
Wisconsin Legislative Council

AMENDMENT MEMO



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2023 Assembly Bill 567

**Assembly Substitute
Amendment 2**

2023 ASSEMBLY BILL 567

The provisions in 2023 Assembly Bill 567 include requiring the Wisconsin Elections Commission (WEC) to work with the Department of Transportation (DOT) to verify that persons who register to vote and who are already registered to vote are U.S. citizens, requiring courts to notify WEC when a person is determined to be incompetent to vote or to register to vote, and requiring WEC to indicate on its voter registration list that the person is ineligible to vote. Under the bill, if a person's right to vote is restored, WEC is required to indicate on its voter registration list that the person is eligible to vote.

The bill also requires municipalities that employ a central count location for canvassing absentee ballots to begin canvassing procedures at 7 a.m. the day before spring and general election days. The bill imposes reporting requirements for the canvasses that occur the day before an election and on Election Day. Under the bill, municipalities that do not use a central count location may, by ordinance, opt to canvass ballots the day before an election. The bill requires all canvassing done before Election Day to cease at 8 p.m., to not include tallying ballots, and requires municipalities to ensure that all election-related equipment and materials are secured in a double-lock location. Under the bill, canvassers must, before resuming operations on Election Day, check to see if there are any signs of tampering with the security measures; if there is any sign of tampering, the bill requires the municipal clerk to verify the accuracy of the ballots by ordering a recount of potentially affected ballots in the municipality and by auditing any equipment used in the election. Under the bill, if a person intentionally acts in a manner that would allow the person to know or provide information on tallied election results before polls close on Election day is guilty of a Class I felony.

The bill requires municipal clerks and county clerks to periodically publicly post the number of ballots received, canvassed, and yet to be canvassed on election night and the day before Election Day, if a municipality is canvassing absentee ballots before Election Day.

The bill also eliminates the use of central count locations to canvass ballots that are cast on Election Day and amends the timeline for sending absentee ballots.

The bill establishes protection from retaliatory employment actions for a municipal clerk who lawfully reports suspected election fraud or irregularities.

ASSEMBLY SUBSTITUTE AMENDMENT 2

Assembly Substitute Amendment 2 retains many of the provisions to the bill, except as follows. The substitute amendment does not contain the provisions relating to verification of citizenship of voters, an amended timeline for sending absentee ballots, or protection from retaliatory employment actions for a municipal clerk who lawfully reports suspected election fraud or irregularities.

Additionally, Assembly Substitute Amendment 2 extends by two business days the deadline for courts to notify WEC and for WEC to change to ineligible the status of voters who are determined to be incompetent to vote. The substitute amendment also requires WEC to notify a voter that he or she must register again to vote when WEC receives notification that the voter's right to vote has been restored.

Under the substitute amendment, a municipality that canvasses absentee ballots the day before an election may convene no earlier than 7 a.m.; the requirements for canvassing to the point of tallying but to not include tallying and security remain the same. Under the substitute amendment, reports relating to the canvassing of absentee ballots must be posted at 8 p.m. the day before the election, and at 7 a.m., noon, and 8 p.m. on Election Day. The substitute amendment also requires a report at 10 p.m., rather than at 9 p.m. under the bill, on Election Day.

The substitute amendment also excepts from certain criminal liability a person who casts a ballot after he or she has been declared incompetent to vote.

BILL HISTORY

Assembly Substitute Amendment 2 was introduced by the Assembly Committee on Campaigns and Elections on November 7, 2023. On that same date, the committee recommended adoption of the amendment and passage of the bill as amended by a vote of Ayes, 8; Noes, 0.

For a full history of the bill, visit the Legislature's [bill history page](#).

PJH:jal