



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRBs0101/1  
JK:kjf&wlj

**SENATE SUBSTITUTE AMENDMENT 1,  
TO SENATE BILL 205**

May 3, 2021 - Offered by Senator STROEBEL.

1 **AN ACT** *to renumber* 6.875 (4) (b); *to amend* 6.875 (6) (c) 2., 7.03 (1) (d), 7.315  
2 (1) (a) and 12.60 (1) (a); and *to create* 6.875 (4) (b) 2., 6.875 (8), 6.875 (9) and  
3 12.13 (3m) of the statutes; **relating to:** absentee voting in certain residential  
4 care facilities and retirement homes and providing a penalty.

---

***Analysis by the Legislative Reference Bureau***

Under current law, a municipal clerk is required, under certain circumstances, to dispatch special voting deputies to a residential care facility or qualified retirement home so that the occupants of the facility or home may cast an absentee ballot in person with the special voting deputies rather than vote in person at the appropriate polling place or request and complete an absentee ballot by mail. Under current law, a retirement home is a facility occupied as a primary residence by 10 or more unrelated individuals. A qualified retirement home is a retirement home that has a significant number of occupants who lack adequate transportation to the polling place, need assistance in voting, are aged 60 or over, or are indefinitely confined.

Current law requires a municipality that appoints special voting deputies to appoint at least two special voting deputies for the municipality and the deputies must be eligible voters of the county where the municipality is located. In addition, the two deputies designated to visit each qualified retirement home and residential

care facility must be affiliated with different political parties whenever deputies representing different parties are available. Current law prohibits individuals employed at a residential care facility or qualified retirement home in the municipality, or any member of the individual's immediate family, from serving as a special voting deputy.

Under this bill, the municipal clerk may appoint any individual who is employed at a residential care facility or qualified retirement home in the municipality to serve as an absentee voting assistant to assist in the procedures for voting at the home or facility in lieu of or in addition to special voting deputies. An absentee voting assistant may carry out the same duties as a special voting deputy and must be an eligible voter of the county where the home or facility is located. An absentee voting assistant must complete a two-hour online training prescribed by the Elections Commission and take the same oath of office as a special voting deputy appointed under current law. In addition, the two absentee voting assistants appointed to each facility or home must be affiliated with different political parties whenever assistants representing different parties are available.

Under current law, the special voting deputies must arrange with the administrator of the qualified retirement home or residential care facility one or more convenient times to visit the home or facility. The administrator of the home or facility may, upon the request of a relative of an occupant of the home or facility notify the relative of the time or times at which special voting deputies will conduct absentee voting at the home or facility.

This bill requires the administrator to provide notice of the dates and times when the deputies or absentee voting assistants will be assisting voters at the home or facility to the relatives for whom the home or facility has contact information for each occupant who intends to vote by absentee ballot with the special voting deputies or absentee voting assistants.

The bill also provides that an employee of a qualified retirement home or residential care facility who coerces an occupant of the home or facility to apply for or not apply for an absentee ballot or cast or refrain from casting a ballot or who coerces an occupant to cast a ballot for or against a particular candidate or ballot question is guilty of a Class I felony.

Finally, under the bill, after completion of the absentee voting procedures at a qualified retirement home or residential care facility, the municipal clerk must examine no fewer than 10 percent of the absentee ballot envelopes and attached certificates of the ballots returned from the home or facility and attempt to contact each voter identified on the certificates to verify that the voters intended to cast their ballots in the election. If the clerk is unable to contact the voter, the voter is presumed to have intended to cast his or her ballot. However, if the clerk contacts the voter and determines that the voter did not intend to cast his or her ballot, the ballot will not be counted.

---

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

1           **SECTION 1.** 6.875 (4) (b) of the statutes is renumbered 6.875 (4) (b) 1.

2           **SECTION 2.** 6.875 (4) (b) 2. of the statutes is created to read:

3           6.875 (4) (b) 2. No individual who is employed or retained at a qualified  
4 retirement home or residential care facility in the municipality who is not an  
5 absentee voting assistant appointed under sub. (8) may assist an occupant of the  
6 home or facility in requesting, completing, or returning the occupant's absentee  
7 ballot.

