

2001 DRAFTING REQUEST

Assembly Amendment (AA-SB110)

Received: 06/12/2001

Received By: kuesejt

Wanted: Today

Identical to LRB:

For: Michael Powers (608) 266-1192

By/Representing: him

This file may be shown to any legislator: NO

Drafter: kuesejt

May Contact:

Addl. Drafters: rmarchan

Subject: Elections - miscellaneous
State Government - miscellaneous

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

No specific pre topic given

Topic:

AA to SB-110 (State lease/purchase of electronic voting equipment)

Instructions:

Prohibit punch card voting. Provide for state lease/purchase of electronic voting equipment for municipalities that are required to eliminate punch card voting.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

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ASSEMBLY AMENDMENT ,
TO 2001 SENATE BILL 110

Now

1 At the locations indicated, amend the engrossed bill as follows:

2 1. Page 1, line 1: delete "SECTION 1" and substitute "SECTION 1m".

3 2. Page 2, line 4: after "electors," insert "elimination of punch card electronic
4 voting systems,".

5 3. Page 6, line 1: before that line insert:

6 "SECTION 1am. 5.02 (1e) of the statutes is amended to read:

7 5.02 (1e) "Ballot" means a ~~tabulating card~~, ballot label, sheet of paper or
8 envelope on which votes are recorded. The term also includes a sheet or card,
9 filmstrip or other device listing or containing information relative to offices,
10 candidates and referenda which is placed, projected or composed on the board or
11 screen inside a voting machine.

12 SECTION 1b. 5.02 (1m) of the statutes is repealed."

13 4. Page 7, line 7: after that line insert:

1 **“SECTION 4m.** 5.35 (2) of the statutes is amended to read:

2 5.35 (2) VOTING BOOTHS. There shall be one voting booth for every 200 electors
3 who voted at the last general election. The booths shall have a surface on which to
4 write or work and be sufficiently enclosed to assure privacy for the elector and anyone
5 lawfully assisting the elector while marking ~~or punching~~ the elector’s ballot.”.

6 **5.** Page 8, line 2: after that line insert:

7 **“SECTION 8m.** 5.35 (6) (b) of the statutes is amended to read:

8 5.35 (6) (b) At each polling place in the state where a consolidated ballot under
9 s. 5.655 is used or an electronic voting system is utilized at a partisan primary
10 election incorporating a ballot upon which electors may mark ~~or punch~~ votes for
11 candidates of more than one recognized political party or for candidates of a
12 recognized political party and independent candidates, the municipal clerk or board
13 of election commissioners shall prominently post a sign in the form prescribed by the
14 board warning electors in substance that on any ballot with votes cast for candidates
15 of more than one recognized political party or any ballot with votes cast for
16 candidates of a recognized political party and independent candidates, no votes cast
17 for any candidates for partisan office will be counted unless a preference for a party
18 or for the independent candidates is made. If the elector designates a preference,
19 only votes cast for candidates of that preference will be counted.

20 **SECTION 8p.** 5.54 of the statutes is amended to read:

21 **5.54 Notice to electors.** Every ballot, except a ~~ballet-label~~ or voting machine
22 ballot, shall bear substantially the following information on the face: “NOTICE TO
23 ELECTORS: This ballot may be invalid unless initialed by 2 election inspectors. If cast

1 as an absentee ballot, the ballot must bear the initials of the municipal clerk or
2 deputy clerk.”.

3 **SECTION 8q.** 5.55 of the statutes is amended to read:

4 **5.55 Ballot identification.** On every ballot, except a ~~ballot label or voting~~
5 machine ballot, shall be printed “Official Ballot” or “Official Ballot for”
6 followed by the designation of the polling place for which the ballot has been
7 prepared, the date of the election, and the official endorsement and blank
8 certificates. The number of the ward or wards or aldermanic district, if any, and the
9 name of the municipality may be omitted in printing and stamped or written on the
10 ballots at any location which is clearly visible at the option of the county clerk.
11 Printed information and initials shall appear on the back and outside of the ballot.
12 ~~When a ballot card is employed with an electronic voting system, the date of the~~
13 ~~election may be printed or stamped on the back of the ballot card in such a manner~~
14 ~~that the card is not reusable, at the option of the county clerk.~~

15 **SECTION 8r.** 5.66 (2) of the statutes is amended to read:

16 5.66 (2) The county clerk or board of election commissioners shall print a
17 sufficient number of sample ballots. The municipal clerk or board of election
18 commissioners shall print sample ballots whenever the municipality prepares
19 ballots under s. 7.15 (2) (b) or (c). Sample ballots shall be printed on nonwhite colored
20 paper and shall be overprinted “SAMPLE”. Voting machine sample ballots shall be
21 a reduced size diagram of the face of the board or screen inside the voting machine
22 with all candidates, issues and voting instructions as they will appear on the official
23 ballot. Sample ballots to be used with an electronic voting system in which ~~ballot~~
24 ~~labels and ballot cards~~ ballots that are distributed to electors are used shall be an
25 actual size copy of the ~~ballot label and ballot card~~. The clerk or board of election

1 commissioners printing the ballots shall distribute the samples approximately as
2 follows: 45% shall be kept in the clerk's or board's office and distributed to electors
3 requesting them; 45% shall be sent to the municipalities, or, if the municipality
4 prints ballots, 45% shall be sent to the county for distribution to the electors; and 10%
5 shall be reserved to be sent to the polling places by municipalities in proportion to
6 the number certified in sub. (1) and made available to electors at the polls on election
7 day.

8 **SECTION 8s. 5.68 (3)** of the statutes is amended to read:

9 **5.68 (3)** If voting machines are used or if an electronic voting system is used
10 in which all candidates and referenda appear on the same ballot card, the ballots for
11 all national, state and county offices and for county and state referenda shall be
12 prepared and paid for by the county wherein they are used. If the voting machine
13 or electronic voting system ballot includes a municipal or school, technical college,
14 sewerage or sanitary district ballot, the cost of that portion of the ballot shall be
15 reimbursed to the county or paid for by the municipality or district, except as
16 provided in a 1st class city school district under sub. (2).

17 **SECTION 8t. 5.79** of the statutes is amended to read:

18 **5.79 Instruction of electors.** At polling places where an electronic voting
19 system employing the use of ~~ballot cards or ballot labels~~ ballots and voting devices
20 is used, the election officials shall offer each elector instruction in the operation of
21 the voting device and ~~ballot label or ballot card~~ before the elector enters the voting
22 booth. No instructions may be given after the elector has entered the voting booth,
23 except as authorized under s. 6.82 (2). All instructions shall be given by election
24 officials in such a manner that they may be observed by other persons in the polling
25 place.

1 **SECTION 8u.** 5.81 (1) of the statutes is amended to read:

2 5.81 (1) Whenever the statutes provide for the use of separate ballots or
3 columns or rows for offices, parties or referenda, and an electronic voting system
4 ~~employing a ballot label or ballot card in which ballots are distributed to electors is~~
5 used at a polling place, a single ballot may be used for all offices, referenda and
6 parties. The ballot information, whether placed on the ballot or on the voting device,
7 shall, as far as practicable, be grouped and ordered in the same manner as provided
8 for other ballots under this chapter, except that the information on the ballot card
9 need not be in separate columns or rows ~~and the information in the ballot label~~
10 ~~booklet may appear on a number of pages.~~

11 **SECTION 8w.** 5.81 (2) of the statutes is repealed.

12 **SECTION 8x.** 5.81 (3) of the statutes is amended to read:

13 5.81 (3) If a municipality utilizes an electronic voting system in which ballots
14 distributed to electors are employed, absentee ballots may consist of ballots utilized
15 with the system or paper ballots and envelopes voted in person in the office of the
16 municipal clerk or voted by mail. ~~If a ballot card is used for voting by mail it shall~~
17 ~~be accompanied by a punching tool or marking device, elector instructions and a~~
18 ~~sample ballot showing the proper positions to vote on the ballot card for each party,~~
19 ~~candidate or referendum and, if the ballot card is to be punched, shall be mounted~~
20 ~~on a suitable material.~~

21 **SECTION 8y.** 5.82 of the statutes is amended to read:

22 **5.82 Write-in ballots.** If the ballot card employed by a municipality does not
23 provide a space for write-in votes, the municipality shall provide a separate write-in
24 ballot, which may be in the form of a paper ballot, to permit electors to write in the

1 names of persons whose names are not on the ballot whenever write-in votes are
2 authorized.

