



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-2350/1
JK:skw

2021 ASSEMBLY BILL 177

March 23, 2021 - Introduced by Representatives STEFFEN, EDMING, GUNDRUM, KNODL, KRUG, MURPHY, NEYLON, SKOWRONSKI, SPIROS, VANDERMEER and WICHGERS, cosponsored by Senators DARLING, FELZKOWSKI, NASS, PETROWSKI, STROEBEL, WANGGAARD and WIMBERGER. Referred to Committee on Campaigns and Elections.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to renumber and amend* 6.87 (4) (b) 1.; and *to create* 6.87 (4) (b) 1. e.
2 of the statutes; **relating to:** returning absentee ballots to the office of the
3 municipal clerk.

Analysis by the Legislative Reference Bureau

Under current law, a voter may return his or her absentee ballot by mailing it or delivering it in person to the municipal clerk. Under this bill, a voter may return his or her absentee ballot by mailing it or delivering it in person to the office of the municipal clerk, except that the voter may return it to a drop box authorized by the municipal clerk that is attached to a building where the municipal clerk's office is permanently located. The bill prohibits the use of any other drop box for the delivery of an absentee ballot.

Under the bill, if the municipal clerk authorizes the use of a drop box, the drop box must be tamper-resistant and moisture-resistant, include a slot that is only large enough to allow for the insertion of an absentee ballot, satisfy the accessibility requirements under the federal Americans with Disabilities Act, and be emptied once each day at 9 a.m. by the clerk or deputy clerk in public view. Finally, the clerk must publish notice of the location of the drop box and the days on which it is available for receiving absentee ballots.

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

ASSEMBLY BILL 177**SECTION 1**

1 **SECTION 1.** 6.87 (4) (b) 1. of the statutes is renumbered 6.87 (4) (b) 1. a. and
2 amended to read:

3 6.87 (4) (b) 1. a. Except as otherwise provided in s. 6.875, an elector voting
4 absentee, other than a military elector or an overseas elector, shall make and
5 subscribe to the certification before one witness who is an adult U.S. citizen. A
6 military elector or an overseas elector voting absentee, regardless of whether the
7 elector qualifies as a resident of this state under s. 6.10, shall make and subscribe
8 to the certification before one witness who is an adult but who need not be a U.S.
9 citizen. The absent elector, in the presence of the witness, shall mark the ballot in
10 a manner that will not disclose how the elector's vote is cast. The elector shall then,
11 still in the presence of the witness, fold the ballots so each is separate and so that the
12 elector conceals the markings thereon and deposit them in the proper envelope. If
13 a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot so that
14 the elector conceals the markings thereon and deposit the ballot in the proper
15 envelope. If proof of residence under s. 6.34 is required and the document enclosed
16 by the elector under this subdivision does not constitute proof of residence under s.
17 6.34, the elector shall also enclose proof of residence under s. 6.34 in the envelope.
18 Except as provided in s. 6.34 (2m), proof of residence is required if the elector is not
19 a military elector or an overseas elector and the elector registered by mail or by
20 electronic application and has not voted in an election in this state. If the elector
21 requested a ballot by means of facsimile transmission or electronic mail under s. 6.86
22 (1) (ac), the elector shall enclose in the envelope a copy of the request which bears an
23 original signature of the elector. The elector may receive assistance under sub. (5).
24 The return envelope shall then be sealed. The witness may not be a candidate.

ASSEMBLY BILL 177**SECTION 1**

1 **b.** The return envelope shall be mailed by the elector, or delivered in person,
2 to the permanent office of the municipal clerk issuing the ballot or ballots, except that
3 an elector may deliver his or her ballot to a drop box authorized by the municipal
4 clerk that is attached to that building where the office of the municipal clerk is
5 permanently located. An elector may not deliver his or her absentee ballot to any
6 other drop box.

7 **c.** If the return envelope is mailed from a location outside the United States,
8 the elector shall affix sufficient postage unless the ballot qualifies for delivery free
9 of postage under federal law.

10 **d.** Failure to return an unused ballot in a primary does not invalidate the ballot
11 on which the elector's votes are cast. Return of more than one marked ballot in a
12 primary or return of a ballot prepared under s. 5.655 or a ballot used with an
13 electronic voting system in a primary which is marked for candidates of more than
14 one party invalidates all votes cast by the elector for candidates in the primary.

15 **SECTION 2.** 6.87 (4) (b) 1. e. of the statutes is created to read:

16 **6.87 (4) (b) 1. e.** If the municipal clerk authorizes the use of a drop box for the
17 delivery of return envelopes, the drop box shall be tamper-resistant and
18 moisture-resistant, include a slot that is only large enough to allow for the insertion
19 of a return envelope, satisfy the accessibility requirements under the federal
20 Americans with Disabilities Act, and be emptied once each day at 9 a.m. by the clerk
21 or deputy clerk in public view. The clerk shall publish notice of the location of the
22 drop box and the days on which it is available for receiving return envelopes.

23

(END)