



2023 SENATE BILL 887

January 5, 2024 - Introduced by Senator TOMCZYK. Referred to Committee on Shared Revenue, Elections and Consumer Protection.

AN ACT *to amend* 6.875 (4) (a) and 6.875 (6) (c) 2. of the statutes; **relating to:**

absentee voting in certain residential care facilities and retirement homes.

Analysis by the Legislative Reference Bureau

Under current law, absentee voting in person inside residential care facilities and qualified retirement homes may be conducted only if the municipal clerk or board of election commissioners adopts procedures allowing voters residing in such a facility or home to apply for, receive, and complete an absentee ballot by means of special voting deputies dispatched to the facility or home for that purpose. A municipality that appoints special voting deputies must 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.

Under current law, the special voting deputies must, not later than 5 p.m. on the sixth working day preceding an election, 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. Current law also requires that the visits may be no earlier than

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the fourth Monday preceding the election and no later than 5 p.m. on the Monday preceding the election.

Under the bill, each administrator of a qualified retirement home or residential care facility must consult with the municipal clerk, no later than November 1 of the even-numbered year, to establish a written plan ensuring that residents of the home or facility are able to vote using special voting deputies. In addition, the bill requires the administrator to provide a copy of the plan to all individuals designated as a contact by the occupants of the home or facility. Under current law, the administrator of a home or facility must notify a resident's relative of the times at which special voting deputies will conduct absentee voting at the home or facility and permit the relative to be present in the room where the voting is conducted. Under the bill, the administrator must provide the same notice to each individual designated as a contact by the resident and permit each such individual to be present in the room where the voting is conducted. In addition, the bill authorizes the Department of Health Services to revoke any permit or license that DHS has issued to the home or facility if the administrator of the home or facility fails to provide the notices described under current law and under the bill.

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

SECTION 1. 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

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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. No qualified retirement home or residential care facility may deny entry to a special voting deputy. The department of health services shall revoke any permit or license issued by the department to a qualified retirement home or residential care facility that denies entry to a special voting deputy. No later than November 1 of an even-numbered year, each administrator of a qualified retirement home or residential care facility shall consult with the municipal clerk of the municipality where the home or facility is located to establish a written plan ensuring that residents of the home or facility are able to vote in accordance with this section. The administrator of the qualified retirement home or residential care facility shall provide a copy of the plan established under this paragraph to all individuals designated as a contact by the occupants of the home or facility.

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

6.875 (6) (c) 2. Upon the request of a relative of an occupant of a qualified retirement home or residential care facility, the administrator of the home or facility may notify the relative of the time or times at which special voting deputies will conduct absentee voting at the home or facility and permit the relative to be present in the room where the voting is conducted. The administrator shall also provide the same notice to each individual designated as a contact by the occupant.

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Any individual receiving the notice may be present in the room where the voting is conducted. The department of health services shall revoke any permit or license issued by the department to a qualified retirement home or residential care facility if the administrator of the home or facility fails to provide the notices described under this subdivision.

(END)