



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-5931/1
MPG&JK:skw&klm

2021 ASSEMBLY BILL 1004

February 16, 2022 - Introduced by Representatives MACCO, ARMSTRONG, EDMING, GUNDRUM, KNODL, KRUG, KUGLITSCH, MAGNAFICI, MOSES, MURPHY, MURSAU, PENTERMAN, SCHRAA, SPIROS and ALLEN, cosponsored by Senators BERNIER, COWLES, DARLING, STROEBEL, FELZKOWSKI, MARKLEIN and BALLWEG. Referred to Committee on State Affairs.

1 **AN ACT** *to renumber* 6.875 (4) (b) and 6.875 (6) (e); *to renumber and amend*
2 6.87 (6d), 6.87 (9) and 7.51 (1); *to amend* 6.87 (2) (intro.), 6.875 (4) (a), 6.875
3 (6) (a), 6.875 (6) (c) 2., 7.03 (1) (d), 7.30 (3) (a), 7.315 (1) (a), 7.53 (2) (cm) and
4 12.60 (1) (a); and *to create* 6.87 (6d) (a) to (L), 6.87 (9) (b), 6.875 (4) (b) 2., 6.875
5 (6) (e) 2., 6.875 (8), 7.30 (7), 7.51 (1) (b), 12.085, 12.13 (2) (b) 9., 12.13 (2) (b) 10.,
6 12.13 (2) (b) 11., 12.13 (3) (zp) and 12.13 (3m) of the statutes; **relating to:**
7 certain kinds of election fraud, private resources and contracts for election
8 administration, who may perform tasks related to election administration,
9 defects on absentee ballot certificates, returning absentee ballots to the office
10 of the municipal clerk, appointment of election officials, allowing an employee
11 of a residential care facility or qualified retirement home to serve as a personal

ASSEMBLY BILL 1004

- 1 care voting assistant during a public health emergency or an incident of
2 infectious disease, and providing a penalty.

Analysis by the Legislative Reference Bureau**RETIREMENT HOMES AND RESIDENTIAL CARE FACILITIES*****Personal care voting assistants***

Under current law, absentee voting in person inside residential care facilities and qualified retirement homes may be conducted only if the municipal clerk or board of election commissioners adopts procedures allowing voters residing in such a facility or home to apply for, receive, and complete an absentee ballot by means of special voting deputies dispatched to the facility or home for that purpose. A municipality that appoints special voting deputies must appoint at least two special voting deputies for the municipality and the deputies must be eligible voters of the county where the municipality is located. In addition, the two deputies designated to visit each qualified retirement home and residential care facility must be affiliated with different political parties whenever deputies representing different parties are available. Current law prohibits individuals employed at a residential care facility or qualified retirement home in the municipality, or any member of the individual's immediate family, from serving as a special voting deputy.

Under this bill, during a public health emergency or an incident of infectious disease that results in restricting entry to a residential care facility or qualified retirement home, the municipal clerk or board of election commissioners may appoint any individual who is employed at a residential care facility or qualified retirement home in the municipality to serve as a personal care voting assistant. A personal care voting assistant need not be an eligible voter of the county, but must be an eligible voter of this state. A personal care voting assistant must complete a two-hour online training prescribed by the Elections Commission and take the same oath of office as a special voting deputy appointed under current law. In addition, the two personal care voting assistants appointed to each facility or home must be affiliated with different political parties whenever assistants representing different parties are available. The bill also prohibits a personal care voting assistant from assisting in or facilitating the registration of any resident of a residential care facility or qualified retirement home.

Under the bill, an employee of the facility or home acting as a personal care voting assistant must complete documentation, on a form prescribed by the Elections Commission, that provides the assistant's name, the name of the voter, and the type of assistance provided to the voter. The form must be separate from the absentee ballot certificate, but the information contained on the form must also be included on the absentee ballot return envelope. The administrator of the home or facility must deliver the forms to the municipal clerk or board of election commissioners and may arrange for an election official, other than a personal care voting assistant, to collect and return the absentee ballots to the clerk or board. Otherwise, all absentee

ASSEMBLY BILL 1004

ballots completed with the assistance of a personal care voting assistant must be mailed to the clerk or board.

