



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-6077/1  
JK:all

## 2017 SENATE BILL 885

December 3, 2018 - Introduced by JOINT COMMITTEE ON FINANCE. Referred to Joint Committee on Finance.

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** 5.02  
3     (21), 5.05 (13) (c), 5.05 (13) (d) 1., 5.60 (8) (am), 6.22 (2) (b), 6.22 (2) (e), 6.22 (4)  
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  
5     (1), 6.86 (1) (b), 6.865 (1), 6.87 (2), 6.87 (3) (d), 6.87 (4) (b) 1., 6.88 (1), 6.97 (1),  
6     7.08 (2) (d), 7.15 (1) (cm), 7.15 (1) (j), 8.12 (1), 8.12 (3), 10.02 (3) (b) 3., 10.06 (2)  
7     (d), 10.06 (2) (g) and 11.0101 (32); and **to create** 5.02 (12n) and 5.02 (15m) of  
8     the statutes; **relating to:** holding the presidential preference primary on the  
9     second Tuesday in March; applying for an absentee ballot in-person; and  
10    absentee ballots cast by overseas and military voters.

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***Analysis by the Legislative Reference Bureau***

1.

This bill requires the presidential preference primary to be held on the second Tuesday in March rather than the first Tuesday in April.

2.

Under current law, a qualified elector may apply for an absentee ballot in-person no earlier than the third Monday preceding the election and no later than

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the Friday preceding the election. Under this bill, a qualified elector may apply for an absentee ballot in-person no earlier than the third Saturday preceding the election and no later than the Friday preceding the election.

**3.**

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.

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*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.** 5.02 (15m) of the statutes is created to read:

9           5.02 (15m) "Presidential preference primary" means the primary held on the  
10 2nd Tuesday in March to express preferences for the person to be the presidential

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1 candidate for each party in a year in which electors for president and vice president  
2 are to be elected.

3 **SECTION 3.** 5.02 (21) of the statutes is amended to read:

4 5.02 (21) "Spring election" means the election held on the first Tuesday in April  
5 to elect judicial, educational and municipal officers, and nonpartisan county officers  
6 and sewerage commissioners ~~and to express preferences for the person to be the~~  
7 ~~presidential candidate for each party in a year in which electors for president and~~  
8 ~~vice president are to be elected.~~

9 **SECTION 4.** 5.05 (13) (c) of the statutes is amended to read:

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

14 **SECTION 5.** 5.05 (13) (d) 1. of the statutes is amended to read:

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

19 **SECTION 6.** 5.60 (8) (am) of the statutes is amended to read:

20 5.60 (8) (am) Except as authorized in s. 5.655, there shall be a separate ballot  
21 for each recognized political party filing a certification under s. 8.12 (1), listing the  
22 names of all potential candidates of that party determined under s. 8.12 and  
23 affording, in addition, an opportunity to the voter to nominate another potential  
24 candidate by write-in vote or to vote for an uninstructed delegation to the party  
25 convention. The order of presidential candidates on the ballot shall be determined

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1 by lot by or under the supervision of the commission. Each voter shall be given the  
2 ballots of all the parties participating in the presidential preference vote primary, but  
3 may vote on one ballot only.

4 **SECTION 7.** 6.22 (2) (b) of the statutes is amended to read:

5 6.22 (2) (b) A military elector shall make and subscribe to the certification  
6 under s. 6.87 (2) before a witness who is an adult ~~U.S. citizen~~.

7 **SECTION 8.** 6.22 (2) (e) of the statutes is amended to read:

8 6.22 (2) (e) A military elector may file an application for an absentee ballot by  
9 means of electronic mail or facsimile transmission in the manner prescribed in s. 6.86  
10 (1) (ac). Upon receipt of a valid application, the municipal clerk shall send the elector  
11 an absentee ballot or, if the elector is a military elector, as defined in s. 6.34 (1) (a),  
12 and the elector so requests, shall transmit an absentee ballot to the elector by means  
13 of electronic mail or facsimile transmission in the manner prescribed in s. 6.87 (3)  
14 (d).

