



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-5480/1
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2023 ASSEMBLY BILL 1045

February 2, 2024 - Introduced by Representatives HAYWOOD, SNODGRASS, ORTIZ-VELEZ, NEUBAUER, EMERSON, CONLEY, JOERS, J. ANDERSON, SINICKI, RATCLIFF, OHNSTAD, STUBBS, SUBECK, MOORE OMOKUNDE, JACOBSON and MADISON, cosponsored by Senators SMITH, SPREITZER, AGARD, ROYS and LARSON. Referred to Committee on Campaigns and Elections.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to amend** 6.02 (1), 6.02 (2), 6.10 (3), 6.10 (4), 6.15 (1), 6.15 (2) (a), 6.18
2 (form), 6.22 (7), 6.29 (2) (a), 6.55 (2) (a) (form), 6.85 (2), 6.87 (2) (form), 6.94 and
3 7.52 (5) (b) of the statutes; **relating to:** residency requirement for purposes of
4 voting.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, an otherwise eligible voter must be a resident of Wisconsin and of the municipality and ward, if any, where the voter is voting for 28 days before an election in order to vote in the election in that municipality and ward. This bill shortens that residency requirement from 28 days to 10 days.

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

5 **SECTION 1.** 6.02 (1) of the statutes is amended to read:
6 6.02 (1) Every U.S. citizen age 18 or older who has resided in an election district
7 or ward for ~~28~~ 10 consecutive days before any election where the citizen offers to vote
8 is an eligible elector.

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1 **SECTION 2.** 6.02 (2) of the statutes is amended to read:

2 6.02 (2) Any U.S. citizen age 18 or older who moves within this state later than
3 ~~28~~ 10 days before an election shall vote at his or her previous ward or election district
4 if the person is otherwise qualified. If the elector can comply with the ~~28-day~~ 10-day
5 residence requirement at the new address and is otherwise qualified, he or she may
6 vote in the new ward or election district.

7 **SECTION 3.** 6.10 (3) of the statutes is amended to read:

8 6.10 (3) When an elector moves his or her residence from one ward or
9 municipality to another ward or municipality within the state at least ~~28~~ 10 days
10 before the election, the elector may vote in and be considered a resident of the new
11 ward or municipality where residing upon registering at the proper polling place or
12 other registration location in the new ward or municipality under s. 6.55 (2) or 6.86
13 (3) (a) 2. If the elector moves his or her residence later than ~~28~~ 10 days before an
14 election, the elector shall vote in the elector's former ward or municipality if
15 otherwise qualified to vote there.

16 **SECTION 4.** 6.10 (4) of the statutes is amended to read:

17 6.10 (4) The residence of an unmarried person sleeping in one ward and
18 boarding in another is the place where the person sleeps. The residence of an
19 unmarried person in a transient vocation, a teacher or a student who boards at
20 different places for part of the week, month, or year, if one of the places is the
21 residence of the person's parents, is the place of the parents' residence unless through
22 registration or similar act the person elects to establish a residence elsewhere. If the
23 person has no parents and if the person has not registered elsewhere, the person's
24 residence shall be at the place that the person considered his or her residence in
25 preference to any other for at least ~~28~~ 10 consecutive days before an election. If this

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1 place is within the municipality, the person is entitled to all the privileges and subject
2 to all the duties of other citizens having their residence there, including voting.

3 **SECTION 5.** 6.15 (1) of the statutes is amended to read:

4 6.15 (1) **QUALIFICATIONS.** Any person who was or who is an eligible elector under
5 ss. 6.02 and 6.03, except that he or she has been a resident of this state for less than
6 ~~28~~ 10 consecutive days prior to the date of the presidential election, is entitled to vote
7 for the president and vice president but for no other offices. The fact that the person
8 was not registered to vote in the state from which he or she moved does not prevent
9 voting in this state if the elector is otherwise qualified.

10 **SECTION 6.** 6.15 (2) (a) of the statutes is amended to read:

11 6.15 (2) (a) The elector's request for the application form may be made in person
12 to the municipal clerk of the municipality where the person resides. Application may
13 be made not sooner than ~~27~~ 9 days nor later than 5 p.m. on the day before the election,
14 or may be made at the proper polling place in the ward or election district in which
15 the elector resides. If an elector makes application before election day, the
16 application form shall be returned to the municipal clerk after the affidavit has been
17 signed in the presence of the clerk or any officer authorized by law to administer
18 oaths. The affidavit shall be in substantially the following form:

19 STATE OF WISCONSIN

20 County of

21 I,, do solemnly swear that I am a citizen of the United States; that prior to
22 establishing Wisconsin residence, my legal residence was in the (town) (village)
23 (city) of, state of, residing at (street address); that on the day of the next
24 presidential election, I shall be at least 18 years of age and that I have been a legal
25 resident of the state of Wisconsin since, (year), residing at (street address),

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SECTION 6

1 in the [... ward of the ... aldermanic district of] the (town) (village) (city) of ..., county
 2 of ...; that I have resided in the state less than ~~28~~ 10 consecutive days, that I am
 3 qualified to vote for president and vice president at the election to be held November
 4 ..., ... (year), that I am not voting at any other place in this election and that I hereby
 5 make application for an official presidential ballot, in accordance with section 6.15
 6 of the Wisconsin statutes.