Entry to a facility

The bill prohibits residential care facilities and qualified retirement homes from denying entry to special voting deputies appointed under current law, except when the facility or home is closed to the public during a public health emergency or an incident of infectious disease. Under the bill, if a home or facility is closed to the public during such an emergency or incident, the home or facility must allow personal care voting assistants to supervise the absentee voting procedure used by occupants of the home or facility.

In addition, under the bill, no administrator of a qualified retirement home or residential care facility may deny a special voting deputy from entering the home or facility unless the governor declares a public health emergency within 60 days preceding the election for which the deputies are appointed or the Department of Health Services or the federal Centers for Medicare or Medicaid Services recommends that the family members of the occupants of a home or facility be denied access to the home or facility.

Visits to facilities

Under current law, the special voting deputies must, not later than 5 p.m. on the sixth working day preceding an election, arrange with the administrator of the qualified retirement home or residential care facility one or more convenient times to visit the home or facility. The administrator of the home or facility may, upon the request of a relative of an occupant of the home or facility notify the relative of the time or times at which special voting deputies will conduct absentee voting at the home or facility. Current law also requires that the visits may be no earlier than the fourth Monday preceding the election and no later than 5 p.m. on the Monday preceding the election

Under the bill, the special voting deputies must make arrangements to visit the qualified retirement homes or residential care facilities no later than 5 p.m. on the 11th working day preceding the election, and the visits may be no earlier than the fourth Monday preceding the election and no later than 5 p.m. on the sixth working day preceding the election. This bill also requires the administrator to provide notice of the dates and times when the deputies or absentee voting assistants will be assisting voters at the home or facility to the relatives for whom the home or facility has contact information.

Under current law, if an eligible voter at a residential care facility or qualified retirement home is not able to cast his or her ballot on two separate visits by special voting deputies to the home or facility, the deputies must notify the municipal clerk or board of election commissioners. The clerk or board may then send the voter an absentee ballot no later than the Friday before the election. Under the bill, if an eligible voter of a facility or home is not able to cast his or her ballot on two separate visits by the special voting deputies because access to the home or facility is restricted due to a public health emergency or incident of infectious disease, the deputies must notify the municipal clerk or board of election commissioners. The clerk or board may then send the voter an absentee ballot as provided under current law.

ASSEMBLY BILL 1004***Penalty***

Finally, the bill provides that an employee of a qualified retirement home or residential care facility who coerces an occupant of the home or facility to apply for or not apply for an absentee ballot or to cast or refrain from casting a ballot or who coerces an occupant to cast a ballot for or against a particular candidate or ballot question is guilty of a Class I felony. In addition, an employee of a qualified retirement home or residential care facility who coerces an occupant of the home or facility to register or not register to vote is guilty of a Class I felony.

USE OF PRIVATE RESOURCES FOR ELECTION ADMINISTRATION

Under the bill, no official or agent of a state agency, county, city, village, or town may apply for or accept any donation or grant of moneys, equipment, materials, or personnel from an individual or nongovernmental entity for purposes of election administration, except as expressly authorized under the statutes relating to elections. Additionally, the bill provides that no official or agent of a state agency, county, city, village, or town may enter into a contract related to election administration that includes any of the following:

1. Any requirement governing election administration.
2. The transfer of any duty or power related to election administration to a person not having that duty or power under Wisconsin law.

Under the bill, whoever violates one of the prohibitions described above is guilty of a Class I felony, the penalty for which is a fine not to exceed \$10,000 or imprisonment not to exceed three years and six months, or both.

The bill also makes it a Class I felony for any person to assist in counting or tabulating votes at an election unless the person is a resident of this state, is an election official who is trained to the extent provided by law, and has signed the official oath and returned it to the municipal clerk with respect to that election. Additionally, under the bill, it is a Class I felony for any individual other than an election official or a vendor of an electronic voting system to perform any task in election administration.

