



2013 BILL

1 **AN ACT** *to amend* 6.86 (1) (b) of the statutes; **relating to:** absentee voting in
2 person.

Analysis by the Legislative Reference Bureau

Under current law, a person may apply to the municipal clerk in person to vote using an absentee ballot. In-person applications to vote using an absentee ballot may be made beginning on the third Monday preceding the election and ending on the later of 5 p.m. or the close of business on the Friday preceding the election. Under this bill, in-person applications to vote using an absentee ballot may only be received Monday to Friday between the hours of 8 a.m. and 5 p.m. each day. In addition, the clerk's office may not be open more than 24 hours a week beginning on the third Monday preceding the election and ending on 5 p.m. on the Friday preceding the election for the purpose of receiving applications made in person.

The bill also allows one observer from each of the two recognized political parties whose candidate for governor or president received the greatest number of votes in the municipality at the most recent general election to observe the process of receiving applications made in person.

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

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

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1 6.86 (1) (b) Except as provided in this section, if application is made by mail,
2 the application shall be received no later than 5 p.m. on the 5th day immediately
3 preceding the election. If application is made in person, the application shall be
4 made no earlier than the opening of business on the 3rd Monday preceding the
5 election and no later than 5 p.m. ~~or the close of business, whichever is later,~~ on the
6 Friday preceding the election. An application made in person may only be received
7 Monday to Friday between the hours of 8 a.m. and 5 p.m. each day beginning on the
8 3rd Monday preceding the election and ending on 5 p.m. on the Friday preceding the
9 election, except that the clerk's office, or an alternate site under s. 6.855, may not be
10 open more than 24 hours during that period for the purpose of receiving applications
11 made in person. The clerk shall post a notice of the hours for receiving applications
12 made in person at the clerk's office, any alternate site under s. 6.855, and, if the clerk
13 maintains a site on the Internet, on that Internet site. One observer from each of the
14 2 recognized political parties whose candidate for governor or president received the
15 greatest number of votes in the municipality at the most recent general election may
16 observe the process of receiving applications made in person. Each party wishing to
17 have an observer present shall submit the name of the observer to the clerk or board
18 of election commissioners no later than the close of business on the last business day
19 prior to the visit. Except as provided in par. (c), if the elector is making written
20 application for an absentee ballot at the partisan primary, the general election, the
21 presidential preference primary, or a special election for national office, and the
22 application indicates that the elector is a military elector, as defined in s. 6.34 (1), the
23 application shall be received by the municipal clerk no later than 5 p.m. on election
24 day. If the application indicates that the reason for requesting an absentee ballot is
25 that the elector is a sequestered juror, the application shall be received no later than

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1 5 p.m. on election day. If the application is received after 5 p.m. on the Friday
2 immediately preceding the election, the municipal clerk or the clerk's agent shall
3 immediately take the ballot to the court in which the elector is serving as a juror and
4 deposit it with the judge. The judge shall recess court, as soon as convenient, and
5 give the elector the ballot. The judge shall then witness the voting procedure as
6 provided in s. 6.87 and shall deliver the ballot to the clerk or agent of the clerk who
7 shall deliver it to the polling place or, in municipalities where absentee ballots are
8 canvassed under s. 7.52, to the municipal clerk as required in s. 6.88. If application
9 is made under sub. (2) or (2m), the application may be received no later than 5 p.m.
10 on the Friday immediately preceding the election.

11 **SECTION 2. Initial applicability.**

12 (1) This act first applies with respect to elections held at least 60 days after the
13 effective date of this subsection.

14 **(END)**