3 **SECTION 8ym.** 5.84 (1) of the statutes is amended to read:

4 5.84 (1) Where any municipality employs an electronic voting system which
5 utilizes automatic tabulating equipment, either at the polling place or at a central
6 counting location, the municipal clerk shall, on any day not more than 10 days prior
7 to the election day on which the equipment is to be utilized, have the equipment
8 tested to ascertain that it will correctly count the votes cast for all offices and on all
9 measures. Public notice of the time and place of the test shall be given by the clerk
10 at least 48 hours prior to the test by publication of a class 1 notice under ch. 985 in
11 one or more newspapers published within the municipality if a newspaper is
12 published therein, otherwise in a newspaper of general circulation therein. The test
13 shall be open to the public. The test shall be conducted by processing a preaudited
14 group of ballots so ~~punched or~~ marked as to record a predetermined number of valid
15 votes for each candidate and on each referendum. The test shall include for each
16 office one or more ballots which have votes in excess of the number allowed by law
17 and, for a partisan primary election, one or more ballots which have votes cast for
18 candidates of more than one recognized political party, in order to test the ability of
19 the automatic tabulating equipment to reject such votes. If any error is detected, the
20 municipal clerk shall ascertain the cause and correct the error. The clerk shall make
21 an errorless count before the automatic tabulating equipment is approved by the
22 clerk for use in the election.

23 **SECTION 8yn.** 5.85 (2) and (3) of the statutes are amended to read:

24 5.85 (2) The election officials shall examine the ballots or record of votes cast
25 for write-in votes and shall count and tabulate the write-in votes. When an

1 electronic voting system is used which utilizes a ballot which is distributed to
2 electors, before separating the remaining ~~ballot cards~~ ballots from their respective
3 covering envelopes, the election officials shall examine the ballots for write-in votes.
4 When an elector has cast a write-in vote, the election officials shall compare the
5 write-in vote with the votes on the ballot to determine whether the write-in vote
6 results in an overvote for any office. In case of an overvote for any office, the election
7 officials shall make a true duplicate ballot of all votes on the ballot ~~card~~ except for
8 the office which is overvoted, by using ~~the~~ an official ballot label booklet and voting
9 device for the ward, if any of that kind used by the elector who voted the original
10 ballot, and one of the ~~punching or~~ marking devices so as to transfer all votes of the
11 elector except for the office overvoted, to an official ballot of that kind used in the
12 ward at that election. Unless election officials are selected under s. 7.30 (4) (c)
13 without regard to party affiliation, the election officials shall consist in each case of
14 at least one election official of each of the 2 major political parties, whenever officials
15 of both parties are present. Write-in votes shall be counted as provided in s. 7.50 (2)
16 (d). The original ballot upon which there is an overvote shall be clearly labeled
17 "Overvoted Ballot" and the ballot so produced "Duplicate Overvoted Ballot", and
18 each shall bear the same serial number which shall be placed thereon by the election
19 officials, commencing with number "1" and continuing consecutively for each of the
20 ballots of that kind in that ward or election district. The election officials shall initial
21 the "Duplicate Overvoted Ballot" ballots and shall place them in the container for
22 return of the ballots. The "Overvoted Ballot" ballots and their envelopes shall be
23 placed in the "Original Ballots" envelope. Ballots bearing write-in votes marked in
24 the place designated therefor and bearing the initials of an election official and not
25 resulting in an overvote and otherwise complying with the election laws as to

1 marking shall be counted, tallied, and their votes recorded on a tally sheet provided
2 by the municipal clerk. ~~Ballot cards~~ Ballots and ballot card envelopes shall be
3 separated and all ballots except any which are defective or overvoted shall be placed
4 separately in the container for return of the ballots, along with the ballots marked
5 “Duplicate Overvoted Ballots”.