ELECTION FRAUD

Current law prohibits election officials from committing certain kinds of election fraud, including permitting a person to register to vote or vote when the election official knows the person is not qualified to do so. The bill provides further that no election official may do any of the following:

1. Intentionally assist or cause the casting or counting of a vote or the receipt of a registration that the election official knows is invalid.
2. Intentionally assist or cause a vote or registration to be rejected when the election official knows the vote or registration is valid.
3. Intentionally fail to promptly report election fraud committed by another election official.

Under the bill, election officials violating the prohibitions described above are subject to a Class I felony.

ASSEMBLY BILL 1004**ABSENTEE BALLOT CERTIFICATES**

Under current law, absentee ballot envelopes include a printed certificate that must be completed, signed by the voter and a qualified witness, and returned to the municipal clerk with the completed ballot so that it is delivered to the polling place no later than 8 p.m. on election day. By completing and signing the certificate, the voter certifies that he or she is entitled to vote in the election and that the voter completed his or her absentee ballot in the presence of the witness. The witness certificate includes the witness's printed name and address in addition to his or her signature. If a municipal clerk receives an absentee ballot with an improperly completed certificate or with no certificate, the clerk may, but is not required to, return the ballot to the voter whenever time permits so that the voter may correct the defect. If a certificate is missing the address of the witness, the ballot may not be counted.

Under the bill, if a municipal clerk receives an absentee ballot with an improperly completed certificate or with no certificate, in addition to being authorized to return the ballot to the elector, the clerk is required to post a notification of the defect on the voter's voter information page on the Internet site that is used by voters for original registration, currently titled MyVote Wisconsin. Additionally, under the bill, the clerk may attempt to notify the voter of the defect by other means.

Additionally, under the bill, an absentee ballot with no certificate or with a certificate that does not include all of the following may not be counted:

1. The voter's printed first name.
2. The voter's printed last name.
3. The voter's house or apartment number.
4. The voter's street name.
5. The voter's municipality.
6. The voter's signature.
7. The witness's printed first name.
8. The witness's printed last name.
9. The witness's house or apartment number.
10. The witness's street name.
11. The witness's municipality.
12. The witness's signature.

Finally, the bill prohibits any person other than the voter, or the witness with respect to the witness certificate, from correcting a defect in the voter's absentee ballot certificate. Whoever violates that prohibition is subject to fine not to exceed \$500 or imprisonment not to exceed 30 days, or both.

APPOINTMENT OF POLL WORKERS

The bill prohibits the appointment of any poll worker who is an employee of any of the following:

1. A candidate committee, legislative campaign committee, political action committee, independent expenditure committee, political party, recall committee, or referendum committee, as those terms are defined by law.

ASSEMBLY BILL 1004

2. A political organization required to register with the Federal Elections Commission.

3. An issue advocacy group.

MUNICIPAL BOARD OF CANVASSERS

Current law requires that the municipal board of canvassers of each municipality convene immediately following the close of the polls on election day to publicly canvass the ballots cast. The board may not adjourn until the canvass is completed, except that the board may adjourn and reconvene at a central count location to complete the canvass. Current law also requires the municipal clerk to appoint an individual to serve as a member of the board of canvassers if there are one or more temporary vacancies on the board and the number of available members to canvass the ballots is less than three.

