

6.87. Absent voting procedure

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Document

West's Wisconsin Statutes Annotated
Elections (Ch. 5 to 12)
Chapter 6. The Electors ([Refs & Annos](#))
Subchapter IV. Voting Absentee

Effective: December 16, 2018

W.S.A. 6.87

6.87. Absent voting procedure

Currentness

(1) Upon proper request made within the period prescribed in [s. 6.86](#), the municipal clerk or a deputy clerk authorized by the municipal clerk shall write on the official ballot, in the space for official endorsement, the clerk's initials and official title. Unless application is made in person under [s. 6.86\(1\)\(ar\)](#), the absent elector is exempted from providing proof of identification under sub. (4)(b)2. or 3., or the applicant is a military or overseas elector, the absent elector shall enclose a copy of his or her proof of identification or any authorized substitute document with his or her application. The municipal clerk shall verify that the name on the proof of identification conforms to the name on the application. The clerk shall not issue an absentee ballot to an elector who is required to enclose a copy of proof of identification or an authorized substitute document with his or her application unless the copy is enclosed and the proof is verified by the clerk.

(2) Except as authorized under sub. (3)(d), the municipal clerk shall place the ballot in an unsealed envelope furnished by the clerk. **The envelope** shall have the name, official title and post-office address of the clerk upon its face. The other side of **the envelope** shall have a printed certificate which shall include a space for the municipal clerk or deputy

clerk to enter his or her initials indicating that if the absentee elector voted in person under [s. 6.86\(1\)\(ar\)](#), the elector presented proof of identification to the clerk and the clerk verified the proof presented. The certificate shall also include a space for the municipal clerk or deputy clerk to enter his or her initials indicating that the elector is exempt from providing proof of identification because the individual is a military elector or an overseas elector who does not qualify as a resident of this state under [s. 6.10](#) or is exempted from providing proof of identification under sub. (4)(b)2. or 3. The certificate shall be in substantially the following form:

[STATE OF ...

County of ...]

or

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

I, ..., certify subject to the penalties of [s. 12.60\(1\)\(b\)](#), [Wis. Stats.](#), for false statements, that I am a resident of the [... ward of the] (town)(village) of ..., or of the ... aldermanic district in the city of ..., residing at ...* in said city, the county of ..., state of Wisconsin, and am entitled to vote in the (ward)(election district) at the election to be held on ...; that I am not voting at any other location in this election; that 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 later than 28 days before the election. I certify that I exhibited the enclosed ballot unmarked to the witness, that I then in (his)(her) presence and in the presence of no other person marked the ballot and enclosed and sealed the same in this envelope in such a manner that no one but myself and any person rendering assistance under [s. 6.87\(5\)](#), [Wis. Stats.](#), if I requested assistance, could know how I voted.

Signed ...

Identification serial number, if any: ...

The witness shall execute the following:

I, the undersigned witness, subject to the penalties of [s. 12.60\(1\)\(b\)](#), [Wis. Stats.](#), for false statements, certify that I am an adult U.S. citizen** and that the above statements are true and the voting procedure was executed as there stated. I am not a candidate for any office on the enclosed ballot (except in the case of an incumbent municipal clerk). I did not solicit or advise the elector to vote for or against any candidate or measure.

...(Printed name)

...(Address)***

Signed ...

*--An elector who provides an identification serial number issued under [s. 6.47\(3\), Wis. Stats.](#), need not provide a street address.

**--An individual who serves as a witness for a military elector or an overseas elector voting absentee, regardless of whether the elector qualifies as a resident of Wisconsin under [s. 6.10, Wis. Stats.](#), need not be a U.S. citizen but must be 18 years of age or older.

***--If this form is executed before 2 special voting deputies under [s. 6.875\(6\), Wis. Stats.](#), both deputies shall witness and sign.

