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02/21/2005

1 **AN ACT** *to amend* 6.87 (3) of the statutes; **relating to:** the mailing of absentee
2 ballots.

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, if an elector requests an absentee ballot, the municipal clerk is directed to mail an absentee ballot to the residence of the elector, unless the elector specifies a different mailing address. An elector may not specify that a ballot be sent to the address of a candidate, political party, or campaign finance registrant, unless the elector resides there. If an elector has applied for an absentee ballot and there may not be time to return the ballot, a clerk may send a ballot to a fax number or electronic mail address.

This draft specifies that absentee ballots may only be sent to an elector's permanent or temporary address.

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

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

4 6.87 (3) (a) Except as authorized under par. (d) and as otherwise provided in s. 6.875,
5 the municipal clerk shall mail the absentee ballot [postage prepaid for return] to the elector's
6 temporary or permanent residence ~~unless otherwise~~ of the elector, as directed by the elector,
7 or shall deliver it to the elector personally at the clerk's office.

COMMENT: The issue of whether absentee ballots should be mailed with prepaid postage has been raised in connection with the issue of encouraging absentee voting in the clerk's office. The language is bracketed here to reflect that pending decision.

8 (b) ~~No elector may direct that a ballot be sent to the address of a candidate, political party~~
9 ~~or other registrant under s. 11.05 unless the elector permanently or temporarily resides at that~~

1 address. Upon receipt of reliable information that an address given by an elector is not eligible
2 to receive ballots under this paragraph, the municipal clerk shall refrain from ~~sending~~ mailing
3 or transmitting ballots to that address. Whenever possible, the municipal clerk shall notify an
4 elector if his or her ballot cannot be mailed or transmitted to the address directed by the elector.

5 (c) If an elector's ballot is mailed to a location other than the elector's residence, it shall
6 be prepaid for return when mailed within the United States. If ~~the~~ an elector's ballot is
7 delivered to the elector at the clerk's office, the ballot shall be voted at the office and may not
8 be removed therefrom.

COMMENT: The issue of whether absentee ballots should be mailed with prepaid postage has been raised in connection with the issue of encouraging absentee voting in the clerk's office. The language is bracketed here to reflect that pending decision.

9 (d) A municipal clerk of a municipality may, if the clerk is reliably informed by an
10 absent elector of a facsimile transmission number located at the permanent or temporary
11 address of the elector or electronic mail address where the elector can receive an absentee
12 ballot, transmit a facsimile or electronic copy of the absent elector's ballot to that elector in
13 lieu of mailing under this subsection if, in the judgment of the clerk, the time required to send
14 the ballot through the mail may not be sufficient to enable return of the ballot by the time
15 provided under sub. (6). An elector may receive an absentee ballot under this subsection only
16 if the elector has filed a valid application for the ballot under sub. (1). If the clerk transmits
17 an absentee ballot under this paragraph, the clerk shall also transmit a facsimile or electronic
18 copy of the text of the material that appears on the certificate envelope prescribed in sub. (2),
19 together with instructions prescribed by the board. The instructions shall require the absent
20 elector to make and subscribe to the certification as required under sub. (4) and to enclose the
21 absentee ballot in a separate envelope contained within a larger envelope, that shall include

1 the completed certificate. The elector shall then mail the absentee ballot with postage prepaid
2 to the municipal clerk. Except as authorized in s. 6.97 (2), an absentee ballot received under
3 this paragraph shall not be counted unless it is cast in the manner prescribed in this paragraph
4 and in accordance with the instructions provided by the board.

5 **SECTION 2. Effective date.** This act takes effect on January 1, 2006.

6 (END)