The bill allows a municipal board of canvassers to recess as the result of a natural disaster, if a board member is ill or otherwise incapacitated, or if the physical condition of the canvass location is unsuitable for continuing the canvass. However, the bill requires that the board reconvene as soon as possible. In addition, if the board recesses because a member is ill or otherwise incapacitated, the bill requires the municipal clerk to immediately appoint an individual to fill the vacancy on the board to temporarily replace that member.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 6.87 (2) (intro.) of the statutes is amended to read:
2 6.87 (2) (intro.) Except as authorized under sub. (3) (d), the municipal clerk
3 shall place the ballot in an unsealed envelope furnished by the clerk. The envelope
4 shall have the name, official title and post-office address of the clerk upon its face.
5 The other side of the envelope shall have a printed certificate which shall include a
6 space for the municipal clerk or deputy clerk to enter his or her initials indicating
7 that if the absentee elector voted in person under s. 6.86 (1) (ar), the elector presented
8 proof of identification to the clerk and the clerk verified the proof presented. The

ASSEMBLY BILL 1004

1 certificate shall also include a space for the municipal clerk or deputy clerk to enter
2 his or her initials indicating that the elector is exempt from providing proof of
3 identification because the individual is a military elector or an overseas elector who
4 does not qualify as a resident of this state under s. 6.10 or is exempted from providing
5 proof of identification under sub. (4) (b) 2. or 3. The certificate shall include a distinct
6 field for each item required to be entered under sub. (6d) and shall be in substantially
7 the following form:

8 **SECTION 2.** 6.87 (6d) of the statutes is renumbered 6.87 (6d) (intro.) and
9 amended to read:

10 6.87 **(6d)** (intro.) ~~If a certificate is missing the address of a witness, the ballot~~
11 An absentee ballot with no certificate or with a certificate that does not include all
12 of the following may not be counted.;

13 **SECTION 3.** 6.87 (6d) (a) to (L) of the statutes are created to read:

14 6.87 **(6d)** (a) The elector's printed first name.

15 (b) The elector's printed last name.

16 (c) The elector's house or apartment number.

17 (d) The elector's street name.

18 (e) The elector's municipality.

19 (f) The elector's signature.

20 (g) The witness's printed first name.

21 (h) The witness's printed last name.

22 (i) The witness's house or apartment number.

23 (j) The witness's street name.

24 (k) The witness's municipality.

25 (L) The witness's signature.

ASSEMBLY BILL 1004**SECTION 4**

1 **SECTION 4.** 6.87 (9) of the statutes is renumbered 6.87 (9) (a) and amended to
2 read:

3 6.87 (9) (a) If a municipal clerk receives an absentee ballot with an improperly
4 completed certificate or with no certificate, the clerk may return the ballot to the
5 elector, inside the sealed envelope when an envelope is received, together with a new
6 envelope if necessary, whenever time permits the elector to correct the defect and
7 return the ballot within the period authorized under sub. (6), and the clerk shall post
8 a notification of the defect on the elector's voter information page on the Internet site
9 that is used by electors for original registration under s. 6.30 (5). The clerk may also
10 attempt to notify the elector of the defect by other means.

11 **SECTION 5.** 6.87 (9) (b) of the statutes is created to read:

12 6.87 (9) (b) No person other than the elector, or the witness with respect to the
13 witness certificate, may correct a defect in the elector's absentee ballot certificate.
14 Whoever violates this paragraph is guilty of a misdemeanor punishable by a fine not
15 to exceed \$500 or imprisonment not to exceed 30 days, or both.

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

17 6.875 (4) (a) For the purpose of absentee voting in qualified retirement homes
18 and residential care facilities, the municipal clerk or board of election commissioners
19 of each municipality in which one or more qualified retirement homes or residential
20 care facilities are located shall appoint at least 2 special voting deputies for the
21 municipality. Except as provided in par. (am), upon application under s. 6.86 (1), (2),
22 or (2m) by one or more qualified electors who are occupants of a home or facility, the
23 municipal clerk or board of election commissioners of the municipality in which the
24 home or facility is located shall dispatch 2 special voting deputies to visit the home
25 or facility for the purpose of supervising absentee voting procedure by occupants of