15 **SECTION 9.** 6.22 (4) (a) of the statutes is amended to read:

16 6.22 (4) (a) Upon receiving a timely request for an absentee ballot under par.  
17 (b) by an individual who qualifies as a military elector, the municipal clerk shall send  
18 or, if the individual is a military elector as defined in s. 6.34 (1) (a), shall transmit  
19 to the elector upon the elector's request an absentee ballot for all elections that occur  
20 in the municipality or portion thereof where the elector resides in the same calendar  
21 year in which the request is received, unless the individual otherwise requests.

22 **SECTION 10.** 6.22 (4) (c) of the statutes is amended to read:

23 6.22 (4) (c) A military elector may indicate an alternate address on his or her  
24 absentee ballot application. If the elector's ballot is returned as undeliverable prior  
25 to the deadline for return of absentee ballots under s. 6.87 (6), and the elector remains

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1 eligible to receive absentee ballots under this section, the municipal clerk shall  
2 immediately send or, if the elector is a military elector as defined in s. 6.34 (1) (a),  
3 transmit an absentee ballot to the elector at the alternate address.

4 **SECTION 11.** 6.24 (2) of the statutes is amended to read:

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

12 **SECTION 12.** 6.24 (4) (c) of the statutes is amended to read:

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

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1 application under this subsection no longer resides at the same address that is  
2 indicated on the application form, the elector shall so notify the municipal clerk.

3 **SECTION 13.** 6.24 (4) (d) of the statutes is amended to read:

4 6.24 (4) (d) An overseas elector, regardless of whether the elector qualifies as  
5 a resident of this state under s. 6.10, who is not registered may request both a  
6 registration form and an absentee ballot at the same time, and the municipal clerk  
7 shall send or transmit the ballot automatically if the registration form is received  
8 within the time prescribed in s. 6.28 (1). The commission shall prescribe a special  
9 certificate form for the envelope in which the absentee ballot for such overseas  
10 electors is contained, which shall be substantially similar to that provided under s.  
11 6.87 (2). ~~An~~ The overseas elector shall make and subscribe to the special certificate  
12 form before a witness who is an adult U.S. citizen.

13 **SECTION 14.** 6.24 (4) (e) of the statutes is amended to read:

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

22 **SECTION 15.** 6.25 (1) (b) of the statutes is amended to read:

23 6.25 (1) (b) Any individual who qualifies as an overseas elector ~~under s. 6.24~~  
24 ~~(1)~~, regardless of whether the elector qualifies as a resident of this state under s. 6.10,  
25 and who transmits an application for an official absentee ballot for an election for

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1 national office, including a primary election, no later than the latest time specified  
2 for an elector in s. 6.86 (1) (b) may, in lieu of the official ballot, cast a federal write-in  
3 absentee ballot prescribed under 42 USC 1973ff-2 for any candidate or for all  
4 candidates of any recognized political party for national office listed on the official  
5 ballot at that election, if the federal write-in absentee ballot is received by the  
6 appropriate municipal clerk no later than the applicable time prescribed in s. 6.87  
7 (6).

8 **SECTION 16.** 6.276 (1) of the statutes is amended to read:

9 6.276 (1) In this section, “military elector” and “overseas elector” have has the  
10 meanings meaning given in s. 6.34 (1).

11 **SECTION 17.** 6.34 (1) (intro.) and (a) of the statutes are consolidated,  
12 renumbered 6.34 (1) and amended to read:

13 6.34 (1) In this section: (a) ~~“Military,~~ “military elector” means a member of a  
14 uniformed service on active duty who, by reason of that duty, is absent from the  
15 residence where the member is otherwise qualified to vote; a member of the  
16 merchant marine, as defined in s. 6.22 (1) (a), who by reason of service in the  
17 merchant marine, is absent from the residence where the member is otherwise  
18 qualified to vote; or the spouse or dependent of any such member who, by reason of  
19 the duty or service of the member, is absent from the residence where the spouse or  
20 dependent is otherwise qualified to vote.

21 **SECTION 18.** 6.34 (1) (b) of the statutes is repealed.

22 **SECTION 19.** 6.86 (1) (b) of the statutes is amended to read:

23 6.86 (1) (b) Except as provided in this section, if application is made by mail,  
24 the application shall be received no later than 5 p.m. on the 5th day immediately  
25 preceding the election. If application is made in person, the application shall be

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1 made no earlier than ~~the opening of business on the 3rd Monday~~ Saturday preceding  
2 the election and no later than 7 p.m. on the Friday preceding the election. No  
3 application may be received on a legal holiday. An application made in person may  
4 only be received Monday to ~~Friday~~ Saturday between the hours of 8 a.m. and 7 p.m.  
5 each day. A municipality shall specify the hours in the notice under s. 10.01 (2) (e).  
6 The municipal clerk or an election official shall witness the certificate for any  
7 in-person absentee ballot cast. Except as provided in par. (c), if the elector is making  
8 written application for an absentee ballot at the partisan primary, the general  
9 election, the presidential preference primary, or a special election for national office,  
10 and the application indicates that the elector is a military elector, as defined in s. 6.34  
11 (1), the application shall be received by the municipal clerk no later than 5 p.m. on  
12 election day. If the application indicates that the reason for requesting an absentee  
13 ballot is that the elector is a sequestered juror, the application shall be received no  
14 later than 5 p.m. on election day. If the application is received after 5 p.m. on the  
15 Friday immediately preceding the election, the municipal clerk or the clerk's agent  
16 shall immediately take the ballot to the court in which the elector is serving as a juror  
17 and deposit it with the judge. The judge shall recess court, as soon as convenient,  
18 and give the elector the ballot. The judge shall then witness the voting procedure as  
19 provided in s. 6.87 and shall deliver the ballot to the clerk or agent of the clerk who  
20 shall deliver it to the polling place or, in municipalities where absentee ballots are  
21 canvassed under s. 7.52, to the municipal clerk as required in s. 6.88. If application  
22 is made under sub. (2) or (2m), the application may be received no later than 5 p.m.  
23 on the Friday immediately preceding the election.

24 **SECTION 20.** 6.865 (1) of the statutes is amended to read:



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1           6.865 (1) In this section, “military elector” and “overseas elector” have has the  
2 meanings meaning given under s. 6.34 (1).

3           **SECTION 21.** 6.87 (2) of the statutes is amended to read:

4           6.87 (2) Except as authorized under sub. (3) (d), the municipal clerk shall place  
5 the ballot in an unsealed envelope furnished by the clerk. The envelope shall have  
6 the name, official title and post-office address of the clerk upon its face. The other  
7 side of the envelope shall have a printed certificate which shall include a space for  
8 the municipal clerk or deputy clerk to enter his or her initials indicating that if the  
9 absentee elector voted in person under s. 6.86 (1) (ar), the elector presented proof of  
10 identification to the clerk and the clerk verified the proof presented. The certificate  
11 shall also include a space for the municipal clerk or deputy clerk to enter his or her  
12 initials indicating that the elector is exempt from providing proof of identification  
13 because the individual is a military elector or an overseas elector who does not  
14 qualify as a resident of this state under s. 6.10 or is exempted from providing proof  
15 of identification under sub. (4) (b) 2. or 3. The certificate shall be in substantially the  
16 following form:

17           [STATE OF ....