6 (3) The election officials shall examine the ballots to determine if any is
7 damaged or defective so that it cannot be counted by the automatic tabulating
8 equipment. If any ballot is damaged or defective so that it cannot be properly counted
9 by the automatic tabulating equipment, the election officials, in the presence of
10 witnesses, shall make a true duplicate ballot of all votes on that ballot by using the
11 ballot label booklet and ~~voting device for the ward, if any, and one of the punching~~
12 ~~or marking devices~~ so as to transfer all votes of the elector to an official ballot of that
13 kind used ~~in the ward~~ by the elector who voted the original ballot in that election.
14 Unless election officials are selected under s. 7.30 (4) (c) without regard to party
15 affiliation, the election officials shall consist in each case of at least one election
16 official of each of the 2 major political parties, whenever officials of both parties are
17 present. The original ballot shall be clearly labeled “Damaged Ballot” and the ballot
18 so produced “Duplicate Damaged Ballot”, and each shall bear the same number
19 which shall be placed thereon by the election officials, commencing with number “1”
20 and continuing consecutively for the ballots of that kind in the ward. The election
21 officials shall initial the “Duplicate Damaged Ballot” ballots, and shall place them
22 in the container for return of the ballots. The officials shall place “Damaged Ballot”
23 ballots and their envelopes in the “Original Ballots” envelope.

24 **SECTION 8yo.** 5.91 (14) of the statutes is created to read:

1 5.91 (14) It does not employ any mechanism by which a ballot is punched or
2 punctured to record the votes cast by an elector.

3 **SECTION 8yp.** 5.94 of the statutes is amended to read:

4 **5.94 Sample ~~ballot labels and cards~~ ballots; publication.** When an
5 electronic voting system employing a ballot label ~~and ballot card~~ that is distributed
6 to electors is used, the county and municipal clerk of the county and municipality in
7 which the polling place designated for use of the system is located shall cause to be
8 published, in the type B notices, a true actual-size copy of the ballot ~~label and ballot~~
9 ~~card~~ containing the names of offices and candidates and statements of measures to
10 be voted on, as nearly as possible, in the form in which they will appear on the official
11 ballot label ~~and ballot card~~ on election day. The notice may be published as a
12 newspaper insert. Municipal clerks may post the notice if the remainder of the type
13 B notice is posted.

14 **SECTION 8yq.** 6.15 (3) (a) 1. and (b) of the statutes are amended to read:

15 6.15 (3) (a) 1. Upon proper completion of the application and cancellation card,
16 the municipal clerk shall inform the elector that he or she may vote for the
17 presidential electors not sooner than 9 days nor later than 5 p.m. on the day before
18 the election at the office of the municipal clerk, or at a specified polling place on
19 election day. When voting at the municipal clerk's office, the applicant shall provide
20 identification and shall ~~mark or punch~~ the ballot in the clerk's presence in a manner
21 that will not disclose his or her vote. Unless the ballot is utilized with an electronic
22 voting system, the applicant shall fold the ballot so as to conceal his or her vote. The
23 applicant shall then deposit the ballot and seal it in an envelope furnished by the
24 clerk.

1 (b) *Election day.* An eligible elector may appear at the polling place for the ward
2 or election district where he or she resides and make application for a ballot under
3 sub. (2). In such case, the inspector or special registration deputy shall perform the
4 duties of the municipal clerk. The elector shall provide identification. If the elector
5 is qualified, he or she shall be permitted to vote. The elector shall mark ~~or punch~~ the
6 ballot and, unless the ballot is utilized with an electronic voting system, the elector
7 shall fold the ballot, and shall deposit the ballot into the ballot box or give it to the
8 inspector. The inspector shall deposit it directly into the ballot box. Voting machines
9 or ballots utilized with electronic voting systems may only be used by electors voting
10 under this section if they permit voting for president and vice president only.

