



2021 SENATE BILL 210

March 16, 2021 - Introduced by Senators DARLING, STROEBEL, WIMBERGER, FELZKOWSKI, FEYEN, MARKLEIN, NASS, PETROWSKI and WANGGAARD, cosponsored by Representatives TITTL, GUNDRUM, BROOKS, EDMING, JAGLER, KNODL, KRUG, MACCO, MURPHY, NEYLON, SKOWRONSKI, SORTWELL, SPIROS, STEFFEN, VANDERMEER, WICHGERS and LOUDENBECK. Referred to Committee on Elections, Election Process Reform and Ethics.

1 **AN ACT** *to amend* 7.41 (2); and *to create* 7.41 (4m) and 947.01 (1m) of the
2 statutes; **relating to:** election observers and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law allows any member of the public to observe the conduct of an election at a polling place or at a site for voting by absentee ballot in person. An individual may also observe the canvassing of absentee ballots. Under current law, an election observer must print his or her name and sign and date a log maintained by the municipal clerk or chief inspector. In addition, the clerk or chief inspector must designate an observation area that is not less than three feet from nor more than eight feet from the table where voters announce their name and address and not less than three feet from nor more than eight feet from the table where individuals are registered to vote. The clerk or chief inspector must establish the observation area at a location where an observer may readily observe all aspects of the voting process. Finally, the clerk or chief inspector may remove an election observer who disrupts the voting process, engages in electioneering, or posts election-related material.

Current law also requires a board of canvassers to publicly conduct all steps of a recount. During the conduct, the person who petitioned for the recount, the opposing candidates, and other interested persons are entitled to be present in person and by counsel to observe the proceedings.

This bill requires the municipal clerk, chief inspector, and board of canvassers to provide election observers uniform and nondiscriminatory access to all stages of the election process, including recounts. Under the bill, an election observer must

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wear a badge with the name of the observer and the name of the organization, if any, the observer is representing. The observer may not wear any campaign material advocating voting for or against a candidate or for or against any position on a ballot question. An observer who violates this prohibition may be expelled from the location where the observer is observing election procedures, but an observer who violates the prohibition more than once is considered to be engaged in disorderly conduct and guilty of a Class B misdemeanor. In addition, an election observer may not interfere with a voter nor hinder an election official in the performance of his or her duties. An observer who violates this prohibition is subject to a forfeiture not to exceed \$500.

Finally, the bill expands the observation area required under current law so that it is not more than three feet from the table where voters announce their name and address and not more than three feet from the table where individuals are registered to vote.

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.

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

1 **SECTION 1.** 7.41 (2) of the statutes is amended to read:

2 7.41 (2) The chief inspector or municipal clerk may restrict the location of any
3 individual exercising the right under sub. (1) to certain areas within a polling place,
4 the clerk's office, or alternate site under s. 6.855. The chief inspector or municipal
5 clerk shall clearly designate observation areas for election observers under sub. (1).
6 The observation areas shall be not less more than 3 feet from ~~not more than 8 feet~~
7 ~~from~~ the table at which electors announce their name and address to be issued a voter
8 number at the polling place, office, or alternate site and not less more than 3 feet from
9 ~~not more than 8 feet from~~ the table at which a person may register to vote at the
10 polling place, office, or alternate site. The observation areas shall be so positioned
11 to permit any election observer to readily observe all public aspects of the voting
12 process.

13 **SECTION 2.** 7.41 (4m) of the statutes is created to read:

