

## SUBCHAPTER I WHO MAY VOTE

### 6.02 Qualifications, general.

- (1) Every U.S. citizen age 18 or older who has resided in an election district or ward for 28 consecutive days before any election where the citizen offers to vote is an eligible elector.
- (2) Any U.S. citizen age 18 or older who moves within this state later than 28 days before an election shall vote at his or her previous ward or election district if the person is otherwise qualified. If the elector can comply with the 28-day residence requirement at the new address and is otherwise qualified, he or she may vote in the new ward or election district.

**History:** [1971 c. 304 s. 29 \(2\)](#); [1971 c. 336 s. 37](#); [1975 c. 85 ss. 5, 66 \(3\)](#); [1977 c. 394](#); [1991 a. 316](#); [2011 a. 23](#).

**NOTE:** In *One Wisconsin Now et al. v. Thomsen et al*, 15-cv-324, [198 F. Supp. 3d 896](#), the United States District Court, Western District of Wisconsin ordered that “the increase of the durational residency requirement from 10 days to 28 days is unconstitutional.”

An eligible elector and a qualified elector are identical. Ch. 6 applies to annexation referendum elector qualifications under s. 66.021 (6). *Washington v. Altoona*, [73 Wis. 2d 250](#), [243 N.W.2d 404](#).

Durational residence requirements. Clifford. 1973 WLR 914.

### 6.03 Disqualification of electors.

- (1) The following persons shall not be allowed to vote in any election and any attempt to vote shall be rejected:
  - (a) Any person who is incapable of understanding the objective of the elective process or who is under guardianship, unless the court has determined that the person is competent to exercise the right to vote.
  - (b) Any person convicted of treason, felony or bribery, unless the person's right to vote is restored through a pardon or under s. [304.078 \(3\)](#).
- (2) No person shall be allowed to vote in any election in which the person has made or become interested, directly or indirectly, in any bet or wager depending upon the result of the election.
- (3) No person may be denied the right to register to vote or the right to vote by reason that the person is alleged to be incapable of understanding the objective of the elective process unless the person has been adjudicated incompetent in this state. If a determination of incompetency of the person has already been made, or if a determination of limited incompetency has been made that does not include a specific finding that the subject is competent to exercise the right to vote, and a guardian has been appointed as a result of any such determination, then no determination of incapacity of understanding the objective of the elective process is required unless the guardianship is terminated or modified under s. [54.64](#).

**History:** [1973 c. 284](#); [1977 c. 26, 394](#); [1979 c. 110](#); [1991 a. 316](#); [2003 a. 121](#); [2005 a. 149, 387](#); [2007 a. 97](#); [2015 a. 197 s. 51](#).

Disenfranchisement of felons does not deny them equal protection. *Richardson v. Ramirez*, [418 U.S. 24](#).

### 6.05 Election day age determines elector's rights. Any person who will be 18 years old on or before election day is entitled to vote if the person complies with this chapter.

**History:** [1971 c. 336 s. 37](#); [1981 c. 390 s. 252](#); [1991 a. 316](#).

### 6.06 Information for uniformed service members. The commission is the agency designated by this state under [42 USC 1973ff-1](#) to provide information regarding voter registration and absentee balloting procedures to absent members of the uniformed services and overseas voters with respect to elections for national office.

**History:** [2003 a. 265](#); [2015 a. 118 s. 266 \(10\)](#).

### 6.10 Elector residence. Residence as a qualification for voting shall be governed by the following standards:

- (1) The residence of a person is the place where the person's habitation is fixed, without any present intent to move, and to which, when absent, the person intends to return.
- (2) When a married person's family resides at one place and that person's business is conducted at another place, the former place establishes the residence. If the family place is temporary or for transient purposes, it is not the residence.

- (3) When an elector moves his or her residence from one ward or municipality to another ward or municipality within the state at least 28 days before the election, the elector may vote in and be considered a resident of the new ward or municipality where residing upon registering at the proper polling place or other registration location in the new ward or municipality under s. [6.55 \(2\)](#) or [6.86 \(3\) \(a\) 2](#). If the elector moves his or her residence later than 28 days before an election, the elector shall vote in the elector's former ward or municipality if otherwise qualified to vote there.

