

State of Wisconsin



2021 Senate Bill 203

Date of enactment:
Date of publication*:

2021 WISCONSIN ACT

AN ACT *to amend* 6.86 (1) (a) 1., 6.87 (4) (b) 1. and 12.60 (1) (a); and *to create* 6.856 and 12.13 (3) (md) of the statutes; **relating to:** the secure delivery of absentee ballots and providing a penalty.

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

SECTION 1. 6.856 of the statutes is created to read:

6.856 Collection events. The governing body of a municipality may elect to designate a single site other than the office of the municipal clerk or board of election commissioners as a location for an elector to deliver his or her completed absentee ballot. The designated site shall be located as near as practicable to the office of the municipal clerk or board of election commissioners and no site may be designated that affords an advantage to any political party. No site designated under this subsection may be used by an elector to make a request for and vote by absentee ballot. The designated site shall be staffed by the municipal clerk or the executive director of the board of election commissioners, or employees of the clerk or the board of election commissioners, and shall be accessible to all individuals with disabilities. An elector may deliver his or her completed absentee ballot to a location designated under this subsection only during the period for making in-person applications for an absentee ballot under s. 6.86 (1) (b). A person may observe the proceedings at a location designated under this section as provided in s. 7.41.

SECTION 2. 6.86 (1) (a) 1. of the statutes is amended to read:

6.86 (1) (a) 1. By mail or by a for-profit commercial delivery service moving parcels nationally and internationally.

SECTION 3. 6.87 (4) (b) 1. of the statutes is amended to read:

6.87 (4) (b) 1. Except as otherwise provided in s. 6.875, an elector voting absentee, other than a military elector or an overseas elector, shall make and subscribe to the certification before one witness who is an adult U.S. citizen. A military elector or an overseas elector voting absentee, regardless of whether the elector qualifies as a resident of this state under s. 6.10, shall make and subscribe to the certification before one witness who is an adult but who need not be a U.S. citizen. The absent elector, in the presence of the witness, shall mark the ballot in a manner that will not disclose how the elector's vote is cast. The elector shall then, still in the presence of the witness, fold the ballots so each is separate and so that the elector conceals the markings thereon and deposit them in the proper envelope. If a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot so that the elector conceals the markings thereon and deposit the ballot in the proper envelope. If proof of residence under s. 6.34 is required and the document enclosed by the elector under this subdivision does not constitute proof of residence under s. 6.34, the elector shall also enclose proof

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

of residence under s. 6.34 in the envelope. Except as provided in s. 6.34 (2m), proof of residence is required if the elector is not a military elector or an overseas elector and the elector registered by mail or by electronic application and has not voted in an election in this state. If the elector requested a ballot by means of facsimile transmission or electronic mail under s. 6.86 (1) (ac), the elector shall enclose in the envelope a copy of the request which bears an original signature of the elector. The elector may receive assistance under sub. (5). The return envelope shall then be sealed. The witness may not be a candidate. The envelope shall be mailed by the elector; or delivered ~~in person, by the elector, a member of the elector's immediate family, or the elector's legal guardian to the office of the municipal clerk issuing the ballot or ballots; to the municipal clerk at an alternate absentee ballot site under s. 6.855; to the site of a collection event under s. 6.856; or to the elector's polling place on election day. The elector may also designate, in writing, one person who is registered to vote in this state to deliver the return envelope as provided in this subdivision, except that the elector may not designate a candidate on the ballot nor compensate the person to deliver the envelope. No person designated to deliver a return envelope may deliver more than 2 envelopes for any election for persons who are not members of the person's immediate family.~~ If the envelope is mailed from a location outside the United States, the elector shall affix sufficient postage unless the ballot qualifies for delivery free of postage under federal law. Failure to return an unused ballot in a primary does not

invalidate the ballot on which the elector's votes are cast. Return of more than one marked ballot in a primary or return of a ballot prepared under s. 5.655 or a ballot used with an electronic voting system in a primary which is marked for candidates of more than one party invalidates all votes cast by the elector for candidates in the primary. In this subdivision, "immediate family" means persons who are related as spouses, as siblings, as parent and child, or as a grandparent or grandchild. For purposes of this subdivision, the return of an envelope by mail includes the return of an envelope by a for-profit commercial delivery service moving parcels nationally and internationally.

SECTION 4. 12.13 (3) (md) of the statutes is created to read:

12.13 (3) (md) Obtain a marked absentee ballot from another person in order to deliver it to the proper municipal clerk or polling place, unless the person obtaining the ballot is a member of the elector's immediate family, the elector's legal guardian, or a person designated to deliver the ballot under s. 6.87 (4) (b) 1. In this paragraph, "immediate family" means persons who are related as spouses, as siblings, as parent and child, or as a grandparent or grandchild.

SECTION 5. 12.60 (1) (a) of the statutes is amended to read:

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