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02/21/2005

1 **AN ACT** *to amend* 6.87 (4) of the statutes; **relating to:** requiring a witness for
2 absentee voting to be an adult U.S. citizen.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the joint legislative council's special committee on election law review.

Under current law, military and overseas voters who cast absentee ballots must have a witness who is an adult U.S. citizen. All other absentee ballots must have a witness, but the age and nationality of the witness is not specified. This bill would require all absentee ballots to be witnessed by an adult U.S citizen.

The draft contains an effective date of January 1, 2006.

3 **SECTION 1.** 6.87 (4) of the statutes, as affected by 2001 Wisconsin Act 265, section 112a,
4 is amended to read:
5 6.87 (4) Except as otherwise provided in s. 6.875, the elector voting absentee shall make
6 and subscribe to the certification before one witness who is an adult U.S. citizen. The absent
7 elector, in the presence of the witness, shall mark the ballot in a manner that will not disclose
8 how the elector's vote is cast. The elector shall then, still in the presence of the witness, fold
9 the ballots so each is separate and so that the elector conceals the markings thereon and deposit
10 them in the proper envelope. If a consolidated ballot under s. 5.655 is used, the elector shall
11 fold the ballot so that the elector conceals the markings thereon and deposit the ballot in the
12 proper envelope. If the elector has registered by mail and has not, or is not certain whether
13 the elector has, previously voted in an election for national office in this state, the elector shall
14 enclose identification in the envelope. Identification is required if the elector is not a military
15 elector or an overseas elector, as defined in s. 6.36 (2) (c), and the elector registered by mail

1 and has not voted in an election for national office in the municipality where the elector is
2 voting. The elector may receive assistance under sub. (5). The return envelope shall then be
3 sealed. The witness may not be a candidate. The envelope shall be mailed by the elector,
4 postage prepaid, or delivered in person, to the municipal clerk issuing the ballot or ballots.
5 Failure to return an unused ballot in a primary does not invalidate the ballot on which the
6 elector's votes are cast. Return of more than one marked ballot in a primary or return of a ballot
7 prepared under s. 5.655 or a ballot used with an electronic voting system in a primary which
8 is marked for candidates of more than one party invalidates all votes cast by the elector for
9 candidates in the primary.

10 **SECTION 2. Effective dates.** This act takes effect on January 1, 2006.

11 (END)