(3)(a) Except as authorized under par. (d) and as otherwise provided in [s. 6.875](#), the municipal clerk shall mail the absentee ballot to the elector's residence unless otherwise directed by the elector, or shall deliver it to the elector personally at the clerk's office or at an alternate site under [s. 6.855](#). If the ballot is mailed, and the ballot qualifies for mailing free of postage under federal free postage laws, the clerk shall affix the appropriate legend required by U.S. postal regulations. Otherwise, the clerk shall pay the postage required for return when the ballot is mailed from within the United States. If the ballot is not mailed by the absentee elector from within the United States, the absentee elector shall provide return postage. If the ballot is delivered to the elector at the clerk's office, or an alternate site under [s. 6.855](#), the ballot shall be voted at the office or alternate site and may not be removed by the elector therefrom.

(b) No elector may direct that a ballot be sent to the address of a committee registered with the ethics commission under ch. 11 unless the elector permanently or temporarily resides at that address. Upon receipt of reliable information that an address given by an elector is not eligible to receive ballots under this subsection, the municipal clerk shall refrain from mailing or transmitting ballots to that address. Whenever possible, the municipal clerk shall notify an elector if his or her ballot cannot be mailed or transmitted to the address directed by the elector.

(d) A municipal clerk shall, if the clerk is reliably informed by a military elector, as defined in [s. 6.34\(1\)](#), or an overseas elector, regardless of whether the elector qualifies as a resident of this state under [s. 6.10](#), of a facsimile transmission number or electronic mail address where the elector can receive an absentee ballot, transmit a facsimile or electronic copy of the elector's ballot to that elector in lieu of mailing under this subsection. An elector may receive an absentee ballot only if the elector is a military elector or an overseas elector and has filed a valid application for the ballot as provided in [s. 6.86\(1\)](#). If the clerk transmits an absentee ballot to a military or overseas elector

electronically, the clerk shall also transmit a facsimile or electronic copy of the text of the material that appears on the certificate envelope prescribed in sub. (2), together with instructions prescribed by the commission. The instructions shall require the military or overseas elector to make and subscribe to the certification as required under sub. (4)(b) and to enclose the absentee ballot in a separate envelope contained within a larger envelope, that shall include the completed certificate. The elector shall then affix sufficient postage unless the absentee ballot qualifies for mailing free of postage under federal free postage laws and shall mail the absentee ballot to the municipal clerk. Except as authorized in [s. 6.97\(2\)](#), an absentee ballot received from a military or overseas elector who receives the ballot electronically shall not be counted unless it is cast in the manner prescribed in this paragraph and sub. (4) and in accordance with the instructions provided by the commission.

(4)(a) In this subsection, “military elector” has the meaning given in [s. 6.34\(1\)](#).

(b)1. Except as otherwise provided in [s. 6.875](#), an elector voting absentee, other than a military elector or an overseas elector, shall make and subscribe to the certification before one witness who is an adult U.S. citizen. A military elector or an overseas elector voting absentee, regardless of whether the elector qualifies as a resident of this state under [s. 6.10](#), shall make and subscribe to the certification before one witness who is an adult but who need not be a U.S. citizen. The absent elector, in the presence of the witness, shall mark the ballot in a manner that will not disclose how the elector's vote is cast. The elector shall then, still in the presence of the witness, fold the ballots so each is separate and so that the elector conceals the markings thereon and deposit them in the proper envelope. If a consolidated ballot under [s. 5.655](#) is used, the elector shall fold the ballot so that the elector conceals the markings thereon and deposit the ballot in the proper envelope. If proof of residence under [s. 6.34](#) is required and the document enclosed by the elector under this subdivision does not constitute proof of residence under [s. 6.34](#), the elector shall also enclose proof of residence under [s. 6.34](#) in **the envelope**. Except as provided in [s. 6.34\(2m\)](#), proof of residence is required if the elector is not a military elector or an overseas elector and the elector registered by mail or by electronic application and has not voted in an election in this state. If the elector requested a ballot by means of facsimile transmission or electronic mail under [s. 6.86\(1\)\(ac\)](#), the elector shall enclose in **the envelope** a copy of the request which bears an original signature of the elector. The elector may receive assistance under sub. (5). The return envelope shall then be sealed. The witness may not be a candidate. **The envelope** shall be mailed by the elector, or delivered in person, to the municipal clerk issuing the ballot or ballots. If **the envelope** is mailed from a location outside the United States, the elector shall affix sufficient postage unless the ballot qualifies for delivery free of postage under federal law. Failure to return an unused ballot in a primary does not invalidate the ballot on which the elector's votes

are cast. Return of more than one marked ballot in a primary or return of a ballot prepared under [s. 5.655](#) or a ballot used with an electronic voting system in a primary which is marked for candidates of more than one party invalidates all votes cast by the elector for candidates in the primary.