7 Signed ...

8 P.O. Address ...

9 Subscribed and sworn to before me this ... day of ..., ... (year)

10 ...(Name)

11 ...(Title)

12 **SECTION 7.** 6.18 (form) of the statutes is amended to read:

13 **6.18** (form) This form shall be returned to the municipal clerk's office.
 14 Application must be received in sufficient time for ballots to be mailed and returned
 15 prior to any presidential election at which applicant wishes to vote. Complete all
 16 statements in full.

17 APPLICATION FOR PRESIDENTIAL

18 ELECTOR'S ABSENTEE BALLOT

19 (To be voted at the Presidential Election

20 on November ..., ... (year)

21 I, ... hereby swear or affirm that I am a citizen of the United States, formerly
 22 residing at ... in the ... ward ... aldermanic district (city, town, village) of ..., County
 23 of ... for ~~28~~ 10 consecutive days prior to leaving the State of Wisconsin. I, ... do
 24 solemnly swear or affirm that I do not qualify to register or vote under the laws of
 25 the State of ...(State you now reside in) where I am presently residing. A citizen must

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1 be a resident of: State ...(Insert time) County ...(Insert time) City, Town or Village
2 ...(Insert time), in order to be eligible to register or vote therein. I further swear or
3 affirm that my legal residence was established in the State of ...(the State where you
4 now reside) on ... Month ... Day ... Year.

5 Signed

6 Address ...(Present address)

7 ...(City) ...(State)

8 Subscribed and sworn to before me this ... day of (year)

9 ...(Notary Public, or other officer authorized to administer oaths.)

10 ...(County)

11 My Commission expires

12 MAIL BALLOT TO:

13 NAME

14 ADDRESS

15 CITY ... STATE ... ZIP CODE

16 *Penalties for Violations.* Whoever swears falsely to any absent elector affidavit
17 under this section may be fined not more than \$1,000 or imprisoned for not more than
18 6 months or both. Whoever intentionally votes more than once in an election may
19 be fined not more than \$10,000 or imprisoned for not more than 3 years and 6 months
20 or both.

21 ...(Municipal Clerk)

22 ...(Municipality)

23 **SECTION 8.** 6.22 (7) of the statutes is amended to read:

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1 6.22 (7) EXTENSION OF PRIVILEGE. This section applies to all military electors for
2 28 10 days after the date of discharge from a uniformed service or termination of
3 services or employment of individuals specified in sub. (1) (b) 1. to 4.

4 **SECTION 9.** 6.29 (2) (a) of the statutes is amended to read:

5 6.29 (2) (a) Any qualified elector of a municipality who has not previously filed
6 a registration form or whose name does not appear on the registration list of the
7 municipality may register after the close of registration but not later than 5 p.m. or
8 the close of business, whichever is later, on the Friday before an election at the office
9 of the municipal clerk and at the office of the clerk's agent if the clerk delegates
10 responsibility for electronic maintenance of the registration list to an agent under
11 s. 6.33 (5) (b). The elector shall complete, in the manner provided under s. 6.33 (2),
12 a registration form containing all information required under s. 6.33 (1). The
13 registration form shall also contain the following certification: "I, ..., hereby certify
14 that, to the best of my knowledge, I am a qualified elector, having resided at ... for
15 at least 28 10 consecutive days immediately preceding this election, and I have not
16 voted at this election". The elector shall also provide proof of residence under s. 6.34.

17 **SECTION 10.** 6.55 (2) (a) (form) of the statutes is amended to read:

18 6.55 (2) (a) (form) "I, ..., hereby certify that, to the best of my knowledge, I am
19 a qualified elector, having resided at ... for at least 28 10 consecutive days
20 immediately preceding this election, and I have not voted at this election."

21 **SECTION 11.** 6.85 (2) of the statutes is amended to read:

22 6.85 (2) Any otherwise qualified elector who changes residence within this
23 state by moving to a different ward or municipality later than 28 10 days prior to an
24 election may vote an absentee ballot in the ward or municipality where he or she was
25 qualified to vote before moving.

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1 **SECTION 12.** 6.87 (2) (form) of the statutes is amended to read:

2 6.87 (2) (form)

3 [STATE OF ...

