



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-5620/1
MPG:emw

2023 ASSEMBLY BILL 1037

February 1, 2024 - Introduced by Representatives ROZAR, KRUG, ALLEN, BINSFELD, BODDEN, BRANDTJEN, DITTRICH, GOEBEN, HURD, KITCHENS, MAXEY, MELOTIK, MOSES, O'CONNOR, PENTERMAN, SORTWELL and WICHGERS, cosponsored by Senators TOMCZYK, BRADLEY, CABRAL-GUEVARA, JAMES and TESTIN. Referred to Committee on Campaigns and Elections.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to renumber* 6.87 (9); *to renumber and amend* 6.87 (6d); *to amend*
2 6.86 (6) and 6.87 (2) (intro.); and *to create* 6.87 (6d) (a) to (g) and 6.87 (9) (b)
3 of the statutes; **relating to:** witness address requirements on absentee ballot
4 certificates, curing defects on absentee ballot certificates, and providing a
5 penalty.

Analysis by the Legislative Reference Bureau

Under current law, absentee ballot envelopes include a printed certificate that must be completed, signed by the voter and a qualified witness, and returned to the municipal clerk with the completed ballot so that it is delivered to the polling place no later than 8 p.m. on election day. The witness certificate includes the witness's printed name and address in addition to his or her signature. If a municipal clerk receives an absentee ballot with an improperly completed certificate, the clerk may, but is not required to, return the ballot to the voter whenever time permits so that the voter may correct the defect. If a certificate is missing the address of the witness, the ballot may not be counted.

Under this bill, an absentee ballot that is returned with a witness certification that does not include all of the following may not be counted:

1. The witness's printed first name.
2. The witness's printed last name.
3. The witness's house or apartment number.
4. The witness's street name.

ASSEMBLY BILL 1037

5. The witness's municipality.
6. The witness's state.
7. The witness's zip code.

The bill further prohibits any person other than the voter, or the witness with respect to the witness certificate, from correcting a defect in the voter's absentee ballot certificate. Whoever violates this prohibition is subject to a fine not to exceed \$500 or imprisonment not to exceed 30 days, or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

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

1 **SECTION 1.** 6.86 (6) of the statutes is amended to read:

2 6.86 (6) Except as authorized in sub. (5) and s. 6.87 (9) (a), if an elector mails
3 or personally delivers an absentee ballot to the municipal clerk, the municipal clerk
4 shall not return the ballot to the elector. An elector who mails or personally delivers
5 an absentee ballot to the municipal clerk at an election is not permitted to vote in
6 person at the same election on election day.

7 **SECTION 2.** 6.87 (2) (intro.) of the statutes is amended to read:

8 6.87 (2) (intro.) Except as authorized under sub. (3) (d), the municipal clerk
9 shall place the ballot in an unsealed envelope furnished by the clerk. The envelope
10 shall have the name, official title and post-office address of the clerk upon its face.
11 The other side of the envelope shall have a printed certificate which shall include a
12 space for the municipal clerk or deputy clerk to enter his or her initials indicating
13 that if the absentee elector voted in person under s. 6.86 (1) (ar), the elector presented
14 proof of identification to the clerk and the clerk verified the proof presented. The
15 certificate shall also include a space for the municipal clerk or deputy clerk to enter
16 his or her initials indicating that the elector is exempt from providing proof of
17 identification because the individual is a military elector or an overseas elector who

ASSEMBLY BILL 1037

1 does not qualify as a resident of this state under s. 6.10 or is exempted from providing
2 proof of identification under sub. (4) (b) 2. or 3. The certificate shall include a distinct
3 field for each item required to be entered under sub. (6d) and shall be in substantially
4 the following form:

5 **SECTION 3.** 6.87 (6d) of the statutes is renumbered 6.87 (6d) (intro.) and
6 amended to read:

7 6.87 **(6d)** (intro.) If a certificate is missing ~~the address of a~~ any of the following
8 witness information, the ballot may not be counted.:

9 **SECTION 4.** 6.87 (6d) (a) to (g) of the statutes are created to read:

10 6.87 **(6d)** (a) The witness's printed first name.

11 (b) The witness's printed last name.

12 (c) The witness's house or apartment number.

13 (d) The witness's street name.

14 (e) The witness's municipality.

15 (f) The witness's state.

16 (g) The witness's zip code.

17 **SECTION 5.** 6.87 (9) of the statutes is renumbered 6.87 (9) (a).

18 **SECTION 6.** 6.87 (9) (b) of the statutes is created to read:

19 6.87 **(9)** (b) No person other than the elector, or the witness with respect to the
20 witness certificate, may correct a defect in the elector's absentee ballot certificate.
21 Whoever violates this paragraph is guilty of a misdemeanor punishable by a fine not
22 to exceed \$500 or imprisonment not to exceed 30 days, or both.

23 (END)