8           **SECTION 3.** 6.875 (6) (c) 2. of the statutes is amended to read:

9           6.875 (6) (c) 2. ~~Upon the request of a relative of an occupant of a qualified~~  
10 ~~retirement home or residential care facility, the administrator of the home or facility~~  
11 ~~may notify the relative of the time or times at which special voting deputies will~~  
12 ~~conduct absentee voting at the home or facility and permit the~~ The administrator of  
13 a qualified retirement home or residential care facility shall provide notice of the  
14 dates and times when the deputies or absentee voting assistants appointed under  
15 sub. (8) will be facilitating absentee voting at the home or facility to each relative of  
16 an occupant for whom the home or facility has contact information, if the occupant  
17 intends to vote by absentee ballot with the special voting deputies or absentee voting  
18 assistants. The administrator may provide the same notice to any other relative of  
19 the occupant upon request. The relative to may be present in the room where the  
20 voting is conducted.

21           **SECTION 4.** 6.875 (8) of the statutes is created to read:

22           6.875 (8) (a) The municipal clerk or board of election commissioners of each  
23 municipality in which one or more qualified retirement homes or residential care  
24 facilities are located may appoint any individual who is employed or retained at a  
25 qualified retirement home or residential care facility in the municipality to serve as

1 an absentee voting assistant to assist in the procedures for voting at the home or  
2 facility in lieu of or in addition to special voting deputies appointed under sub. (4) (a).

3 (b) Absentee voting assistants appointed under par. (a) shall comply with the  
4 duties for special voting deputies under this section and complete a 2-hour online  
5 training, as prescribed by the commission under s. 7.315 (1) (a). An absentee voting  
6 assistant appointed under par. (a) shall be a qualified elector of the county where the  
7 municipality is located.

8 (c) Prior to entering upon his or her duties, each individual appointed to serve  
9 as an absentee voting assistant under par. (a) shall file the oath required by s. 7.30  
10 (5). In the oath, the individual shall swear that he or she is qualified to act as an  
11 absentee voting assistant under this subsection, that he or she has read the statutes  
12 governing absentee voting, that he or she understands the proper absentee voting  
13 procedure, that he or she understands the penalties for noncompliance with the  
14 procedure under s. 12.13, and that his or her sacred obligation will be to fully and  
15 fairly implement the absentee voting law and seek to have the intent of the electors  
16 ascertained. In addition, the oath shall state that the individual realizes that any  
17 error in conducting the voting procedure may result in invalidation of an elector's  
18 vote under s. 7.51 (2) (e) and that the individual realizes that absentee voting is a  
19 privilege and not a constitutional right. The form of the oath shall be prescribed by  
20 the commission.

21 (d) The municipal clerk or board of election commissioners shall appoint at  
22 least 2 individuals employed or retained by the qualified retirement home or  
23 residential care facility to serve as absentee voting assistants under par. (a). The 2  
24 absentee voting assistants for each home or facility shall be affiliated with different

1 political parties whenever absentee voting assistants representing different parties  
2 are available.

3 **SECTION 5.** 6.875 (9) of the statutes is created to read:

4 6.875 (9) After completion of the absentee voting procedures under this section  
5 at a qualified retirement home or residential care facility in the municipality, the  
6 municipal clerk or board of election commissioners shall inspect no fewer than 10  
7 percent of the absentee ballot return envelopes and attached certificates received  
8 from each such home and facility and attempt to contact the electors identified on the  
9 certificates to verify that the electors intended to cast their ballots in the election.  
10 If the municipal clerk or board of election commissioners is unable to contact an  
11 elector, the elector is presumed to have intended to cast his or her ballot. If the  
12 municipal clerk or board of election commissioner contacts an elector and the elector  
13 indicates that he or she did not intend to cast a ballot in the election, the ballot shall  
14 not be counted and, instead, shall be set aside, along with an incident report  
15 completed by the clerk or board. All ballots not counted as provided under this  
16 subsection, and the incident reports related thereto, shall be securely stored  
17 separately from all other ballots and reports.

18 **SECTION 6.** 7.03 (1) (d) of the statutes is amended to read:

19 7.03 (1) (d) Except as otherwise provided in par. (a), special voting deputies  
20 appointed under s. 6.875 (4), absentee voting assistants appointed under s. 6.875 (8),  
21 and other officials and trainees who attend training sessions under s. 6.875 (8) (a)  
22 2., 7.15 (1) (e), or 7.25 (5) may also be compensated by the municipality where they  
23 serve at the option of the municipality.

24 **SECTION 7.** 7.315 (1) (a) of the statutes is amended to read:

