



State of Wisconsin
2021 - 2022 LEGISLATURE

LRBa0480/1
MPG:amn

**SENATE AMENDMENT 1,
TO SENATE BILL 204**

May 3, 2021 - Offered by Senator STROEBEL.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 5, line 5: delete “~~or overseas elector,~~” and substitute “or overseas
3 elector, and except as authorized in s. 6.86 (2) (c).”.

4 **2.** Page 6, line 23: delete that line.

5 **3.** Page 8, line 14: before “6.87 (4)” insert “6.86 (2) (c).”.

6 **4.** Page 8, line 14: delete “5. and” and substitute “5. and”.

7 **5.** Page 8, line 17: delete “~~an overseas elector or~~” and substitute “an overseas
8 elector or”.

9 **6.** Page 11, line 5: delete the material beginning with that line and ending with
10 “possible.” on page 12, line 5, and substitute:

11 **“SECTION 9g.** 6.86 (2) of the statutes is repealed and recreated to read:

1 6.86 (2) (a) The municipal clerk shall send an absentee ballot automatically to
2 an elector who is 65 years of age or older for every election held within 60 months of
3 the date the elector files a statement with the municipal clerk affirming that the
4 elector is indefinitely confined because of his or her age or physical illness or
5 infirmity or is disabled for an indefinite period. The existence anywhere in this state
6 of a public health emergency, as defined in s. 323.02 (16), a disaster, as defined in s.
7 323.02 (6), or an epidemic of a communicable disease does not qualify an elector as
8 indefinitely confined under this paragraph.

9 (b) The municipal clerk shall send an absentee ballot automatically to an
10 elector who is under 65 years of age for every election held within 24 months of the
11 date the elector files with the municipal clerk all of the following:

12 1. A statement from the elector affirming that he or she is indefinitely confined
13 because of his or her physical illness or infirmity or because he or she is disabled for
14 an indefinite period. The existence anywhere in this state of a public health
15 emergency, as defined in s. 323.02 (16), a disaster, as defined in s. 323.02 (6), or an
16 epidemic of a communicable disease does not qualify an elector as indefinitely
17 confined under this subdivision.

18 2. A statement from another U.S. citizen who is 18 years of age or older that
19 contains the citizen's name and address and affirms that the elector is indefinitely
20 confined because of the elector's physical illness or infirmity or because the elector
21 is disabled for an indefinite period.

22 (c) Every absentee ballot returned under this subsection shall be accompanied
23 by a copy of the elector's proof of identification, except that if an elector does not
24 possess proof of identification, the elector shall submit with his or her absentee ballot
25 a sworn written statement signed by both the elector and the same individual who

1 witnessed the voting of the ballot affirming the identity of the elector. Any ballot
2 returned under this subsection without a copy of the elector's proof of identification
3 or the signed sworn statement affirming the elector's identity shall not be counted.

4 (d) The commission shall prescribe the application forms and instructions for
5 use under pars. (a) and (b), and each municipal clerk shall provide the form and
6 instructions, upon request, to any elector. The forms for use under this subsection,
7 including the application for indefinitely confined voting status and sworn
8 statement attesting to the elector's identify, shall be unique to the procedures under
9 this subsection.

10 (e) Any absentee ballot mailed under this subsection shall be clearly marked
11 as not forwardable.

12 (f) An elector who is no longer indefinitely confined because of age, illness,
13 infirmity, or disability shall immediately notify the clerk of the municipality where
14 the elector resides.

15 (g) The municipal clerk shall maintain a list of the electors of the municipality
16 who are indefinitely confined for purposes of this subsection. The clerk shall remove
17 the name of an elector from the list, cease sending absentee ballots to the elector, and
18 notify the elector of his or her removal from the list, if any of the following applies:

19 1. The elector notifies the clerk that the elector is no longer indefinitely
20 confined as provided under par. (a) or (b).

21 2. The elector fails to cast and return an absentee ballot received under this
22 subsection for any election and fails to renew the application for indefinitely confined
23 voting status under par. (a) or (b) within 30 days after receiving notification from the
24 clerk that the clerk will remove the elector's name from the mailing list unless the
25 elector renews the elector's application.

1 3. The clerk receives reliable information that the elector no longer qualifies
2 as indefinitely confined under par. (a) or (b) and verifies the accuracy of that
3 information.

4 4. The elector requests to be removed from the list.”.

5 **7.** Page 12, line 20: delete “~~or overseas~~” and substitute “or overseas”.

6 **8.** Page 12, line 21: after “elector,” insert “and except as authorized in s. 6.86
7 (2) (c),”.

8 **9.** Page 13, line 13: delete the material beginning with “~~or~~” and ending with
9 “~~6.10~~” on line 14 and substitute “or an overseas elector who does not qualify as a
10 resident of this state under s. 6.10”.

11 **10.** Page 18, line 21: delete lines 21 to 24 and substitute:

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), and each
14 overseas elector making an authorized request therefor in accordance with s. 6.22
15 (4), ~~or 6.24 (4), or 6.86 (2) or (2m).~~”.

16 **11.** Page 19, line 2: after that line insert:

17 “**SECTION 24e.** 12.13 (3) (ig) of the statutes is created to read:

18 12.13 (3) (ig) Do any of the following:

19 1. Falsely make any statement for the purpose of qualifying as indefinitely
20 confined under s. 6.86 (2) (a) or (b).

21 2. Falsely make any statement affirming that another person is indefinitely
22 confined for purposes of s. 6.86 (2) (a) or (b).

23 3. Intentionally use the procedures under s. 6.86 (2) to avoid providing valid
24 proof of identification, as defined under s. 5.02 (16c), that the person possesses.

1 4. Falsely affirming another person's identity for purposes of s. 6.86 (2) (c).

2 **SECTION 24m.** 12.60 (1) (a) of the statutes is amended to read:

3 12.60 (1) (a) Whoever violates s. 12.09, 12.11 or 12.13 (1), (2) (b) 1. to 7. or (3)
4 (a), (e), (f), (j), (ig), (k), (L), (m), (y) or (z) is guilty of a Class I felony.

5 **SECTION 24s. Nonstatutory provisions.**

6 (1m) The elections commission shall facilitate the removal, no later than the
7 first day of the 3rd month beginning after the effective date of this subsection, from
8 the mailing list maintained under s. 6.86 (2), 2019 stats., of each elector who applied
9 for automatic receipt of absentee ballots under s. 6.86 (2) (a), 2019 stats., during the
10 period beginning on March 12, 2020, and ending on November 3, 2020.

11 (2m) No elector who under sub. (1m) is removed from the mailing list under s.
12 6.86 (2), 2019 stats., may receive an absentee ballot under that subsection unless the
13 elector reapplies for automatic receipt of absentee ballots as provided under this
14 act.”.

15 (END)