

---

# Wisconsin Legislative Council

## AMENDMENT MEMO

---



**Memo published:** May 20, 2021

**Contact:** Katie Bender-Olson, Senior Staff Attorney

**2021 Senate Bill 209**

**Senate Amendment 2**

### 2021 SENATE BILL 209

Senate Bill 209 addresses methods for returning absentee ballots and the use of absentee ballot drop boxes. The bill specifies that a voter may only return his or her absentee ballot by mail, in person to the permanent office of the municipal clerk, or to one authorized drop box attached to the building where the clerk's office is permanently located.

The bill also creates requirements for absentee ballot drop boxes. A drop box must be tamper-resistant, moisture-resistant, have a slot only large enough to insert a return envelope, and satisfy accessibility requirements under the Americans with Disabilities Act. Under the bill, a clerk must publicly empty an absentee ballot drop box once each day at 9 a.m., and must publish notice of the location of the drop box and days when it is available for receiving return envelopes.

### SENATE AMENDMENT 2

Senate Amendment 2 creates new requirements drop boxes must meet, expands the number of drop boxes larger municipalities may use, requires clerks to provide additional information to the public, and allows voters to return absentee ballots to drop boxes by 5 p.m. on Election Day or to the polling place. Under the amendment, the absentee ballot drop box that any municipality may authorize must be on the premises where the clerk's office is located, rather than attached to the building, and must also be accessible for drive-up delivery. Further, all drop boxes must be secured with a lock and include a tamper-proof seal with a serial number on the access door.

In addition to the drop box located on the premises where a clerk's office is located, the amendment allows the clerk of a municipality with a population of 70,000 or more to also authorize use of three additional drop boxes on municipal property (other than a public park). These additional drop boxes must be under continuous video surveillance, and the municipality must retain the recording for 22 months following the election.

The amendment also requires a clerk to include in a Type E notice the times each drop box will be emptied, and the deadline for returning an absentee ballot to be counted. Additionally, if the clerk maintains an internet site, the clerk must publish the location of each drop box and the times when each drop box will be emptied. Clerks must also enter the location of each drop box on the state's voter public access internet site.

Finally, the amendment provides that an absentee ballot cannot be counted unless it is delivered to the drop box by 5 p.m. on Election Day, but allows a voter to deliver his or her absentee ballot to the polling place serving the voter's residence on Election Day.

## **BILL HISTORY**

Senate Amendment 2 was offered by Senators Darling, Kooyenga, and Bernier on May 18, 2021. On May 19, 2021, the Senate Committee on Elections, Election Process Reform, and Ethics recommended adoption of the amendment and passage of the bill, as amended, on votes of Ayes, 3; Noes, 2.

KBO:ksm