

- 1       **AN ACT** *to amend* 6.22 (4) and 6.865 (3); and *to create* 6.865 (3m) of the statutes;  
2       **relating to:** ballots for military electors.

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

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

Under current law, "military electors" are defined to be any of the following:

- Members of a uniformed service (i.e., the U.S. army, navy, air force, marine corps, or coast guard, the commissioned corps of the federal public health service or the national oceanic and atmospheric administration).
- Members of the U.S. merchant marine.
- Civilian employees of the U.S. and civilians officially attached to a uniformed service who are serving outside the U.S.
- Peace corps volunteers.
- Spouses and dependents of the above who reside with or accompany them.

In general, and with some exceptions, a military elector is to vote in the ward or election district for the address of his or her residence prior to becoming a military elector. In general, military electors are not required to register as a prerequisite to voting in any election.

A military elector may request an absentee ballot for any election, or for all elections until the individual otherwise requests or until the person no longer qualifies as a military elector. An absentee ballot application from a military elector may be received at any time. In general, as an alternative to a regular absentee ballot request form, a federal postcard registration and absentee ballot request form may be used to apply for an absentee ballot by a military elector if the municipal clerk can determine that the applicant is qualified to vote in the election district where he or she seeks to vote and that the applicant is qualified to receive an absentee ballot as a military elector.

For military electors who are in the uniformed service and on active duty, members of the merchant marine, and the spouse and dependents of such persons who are absent because of the duty or service of the member, current law also provides that such electors may request an absentee ballot for the next 2 general elections. A municipal clerk must comply with such a request except that no absentee ballot may be sent for a succeeding general election if the elector's name appeared on the registration list for a previous general election and no longer appears on the registration list for the succeeding general election. Further, if the elector's address for the succeeding general election is in a municipality that is different from the municipality in which the elector resided for the first general election, current law requires the clerk to forward the request to the clerk of the municipality where the elector resides.

A municipal clerk must send a ballot, as soon as available, to each military elector who requests a ballot. However, the clerk may not send a ballot for an election if the application is received later than 5:00 p.m. on the Friday preceding that election. Whenever absentee ballots are sent to military electors, they must be prepared and mailed to make use of the federal free postage laws.

This draft modifies current law to provide that every request by any military elector must be treated as a request for an absentee ballot for all subsequent elections until the individual otherwise requests or until the individual no longer qualifies as a military elector. In addition, the draft provides that the failure by a military elector to cast and return an absentee ballot does not constitute grounds for refusing to send an absentee ballot to the military elector at a subsequent election.

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

1       **SECTION 1.** 6.22 (4) of the statutes is amended to read:  
2       6.22 (4) INSTRUCTIONS AND HANDLING. ~~At~~ A request for an absentee ballot by an  
3       individual who qualifies as a military elector ~~may~~ shall be treated as a request for an absentee  
4       ballot ~~for any election, or for all elections until the individual otherwise requests or until the~~  
5       individual no longer qualifies as a military elector. Failure to cast and return an absentee ballot  
6       received under this section shall not be grounds for refusing to send an absentee ballot to the  
7       military elector at a subsequent election. A military elector's application may be received at  
8       any time. The municipal clerk shall not send a ballot for an election if the application is

1 received later than 5 p.m. on the Friday preceding that election. The municipal clerk shall send  
2 a ballot, as soon as available, to each military elector who requests a ballot. The board shall  
3 prescribe the instructions for marking and returning ballots and the municipal clerk shall  
4 enclose instructions with each ballot and shall also enclose supplemental instructions for local  
5 elections. The envelope, return envelope and instructions may not contain the name of any  
6 candidate appearing on the enclosed ballots other than that of the municipal clerk affixed in  
7 the fulfillment of his or her duties. Whenever the material is mailed, the material shall be  
8 prepared and mailed to make use of the federal free postage laws. The mailing list established  
9 under this subsection shall be kept current in the same manner as provided in s. 6.86 (2) (b).

10 **SECTION 2.** 6.865 (3) of the statutes is amended to read:

11 6.865 (3) If the elector making a timely request for an absentee ballot is ~~a military elector~~  
12 ~~or~~ an overseas elector and the elector requests that he or she be sent an absentee ballot for the  
13 next 2 general elections, the municipal clerk or board of election commissioners shall comply  
14 with the request except that no ballot shall be sent for a succeeding general election if the  
15 elector's name appeared on the registration list for a previous general election and no longer  
16 appears on the registration list for the succeeding general election. If the elector's address for  
17 the succeeding general election is in a municipality that is different from the municipality in  
18 which the elector resided for the first general election, the clerk or board of election  
19 commissioners shall forward the request to the clerk or board of election commissioners of  
20 the municipality where the elector resides.

21 **SECTION 3.** 6.865 (3m) of the statutes is created to read:

22 6.865 (3m) If the elector making a timely request for an absentee ballot is a military  
23 elector, the request shall be treated as provided under s. 6.22 (4).

