

1 **AN ACT** *to amend* 5.25 (4) (a), 5.35 (6) (a), 6.86 (1) (a) 2. and 10.01 (2) (e); and *to*
2 *create* 6.873 of the statutes; **relating to:** the establishment of satellite offices for
3 absentee voting.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on election law review.

Under current law, an individual may cast an absentee ballot in the clerk's office. This draft authorizes the municipal clerk or board of elections commissioners to establish satellite offices for individuals to cast absentee ballots.

The draft has an effective date of January 1, 2006.

4 **SECTION 1.** 5.25 (4) (a) of the statutes is amended to read:
5 5.25 (4) (a) Each polling place and each satellite voting office established under s. 6.873
6 shall be accessible to all individuals with disabilities. The board shall ensure that the voting
7 system used at each polling place will permit all individuals with disabilities to vote without
8 the need for assistance and with the same degree of privacy that is accorded to nondisabled
9 electors voting at the same polling place. This paragraph does not apply to any individual who
10 is disqualified from voting under s. 6.03 (1) (a).

NOTE: This SECTION requires that each satellite voting office be accessible to elderly and handicapped individuals.

11 **SECTION 2.** 5.35 (6) (a) of the statutes is amended to read:
12 5.35 (6) (a) At each polling place and each satellite office established under s. 6.873 in
13 the state, the municipal clerk or board of election commissioners shall post the following

1 materials, positioned so that they may be readily observed by electors entering the polling
2 place or satellite office, or waiting in line to vote:

3 1. The relevant portions of the voting instructions in the type B notice for the election
4 as specified in s. 10.02 (3) and, for each referendum on the ballot, the text of the type C notice
5 specified in s. 10.01 (2) (c).

6 2. A copy of the election fraud laws provided in s. 12.13 (1) and (3) (intro), (d), (f), (g),
7 (k), (L), (o), (q), (r), (u), (v) and (x), together with the applicable penalties provided in s. 12.60
8 (1).

9 2m. General information prescribed by the board on federal laws relating to election
10 fraud and misrepresentation in federal elections.

11 3. Two sample ballots prepared under s. 5.66 (2).

12 4. The date of the election and the hours during which the polling place or satellite office
13 is open.

14 4a. Instructions prescribed by the board for electors for whom identification is required
15 under s. 6.36 (2) (c) 2.

16 4b. General information prescribed by the board concerning voting rights under
17 applicable state and federal laws, including the method of redress for any alleged violations
18 of those rights.

19 5. Any other voting information directed to be posted by the board.

NOTE: This SECTION requires each satellite office to have posted all of
the same information that is required at a polling place.

COMMENT: Does the committee want to amend the posting requirement
to include satellite offices?

20 **SECTION 3.** 6.86 (1) (a) 2. of the statutes is amended to read:

1 6.86 (1) (a) 2. In person at the office of the municipal clerk or at a satellite office
2 established under s. 6.873.

3 **SECTION 4.** 6.873 of the statutes is created to read:

4 **6.873 Satellite office for absentee voting.** The municipal clerk or board of election
5 commissioners of any municipality may establish a satellite office to conduct in-person
6 absentee voting. Satellite offices may be located only in [public buildings] [the same building
7 that the municipal clerk or board of elections commissioners is located in]. The decision to
8 establish such an office and the location of that office must be finalized [prior to the time that
9 absentee ballots are available] [in time to be included in the type E notice under s. 10.01 (2)
10 (e)].

NOTE: This SECTION allows a municipal clerk or board of election commissioners to establish a satellite office to conduct absentee voting.

COMMENT: (1) What type of limitation should be placed on where these satellite offices may be located?

(2) What timeframe should be put on the decision to establish a satellite office? Should there be a limit on the number of offices that a clerk can establish?

(3) Who will be working at these satellite offices? Should the draft authorize the appointment of individuals to staff these offices?

(4) Should observation rights and electioneering prohibitions apply to these satellite offices? If so, WLC: 105/1, relating to observation and electioneering activities in the office of the municipal clerk, should be amended to include satellite offices.

11 **SECTION 5.** 10.01 (2) (e) of the statutes is amended to read:

12 10.01 (2) (e) Type E—The type E notice shall state the qualifications for absentee
13 voting, the procedures for obtaining an absentee ballot in the case of registered and
14 unregistered voters, the location of any satellite offices established under s. 6.873, and the
15 places and the deadlines for application and return of application. The municipal clerk shall

1 publish a type E notice on the 4th Tuesday preceding each spring primary and election, on the
2 4th Tuesday preceding each September primary and general election, on the 4th Tuesday
3 preceding the primary for each special national, state, county or municipal election if any, on
4 the 4th Tuesday preceding a special county or municipal referendum, and on the 3rd Tuesday
5 preceding each special national, state, county or municipal election to fill an office which is
6 not held concurrently with the spring or general election. The clerk of each special purpose
7 district which calls a special election shall publish a type E notice on the 4th Tuesday preceding
8 the primary for the special election, if any, on the 4th Tuesday preceding a special referendum,
9 and on the 3rd Tuesday preceding a special election for an office which is not held concurrently
10 with the spring or general election except as authorized in s. 8.55 (3).

NOTE: This SECTION requires the type E notice to contain the location of any satellite offices that have been established for absentee voting.

COMMENT: Does the committee want to amend the type E notice to include the location of satellite offices?

11 **SECTION 6. Effective date.** This act takes effect on January 1, 2006.

12 (END)