



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0663/1

JK:amn

2023 ASSEMBLY BILL 299

May 25, 2023 - Introduced by Representatives SORTWELL, ORTIZ-VELEZ, ALLEN, BEHNKE, BINSFELD, GUNDRUM, GUSTAFSON, MAXEY, MYERS, STEFFEN, SUBECK, WICHGERS and KRUG, cosponsored by Senators CABRAL-GUEVARA, TAYLOR, BALLWEG, STROEBEL and TOMCZYK. Referred to Committee on Campaigns and Elections.

AN ACT *to amend* 6.18 (intro.), 6.87 (1), 6.87 (2) (intro.) and 6.87 (4) (b) 3.; and
to create 19.36 (14) of the statutes; **relating to:** requiring identification of a
military voter for voting absentee.

Analysis by the Legislative Reference Bureau

Current law does not require a military voter to provide proof of identification when applying for an absentee ballot. This bill requires a military voter to provide his or her federal Department of Defense number on the application for an absentee ballot and requires the municipal clerk to verify with the state Department of Military Affairs that the DOD number conforms to the voter's name on the application. The military voter is also required to complete a consent for release of information form provided by the clerk and approved by the DOD. If the clerk is unable to verify the DOD number before election day, the ballot is considered to be a provisional ballot. If the clerk is unable to verify the number before 4 p.m. on the Friday following the election, the ballot will not be counted, but the clerk will continue his or her efforts to verify the voter's DOD number so the voter may use that number to vote at subsequent elections. Generally, under current law, a voter must present proof of identification when applying for an absentee ballot and the municipal clerk must verify that the proof of identification conforms to the voter's name on the application.

Under the bill, if a military voter elects to return his or her absentee ballot by

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electronic mail and does so no later than 30 days before the election, the clerk has 90 days following the election to verify the voter's DOD number. If a military voter mails in the absentee ballot or votes absentee in person, the clerk must verify the elector's DOD number within 48 hours after receiving the ballot. Also, if the military voter elects to return his or her absentee ballot by electronic mail, the voter must return the ballot using his or her DOD electronic mail address.

Under current law, if a voter has received an absentee ballot by mail for a previous election, submitted proof of identification, and has not changed his or her name or address since providing proof of identification, the voter is not required to provide proof of identification with subsequent absentee ballot applications. Under the bill, if a military voter has received an absentee ballot by mail for a previous election, submitted his or her DOD number, and has not changed his or her name or address since providing that number, the military voter is not required to provide his or her DOD number with subsequent absentee ballot applications, except the military voter must provide his or her DOD number at least once every six years.

Under the bill, the public does not have access to a military voter's DOD number provided for purposes of obtaining an absentee ballot.

Current law allows a military voter to use the federal postcard registration and absentee ballot request form to apply for an absentee ballot. If a military voter has a Wisconsin-issued photo identification or a social security number, the military voter must provide a copy of that identification or the last four digits of his or her social security number. If the military voter has neither, the voter must indicate that on the form, but is still eligible to receive and complete an absentee ballot. This bill does not affect the use of the federal postcard registration and absentee ballot request form.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 6.18 (intro.) of the statutes is amended to read:

6.18 Former residents. (intro.) If ineligible to qualify as an elector in the state to which the elector has moved, any former qualified Wisconsin elector may vote an absentee ballot in the ward of the elector's prior residence in any presidential election occurring within 24 months after leaving Wisconsin by requesting an application form and returning it, properly executed, to the municipal clerk of the elector's prior Wisconsin residence. When requesting an application form for an absentee ballot, the applicant shall specify the applicant's

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eligibility for only the presidential ballot. Unless the applicant is exempted from providing proof of identification under s. 6.87 (4) (b) 2. or 3., or the applicant is a military or overseas elector, the elector shall enclose a copy of his or her proof of identification or any authorized substitute document with his or her application. A military elector shall write his or her department of defense number on the elector's application and complete a consent for release of information form provided by the clerk and as approved by the department of defense. The municipal clerk shall verify that the name on the proof of identification conforms to the name on the application and verify with the department of military affairs that the department of defense number provided by a military elector conforms to the name on the application. The clerk shall not issue a ballot to an elector who is required to enclose a copy of proof of identification or an authorized substitute document with his or her application unless the copy is enclosed and the proof is verified by the clerk. The clerk shall not issue an absentee ballot to an elector who is required to provide his or her department of defense number unless the number is provided. If the number is not included on the application, the clerk shall make a good faith effort to contact the military elector and request his or her department of defense number. If a military elector elects to return the ballot by electronic mail and does so no later than 30 days before the election, the clerk has 90 days following the election to verify the elector's department of defense number. In addition, if the military elector elects to return the ballot by electronic mail, the military elector shall return the ballot by using his or her department of defense electronic mail address. If a military elector mails in the ballot or votes absentee in person, the