11 **SECTION 8yr. 6.22 (4) and (5) of the statutes are amended to read:**

12 **6.22 (4) INSTRUCTIONS AND HANDLING.** An individual who qualifies as a military
13 elector may request an absentee ballot for any election, or for all elections until the
14 individual otherwise requests or until the individual no longer qualifies as a military
15 elector. A military elector's application may be received at any time. The municipal
16 clerk shall not send a ballot for an election if the application is received later than
17 5 p.m. on the Friday preceding that election. The municipal clerk shall send a ballot,
18 as soon as available, to each military elector who requests a ballot. The board shall
19 prescribe the instructions for marking ~~or punching~~ and returning ballots and the
20 municipal clerk shall enclose instructions with each ballot and shall also enclose
21 supplemental instructions for local elections. The envelope, return envelope and
22 instructions may not contain the name of any candidate appearing on the enclosed
23 ballots other than that of the municipal clerk affixed in the fulfillment of his or her
24 duties. Whenever the material is mailed, the material shall be prepared and mailed

1 to make use of the federal free postage laws. The mailing list established under this
2 subsection shall be kept current in the same manner as provided in s. 6.86 (2) (b).

3 (5) VOTING PROCEDURE. Except as authorized in s. 6.25, the ballot shall be
4 marked ~~or punched~~ and returned, deposited and recorded in the same manner as
5 other absentee ballots. In addition, the certification under s. 6.87 (2) shall have a
6 statement of the elector's birth date. Failure to return any unused ballots in a
7 primary election does not invalidate the ballot on which the elector casts his or her
8 votes.

9 SECTION 8ys. 6.24 (6) and (7) of the statutes are amended to read:

10 6.24 (6) INSTRUCTIONS AND HANDLING. The municipal clerk shall send a ballot,
11 as soon as available, to each overseas elector by whom a request has been made. The
12 board shall prescribe the instructions for marking ~~or punching~~ and returning ballots
13 and the municipal clerk shall enclose such instructions with each ballot. The
14 envelope, return envelope and instructions may not contain the name of any
15 candidate appearing on the enclosed ballots other than that of the municipal clerk
16 affixed in the fulfillment of his or her duties. Except as authorized in s. 6.87 (3), the
17 municipal clerk shall mail the material postage prepaid to any place in the world.
18 The overseas elector shall provide return postage.

19 (7) VOTING PROCEDURE. Except as authorized under s. 6.25, the ballot shall be
20 marked ~~or punched~~ and returned, deposited and recorded in the same manner as
21 other absentee ballots. In addition, the certificate shall have a statement of the
22 elector's birth date. Failure to return the unused ballots in a primary election does
23 not invalidate the ballot on which the elector casts his or her votes.”.

24 6. Page 15, line 17: after that line insert:

1 “SECTION 25m. 6.82 (1) (a) and (2) (a) and (b) of the statutes are amended to
2 read:

3 6.82 (1) (a) When any inspectors are informed that an elector is at the entrance
4 to the polling place who as a result of disability is unable to enter the polling place,
5 they shall permit the elector to be assisted in marking ~~or punching~~ a ballot by any
6 individual selected by the elector, except the elector’s employer or an agent of that
7 employer or an officer or agent of a labor organization which represents the elector.
8 The inspectors shall issue a ballot to the individual selected by the elector and shall
9 accompany the individual to the polling place entrance where the assistance is to be
10 given. If the ballot is a paper ballot, the assisting individual shall fold the ballot after
11 the ballot is marked ~~or punched~~ by the assisting individual. The assisting individual
12 shall then immediately take the ballot into the polling place and give the ballot to an
13 inspector. The inspector shall distinctly announce that he or she has “a ballot offered
14 by (stating person’s name), an elector who, as a result of disability, is unable to
15 enter the polling place without assistance”. The inspector shall then ask, “Does
16 anyone object to the reception of this ballot?” If no objection is made, the inspectors
17 shall record the elector’s name under s. 6.79 and deposit the ballot in the ballot box,
18 and shall make a notation on the registration or poll list: “Ballot received at poll
19 entrance”.