18           County of ....]

19           or

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

21           I, ....., certify subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false  
22 statements, that I am a resident of the [... ward of the] (town) (village) of ....., or of  
23 the .... aldermanic district in the city of ....., residing at ....\* in said city, the county  
24 of ....., state of Wisconsin, and am entitled to vote in the (ward) (election district) at  
25 the election to be held on ....; that I am not voting at any other location in this election;

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1 that I am unable or unwilling to appear at the polling place in the (ward) (election  
2 district) on election day or have changed my residence within the state from one ward  
3 or election district to another later than 28 days before the election. I certify that I  
4 exhibited the enclosed ballot unmarked to the witness, that I then in (his) (her)  
5 presence and in the presence of no other person marked the ballot and enclosed and  
6 sealed the same in this envelope in such a manner that no one but myself and any  
7 person rendering assistance under s. 6.87 (5), Wis. Stats., if I requested assistance,  
8 could know how I voted.

9 Signed ....

10 Identification serial number, if any: ....

11 The witness shall execute the following:

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

18 ....(Name Printed name)

19 ....(Address)\*\*\_

20 Signed ....

21 \* — An elector who provides an identification serial number issued under s.  
22 6.47 (3), Wis. Stats., need not provide a street address.

23 \*\* — An individual who serves as a witness for a military elector or an overseas  
24 elector voting absentee, regardless of whether the elector qualifies as a resident of

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1 Wisconsin under s. 6.10, Wis. Stats., need not be a U.S. citizen but must be 18 years  
2 of age or older.

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

5 **SECTION 22.** 6.87 (3) (d) of the statutes is amended to read:

6 6.87 (3) (d) A municipal clerk shall, if the clerk is reliably informed by a military  
7 elector, as defined in s. 6.34 (1) (a), or an overseas elector, ~~as defined in s. 6.34 (1) (b)~~  
8 regardless of whether the elector qualifies as a resident of this state under s. 6.10,  
9 of a facsimile transmission number or electronic mail address where the elector can  
10 receive an absentee ballot, transmit a facsimile or electronic copy of the elector's  
11 ballot to that elector in lieu of mailing under this subsection. An elector may receive  
12 an absentee ballot only if the elector is a military elector or an overseas elector ~~under~~  
13 ~~s. 6.34 (1)~~ and has filed a valid application for the ballot as provided in s. 6.86 (1).  
14 If the clerk transmits an absentee ballot to a military or overseas elector  
15 electronically, the clerk shall also transmit a facsimile or electronic copy of the text  
16 of the material that appears on the certificate envelope prescribed in sub. (2),  
17 together with instructions prescribed by the commission. The instructions shall  
18 require the military or overseas elector to make and subscribe to the certification as  
19 required under sub. (4) (b) and to enclose the absentee ballot in a separate envelope  
20 contained within a larger envelope, that shall include the completed certificate. The  
21 elector shall then affix sufficient postage unless the absentee ballot qualifies for  
22 mailing free of postage under federal free postage laws and shall mail the absentee  
23 ballot to the municipal clerk. Except as authorized in s. 6.97 (2), an absentee ballot  
24 received from a military or overseas elector who receives the ballot electronically

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1 shall not be counted unless it is cast in the manner prescribed in this paragraph and  
2 sub. (4) and in accordance with the instructions provided by the commission.

3 **SECTION 23.** 6.87 (4) (a) (intro.) and 1. of the statutes are consolidated,  
4 renumbered 6.87 (4) (a) and amended to read:

5 6.87 (4) (a) In this subsection: 1. ~~“Military, “~~“military elector” has the meaning  
6 given in s. 6.34 (1) ~~(a)~~.

7 **SECTION 24.** 6.87 (4) (a) 2. of the statutes is repealed.