ASSEMBLY BILL 1004

1 the home or facility. The clerk or board of election commissioners shall maintain a
2 list, available to the public upon request, of each home or facility where special voting
3 deputies are dispatched. The list shall include the date and time the deputies intend
4 to visit each home or facility. The 2 deputies designated to visit each qualified
5 retirement home and residential care facility shall be affiliated with different
6 political parties whenever deputies representing different parties are available. No
7 qualified retirement home or residential care facility may deny entry to a special
8 voting deputy appointed under this paragraph except if the home or facility is closed
9 to the public during a public health emergency and except if the home or facility is
10 closed to the public during an incident of infectious disease, if the administrator of
11 the home or facility has signed a verifiable statement documenting the incident and
12 filed the statement with the municipal clerk or board of election commissioners.
13 During a public health emergency or an incident of infectious disease, if a qualified
14 retirement home or residential care facility is closed to the public, the home or facility
15 shall allow a personal care voting assistant appointed under sub. (8) to supervise the
16 absentee voting procedure used by occupants of the home or facility.

17 **SECTION 7.** 6.875 (4) (b) of the statutes is renumbered 6.875 (4) (b) 1.

18 **SECTION 8.** 6.875 (4) (b) 2. of the statutes is created to read:

19 6.875 (4) (b) 2. No individual who is employed or retained at a qualified
20 retirement home or residential care facility in the municipality who is not a personal
21 care voting assistant appointed under sub. (8) (a) 1. may assist an occupant of the
22 home or facility in completing the occupant's absentee ballot, but may assist only in
23 distributing the absentee ballots in their unopened envelopes to the occupants who
24 requested the ballots.

25 **SECTION 9.** 6.875 (6) (a) of the statutes is amended to read:

ASSEMBLY BILL 1004**SECTION 9**

1 6.875 (6) (a) Special voting deputies in each municipality shall, not later than
2 5 p.m. on the 6th 11th working day preceding an election, arrange one or more
3 convenient times with the administrator of each qualified retirement home and
4 residential care facility in the municipality that the deputies are scheduled to visit.
5 The time may be no earlier than the 4th Monday preceding the election and no later
6 than 5 p.m. on the ~~Monday~~ 6th working day preceding the election. The municipal
7 clerk shall give notice of each visit by special voting deputies to a qualified retirement
8 home or residential care facility in the same manner that notices of public meetings
9 are provided by presiding officers under s. 19.84 (1) (b) at least 5 working days in
10 advance of each visit, indicating the date and time of the visit. The municipal clerk
11 also shall post a notice at the home or facility and on the Internet indicating the date
12 and time that absentee voting will take place at that home or facility. The notice shall
13 be posted as soon as practicable after arranging the visit but in no case less than 5
14 working days before the visit. A municipal clerk whose municipality does not
15 maintain an Internet site need not comply with the Internet posting requirement.
16 At the designated time, 2 deputies appointed under sub. (4) shall visit the home or
17 facility.

18 **SECTION 10.** 6.875 (6) (c) 2. of the statutes is amended to read:

19 6.875 (6) (c) 2. ~~Upon the request of a relative of an occupant of a qualified~~
20 ~~retirement home or residential care facility, the administrator of the home or facility~~
21 ~~may notify the relative of the time or times at which special voting deputies will~~
22 ~~conduct absentee voting at the home or facility and permit the~~ The administrator of
23 a qualified retirement home or residential care facility shall provide notice of the
24 dates and times when the deputies or absentee voting assistants appointed under
25 sub. (8) will be facilitating absentee voting at the home or facility to each relative of

ASSEMBLY BILL 1004

1 an occupant for whom the home or facility has contact information. The relative to
2 may be present in the room where the voting is conducted.

3 **SECTION 11.** 6.875 (6) (e) of the statutes is renumbered 6.875 (6) (e) 1.

4 **SECTION 12.** 6.875 (6) (e) 2. of the statutes is created to read:

5 6.875 (6) (e) 2. If a qualified elector is not able to cast his or her ballot on 2
6 separate visits by the deputies to the home or facility because access to the home or
7 facility is restricted due to a public health emergency or an incident of infectious
8 disease, the deputies shall so inform the municipal clerk or executive director of the
9 board of election commissioners, who may then send the ballot to the elector no later
10 than 5 p.m. on the Friday preceding the election.