20 (2) (a) If an elector declares to the presiding election official that he or she
21 cannot read or write, or has difficulty in reading, writing or understanding English
22 or that due to disability is unable to mark ~~or punch~~ a ballot or depress a button or
23 lever on a voting machine, the elector shall be informed by the officials that he or she
24 may have assistance. When assistance is requested, the elector may select any
25 individual to assist in casting his or her vote. The selected individual rendering

1 assistance may not be the elector's employer or an agent of that employer or an officer
2 or agent of a labor organization which represents the elector. The selected individual
3 shall certify on the back of the ballot that it was marked ~~or punched~~ with his or her
4 assistance. Where voting machines are used, certification shall be made on the
5 registration list.

6 (b) The individual chosen shall enter the voting booth or machine with the
7 elector and shall read the names of all candidates on the ballot for each office, and
8 ask, "For which one do you vote?". The ballot shall be marked ~~or punched~~ or the lever
9 or button depressed according to the elector's expressed preference. The individual
10 selected to assist may not disclose to anyone how the elector voted."

11 **7.** Page 16, line 7: after that line insert:

12 "SECTION 28m. 6.87 (3) (d) of the statutes is amended to read:

13 6.87 (3) (d) ~~Unless a municipality uses an electronic voting system that~~
14 ~~requires an elector to punch a ballot in order to record the elector's votes, a~~ A
15 municipal clerk of a municipality may, if the clerk is reliably informed by an absent
16 elector of a facsimile transmission number or electronic mail address where the
17 elector can receive an absentee ballot, transmit a facsimile or electronic copy of the
18 absent elector's ballot to that elector in lieu of mailing under this subsection if, in the
19 judgment of the clerk, the time required to send the ballot through the mail may not
20 be sufficient to enable return of the ballot by the time provided under sub. (6). An
21 elector may receive an absentee ballot under this subsection only if the elector has
22 filed a valid application for the ballot under sub. (1). If the clerk transmits an
23 absentee ballot under this paragraph, the clerk shall also transmit a facsimile or
24 electronic copy of the text of the material that appears on the certificate envelope

1 prescribed in sub. (2), together with instructions prescribed by the board. The
2 instructions shall require the absent elector to make and subscribe to the
3 certification as required under sub. (4) and to enclose the absentee ballot in a
4 separate envelope contained within a larger envelope, that shall include the
5 completed certificate. The elector shall then mail the absentee ballot with postage
6 prepaid to the municipal clerk. An absentee ballot received under this paragraph
7 shall not be counted unless it is cast in the manner prescribed in this paragraph and
8 in accordance with the instructions provided by the board.

9 **SECTION 28r.** 6.87 (4) and (5) of the statutes are amended to read:

10 6.87 (4) Except as otherwise provided in s. 6.875, the elector voting absentee
11 shall make and subscribe to the certification before one witness. The absent elector,
12 in the presence of the witness, shall mark ~~or punch~~ the ballot in a manner that will
13 not disclose how the elector's vote is cast. The elector shall then, still in the presence
14 of the witness, fold the ballots if they are paper ballots so each is separate and so that
15 the elector conceals the markings thereon and deposit them in the proper envelope.
16 If a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot if it is
17 a paper ballot so that the elector conceals the markings thereon and deposit the ballot
18 in the proper envelope. The elector may receive assistance under sub. (5). The return
19 envelope shall then be sealed. The witness may not be a candidate. The envelope
20 shall be mailed by the elector, postage prepaid, or delivered in person, to the
21 municipal clerk issuing the ballot or ballots. Failure to return an unused ballot in
22 a primary does not invalidate the ballot on which the elector's votes are cast. Return
23 of more than one marked ~~or punched~~ ballot in a primary or return of a ballot prepared
24 under s. 5.655 or a ballot used with an electronic voting system in a primary which

1 is marked ~~or punched~~ for candidates of more than one party invalidates all votes cast
2 by the elector for candidates in the primary.

