



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-3867/1
JK&MPG:kjf

2021 SENATE BILL 458

July 21, 2021 - Introduced by Senators ROYS, SMITH, ERPENBACH, AGARD and LARSON, cosponsored by Representatives SHELTON, HINTZ, BALDEH, ANDRACA, SUBECK, SPREITZER, STUBBS, CONSIDINE, ANDERSON, NEUBAUER and SNODGRASS. Referred to Committee on Elections, Election Process Reform and Ethics.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to amend** 5.02 (12n), 6.02 (1), 6.02 (2), 6.05, 6.22 (6), 6.24 (1), 6.94 and
2 7.52 (5) (b) of the statutes; **relating to:** extending voting rights to certain
3 17-year-old individuals and requiring a referendum.

Analysis by the Legislative Reference Bureau

Currently, in addition to other qualifications, an individual must be at least 18 years of age to vote at an election in this state. This bill allows an individual who is 17 years of age to vote at a primary if the individual will be 18 years of age on the date on which the election following the primary is held.

Because the bill extends the right to vote to a class of individuals beyond the class currently entitled to vote under the Wisconsin Constitution, the bill cannot become law unless, following enactment, it is approved by the majority of the votes cast at a statewide referendum to be held at the November 2022 general election.

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

4 **SECTION 1.** 5.02 (12n) of the statutes is amended to read:
5 5.02 (12n) “Overseas elector” means a U.S. citizen who is residing outside of
6 the United States, who is not disqualified from voting under s. 6.03, who ~~has attained~~

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1 ~~or will attain the age of~~ will be at least 18 by years of age on the date of an election
2 at which the citizen proposes to vote ~~or, if voting in a primary, will be 18 years of age~~
3 on the date of the election following the primary, who was last domiciled in this state
4 or whose parent was last domiciled in this state immediately prior to the parent's
5 departure from the United States, and who is not registered to vote or voting in any
6 other state, territory, or possession.

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

8 6.02 (1) Every U.S. citizen age 18 or older, or age 17 on the date of a primary
9 for an election to be held on a date on which the citizen will be age 18, who has resided
10 in an election district or ward for 28 consecutive days before any election where the
11 citizen offers to vote is an eligible elector.

12 **SECTION 3.** 6.02 (2) of the statutes is amended to read:

13 6.02 (2) Any U.S. citizen age 18 or older, or age 17 on the date of a primary for
14 an election to be held on a date on which the citizen will be age 18, who moves within
15 this state later than 28 days before an election shall vote at his or her previous ward
16 or election district if the person is otherwise qualified. If the elector can comply with
17 the 28-day residence requirement at the new address and is otherwise qualified, he
18 or she may vote in the new ward or election district.

19 **SECTION 4.** 6.05 of the statutes is amended to read:

20 **6.05 Election day age determines elector's voting rights.** Any person
21 who will be at least 18 years old of age on or before election day is entitled to vote at
22 an election if the person is otherwise qualified to vote and the person complies with
23 this chapter. Any person who is 17 years of age on the date of a primary for an election
24 to be held on a date on which the person will be 18 years of age is entitled to vote at

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1 the primary if the person is otherwise qualified to vote and the person complies with
2 this chapter.

3 **SECTION 5.** 6.22 (6) of the statutes is amended to read:

4 6.22 (6) MILITARY ELECTOR LIST. Each municipal clerk shall keep an up-to-date
5 list of all eligible military electors who reside in the municipality in the format
6 prescribed by the commission. The list shall contain the name, latest-known
7 military residence and military mailing address of each military elector. The list
8 shall indicate whether each elector whose name appears on the list is a military
9 elector, as defined in s. 6.34 (1), and has so certified under s. 6.865 (3m). All persons
10 over who are at least 18 years of age or who will be 18 years old prior to of age on the
11 date of an election or, if voting in a primary, will be 18 years of age on the date of the
12 election following the primary shall be listed and remain on the list for the duration
13 of their tour of duty. The list shall be kept current through all possible means. Each
14 clerk shall exercise reasonable care to avoid duplication of names or listing anyone
15 who is not eligible to vote. Each clerk shall distribute one copy of the list to the each
16 polling place in the municipality for use on election day.