4 County of ...]

5 or

6 [(name of foreign country and city or other jurisdictional unit)]

7 I, ..., certify subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false
8 statements, that I am a resident of the [... ward of the] (town) (village) of ..., or of
9 the ... aldermanic district in the city of ..., residing at ...* in said city, the county
10 of ..., state of Wisconsin, and am entitled to vote in the (ward) (election district) at
11 the election to be held on ...; that I am not voting at any other location in this election;
12 that I am unable or unwilling to appear at the polling place in the (ward) (election
13 district) on election day or have changed my residence within the state from one ward
14 or election district to another later than ~~28~~ 10 days before the election. I certify that
15 I exhibited the enclosed ballot unmarked to the witness, that I then in (his) (her)
16 presence and in the presence of no other person marked the ballot and enclosed and
17 sealed the same in this envelope in such a manner that no one but myself and any
18 person rendering assistance under s. 6.87 (5), Wis. Stats., if I requested assistance,
19 could know how I voted.

20 Signed

21 Identification serial number, if any:

22 The witness shall execute the following:

23 I, the undersigned witness, subject to the penalties of s. 12.60 (1) (b), Wis.
24 Stats., for false statements, certify that I am an adult U.S. citizen** and that the
25 above statements are true and the voting procedure was executed as there stated.

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1 I am not a candidate for any office on the enclosed ballot (except in the case of an
2 incumbent municipal clerk). I did not solicit or advise the elector to vote for or against
3 any candidate or measure.

4(Printed name)

5(Address)***

6 Signed

7 * — An elector who provides an identification serial number issued under s.
8 6.47 (3), Wis. Stats., need not provide a street address.

9 ** — An individual who serves as a witness for a military elector or an overseas
10 elector voting absentee, regardless of whether the elector qualifies as a resident of
11 Wisconsin under s. 6.10, Wis. Stats., need not be a U.S. citizen but must be 18 years
12 of age or older.

13 *** — If this form is executed before 2 special voting deputies under s. 6.875 (6),
14 Wis. Stats., both deputies shall witness and sign.

15 **SECTION 13.** 6.94 of the statutes is amended to read:

16 **6.94 Challenged elector oath.** If the person challenged refuses to answer
17 fully any relevant questions put to him or her by the inspector under s. 6.92, the
18 inspectors shall reject the elector's vote. If the challenge is not withdrawn after the
19 person offering to vote has answered the questions, one of the inspectors shall
20 administer to the person the following oath or affirmation: "You do solemnly swear
21 (or affirm) that: you are 18 years of age; you are a citizen of the United States; you
22 are now and for ~~28~~ 10 consecutive days have been a resident of this ward except under
23 s. 6.02 (2); you have not voted at this election; you have not made any bet or wager
24 or become directly or indirectly interested in any bet or wager depending upon the
25 result of this election; you are not on any other ground disqualified to vote at this

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1 election". If the person challenged refuses to take the oath or affirmation, the
2 person's vote shall be rejected. If the person challenged answers fully all relevant
3 questions put to the elector by the inspector under s. 6.92, takes the oath or
4 affirmation, and fulfills the applicable registration requirements, and if the answers
5 to the questions given by the person indicate that the person meets the voting
6 qualification requirements, the person's vote shall be received.

7 **SECTION 14.** 7.52 (5) (b) of the statutes is amended to read:

8 7.52 (5) (b) For the purpose of deciding upon ballots that are challenged for any
9 reason, the board of absentee ballot canvassers may call before it any person whose
10 absentee ballot is challenged if the person is available to be called. If the person
11 challenged refuses to answer fully any relevant questions put to him or her by the
12 board of absentee ballot canvassers under s. 6.92, the board of absentee ballot
13 canvassers shall reject the person's vote. If the challenge is not withdrawn after the
14 person offering to vote has answered the questions, one of the members of the board
15 of absentee ballot canvassers shall administer to the person the following oath or
16 affirmation: "You do solemnly swear (or affirm) that: you are 18 years of age; you are
17 a citizen of the United States; you are now and for ~~28~~ 10 consecutive days have been
18 a resident of this ward except under s. 6.02 (2), stats.; you have not voted at this
19 election; you have not made any bet or wager or become directly or indirectly
20 interested in any bet or wager depending upon the result of this election; you are not
21 on any other ground disqualified to vote at this election." If the person challenged
22 refuses to take the oath or affirmation, the person's vote shall be rejected. If the
23 person challenged answers fully all relevant questions put to the elector by the board
24 of absentee ballot canvassers under s. 6.92, takes the oath or affirmation, and fulfills
25 the applicable registration requirements, and if the answers to the questions given

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SECTION 14

1 by the person indicate that the person meets the voting qualification requirements,
2 the person's vote shall be received.

3 (END)