3 (5) If the absent elector declares that he or she is unable to read, has difficulty
4 in reading, writing or understanding English or due to disability is unable to mark
5 ~~or punch~~ his or her ballot, the elector may select any individual, except the elector's
6 employer or an agent of that employer or an officer or agent of a labor organization
7 which represents the elector, to assist in marking ~~or punching~~ the ballot, and the
8 assistant shall then sign his or her name to a certification on the back of the ballot,
9 as provided under s. 5.55.”.

10 8. Page 19, line 21: after that line insert:

11 “SECTION 29m. 6.875 (6) of the statutes is amended to read:

12 6.875 (6) Special voting deputies in each municipality shall, not later than 5
13 p.m. on the Friday preceding an election, arrange one or more convenient times with
14 the administrator of each nursing home or qualified retirement home and qualified
15 community-based residential facility in the municipality from which one or more
16 occupants have filed an application under s. 6.86 to conduct absentee voting for the
17 election. The time may be no earlier than the 4th Monday preceding the election and
18 no later than 5 p.m. on the Monday preceding the election. Upon request of a relative
19 of an occupant of a nursing home or qualified retirement home or qualified
20 community-based residential facility, the administrator may notify the relative of
21 the time or times at which special voting deputies will conduct absentee voting at the
22 home or facility, and permit the relative to be present in the room where the voting
23 is conducted. At the designated time, 2 deputies appointed under sub. (4) shall visit
24 the nursing home or qualified retirement home or qualified community-based

1 residential facility. The municipal clerk or executive director of the board of election
2 commissioners shall issue a supply of absentee ballots to the deputies sufficient to
3 provide for the number of valid applications received by the clerk, and a reasonable
4 additional number of ballots. The municipal clerk or executive director shall keep
5 a careful record of all ballots issued to the deputies and shall require the deputies to
6 return every ballot issued to them. The deputies shall personally offer each elector
7 who has filed a proper application the opportunity to cast his or her absentee ballot.
8 If an elector is present who has not filed a proper application, the 2 deputies may
9 accept an application from the elector and shall issue a ballot to the elector if the
10 elector is qualified and the application is proper. The deputies shall administer the
11 oath and may, upon request of the elector, assist the elector in marking ~~or punching~~
12 the elector's ballot. Upon request of the elector, a relative of the elector who is present
13 in the room may assist the elector in marking ~~or punching~~ the elector's ballot. All
14 voting shall be conducted in the presence of the deputies. No individual other than
15 a deputy may administer the oath and no individual other than a deputy or relative
16 of an elector may render voting assistance to the elector. Upon completion of the
17 voting, the deputies shall promptly deliver, either personally or by 1st class mail, any
18 absentee ballot applications and the sealed certificate envelope containing each
19 ballot to the clerk or board of election commissioners of the municipality in which the
20 elector casting the ballot resides, within such time as will permit delivery to the
21 polling place serving the elector's residence on election day. Personal delivery may
22 be made by the deputies no later than noon on election day. If a qualified elector is
23 not able to cast his or her ballot on 2 separate visits by the deputies to the nursing
24 home or qualified retirement home, they shall so inform the municipal clerk or

1 executive director of the board of election commissioners, who may then send the
2 ballot to the elector no later than 5 p.m. on the Friday preceding the election.”.

3 **9.** Page 21, line 10: after that line insert:

4 “SECTION 33m. 7.15 (3) (b) of the statutes is amended to read:

5 7.15 (3) (b) Sample ballots, and voting machine ballots ~~and ballot labels for~~
6 ~~electronic voting systems, whenever the labels are affixed to the voting devices,~~ shall
7 be furnished to the officials in the ward or election district at least one day before each
8 election.”.

9 **10.** Page 24, line 24: after that line insert:

10 “SECTION 41m. 7.37 (4) of the statutes is amended to read:

11 7.37 (4) BALLOTING PROCEDURE. At polling places which utilize paper ballots or
12 electronic voting systems in which ballots are distributed to electors, 2 inspectors
13 shall be assigned to take charge of the official ballots. They shall write their initials
14 on the back of each ballot and deliver to each elector as he or she enters the voting
15 booth one ballot properly endorsed by each of them. Where paper ballots are used,
16 the inspectors shall fold each ballot in the proper manner to be deposited before
17 delivering it to the elector. If asked, inspectors may instruct any elector as to the
18 proper manner of marking ~~or punching~~ the ballot, but they may not give advice,
19 suggestions, express any preferences or make any requests as to the person for
20 whom, the question on which or the ballot on which the elector shall vote.