11 **SECTION 13.** 6.875 (8) of the statutes is created to read:

12 6.875 (8) (a) 1. For an election held during a public health emergency or an
13 incident of infectious disease that results in restricting access to a qualified
14 retirement home or residential care facility, the municipal clerk or board of election
15 commissioners of each municipality in which one or more qualified retirement homes
16 or residential care facilities are located may appoint any individual who is employed
17 or retained at a qualified retirement home or residential care facility in the
18 municipality to serve as a personal care voting assistant.

19 2. Personal care voting assistants appointed under subd. 1. shall comply with
20 the duties for special voting deputies and complete a 2-hour online training, as
21 prescribed by the commission under s. 7.315 (1) (a). A personal care voting assistant
22 appointed under subd. 1. need not be a qualified elector of the county where the
23 municipality is located, but shall be a qualified elector in this state. No personal care
24 voting assistant appointed under subd. 1. may assist with or facilitate the
25 registration of any resident of a qualified retirement home or residential care facility.

ASSEMBLY BILL 1004**SECTION 13**

1 3. Prior to entering upon his or her duties, each individual appointed to serve
2 as a personal care voting assistant under subd. 1. shall file the oath required by s.
3 7.30 (5). In the oath, the individual shall swear that he or she is qualified to act as
4 a personal care voting assistant under this subsection, that he or she has read the
5 statutes governing absentee voting, that he or she understands the proper absentee
6 voting procedure, that he or she understands the penalties under s. 12.13 for
7 noncompliance with the procedure, and that his or her sacred obligation will be to
8 fully and fairly implement the absentee voting law and seek to have the intent of the
9 electors ascertained. In addition, the oath shall state that the individual realizes
10 that any error in conducting the voting procedure may result in invalidation of an
11 elector's vote under s. 7.51 (2) (e) and that the individual realizes that absentee
12 voting is a privilege and not a constitutional right. The form of the oath shall be
13 prescribed by the commission.

14 4. The municipal clerk or board of election commissioners shall appoint at least
15 2 individuals employed or retained by the qualified retirement home or residential
16 care facility to serve as personal care voting assistants under subd. 1. The 2 personal
17 care voting assistants for each home or facility shall be affiliated with different
18 political parties whenever personal care voting assistants representing different
19 parties are available.

20 (b) A personal care voting assistant appointed under par. (a) 1. shall complete
21 documentation, on a form prescribed by the commission, that provides the assistant's
22 name, the name of each elector in the qualified retirement home or residential care
23 facility for whom the personal care voting assistant provides assistance, and the type
24 of assistance provided to the elector. The personal care voting assistant shall also
25 include the information contained on the form on the return envelope.

ASSEMBLY BILL 1004

1 (c) The form prescribed under par. (b) shall be a document separate from the
2 absentee ballot certificate and shall be delivered by the administrator of the home
3 or facility to the municipal clerk or board of election commissioners. Absentee ballots
4 completed with the assistance of personal care voting assistants shall be mailed to
5 the municipal clerk or board of election commissioners, except that the municipal
6 clerk or board of election commissioners may make arrangements with the
7 administrator of the home or facility to have an election official, other than a personal
8 care voting assistant, collect the ballots at the home or facility and return them to
9 the clerk or board.

10 **SECTION 14.** 7.03 (1) (d) of the statutes is amended to read:

11 7.03 (1) (d) Except as otherwise provided in par. (a), special voting deputies
12 appointed under s. 6.875 (4), personal care voting assistants appointed under s. 6.875
13 (8), and other officials and trainees who attend training sessions under s. 6.875 (8)
14 (a) 2., 7.15 (1) (e), or 7.25 (5) may also be compensated by the municipality where they
15 serve at the option of the municipality.