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clerk shall verify the elector's department of defense number within 48 hours after receiving the ballot. If the clerk is unable to verify the number prior to election day, the clerk shall issue the ballot, but the ballot shall be considered a provisional ballot under s. 6.97. If the clerk is unable to verify the number before 4 p.m. on the Friday following the election, the provisional ballot shall not be counted, but the clerk shall continue his or her efforts to verify the elector's department of defense number so the elector may use that number to vote at subsequent elections. The application form shall require the following information and be in substantially the following form:

SECTION 2. 6.87 (1) of the statutes is amended to read:

6.87 (1) Upon proper request made within the period prescribed in s. 6.86, the municipal clerk or a deputy clerk authorized by the municipal clerk shall write on the official ballot, in the space for official endorsement, the clerk's initials and official title. Unless application is made in person under s. 6.86 (1) (ar), the absent elector is exempted from providing proof of identification under sub. (4) (b) 2. or 3., or the applicant is a military or overseas elector, the absent elector shall enclose a copy of his or her proof of identification or any authorized substitute document with his or her application. A military elector shall write his or her department of defense number on the elector's application and complete a consent for release of information form provided by the clerk and as approved by the department of defense. The municipal clerk shall verify that the name on the proof of identification conforms to the name on the application and verify with the department of military affairs that the department of defense number provided by

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a military elector conforms to the name on the application. The clerk shall not issue an absentee ballot to an elector who is required to enclose a copy of proof of identification or an authorized substitute document with his or her application unless the copy is enclosed and the proof is verified by the clerk. The clerk shall not issue an absentee ballot to an elector who is required to provide his or her department of defense number unless the number is provided. If the number is not included on the application, the clerk shall make a good faith effort to contact the military elector and request his or her department of defense number. If a military elector elects to return the ballot by electronic mail and does so no later than 30 days before the election, the clerk has 90 days following the election to verify the elector's department of defense number. In addition, if the military elector elects to return the ballot by electronic mail, the military elector shall return the ballot by using his or her department of defense electronic mail address. If a military elector mails in the ballot or votes absentee in person, the clerk shall verify the elector's department of defense number within 48 hours after receiving the ballot. If the clerk is unable to verify the number prior to election day, the clerk shall issue the ballot, but the ballot shall be considered a provisional ballot under s. 6.97. If the clerk is unable to verify the number before 4 p.m. on the Friday following the election, the provisional ballot shall not be counted, but the clerk shall continue his or her efforts to verify the elector's department of defense number so the elector may use that number to vote at subsequent elections.

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

6.87 (2) (intro.) Except as authorized under sub. (3) (d), the municipal clerk

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shall place the ballot in an unsealed envelope furnished by the clerk. The envelope shall have the name, official title and post-office address of the clerk upon its face. The other side of the envelope shall have a printed certificate which shall include a space for the municipal clerk or deputy clerk to enter his or her initials indicating that if the absentee elector voted in person under s. 6.86 (1) (ar), the elector presented proof of identification to the clerk and the clerk verified the proof presented. The certificate shall also include a space for the municipal clerk or deputy clerk to enter his or her initials indicating that the elector is exempt from providing proof of identification because the individual is a military elector or an overseas elector who does not qualify as a resident of this state under s. 6.10 or is exempted from providing proof of identification under sub. (4) (b) 2. or 3. The certificate shall include a space for the municipal clerk or deputy clerk to enter his or her initials that a military elector provided his or her department of defense number, and submitted a completed consent for release of information form, and that the clerk verified that the number corresponds to the elector, as provided in sub. (1). The certificate shall be in substantially the following form:

SECTION 4. 6.87 (4) (b) 3. of the statutes is amended to read:

6.87 (4) (b) 3. If the absentee elector has received an absentee ballot from the municipal clerk by mail for a previous election, has provided proof of identification with that ballot, and has not changed his or her name or address since providing that proof of identification, the elector is not required to provide proof of identification. If a military elector has received an absentee ballot from the municipal clerk by mail for a previous election, has provided his or her department

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of defense number, and has not changed his or her name or address since providing that number, the military elector is not required to provide his or her department of defense number, except that the military elector shall provide the number at least once every 6 years.

SECTION 5. 19.36 (14) of the statutes is created to read:

19.36 (14) DEPARTMENT OF DEFENSE NUMBERS. Unless access is specifically authorized or required by statute, an authority shall not provide access under s. 19.35 (1) to a military elector's department of defense number provided pursuant to ss. 6.18 and 6.87 (1), (2) (intro.), and (4) (b) 3.

SECTION 6. Nonstatutory provisions.

(1) The department of military affairs shall work with the federal department of defense to develop a consent for release of information form, as described under ss. 6.18 and 6.87 (1) and (2) (intro.), so that the form is available no later than January 1, 2024.

(2) The elections commission shall send notice of the process described in this act, along with a copy of the consent form developed under sub. (1), to the municipal clerks no later than March 1, 2024.

SECTION 7. Initial applicability.

(1) This act first applies to primaries and elections held after March 1, 2024.

(END)