1   AN ACT *to amend* 6.87 (3) (a); and *to create* 6.87 (3) (am) of the statutes; **relating to:**

2   requesting and casting an absentee ballot.

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, an elector may request and cast an absentee ballot if he or she is unable or unwilling to appear at the polls. This "no excuse" system was adopted by 1999 Wisconsin Act 182. Prior to that act, in order to receive an absentee ballot, an elector was required to have an excuse such as sickness, or absence from the municipality. This draft would partially reinstate the requirement for an excuse. If an elector's application for an absentee ballot is not received by the municipal clerk within 21 days before the election, the elector must provide a reason for needing an absentee ballot. The list of acceptable excuses is identical to those contained in the law prior to Act 182.
>
> The draft has an effective date of January 1, 2006

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

4   6.87 **(3)** (a) Except as authorized under ~~par.~~ pars. (am) and (d) and as otherwise provided

5   in s. 6.875, the municipal clerk shall mail the absentee ballot postage prepaid for return to the

6   elector's residence unless otherwise directed, or shall deliver it to the elector personally at the

7   clerk's office.

8   **SECTION 2.** 6.87 (3) (am) of the statutes is created to read:

9   6.87 **(3)** (am) A municipal clerk shall not mail an absentee ballot to an elector if the

10   application for the absentee ballot is received later than [21 days] prior to the election unless

11   the elector certifies that he or she cannot appear at the polling place in his or her ward because

12   of age, sickness, handicap, physical disability, jury duty, service as an election official or

1 religious reasons, or because the elector is or expects to be absent from the municipality in

2 which the elector is a qualified elector on election day whether by active service in the U.S.

3 armed forces or for any other reason. No person under the age of 70 qualifies as an absent

4 elector solely because of age.

> **NOTE:** This SECTION provides that a municipal clerk may not mail an absentee ballot to an elector whose application for such ballot received later than 21 days prior to the election unless the elector provides a reason for needing an absentee ballot. The reasons that are acceptable largely track the law as it existed prior to 1999 Wisconsin Act 182, which eliminated the need for an excuse to vote absentee.
>
> **COMMENT:** This draft raises a number of issues:
>
> (1) The 21–day period is bracketed. How long should the window be?
>
> (2) How should a clerk deal with an application needing an excuse, but that fails to give one?
>
> (3) Does the application for an absentee ballot need to be statutorily prescribed so that it provides for electors certifying to their unavailability?
>
> (4) Should the certification on the envelope be modified depending on whether the requestor was required to provide a reason for the request? Currently the certification that is required states: " . . . I am unable or unwilling to appear at the polling place in the (ward) (election district) on election day or have changed my residence within the state from one ward or election district to another within 10 days before the election".

5 **SECTION 3. Effective date.** This act takes effect on January 1, 2006.

6 **(END)**