State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-5143/1
JK:skw

2025 SENATE BILL 597

October 30, 2025 - Introduced by Senator TOMCZYK, cosponsored by Representatives DUCHOW, KNODL, PENTERMAN, O'CONNOR, HURD, ALLEN, KRUG and KITCHENS. Referred to Committee on Government Operations, Labor and Economic Development.

AN ACT ***to repeal*** 6.86 (2) and 6.87 (4) (b) 2.; ***to amend*** 6.18 (intro.), 6.86 (1) (a) 3., 6.86 (1) (ac), 6.86 (1) (b), 6.86 (2m) (a), 6.87 (1), 6.87 (2) (intro.), 6.875 (3) (a), 6.875 (4) (a), 7.08 (1) (c) and 7.15 (1) (j); ***to create*** 5.02 (24d), 6.86 (1) (ad), 12.13 (6) and 12.60 (1) (e) of the statutes; **relating to:** allowing voters to automatically receive absentee ballots for every election, eliminating the indefinitely confined voter status for receiving absentee ballots, and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law allows a voter who is indefinitely confined because of age, physical illness, infirmity, or disability to have, by signing a statement to that effect, an absentee ballot automatically sent to the voter for every election. The voter is not required to submit a copy of his or her proof of identification with the request to automatically receive absentee ballots. Current law requires the voter to notify the municipal clerk when the voter is no longer indefinitely confined. In addition, if a voter fails to vote an absentee ballot the voter receives as a result of his or her indefinitely confined status, the voter must renew his or her application for indefinitely confined status within 30 days or be removed from the indefinitely

confined status list. Finally, the municipal clerk must remove a voter from the indefinitely confined status list upon the voter's request or upon receipt of reliable information that the voter no longer qualifies as indefinitely confined.

Current law also allows a voter to file a written application with the municipal clerk of the municipality where the voter resides to request that the clerk automatically send to the voter an absentee ballot for every election that is held within the same calendar year in which the voter files his or her application. Current law requires the voter to provide proof of identification with his or her application. The clerk may not send an absentee ballot to a voter if the voter's status changes from eligible to ineligible or if the clerk receives reliable information that the voter no longer qualifies as an eligible voter in the municipality. Under current law, the voter must notify the municipal clerk if the voter no longer resides at the same address that is indicated on the voter's application.

This bill eliminates the process for voting as an indefinitely confined voter beginning on January 1, 2029. However, the bill allows a voter to file a written application with the municipal clerk of the municipality where the voter resides to request that the clerk automatically send to the voter an absentee ballot for every election that is held in the municipality. The bill requires the voter to provide proof of identification in order to automatically receive absentee ballots for every election. The bill also requires that the voter notify the municipal clerk if the voter no longer resides at the same address that is indicated on the voter's application or if the voter no longer wishes to automatically receive absentee ballots for every election.

The bill requires municipal clerks to notify all voters who are automatically receiving absentee ballots as indefinitely confined voters that they will not be able to receive ballots pursuant to that beginning on January 1, 2029, but may automatically receive absentee ballots as provided under the bill if they submit valid proof of identification to the municipal clerk before that date.

Under the bill, the municipal clerk must retain in the statewide voter registration system an electronic copy of the proof of identification received from a voter until the voter is no longer receiving absentee ballots as provided under the bill or until the proof of identification has expired. If the voter's proof of identification has expired, the municipal clerk must notify the voter that the voter needs to submit a valid proof of identification in order to continue automatically receiving absentee ballots. The bill defines the "statewide voter registration system" as the election administration software application provided by the Elections Commission to enable local election officials to register voters, track absentee voting, and administer elections.

Finally, the bill allows an authorized disability advocate to assist a voter with a disability in transmitting of copy of the voter's proof of identification to the municipal clerk for purposes of filing a request to automatically receive absentee ballots. The bill defines an "authorized disability advocate" as an employee of a nonprofit disability rights organization or a licensed caregiver. Under the bill, an authorized disability advocate who knowingly transmits to a municipal clerk a fraudulent proof of identification is guilty of a Class I felony.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 5.02 (24d) of the statutes is created to read:

5.02 **(24d)** "Statewide voter registration system" means the election administration software application provided by the commission to enable local election officials to register electors, track absentee voting, and administer elections.