17 **SECTION 6.** 6.24 (1) of the statutes is amended to read:

18 6.24 (1) DEFINITION. In this section, except as otherwise provided, “overseas
19 elector” means a U.S. citizen who is not disqualified from voting under s. 6.03, who
20 ~~has attained or will attain the age of 18 by~~ will be at least 18 years of age on the date
21 of an election at which the citizen proposes to vote or, if voting in a primary, will be
22 18 years of age on the date of the election following the primary, and who does not
23 qualify as a resident of this state under s. 6.10, but who was last domiciled in this
24 state or whose parent was last domiciled in this state immediately prior to the

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1 parent's departure from the United States, and who is not registered to vote or voting
2 in any other state, territory or possession.

3 **SECTION 7.** 6.94 of the statutes is amended to read:

4 **6.94 Challenged elector oath.** If the person challenged refuses to answer
5 fully any relevant questions put to him or her by the inspector under s. 6.92, the
6 inspectors shall reject the elector's vote. If the challenge is not withdrawn after the
7 person offering to vote has answered the questions, one of the inspectors shall
8 administer to the person the following oath or affirmation: "You do solemnly swear
9 (or affirm) that: you are at least 18 years of age or, if voting in a primary, will be 18
10 years of age on the date of the election following the primary; you are a citizen of the
11 United States; you are now and for 28 consecutive days have been a resident of this
12 ward except under s. 6.02 (2); you have not voted at this election; you have not made
13 any bet or wager or become directly or indirectly interested in any bet or wager
14 depending upon the result of this election; you are not on any other ground
15 disqualified to vote at this election". If the person challenged refuses to take the oath
16 or affirmation, the person's vote shall be rejected. If the person challenged answers
17 fully all relevant questions put to the elector by the inspector under s. 6.92, takes the
18 oath or affirmation, and fulfills the applicable registration requirements, and if the
19 answers to the questions given by the person indicate that the person meets the
20 voting qualification requirements, the person's vote shall be received.

21 **SECTION 8.** 7.52 (5) (b) of the statutes is amended to read:

22 7.52 (5) (b) For the purpose of deciding upon ballots that are challenged for any
23 reason, the board of absentee ballot canvassers may call before it any person whose
24 absentee ballot is challenged if the person is available to be called. If the person
25 challenged refuses to answer fully any relevant questions put to him or her by the

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1 board of absentee ballot canvassers under s. 6.92, the board of absentee ballot
2 canvassers shall reject the person's vote. If the challenge is not withdrawn after the
3 person offering to vote has answered the questions, one of the members of the board
4 of absentee ballot canvassers shall administer to the person the following oath or
5 affirmation: "You do solemnly swear (or affirm) that: you are at least 18 years of age
6 or, if voting in a primary, will be 18 years of age on the date of the election following
7 the primary; you are a citizen of the United States; you are now and for 28
8 consecutive days have been a resident of this ward except under s. 6.02 (2), stats.; you
9 have not voted at this election; you have not made any bet or wager or become directly
10 or indirectly interested in any bet or wager depending upon the result of this election;
11 you are not on any other ground disqualified to vote at this election." If the person
12 challenged refuses to take the oath or affirmation, the person's vote shall be rejected.
13 If the person challenged answers fully all relevant questions put to the elector by the
14 board of absentee ballot canvassers under s. 6.92, takes the oath or affirmation, and
15 fulfills the applicable registration requirements, and if the answers to the questions
16 given by the person indicate that the person meets the voting qualification
17 requirements, the person's vote shall be received.

SECTION 9. Nonstatutory provisions.

18
19 (1) The following question shall be submitted to the vote of the electors at the
20 general election to be held in November 2022: "Shall 2021 Wisconsin Act (this act),
21 which extends the right to vote in a primary to an individual who is 17 years of age
22 if the individual will be 18 years of age on the date on which the election following
23 the primary is held, become effective on January 1, 2023?" If the question is approved
24 by the majority of all votes cast on the question at the election, this act shall become
25 law; otherwise, this act shall not take effect.

