

# State of Wisconsin



2021 Senate Bill 205

Date of enactment:  
Date of publication\*:

## 2021 WISCONSIN ACT

AN ACT *to renumber and amend* 6.875 (4) (b); *to amend* 6.875 (6) (a), 6.875 (6) (c) 2., 6.875 (7), 7.315 (1) (a) and 12.60 (1) (a); and *to create* 6.875 (4) (b) 2., 6.875 (6) (f), 6.875 (8) and 12.13 (3m) of the statutes; **relating to:** absentee voting in certain residential care facilities and retirement homes and providing a penalty.

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

**SECTION 2.** 6.875 (4) (b) of the statutes is renumbered 6.875 (4) (b) 1. and amended to read:

6.875 (4) (b) 1. Nominations for the special voting deputy positions described in par. (a) may be submitted by the 2 recognized political parties whose candidates for governor or president received the greatest numbers of votes in the municipality at the most recent general election. The deputies shall be specially appointed to carry out the duties under par. (a) for the period specified in s. 7.30 (6) (a). The clerk or board of election commissioners may revoke an appointment at any time. No individual who is employed or retained, ~~or within the 2 years preceding appointment has been employed or retained,~~ at a qualified retirement home or residential care facility in the municipality, or any member of the individual's immediate family, as defined in s. 19.42 (7), may be appointed to serve as a deputy.

**SECTION 3.** 6.875 (4) (b) 2. of the statutes is created to read:

6.875 (4) (b) 2. No individual who is employed or retained at a qualified retirement home or residential care facility in the municipality who is not an absentee voting assistant appointed under sub. (8) may assist an occupant

of the home or facility in requesting, completing, or returning the occupant's absentee ballot.

**SECTION 4.** 6.875 (6) (a) of the statutes is amended to read:

6.875 (6) (a) Special voting deputies in each municipality shall, not later than 5 p.m. on the ~~6th~~ 11th working day preceding an election, arrange one or more convenient times with the administrator of each qualified retirement home and residential care facility in the municipality that the deputies are scheduled to visit. The time may be no earlier than the 4th Monday preceding the election and no later than 5 p.m. on the ~~Monday~~ 6th working day preceding the election. The municipal clerk shall give notice of each visit by special voting deputies to a qualified retirement home or residential care facility in the same manner that notices of public meetings are provided by presiding officers under s. 19.84 (1) (b) at least 5 working days in advance of each visit, indicating the date and time of the visit. The municipal clerk also shall post a notice at the home or facility and on the Internet indicating the date and time that absentee voting will take place at that home or facility. The notice shall be posted as soon as practicable after arranging the visit but in no case less than 5 working days before the visit. A municipal clerk whose municipality does not maintain an Inter-

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

net site need not comply with the Internet posting requirement. At the designated time, 2 deputies appointed under sub. (4) shall visit the home or facility.

**SECTION 5.** 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~~ The administrator of a qualified retirement home or residential care facility shall provide notice of the dates and times when the deputies or absentee voting assistants appointed under sub. (8) will be facilitating absentee voting at the home or facility to each relative of an occupant for whom the home or facility has contact information. The relative to ~~may~~ be present in the room where the voting is conducted.

**SECTION 6.** 6.875 (6) (f) of the statutes is created to read:

6.875 (6) (f) No administrator of a qualified retirement home or residential care facility may deny special voting deputies from entering the home or facility unless the governor declares a public health emergency under s. 323.10 within 60 days preceding the election for which the deputies are appointed or guidance issued by the department of health services or the federal Centers for Medicare and Medicaid Services recommends that the family members of the occupants of a home or facility be denied entry to the home or facility.

**SECTION 7.** 6.875 (7) of the statutes is amended to read:

6.875 (7) One observer from each of the 2 recognized political parties whose candidate for governor or president received the greatest number of votes in the municipality at the most recent general election may accompany the deputies to each home or facility where absentee voting will take place under this section. ~~In addition, one relative, or the legal guardian, of each occupant of the home or facility may accompany the deputies to observe the absentee voting.~~ The observers may observe the process of absentee ballot distribution in the common areas of the home or facility. Each party ~~or occupant~~ wishing to have an observer present shall submit the name of the observer to the clerk or board of election commissioners no later than the close of business on the last business day prior to the visit.

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

6.875 (8) (a) 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 may appoint any individual who is employed or retained at a qualified retirement home or residential care facility in the municipality to serve as an absentee voting assistant to assist in the procedures for voting at the home or facility in the event that special vot-

ing deputies appointed under sub. (4) (a) are denied entry into the home or facility, as provided under sub. (6) (f). The administrator of each such home or facility shall provide at least 2 employees to serve as absentee voting assistants.

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

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

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

**SECTION 9.** 7.315 (1) (a) of the statutes is amended to read:

7.315 (1) (a) The commission shall, by rule, prescribe the contents of the training that municipal clerks must provide to inspectors, other than chief inspectors, ~~and~~ to special voting deputies appointed under s. 6.875 (4), ~~and~~ to absentee voting assistants appointed under s. 6.875 (8).

**SECTION 10.** 12.13 (3m) of the statutes is created to read:

12.13 (3m) ABSENTEE VOTING IN CERTAIN RESIDENTIAL CARE FACILITIES AND RETIREMENT HOMES. No employee of a qualified retirement home, as defined in s. 6.875 (1) (at), or residential care facility, as defined in s. 6.875 (1) (bm), may coerce 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 coerce an occupant to cast a ballot for or against a particular candidate or ballot question.

**SECTION 11.** 12.60 (1) (a) of the statutes is amended  
to read:  
12.60 (1) (a) Whoever violates s. 12.09, 12.11 or

12.13 (1), (2) (b) 1. to 7. ~~or~~ (3) (a), (e), (f), (j), (k), (L),  
(m), (y) or (z), or (3m) is guilty of a Class I felony.