SECTION 2. 6.18 (intro.) of the statutes is amended to read:

6.18 Former residents. (intro.) If ineligible to qualify as an elector in the state to which the elector has moved, any former qualified Wisconsin elector may vote an absentee ballot in the ward of the elector's prior residence in any presidential election occurring within 24 months after leaving Wisconsin by requesting an application form and returning it, properly executed, to the municipal clerk of the elector's prior Wisconsin residence. When requesting an application form for an absentee ballot, the applicant shall specify the applicant's eligibility for only the presidential ballot. Unless the applicant is exempted from providing proof of identification under s. 6.87 (4) (b) ~~2. or~~ 3., or the applicant is a military or overseas elector, the 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 a 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. The application form shall require the following information and be in substantially the following form:

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

6.86 **(1)** (a) 3. By signing a statement and filing a request to receive absentee ballots under sub. ~~(2) or~~ (2m) (a) or s. 6.22 (4), 6.24 (4), or 6.25 (1) (c).

SECTION 4. 6.86 (1) (ac) of the statutes is amended to read:

6.86 **(1)** (ac) Any elector qualifying under par. (a) may make written application to the municipal clerk for an official ballot by means of facsimile transmission or electronic mail. Any application under this paragraph need not contain a copy of the applicant's original signature. An elector requesting a ballot under this paragraph shall return with the voted ballot a copy of the request bearing an original signature of the elector as provided in s. 6.87 (4). Except as authorized in ss. 6.87 (4) (b) ~~2.~~ 3. to 5. and 6.875 (6), and notwithstanding s. 343.43 (1) (f), the elector shall transmit a copy of his or her proof of identification in the manner provided in s. 6.87 (1) unless the elector is a military elector or an overseas elector or the elector has a confidential listing under s. 6.47 (2).

SECTION 5. 6.86 (1) (ad) of the statutes is created to read:

6.86 **(1)** (ad) 1. If a municipal clerk receives proof of identification under par. (ac) from an elector who files a request to receive absentee ballots under sub. (2m) (a), the municipal clerk shall retain an electronic copy of the proof of identification in the statewide voter registration system until the elector is no longer receiving absentee ballots under sub. (2m) (a) or until the proof of identification has expired. If the elector's proof of identification has expired, the municipal clerk shall notify

the elector that the elector needs to submit a valid proof of identification in order to continue automatically receiving ballots under sub. (2m) (a).

2. An authorized disability advocate may assist an elector with a disability in transmitting a copy of the elector's proof of identification to the municipal clerk for purposes of filing a request to receive absentee ballots under sub. (2m) (a). An authorized disability advocate shall maintain a record of all electors who received assistance from the advocate under this subdivision for each election and provide that record to the municipal clerk no later than the Friday immediately following election day. The record shall include the name of the elector, the name of the advocate, and the date on which the elector received assistance under this subdivision. For purposes of this subdivision, "authorized disability advocate" means an employee of a disability rights organization that is described in section 501 (c) (3) of the Internal Revenue Code and is exempt from federal income tax under section 501 (a) of the Internal Revenue Code or a caregiver, as defined in s. 50.065 (1) (ag).

SECTION 6. 6.86 (1) (b) of the statutes is amended to read:

6.86 **(1)** (b) Except as provided in this section, if application is made by mail, the application shall be received no later than 5 p.m. on the 5th day immediately preceding the election. If application is made in person, the application shall be made no earlier than 14 days preceding the election and no later than the Sunday preceding the election. No application may be received on a legal holiday. A municipality shall specify the hours in the notice under s. 10.01 (2) (e). The municipal clerk or an election official shall witness the certificate for any in-person absentee ballot cast. Except as provided in par. (c), if the elector is making written

application for an absentee ballot at the partisan primary, the general election, the presidential preference primary, or a special election for national office, and the application indicates that the elector is a military elector, as defined in s. 6.34 (1), the application shall be received by the municipal clerk no later than 5 p.m. on election day. If the application indicates that the reason for requesting an absentee ballot is that the elector is a sequestered juror, the application shall be received no later than 5 p.m. on election day. If the application is received after 5 p.m. on the Friday immediately preceding the election, the municipal clerk or the clerk's agent shall immediately take the ballot to the court in which the elector is serving as a juror and deposit it with the judge. The judge shall recess court, as soon as convenient, and give the elector the ballot. The judge shall then witness the voting procedure as provided in s. 6.87 and shall deliver the ballot to the clerk or agent of the clerk who shall deliver it to the polling place or, in municipalities where absentee ballots are canvassed under s. 7.52, to the municipal clerk as required in s. 6.88. If application is made under sub. ~~(2) or~~ (2m), the application may be received no later than 5 p.m. on the Friday immediately preceding the election.

