who received the request shall notify the  
10 clerk of the municipality to which the elector’s residence is changed of the date of the  
11 request or latest renewal and the date of the most recent absentee ballot returned  
12 by the elector, and the municipal clerk who is so notified shall treat the request as  
13 having been made to him or her. Prior to any discontinuance of the service provided  
14 to a military elector under this subsection solely for failure to return absentee ballots,  
15 the municipal clerk shall mail the elector a 1st class letter or postcard notifying the  
16 elector that absentee ballots will no longer be sent to the elector unless the elector  
17 renews his or her request within 30 days of the date of the notification. The clerk  
18 shall notify a military elector of any action under this paragraph that is not taken  
19 at the elector’s request within 5 days of taking that action, if possible.”.

20 **12.** Page 60, line 7: delete “6.22 (5m)” and substitute “6.221 (3)”.

21 **13.** Page 60, line 13: delete “6.22 (5m), any” and substitute “6.221 (3), the”.

22 **14.** Page 89, line 9: delete “by 2 4” and substitute “by 2 no later than 4”.

23 **15.** Page 89, line 11: after “election” insert “, and no later than 4 p.m. on the  
24 day after receiving any corrected returns under s. 6.221 (6) (b)”.

1           **16.** Page 103, line 10: after that line insert:

2           “**SECTION 145g.** 7.60 (5) (a) of the statutes is amended to read:

3           7.60 **(5)** (a) Immediately following the canvass, the county clerk shall deliver  
4 or send to the elections board, by 1st class mail, a certified copy of each statement of  
5 the county board of canvassers for president and vice president, state officials,  
6 senators and representatives in congress, state legislators, justice, court of appeals  
7 judge, circuit judge, district attorney, and metropolitan sewerage commissioners, if  
8 the commissioners are elected under s. 200.09 (11) (am). The statement shall record  
9 the returns for each office or referendum by ward, unless combined returns are  
10 authorized under s. 5.15 (6) (b) in which case the statement shall record the returns  
11 for each group of combined wards. Following primaries the county clerk shall enclose  
12 on forms prescribed by the elections board the names, party or principle designation,  
13 if any, and number of votes received by each candidate recorded in the same manner.  
14 The county clerk shall deliver or transmit the certified statement to the elections  
15 board no later than 7 days after each primary and except the September primary, no  
16 later than 10 days after the September primary and any other election except the  
17 general election, and no later than 14 days after the general election. The board of  
18 canvassers shall deliver or transmit a certified copy of each statement for any  
19 technical college district referendum to the secretary of the technical college district  
20 board.

21           **SECTION 145r.** 7.70 (3) (a) of the statutes is amended to read:

22           7.70 **(3)** (a) The chairperson of the board or a designee of the chairperson  
23 appointed by the chairperson to canvass a specific election shall publicly canvass the  
24 returns and make his or her certifications and determinations on or before the 2nd

1 Tuesday following a spring primary, the 15th day of May following a spring election,  
2 the ~~4th Tuesday in September~~ 3rd Wednesday following a September primary, the  
3 first day of December following a general election, the 2nd Thursday following a  
4 special primary, or within 18 days after any special election.”.

5 **17.** Page 105, line 11: after that line insert:

6 “**SECTION 150m.** 9.01 (1) (a) of the statutes is amended to read:

7 9.01 (1) (a) Any candidate voted for at any election or any elector who voted  
8 upon any referendum question at any election may request a recount. The petitioner  
9 shall file a verified petition or petitions with the proper clerk or body under par. (ar)  
10 not earlier than the time of completion of the canvass and not later than 5 p.m. on  
11 the 3rd business day following the last meeting day of the municipal or county board  
12 of canvassers determining the election for that office or on that referendum question  
13 prior to issuance of any amended return under s. 6.221 (6) (b) or, if more than one  
14 board of canvassers makes the determination not later than 5 p.m. on the 3rd  
15 business day following the last meeting day of the last board of canvassers which  
16 makes a determination prior to issuance of any amended return under s. 6.221 (6)  
17 (b). If the chairperson of the board or chairperson’s designee makes the  
18 determination for the office or the referendum question, the petitioner shall file the  
19 petition not earlier than the last meeting day of the last county board of canvassers  
20 to make a statement in the election or referendum and not later than 5 p.m. on the  
21 3rd business day following the day on which the elections board receives the last  
22 statement from a county board of canvassers for the election or referendum. Each  
23 verified petition shall state that at the election the petitioner was a candidate for the  
24 office in question or that he or she voted on the referendum question in issue; that



1 the petitioner is informed and believes that a mistake or fraud has been committed  
2 in a specified ward or municipality in the counting and return of the votes cast for  
3 the office or upon the question; or shall specify any other defect, irregularity or  
4 illegality in the conduct of the election. The petition shall specify each ward, or each  
5 municipality where no wards exist, in which a recount is desired. If a recount is  
6 requested for all wards within a jurisdiction, each ward need not be specified. The  
7 petition may be amended to include information discovered as a result of the  
8 investigation of the board of canvassers or the chairperson of the board or  
9 chairperson’s designee after the filing of the petition, if the petitioner moves to  
10 amend the petition as soon as possible after the petitioner discovered or reasonably  
11 should have discovered the information which is the subject of the amendment and  
12 the petitioner was unable to include information in the original petition.”

13 **18.** Page 105, line 18: delete “6.22 (5m) (f)” and substitute “6.221 (6) (b)”.

14 **19.** Page 105, line 23: delete “6.22 (5m) (f)” and substitute “6.221 (6) (b)”.

15 **20.** Page 106, line 4: delete “6.22 (5m) (f)” and substitute “6.221 (6) (b)”.

16 **21.** Page 106, line 8: delete lines 8 to 22 and substitute:

17 “**SECTION 152m.** 9.01 (1) (am) of the statutes is created to read:

18 9.01 (1) (am) A person who files a petition under par. (a) may withdraw the  
19 petition. If the petitioner withdraws a petition before any board of canvassers that  
20 canvassed the original election begins its recount, the clerk or body shall refund any  
21 fee paid under par. (ag).

22 **SECTION 153a.** 9.01 (1) (b) (intro.) of the statutes is amended to read:

23 9.01 (1) (b) (intro.) The proper board of canvassers shall reconvene no earlier  
24 than 9 a.m. on the day following delivery of notice to all candidates under sub. (2) and

1 no later than 9 a.m. on the day following the last day for filing of a petition and, or  
2 if the original canvass is subject to correction under s. 6.221 (6) (b), immediately after  
3 issuance of the amended statement and determination in the original canvass,  
4 whichever is later. The board of canvassers shall then proceed to recount the ballots  
5 in the wards or municipalities specified and to review the allegations of fact  
6 contained in the petition or petitions. The recount shall proceed for each ward or  
7 municipality as follows:"

8 (END)