



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2013 Senate Bill 297

Senate Substitute Amendment 1

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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) who visit the facilities. This procedure is required for nursing homes, but the municipal clerk may choose whether to employ the procedure for the other facilities using criteria contained in current law.

Senate Bill 297

Senate Bill 297 requires a clerk to use the SVD procedure for adult family homes, community-based residential facilities, and residential care apartment complexes, but still allows a clerk to choose whether to use the SVD procedure for retirement homes. However, the bill provides that a clerk is not required to use the SVD process unless there are at least five registered electors who are occupants of the facility.

In addition, the bill requires a 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.

Senate Substitute Amendment 1

Senate Substitute Amendment 1 retains the provisions of the underlying bill, except as otherwise described below. The substitute amendment 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 the SVD process, 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 of the facility, by absentee ballot by mail for that residence.

In addition, the substitute amendment modifies the exception in the bill. Specifically, it provides that a clerk is not required to use the SVD process for a facility unless there are at least five registered voters **of the municipality** who are occupants of the facility.

Further, the substitute amendment 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.

The substitute amendment also 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 inside a carrier envelope and seal the envelope, sign their names to the seal, and place the envelope inside a ballot bag or container. As soon as possible after visiting each residential care facility or retirement home, but not later than 18 hours after the visit, the deputies must deliver the ballot bag or container to the clerk.

Finally, the substitute amendment provides that the provisions of the bill first apply to elections held after May 1, 2014.

Bill History

Senate Substitute Amendment 1 was offered by Senators Grothman and Lazich on February 3, 2014. On February 12, 2014, the Senate Committee on Elections and Urban Affairs recommended adoption of the substitute amendment on a vote of Ayes, 5; Noes, 0. The committee then recommended passage of Senate Bill 297, as amended, on a vote of Ayes, 3; Noes, 2.

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