SECTION 7. 6.86 (2) of the statutes is repealed.

SECTION 8. 6.86 (2m) (a) of the statutes is amended to read:

6.86 **(2m)** (a) Except as provided in this subsection, any elector other than an elector who receives an absentee ballot under sub. (2) or s. 6.22 (4) or 6.24 (4) (c) may by written application filed with the municipal clerk of the municipality where the elector resides require that an absentee ballot be sent to the elector automatically for every election ~~that is held within the same calendar year in which the application is filed~~. The application form and instructions shall be prescribed

by the commission, and furnished upon request to any elector by each municipal clerk. The municipal clerk shall thereupon mail an absentee ballot to the elector for all elections that are held in the municipality ~~during the same calendar year that the application is filed~~, except that the clerk shall not send an absentee ballot for an election if the elector's name appeared on the registration list in eligible status for a previous election following the date of the application but no longer appears on the list in eligible status. The municipal clerk shall ensure that any envelope containing the absentee ballot is clearly marked as not forwardable. If an elector who files an application under this subsection no longer resides at the same address that is indicated on the application form, or no longer wishes to automatically receive absentee ballots under this paragraph, the elector shall so notify the municipal clerk, in writing. The municipal clerk shall discontinue mailing absentee ballots to an elector under this subsection upon receipt of reliable information that the elector no longer qualifies as an elector of the municipality. In addition, the municipal clerk shall discontinue mailing absentee ballots to an elector under this subsection if the elector fails to return any absentee ballot mailed to the elector. The municipal clerk shall notify the elector of any such action not taken at the elector's request within 5 days, if possible. An elector who fails to cast an absentee ballot but who remains qualified to receive absentee ballots under this subsection may then receive absentee ballots for subsequent elections by notifying the municipal clerk that the elector wishes to continue receiving absentee ballots for subsequent elections.

SECTION 9. 6.86 (2m) (a) of the statutes, as affected by 2025 Wisconsin Act .... (this act), is amended to read:

6.86 **(2m)** (a) Except as provided in this subsection, any elector other than an elector who receives an absentee ballot ~~under sub. (2) or~~ s. 6.22 (4) or 6.24 (4) (c) may by written application filed with the municipal clerk of the municipality where the elector resides require that an absentee ballot be sent to the elector automatically for every election. The application form and instructions shall be prescribed by the commission, and furnished upon request to any elector by each municipal clerk. The municipal clerk shall thereupon mail an absentee ballot to the elector for all elections that are held in the municipality, except that the clerk shall not send an absentee ballot for an election if the elector's name appeared on the registration list in eligible status for a previous election following the date of the application but no longer appears on the list in eligible status. The municipal clerk shall ensure that any envelope containing the absentee ballot is clearly marked as not forwardable. If an elector who files an application under this subsection no longer resides at the same address that is indicated on the application form, or no longer wishes to automatically receive absentee ballots under this paragraph, the elector shall so notify the municipal clerk, in writing. The municipal clerk shall discontinue mailing absentee ballots to an elector under this subsection upon receipt of reliable information that the elector no longer qualifies as an elector of the municipality. In addition, the municipal clerk shall discontinue mailing absentee ballots to an elector under this subsection if the elector fails to return any absentee ballot mailed to the elector. The municipal clerk shall notify the elector of any such action not taken at the elector's request within 5 days, if possible. An elector who fails to cast an absentee ballot but who remains qualified to receive absentee ballots under this subsection may then receive absentee ballots for subsequent elections by

notifying the municipal clerk that the elector wishes to continue receiving absentee ballots for subsequent elections.

SECTION 10. 6.87 (1) of the statutes is amended to read:

6.87 **(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.

SECTION 11. 6.87 (2) (intro.) of the statutes is amended to read:

6.87 **(2)** (intro.) 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:

SECTION 12. 6.87 (4) (b) 2. of the statutes is repealed.