16 **SECTION 15.** 7.30 (3) (a) of the statutes is amended to read:

17 7.30 (3) (a) Not less than 30 days before any election the governing body or
18 board of election commissioners of any municipality, by resolution, may authorize
19 the municipal clerk or executive director of the board of election commissioners to
20 select and employ tabulators for any election. Such authorization applies to the
21 elections specified in the resolution, and if not specified, applies until the
22 authorization is modified or revoked. Each tabulator shall sign the official oath and
23 return it to the municipal clerk before the election.

24 **SECTION 16.** 7.30 (7) of the statutes is created to read:

25 7.30 (7) PROHIBITED EMPLOYMENT. (a) In this subsection:

ASSEMBLY BILL 1004

- 1 1. “Committee” has the meaning given in s. 11.0101 (6).
- 2 2. “Issue advocacy” means communication that provides information about
- 3 political or social issues and is made to influence the outcome of an election.
- 4 3. “Issue advocacy group” means any organization whose sole or primary
- 5 purpose is to engage in issue advocacy.

6 (b) No person who is an employee of any of the following may be appointed as

7 an election official:

- 8 1. A committee.
- 9 2. A political organization required to register with the federal elections
- 10 commission.
- 11 3. An issue advocacy group.

12 **SECTION 17.** 7.315 (1) (a) of the statutes is amended to read:

13 7.315 (1) (a) The commission shall, by rule, prescribe the contents of the

14 training that municipal clerks must provide to inspectors, other than chief

15 inspectors, and to special voting deputies appointed under s. 6.875 (4), and to

16 personal care voting assistants appointed under s. 6.875 (8).

17 **SECTION 18.** 7.51 (1) of the statutes is renumbered 7.51 (1) (a) and amended to

18 read:

19 7.51 (1) (a) *Canvass procedure.* Immediately after the polls close the inspectors

20 except any inspector appointed under s. 7.30 (1) (b) shall proceed to canvass publicly

21 all votes received at the polling place. In any municipality where an electronic voting

22 system is used, the municipal governing body or board of election commissioners may

23 provide or authorize the municipal clerk or executive director of the board of election

24 commissioners to provide for the adjournment of the canvass to one or more central

25 counting locations for specified polling places in the manner prescribed in subch. III

ASSEMBLY BILL 1004

1 of ch. 5. No central counting location may be used to count votes at a polling place
2 where an electronic voting system is not employed. The Except as provided in par.
3 (b), the canvass, whether conducted at the polling place or at a central counting
4 location, shall continue without adjournment until the canvass of all ballots cast and
5 received on or before election day is completed and the return statement is made or,
6 in municipalities where absentee ballots are canvassed under s. 7.52, until the
7 canvass of all absentee ballots cast and received on or before election day is completed
8 and the return statement for those ballots is made. The inspectors shall not permit
9 access to the name of any elector who has obtained a confidential listing under s. 6.47
10 (2) during the canvass, except as authorized in s. 6.47 (8).

11 **SECTION 19.** 7.51 (1) (b) of the statutes is created to read:

12 7.51 (1) (b) The municipal board of canvassers may recess the canvass under
13 par. (a) as the result of a natural disaster, if an inspector is ill or otherwise
14 incapacitated, or if the physical condition of the canvass location is unsuitable for
15 continuing the canvass. The board shall reconvene as soon as possible to complete
16 the canvass of all ballots cast and received on or before election day and make the
17 return statement.

18 **SECTION 20.** 7.53 (2) (cm) of the statutes is amended to read:

19 7.53 (2) (cm) If one or more temporary vacancies on the municipal board of
20 canvassers reduces the number of members to less than 3, the municipal clerk shall
21 appoint a member to fill each vacancy, except in cities of more than 500,000
22 population. In cities of more than 500,000 population, the executive director of the
23 board of election commissioners shall serve as a member of the board of canvassers
24 to fill a temporary vacancy on that board. If the municipal board of canvassers
25 recesses as provided under s. 7.51 (1) (b) because an inspector is ill or otherwise

ASSEMBLY BILL 1004**SECTION 20**

1 incapacitated, the municipal clerk or the executive director of the board of election
2 commissioners shall immediately appoint an individual to temporarily serve as a
3 member of the municipal board of canvassers.