8 **SECTION 25.** 6.87 (4) (b) 1. of the statutes is amended to read:

9 6.87 (4) (b) 1. Except as otherwise provided in s. 6.875, ~~the~~ an elector voting  
10 absentee, other than a military elector or an overseas elector, shall make and  
11 subscribe to the certification before one witness who is an adult U.S. citizen. A  
12 military elector or an overseas elector voting absentee, regardless of whether the  
13 elector qualifies as a resident of this state under s. 6.10, shall make and subscribe  
14 to the certification before one witness who is an adult but who need not be a U.S.  
15 citizen. The absent elector, in the presence of the witness, shall mark the ballot in  
16 a manner that will not disclose how the elector’s vote is cast. The elector shall then,  
17 still in the presence of the witness, fold the ballots so each is separate and so that the  
18 elector conceals the markings thereon and deposit them in the proper envelope. If  
19 a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot so that  
20 the elector conceals the markings thereon and deposit the ballot in the proper  
21 envelope. If proof of residence under s. 6.34 is required and the document enclosed  
22 by the elector under this subdivision does not constitute proof of residence under s.  
23 6.34, the elector shall also enclose proof of residence under s. 6.34 in the envelope.  
24 Except as provided in s. 6.34 (2m), proof of residence is required if the elector is not  
25 a military elector or an overseas elector and the elector registered by mail or by

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1 electronic application and has not voted in an election in this state. If the elector  
2 requested a ballot by means of facsimile transmission or electronic mail under s. 6.86  
3 (1) (ac), the elector shall enclose in the envelope a copy of the request which bears an  
4 original signature of the elector. The elector may receive assistance under sub. (5).  
5 The return envelope shall then be sealed. The witness may not be a candidate. The  
6 envelope shall be mailed by the elector, or delivered in person, to the municipal clerk  
7 issuing the ballot or ballots. If the envelope is mailed from a location outside the  
8 United States, the elector shall affix sufficient postage unless the ballot qualifies for  
9 delivery free of postage under federal law. Failure to return an unused ballot in a  
10 primary does not invalidate the ballot on which the elector's votes are cast. Return  
11 of more than one marked ballot in a primary or return of a ballot prepared under s.  
12 5.655 or a ballot used with an electronic voting system in a primary which is marked  
13 for candidates of more than one party invalidates all votes cast by the elector for  
14 candidates in the primary.

15 **SECTION 26.** 6.88 (1) of the statutes is amended to read:

16 6.88 (1) When an absentee ballot arrives at the office of the municipal clerk,  
17 or at an alternate site under s. 6.855, if applicable, the clerk shall enclose it,  
18 unopened, in a carrier envelope which shall be securely sealed and endorsed with the  
19 name and official title of the clerk, and the words "This envelope contains the ballot  
20 of an absent elector and must be opened in the same room where votes are being cast  
21 at the polls during polling hours on election day or, in municipalities where absentee  
22 ballots are canvassed under s. 7.52, stats., at a meeting of the municipal board of  
23 absentee ballot canvassers under s. 7.52, stats." If the elector is a military elector,  
24 as defined in s. 6.34 (1) (a), or an overseas elector, as defined in s. 6.34 (1) (b)  
25 regardless of whether the elector qualifies as a resident of this state under s. 6.10,

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1 and the ballot was received by the elector by facsimile transmission or electronic mail  
2 and is accompanied by a separate certificate, the clerk shall enclose the ballot in a  
3 certificate envelope and securely append the completed certificate to the outside of  
4 the envelope before enclosing the ballot in the carrier envelope. The clerk shall keep  
5 the ballot in the clerk's office or at the alternate site, if applicable until delivered, as  
6 required in sub. (2).

7 **SECTION 27.** 6.97 (1) of the statutes is amended to read:

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

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1 received only upon an absentee ballot furnished by the municipal clerk which shall  
2 have the corresponding number from the poll list or other list maintained under s.  
3 6.79 and the notation “s. 6.97” written on the back of the ballot by the inspectors  
4 before the ballot is given to the elector. When receiving the individual’s ballot, the  
5 inspectors shall provide the individual with written voting information prescribed  
6 by the commission under s. 7.08 (8). The inspectors shall indicate on the list the fact  
7 that the individual is required to provide proof of residence or proof of identification  
8 under s. 6.79 (2) but did not do so. The inspectors shall notify the individual that he  
9 or she may provide proof of residence or proof of identification to the municipal clerk  
10 or executive director of the municipal board of election commissioners. The  
11 inspectors shall also promptly notify the municipal clerk or executive director of the  
12 name, address, and serial number of the individual. The inspectors shall then place  
13 the ballot inside the envelope and place the envelope in a separate carrier envelope.