SECTION 13. 6.875 (3) (a) of the statutes is amended to read:

6.875 **(3)** (a) An occupant of a qualified retirement home or residential care facility who qualifies as an absent elector and desires to receive an absentee ballot shall make application under s. 6.86 (1)~~, (2),~~ or (2m) with the municipal clerk or board of election commissioners of the municipality in which the elector is a resident. Except as provided in sub. (4) (ar), the clerk or board of election commissioners of a municipality receiving an application from an elector who is an occupant of a qualified retirement home or residential care facility located in a different municipality shall, as soon as possible, notify and send an absentee ballot for the elector to the clerk or board of election commissioners of the municipality in which the home or facility is located. Except as provided in sub. (4) (ar), the clerk or board of election commissioners of a municipality receiving an application from an elector who is an occupant of a qualified retirement home or residential care facility located in the municipality but who is a resident of a different municipality shall, as soon as possible, notify and request an absentee ballot from the clerk or board of election commissioners of the municipality in which the elector is a resident. The clerk or board of election commissioners shall make a record of all absentee ballots to be sent, delivered, and voted under this section.

SECTION 14. 6.875 (4) (a) of the statutes is amended to read:

6.875 **(4)** (a) For the purpose of absentee voting in qualified retirement homes and residential care facilities, the municipal clerk or board of election commissioners of each municipality in which one or more qualified retirement homes or residential care facilities are located shall appoint at least 2 special voting deputies for the municipality. Except as provided in par. (am), upon application under s. 6.86 (1)~~, (2),~~ or (2m) by one or more qualified electors who are occupants of a home or facility, the municipal clerk or board of election commissioners of the municipality in which the home or facility is located shall dispatch 2 special voting deputies to visit the home or facility for the purpose of supervising absentee voting procedure by occupants of the home or facility. The clerk or board of election commissioners shall maintain a list, available to the public upon request, of each home or facility where special voting deputies are dispatched. The list shall include the date and time the deputies intend to visit each home or facility. The 2 deputies designated to visit each qualified retirement home and residential care facility shall be affiliated with different political parties whenever deputies representing different parties are available.

SECTION 15. 7.08 (1) (c) of the statutes is amended to read:

7.08 **(1)** (c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (4) and (5), 6.33 (1), 6.47 (1) (am) 2. and (3), 6.55 (2), and 6.86 ~~(2) to~~ (2m) and (3). All such forms shall contain a statement of the penalty applicable to false or fraudulent registration or voting through use of the form. Forms are not required to be furnished by the commission.

SECTION 16. 7.15 (1) (j) of the statutes is amended to read:

7.15 **(1)** (j) Send an absentee ballot automatically to each elector and send or transmit an absentee ballot to each military elector, as defined in s. 6.34 (1), and each overseas elector making an authorized request therefor in accordance with s. 6.22 (4), 6.24 (4), or 6.86 ~~(2) or~~ (2m).

SECTION 17. 12.13 (6) of the statutes is created to read:

12.13 **(6)** AUTHORIZED DISABILITY ADVOCATES. No person in his or capacity as an authorized disability advocate under s. 6.86 (1) (ad) 2. may knowingly transmit to the municipal clerk a fraudulent proof of identification under s. 6.86 (1) (ad) 2.

SECTION 18. 12.60 (1) (e) of the statutes is created to read:

12.60 **(1)** (e) Whoever violates s. 12.13 (6) is guilty of a Class I felony.

SECTION 19. Nonstatutory provisions.

(1) As soon as practicable after the effective date of this subsection, each municipal clerk shall notify all electors who are automatically receiving absentee ballots as indefinitely confined electors under s. 6.86 (2) that they will not be able to receive ballots under s. 6.86 (2) beginning on the effective date of this subsection but may automatically receive absentee ballots under s. 6.86 (2m) (a) if they submit valid proof of identification to the municipal clerk before January 1, 2029. A municipal clerk who receives valid proof of identification from an elector under this subsection shall consider receipt of that proof of identification to be an application to automatically receive absentee ballots under s. 6.86 (2m) (a).

SECTION 20. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The repeal of ss. 6.86 (2) and 6.87 (4) (b) 2. and the amendment of ss. 6.18 (intro.), 6.86 (1) (a) 3., (ac), and (b) and (2m) (a) (by SECTION 9), 6.87 (1) and (2)

(intro.), 6.875 (3) (a) and (4) (a), 7.08 (1) (c), and 7.15 (1) (j) take effect on January 1, 2029.

(END)