



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2013 Wisconsin Act 159**  
[2013 Assembly Bill 396]

**Absentee Voting at  
Residential Care Facilities**

### Current Law

Under current law, residents of nursing homes, adult family homes, community-based residential facilities, residential care apartment complexes, and retirement homes can vote by absentee ballot using a procedure involving special voting deputies (SVDs). This procedure is required for nursing homes, but, for the other facilities, the municipal clerk, using criteria in current law, determines whether this procedure will be used.

### 2013 Wisconsin Act 159

2013 Wisconsin Act 159 provides that the SVD process is required for adult family homes, community-based residential facilities, and residential care apartment complexes. The Act retains the requirement for nursing homes and retains the option for retirement homes. However, the Act provides that the SVD process need not be used unless there are at least five registered electors of the municipality who are occupants of the facility.

In addition, the Act requires a municipal clerk to give notice of the SVD visit at least five working days prior to the visit. The notice must be posted on the Internet, unless the municipality does not maintain an Internet site.

The Act also provides that if SVDs are used in a facility, the SVD process is the exclusive means of absentee voting in person inside that facility for occupants of the facility. As an alternative to absentee voting inside a facility, an occupant of a facility may vote in person at the polling place, in person at the clerk's office, or, if the elector maintains a residence outside the facility, by absentee ballot by mail for that residence.

---

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

Further, the Act requires that when a retirement home that is not served by SVDs is on the same grounds as a facility that is served by SVDs, then the clerk must obtain the names and addresses of the retirement home occupants and provide them to the SVDs to verify which residents are eligible to cast their ballots with the SVDs.

Lastly, the Act provides that SVDs may not accept an absentee ballot submitted by an elector whose ballot was not issued by the SVDs. Upon the completion of voting each day at each facility, the SVDs must seal the absentee ballot envelopes and applications inside a carrier envelope and seal the envelope, signing their names to the seal. The envelope is placed inside a ballot bag or container. The SVDs must deliver the ballot bag or container to the clerk as soon as possible after visiting a facility, but not later than 18 hours after the visit.

*Effective date:* May 1, 2014. The Act first applies with respect to elections held after May 1, 2014.

*Prepared by:* Jessica Karls-Ruplinger, Senior Staff Attorney

April 9, 2014

JKR:jb;ty