14 **SECTION 28.** 7.08 (2) (d) of the statutes is amended to read:

15 7.08 (2) (d) As soon as possible after the last ~~Tuesday in January~~ December 15  
16 of each year preceding the year in which there is a presidential election, the  
17 commission shall transmit to each county clerk a certified list of candidates for  
18 president who have qualified to have their names appear on the presidential  
19 preference primary ballot.

20 **SECTION 29.** 7.15 (1) (cm) of the statutes is amended to read:

21 7.15 (1) (cm) Prepare official absentee ballots for delivery to electors requesting  
22 them, and except as provided in this paragraph, send an official absentee ballot to  
23 each elector who has requested a ballot by mail, and to each military elector, as  
24 defined in s. 6.34 (1) (a), and overseas elector, ~~as defined in s. 6.34 (1) (b)~~, who has  
25 requested a ballot by mail, electronic mail, or facsimile transmission, no later than

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1 the 47th day before each partisan primary and general election and no later than the  
2 21st day before each other primary and election if the request is made before that  
3 day; otherwise, the municipal clerk shall send or transmit an official absentee ballot  
4 within one business day of the time the elector's request for such a ballot is received.  
5 The clerk shall send or transmit an absentee ballot for the presidential preference  
6 primary to each elector who has requested that ballot no later than the 47th day  
7 before the presidential preference primary if the request is made before that day, or,  
8 if the request is not made before that day, within one business day of the time the  
9 request is received. For purposes of this paragraph, "business day" means any day  
10 from Monday to Friday, not including a legal holiday under s. 995.20.

11 **SECTION 30.** 7.15 (1) (j) of the statutes is amended to read:

12 7.15 (1) (j) Send an absentee ballot automatically to each elector and send or  
13 transmit an absentee ballot to each military elector, as defined in s. 6.34 (1) ~~(a)~~, and  
14 each overseas elector, ~~as defined in s. 6.34 (1) (b)~~, making an authorized request  
15 therefor in accordance with s. 6.22 (4), 6.24 (4) ~~(e)~~, or 6.86 (2) or (2m).

16 **SECTION 31.** 8.12 (1) of the statutes is amended to read:

17 8.12 (1) SELECTION OF NAMES FOR BALLOT. (a) No later than 5 p.m. on ~~the 2nd~~  
18 ~~Tuesday in December~~ November 15 of the year before each year in which electors for  
19 president and vice president are to be elected, the state chairperson of each  
20 recognized political party listed on the official ballot at the last gubernatorial election  
21 whose candidate for governor received at least 10 percent of the total votes cast for  
22 that office may certify to the commission that the party will participate in the  
23 presidential preference primary. For each party filing such a certification, the voters  
24 of this state shall at the spring election be given an opportunity to express their  
25 preference for the person to be the presidential candidate of that party.



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1           (b) ~~On the first Tuesday in January~~ No later than December 1 of each year, ~~or~~  
2           ~~the next day if Tuesday is a holiday,~~ preceding the year in which electors for president  
3           and vice president are to be elected, there shall be convened in the capitol a  
4           committee consisting of, for each party filing a certification under this subsection,  
5           the state chairperson of that state party organization or the chairperson's designee,  
6           one national committeeman and one national committeewoman designated by the  
7           state chairperson; the speaker and the minority leader of the assembly or their  
8           designees, and the president and the minority leader of the senate or their designees.  
9           All designations shall be made in writing to the commission. This committee shall  
10          organize by selecting an additional member who shall be the chairperson and shall  
11          determine, and certify to the commission, no later than on the Friday following the  
12          date on which the committee convenes under this paragraph, the names of all  
13          candidates of the political parties represented on the committee for the office of  
14          president of the United States. The committee shall place the names of all  
15          candidates whose candidacy is generally advocated or recognized in the national  
16          news media throughout the United States on the ballot, and may, in addition, place  
17          the names of other candidates on the ballot. The committee shall have sole discretion  
18          to determine that a candidacy is generally advocated or recognized in the national  
19          news media throughout the United States.

