

NZ:tlu

02/21/2005

1 **AN ACT** *to amend* 6.88 (1) and (3) (a); and *to create* 6.88 (3) (c) of the statutes;
2 **relating to:** the recording of absentee ballots.

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, absentee ballots must be opened at the polling place during poll hours. When the envelope is opened, the inspector is required to announce the name or serial number of the absent elector.

The draft adds language to ensure that the process of recording absentee ballots is done publicly.

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

3 **SECTION 1.** 6.88 (1) and (3) (a) of the statutes are amended to read:

4 **6.88 (1)** When an absentee ballot arrives at the office of the municipal clerk, the clerk
5 shall enclose it, unopened, in a carrier envelope which shall be securely sealed and endorsed
6 with the name and official title of the clerk, and the words "This envelope contains the ballot
7 of an absent elector and must be opened [in a public location] at the polls during polling hours
8 on election day". If the ballot was received by the elector by facsimile transmission or
9 electronic mail and is accompanied by a separate certificate, the clerk shall enclose the ballot
10 in a certificate envelope and securely append the completed certificate to the outside of the
11 envelope before enclosing the ballot in the carrier envelope. The clerk shall keep the ballot
12 in the clerk's office until delivered, as required in sub. (2).

13 **(3)** (a) Any time between the opening and closing of the polls on election day, the
14 inspectors shall [in a public location] [in the same room where votes are being cast] open the

1 carrier envelope only, and [publicly] [in such a manner that a member of the public, if he or
2 she desired, could hear and see the procedures] announce the name of the absent elector or the
3 identification serial number of the absent elector if the elector has a confidential listing under
4 s. 6.47 (2). When the inspectors find that the certification has been properly executed, the
5 applicant is a qualified elector of the ward or election district, and the applicant has not voted
6 in the election, they shall enter an indication on the poll list next to the applicant's name
7 indicating an absentee ballot is cast by the elector. They shall then open the envelope
8 containing the ballot in a manner so as not to deface or destroy the certification thereon. The
9 inspectors shall take out the ballot without unfolding it or permitting it to be unfolded or
10 examined. Unless the ballot is cast under s. 6.95, the inspectors shall verify that the ballot has
11 been endorsed by the issuing clerk. If the poll list indicates that identification is required and
12 no identification is enclosed or the name or address on the document that is provided is not
13 the same as the name and address shown on the poll list, the inspectors shall proceed as
14 provided under s. 6.97 (2). The inspectors shall then deposit the ballot into the proper ballot
15 box and enter the absent elector's name or voting number after his or her name on the poll list
16 in the same manner as if the elector had been present and voted in person.

COMMENT: The bracketed language is meant to provide the committee with some options to begin discussion.

17 **SECTION 2.** 6.88 (3) (c) of the statutes is created to read:

18 6.88 (3) (c) All the procedures described in this section shall be conducted [in a public
19 location in the polling place] [in the same room that votes are being cast] [in such a manner
20 that a member of the public, if he or she desired, could hear and see the procedures].

COMMENT: This SECTION provides language that could be used instead of, or in addition to, the proposed language in SECTION 1.