**NOTE: In *One Wisconsin Now et al. v. Thomsen et al*, 15-cv-324, [198 F. Supp. 3d 896](#), the United States District Court, Western District of Wisconsin ordered that “the increase of the durational residency requirement from 10 days to 28 days is unconstitutional.”**

- (4) The residence of an unmarried person sleeping in one ward and boarding in another is the place where the person sleeps. The residence of an unmarried person in a transient vocation, a teacher or a student who boards at different places for part of the week, month, or year, if one of the places is the residence of the person's parents, is the place of the parents' residence unless through registration or similar act the person elects to establish a residence elsewhere. If the person has no parents and if the person has not registered elsewhere, the person's residence shall be at the place that the person considered his or her residence in preference to any other for at least 28 consecutive days before an election. If this place is within the municipality, the person is entitled to all the privileges and subject to all the duties of other citizens having their residence there, including voting.

**NOTE: In *One Wisconsin Now et al. v. Thomsen et al*, 15-cv-324, [198 F. Supp. 3d 896](#), the United States District Court, Western District of Wisconsin ordered that “the increase of the durational residency requirement from 10 days to 28 days is unconstitutional.”**

- (5) A person shall not lose residence when the person leaves home and goes into another state or county, town, village or ward of this state for temporary purposes with an intent to return.
- (6) As prescribed by [article III](#) of the constitution, no person loses residence in this state while absent from this state on business for the United States or this state; and no member of the armed forces of the United States gains a residence in this state because of being stationed within this state.
- (7) A guest at a national or a state soldiers' home in this state, a guest at a home for the aged supported by benevolence, or a patient of any county home or other charitable institution, resides in the municipality where the home is located and within the ward where the guest or patient sleeps, unless before becoming a guest or patient at the home the guest or patient elects to maintain his or her prior residence as his or her voting residence.

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- (a) The residence of a person who is detained, or committed and institutionalized, under s. [51.20](#), [971.14](#), or [971.17](#) or ch. [980](#) shall be determined by applying the standards under sub. [\(1\)](#) to whichever of the following dates is applicable to the circumstances of the person:
1. For a person detained or committed under s. [51.20](#), the date that the person was detained under s. [51.20 \(2\)](#) or, if the person was not detained under s. [51.20 \(2\)](#), the date that the person was committed under s. [51.20 \(13\)](#).
  2. For a person committed under s. [971.14](#) or [971.17](#), the date of the offense or alleged offense that resulted in the person's commitment.
  3. For a person detained or committed under ch. [980](#), the date that the person committed the sexually violent offense that resulted in the sentence, placement, or commitment that was in effect when the state filed a petition under s. [980.02](#) against the person.
- (b) That the person's habitation was fixed at the place established under par. [\(a\)](#) before he or she was detained or committed shall be considered prima facie evidence that the person intends to return to that place. The prima facie evidence of intent to return to the place determined under par. [\(a\)](#) may be rebutted by presenting information that indicates that the person is not likely to return to that place if the person's detention or commitment is terminated.

- (8) No person gains a residence in any ward or election district of this state while there for temporary purposes only.
- (9) No person loses the right to vote at the person's place of residence while receiving public assistance or unemployment insurance even if the legal settlement for assistance is elsewhere.
- (10) If a person moves to another state with an intent to make a permanent residence there, or, if while there the person exercises the right to vote as a citizen of that state by voting, the person loses Wisconsin residence.
- (11) Neither an intent to acquire a new residence without removal, nor a removal without intent, shall affect residence.
- (12) Student status shall not be a consideration in determining residence for the purpose of establishing voter eligibility.
- (13) A military elector under s. [6.22 \(1\) \(b\)](#) who is the spouse or dependent of another military elector may elect to take as his or her residence either the individual's most recent residence in this state or the residence of the individual's spouse or the individual providing his or her support.

**History:** [1971 c. 304 s. 29 \(2\)](#); [1975 c. 85, 94, 199](#); [1977 c. 26](#); [1979 c. 260](#); [1983 a. 192, 484](#); [1985 a. 304](#); [1987 a. 391](#); [1991 a. 316](#); [1997 a. 39](#); [2001 a. 16, 51](#); [2011 a. 23](#); [2015 a. 261](#).

Voter residency and absentee voting is discussed. 60 Atty. Gen. 214.

Voting residency of family members of military personnel stationed in Wisconsin is discussed. 61 Atty. Gen. 269.

Upon marriage to a Wisconsin serviceman, a nonresident wife may take the Wisconsin voting residence of her husband. 61 Atty. Gen. 365.