20          (c) No later than 5 p.m. on ~~the last Tuesday in January~~ December 15 of each  
21          year preceding a presidential election year, any person seeking the nomination by  
22          the national convention of a political party filing a certification under this subsection  
23          for the office of president of the United States, or any committee organized in this  
24          state on behalf of and with the consent of such person, may submit to the commission  
25          a petition to have the person's name appear on the presidential preference ballot.

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1 The petition may be circulated no sooner than ~~the first Tuesday in January of such~~  
2 ~~year, or the next day if Tuesday is a holiday, December 1 of the year preceding the~~  
3 ~~presidential election year~~ and shall be signed by a number of qualified electors equal  
4 in each congressional district to not less than 1,000 signatures nor more than 1,500  
5 signatures. The form of the petition shall conform to the requirements of s. 8.40. All  
6 signers on each separate petition paper shall reside in the same congressional  
7 district.

8 (d) The commission shall forthwith contact each person whose name has been  
9 placed in nomination under par. (b) and notify him or her that his or her name will  
10 appear on the Wisconsin presidential preference primary ballot unless he or she files,  
11 no later than 5 p.m. on ~~the last Tuesday in January of such year~~ December 15 of the  
12 ~~year preceding a presidential election year~~, with the commission, a disclaimer  
13 stating without qualification that he or she is not and does not intend to become a  
14 candidate for the office of president of the United States at the forthcoming  
15 presidential election. The disclaimer may be filed with the commission by certified  
16 mail, telegram, or in person.

17 **SECTION 32.** 8.12 (3) of the statutes is amended to read:

18 8.12 (3) REPORTING OF RESULTS. No later than ~~May 15~~ March 31 following the  
19 presidential preference primary, the commission shall notify each state party  
20 organization chairperson under sub. (1) (b) of the results of the presidential  
21 preference primary within the state and within each congressional district.

22 **SECTION 33.** 10.02 (3) (b) 3. of the statutes is amended to read:

23 10.02 (3) (b) 3. When casting a presidential preference primary vote, the elector  
24 shall select the party ballot of his or her choice and make a cross (X) next to or depress  
25 the button or lever next to the candidate's name for whom he or she intends to vote

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1 or shall, in the alternative, make a cross (X) next to or depress the button or lever next  
2 to the words “Uninstructed delegation”, or shall write in the name of his or her choice  
3 for a candidate.

4 **SECTION 34.** 10.06 (2) (d) of the statutes is amended to read:

5 10.06 (2) (d) On the Monday preceding the spring primary, when held, the  
6 county clerk shall publish a type B notice. In a year in which the presidential  
7 preference primary is held, the county clerk shall also publish notice of the  
8 presidential preference primary.

9 **SECTION 35.** 10.06 (2) (g) of the statutes is amended to read:

10 10.06 (2) (g) On the Monday preceding the spring election, the county clerk  
11 shall publish a type B notice containing the same information prescribed in par. (a).  
12 ~~In a year in which the presidential preference primary is held, the county clerk shall~~  
13 ~~also publish notice of the presidential preference primary.~~ In addition, the county  
14 clerk shall publish a type C notice on the Monday preceding the spring election for  
15 all state and county referenda to be voted upon by electors of the county.

16 **SECTION 36.** 11.0101 (32) of the statutes is amended to read:

17 11.0101 (32) “Spring election” means the election held on the first Tuesday in  
18 April to elect judicial, educational, and municipal officers, and nonpartisan county  
19 officers and sewerage commissioners, ~~and to express preferences for the person to be~~  
20 ~~the presidential candidate for each political party in a year in which electors for~~  
21 ~~president and vice president are to be elected.~~

22 (END)