2. Unless subd. 3. applies, if the absentee elector has applied for and qualified to receive absentee ballots automatically under [s. 6.86\(2\)\(a\)](#), the elector may, in lieu of providing proof of identification, submit with his or her absentee ballot a statement signed by the same individual who witnesses voting of the ballot which contains the name and address of the elector and verifies that the name and address are correct.

3. If the absentee elector has received an absentee ballot from the municipal clerk by mail for a previous election, has provided proof of identification with that ballot, and has not changed his or her name or address since providing that proof of identification, the elector is not required to provide proof of identification.

4. If the absentee elector has received a citation or notice of intent to revoke or suspend an operator's license from a law enforcement officer in any jurisdiction that is dated within 60 days of the date of the election and is required to surrender his or her operator's license or driving receipt issued to the elector under ch. 343 at the time the citation or notice is issued, the elector may enclose a copy of the citation or notice in lieu of a copy of an operator's license or driving receipt issued under ch. 343 if the elector is voting by mail, or may present an original copy of the citation or notice in lieu of an operator's license or driving receipt under ch. 343 if the elector is voting at the office of the municipal clerk.

5. Unless subd. 3. or 4. applies, if the absentee elector resides in a qualified retirement home, as defined in [s. 6.875\(1\)\(at\)](#), or a residential care facility, as defined in [s. 6.875\(1\)\(bm\)](#), and the municipal clerk or board of election commissioners of the municipality where the facility or home is located does not send special voting deputies to visit the facility or home at the election under [s. 6.875](#), the elector may, in lieu of providing proof of identification, submit with his or her absentee ballot a statement signed by the same individual who witnesses voting of the ballot that contains the certification of an authorized representative of the facility or home that the elector resides in the facility or home and the facility or home is certified or registered as required by law, that contains the name and address of the elector, and that verifies that the name and address are correct.

(5) If the absent elector declares that he or she is unable to read, has difficulty in reading, writing or understanding English or due to disability is unable to mark his or her ballot, the elector may select any individual, except the elector's employer or an agent of that employer or an officer or agent of a labor organization which represents the elector, to

assist in marking the ballot, and the assistant shall then sign his or her name to a certification on the back of the ballot, as provided under [s. 5.55](#).

(6) The ballot shall be returned so it is delivered to the polling place no later than 8 p.m. on election day. Except in municipalities where absentee ballots are canvassed under [s. 7.52](#), if the municipal clerk receives an absentee ballot on election day, the clerk shall secure the ballot and cause the ballot to be delivered to the polling place serving the elector's residence before 8 p.m. Any ballot not mailed or delivered as provided in this subsection may not be counted.

(6d) If a certificate is missing the address of a witness, the ballot may not be counted.

(6m) Except as authorized in [s. 6.47\(8\)](#), the municipal clerk shall withhold from public inspection under [s. 19.35\(1\)](#) the name and address of any absent elector who obtains a confidential listing under [s. 6.47\(2\)](#).

(7) No individual who is a candidate at the election in which absentee ballots are cast may serve as a witness. Any candidate who serves as a witness shall be penalized by the discounting of a number of votes for his or her candidacy equal to the number of certificate envelopes bearing his or her signature.

(8) The provisions of this section which prohibit candidates from serving as a witness for absentee electors shall not apply to the municipal clerk in the performance of the clerk's official duties.

(9) If a municipal clerk receives an absentee ballot with an improperly completed certificate or with no certificate, the clerk may return the ballot to the elector, inside the sealed envelope when an envelope is received, together with a new envelope if necessary, whenever time permits the elector to correct the defect and return the ballot within the period authorized under sub. (6).

Credits

<<For credits, see Historical Note field.>>

W. S. A. 6.87, WI ST 6.87

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