



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-1612/1
MPG:emw

2021 SENATE BILL 211

March 16, 2021 - Introduced by Senators DARLING, STROEBEL, WIMBERGER, BALLWEG, BRADLEY, FELZKOWSKI, FEYEN, JACQUE, NASS, PETROWSKI and WANGGAARD, cosponsored by Representatives STEFFEN, EDMING, GUNDRUM, JAGLER, KNODL, KRUG, MURPHY, NEYLON, SKOWRONSKI, SPIROS, VANDERMEER and WICHGERS. Referred to Committee on Elections, Election Process Reform and Ethics.

1 **AN ACT** *to renumber and amend* 6.86 (1) (ar); and *to create* 6.86 (1) (as) of the
2 statutes; **relating to:** applications for absentee ballots.

Analysis by the Legislative Reference Bureau

Subject to an exception for certain voters at residential care facilities and qualified retirement homes, current law prohibits a municipal clerk from issuing an absentee ballot to a voter, including in person at the municipal clerk's office, unless the voter submits a written application for the absentee ballot. Current law does not prescribe a specific form of written application for requesting absentee ballots.

This bill requires the Elections Commission to prescribe the form and instructions of the absentee ballot application. The bill requires the absentee ballot application to be separate and distinct from the certificate envelope in which voters are required to seal and submit absentee ballots, the outer portion of which includes certifications of both the voter and a witness. Additionally, the bill requires that the application require the voter to certify facts establishing that he or she is eligible to vote in the election and must include at least all of the following information:

1. The voter's municipality and county of residence.
2. The voter's name, date of birth, and contact information, including as applicable the voter's telephone number, fax number, and e-mail address.
3. The street address of the voter's legal voting residence.
4. The election at which the voter intends to vote absentee.
5. Whether the voter is a military or overseas voter.
6. The voter's confidential identification serial number if the the voter has obtained a confidential listing for purposes of voting.

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7. The lawful method by which the voter prefers to receive the absentee ballot.
8. Whether the voter is a hospitalized voter.

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 (1) (ar) of the statutes is renumbered 6.86 (1) (ar) 1. and
2 amended to read:

3 6.86 (1) (ar) 1. Except as authorized in s. 6.875 (6), the municipal clerk shall
4 not issue an absentee ballot unless the clerk receives ~~a written application therefor~~
5 from a qualified elector of the municipality a completed application in the form
6 prescribed by the commission under par. (as) that is completed and signed by the
7 elector or by a person the elector authorizes to complete and sign the application on
8 the elector's behalf under par. (ag) or sub. (3) (a). The clerk shall retain each absentee
9 ballot application until destruction is authorized under s. 7.23 (1).

10 2. Except as authorized in s. 6.79 (6) and (7), if a qualified elector applies for
11 an absentee ballot in person at the clerk's office, the clerk shall not issue the elector
12 an absentee ballot unless the elector presents proof of identification. The clerk shall
13 verify that the name on the proof of identification presented by the elector conforms
14 to the name on the elector's application and shall verify that any photograph
15 appearing on that document reasonably resembles the elector. The clerk shall then
16 enter his or her initials on the certificate envelope indicating that the absentee
17 elector presented proof of identification to the clerk.

18 **SECTION 2.** 6.86 (1) (as) of the statutes is created to read:

19 6.86 (1) (as) The absentee ballot application form and instructions shall be
20 prescribed by the commission and shall be separate and distinct from the certificate

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1 envelope prescribed in s. 6.87 (2). The application shall require the elector to certify
2 facts establishing that he or she is qualified to vote in the election at the municipality
3 of his or her legal voting residence and shall include at least all of the following
4 information:

- 5 1. The elector's municipality and county of residence.
- 6 2. The elector's name, date of birth, and contact information, including as
7 applicable the elector's telephone number, fax number, and electronic mail address.
- 8 3. The street address of the elector's legal voting residence.
- 9 4. The election at which the elector intends to vote absentee.
- 10 5. Whether the elector is a military or overseas elector.
- 11 6. The elector's confidential identification serial number if the elector has
12 obtained a confidential listing under s. 6.47 (2).
- 13 7. The lawful method by which the elector prefers to receive the absentee ballot.
- 14 8. Whether the elector is hospitalized for purposes of sub. (3).

15 (END)