4 **SECTION 21.** 12.085 of the statutes is created to read:

5 **12.085 Private resources for election administration. (1) DEFINITIONS.**

6 In this section:

7 (a) "Election administration" means preparing for, facilitating, conducting, or
8 administering an election.

9 (b) "Private resources" means moneys, equipment, materials, or personnel
10 provided by any individual or nongovernmental entity, but does not include
11 employees receiving paid leave to act as tabulators or election officials.

12 (c) "State agency" means an association, authority, board, department,
13 commission, independent agency, institution, office, society, or other body in state
14 government created or authorized to be created by the constitution or any law.

15 **(2) BAN ON PRIVATE RESOURCES FOR ELECTION ADMINISTRATION.** (a) No official or
16 agent of a state agency, county, or municipality may apply for or accept any donation
17 or grant of private resources for purposes of election administration, except as
18 expressly authorized under chs. 5 to 12.

19 (b) No official or agent of a state agency, county, or municipality may enter into
20 a contract related to election administration that includes any of the following:

21 1. Any requirement governing election administration.

22 2. The transfer of any duty or power related to election administration to a
23 person not having that duty or power under the laws of this state.

ASSEMBLY BILL 1004

1 (c) No individual other than an election official or a vendor of an electronic
2 voting system that is approved under s. 5.91 may perform any task in election
3 administration.

4 **SECTION 22.** 12.13 (2) (b) 9. of the statutes is created to read:

5 12.13 (2) (b) 9. Intentionally assist or cause the casting or counting of a vote
6 or the receipt of a registration that is invalid for any reason in addition to those
7 specified in subd. 3.

8 **SECTION 23.** 12.13 (2) (b) 10. of the statutes is created to read:

9 12.13 (2) (b) 10. Intentionally assist or cause the rejection of or failure to
10 otherwise count a valid vote or the rejection of a valid registration.

11 **SECTION 24.** 12.13 (2) (b) 11. of the statutes is created to read:

12 12.13 (2) (b) 11. Intentionally fail to promptly report a violation under this
13 subsection to the commission and to the district attorney for the county in which the
14 violation occurred.

15 **SECTION 25.** 12.13 (3) (zp) of the statutes is created to read:

16 12.13 (3) (zp) Assist in counting or tabulating votes at an election unless the
17 person is a resident of this state, an election official who is trained to the extent
18 provided by law, and has signed the official oath and returned it to the municipal
19 clerk with respect to that election.

20 **SECTION 26.** 12.13 (3m) of the statutes is created to read:

21 12.13 (3m) ABSENTEE VOTING IN CERTAIN RESIDENTIAL CARE FACILITIES AND
22 RETIREMENT HOMES. (a) No employee of a qualified retirement home, as defined in
23 s. 6.875 (1) (at), or residential care facility, as defined in s. 6.875 (1) (bm), may coerce
24 an occupant of the home or facility to apply for or not apply for an absentee ballot or

ASSEMBLY BILL 1004

1 to cast or refrain from casting a ballot or coerce an occupant to cast a ballot for or
2 against a particular candidate or ballot question.

3 (b) No employee of a qualified retirement home, as defined in s. 6.875 (1) (at),
4 or residential care facility, as defined in s. 6.875 (1) (bm), may coerce an occupant of
5 the home or facility to register or not to register to vote.

6 **SECTION 27.** 12.60 (1) (a) of the statutes is amended to read:

7 12.60 (1) (a) Whoever violates s. 12.085, 12.09, 12.11 or 12.13 (1), (2) (b) 1. to
8 7. ~~or~~, 9., 10., or 11., or (3) (a), (e), (f), (j), (k), (L), (m), (y) ~~or~~, (z), or (zp), or (3m) is guilty
9 of a Class I felony.

10 (END)