21 SECTION 41r. 7.37 (8) of the statutes is amended to read:

22 7.37 (8) ELECTRONIC VOTING SYSTEMS. Prior to the opening of the polling place,
23 wherever electronic voting systems employing voting devices are used, the
24 inspectors shall place the voting devices in position for voting and examine them to

1 see that they are in proper working order and that they have the correct ballot labels
2 by comparing them with the sample ballots.”

3 **11.** Page 25, line 23: after that line insert:

4 “SECTION 46m. 7.50 (1) (d) and (2) (a), (b) and (d) of the statutes are amended
5 to read:

6 7.50 (1) (d) Whenever an electronic voting system is used at a polling place in
7 a partisan primary, and the same ballot is utilized to cast votes for candidates of more
8 than one recognized political party or candidates of a party and independent
9 candidates, if an elector designates a preference for a party or for independent
10 candidates, only votes cast within that preference category may be counted. If an
11 elector does not designate a preference and makes a mark ~~or punch~~ or affixes a
12 sticker opposite candidates of more than one recognized political party or opposite
13 a candidate in the independent candidates’ column and a candidate of a recognized
14 political party, no votes cast by the elector for any candidate for partisan office are
15 valid. Votes for other candidates and votes on ballot questions, if any, shall be
16 counted if otherwise valid.

17 (2) (a) At a general election, if the elector places a mark, symbol or sticker ~~or~~
18 ~~punches a hole~~ under a party designation at the head of a column in or near the space
19 indicated for that purpose, it is a vote for all the candidates whose names appear in
20 the marked ~~or punched~~ column except as otherwise provided in this paragraph. If
21 a name is stricken, it is not a vote for that candidate. If a name is written in, it is a
22 vote for the write-in candidate. If a sticker is attached it is a vote for the candidate
23 whose name appears on the sticker. If in some other column there is a mark ~~or punch~~
24 in the square to the right of a specific candidate’s name or at the place designated on

1 the ballot for marking ~~or punching~~ a vote for a specific candidate for the same office,
2 it is a vote for that specific candidate and no vote may be counted for the candidate
3 for the same office in the column marked ~~or punched~~ for a straight party vote.

4 (b) A ballot cast without any marks, or stickers ~~or punches~~ may not be counted.
5 A ballot without a mark ~~or punch~~ at the top of a party column may be counted only
6 for persons for whom marks ~~or punches~~ are applicable.

7 (d) If an elector writes a person's name in the proper space for write-in
8 candidates for an office, it is a vote for the person written in for the office indicated,
9 regardless of whether the elector strikes the names appearing in the same column
10 for the same office, or places a mark ~~or punch~~ by the same or any other name for the
11 same office, or omits placing a mark ~~or punch~~ to the right of the name written in. If
12 an elector is permitted to vote for more than one candidate for the same office in an
13 election and casts one or more write-in votes which, when added to the votes cast for
14 candidates whose names appear on the ballot, exceed the number of votes authorized
15 to be cast for the office, the write-in votes shall be counted and the votes for
16 candidates whose names appear on the ballot may not be counted, unless there are
17 more write-in votes than votes authorized to be cast, in which case no votes may be
18 counted for the office.

19 **SECTION 46p.** 10.01 (2) (b) of the statutes is amended to read:

20 10.01 (2) (b) Type B—The type B notice shall include the relevant facsimile
21 ballots and the relevant portions of voting instructions to electors under s. 10.02 for
22 each office or referendum and shall specify the date of the election. In counties or
23 municipalities where an electronic voting system ~~employing a ballot label and ballot~~
24 ~~card~~ in which ballots are distributed to electors is used, the notice shall include the
25 information specified in s. 5.94. The type B notice shall be published once by the

1 county clerks, and for primaries and other elections in municipalities or special
2 purpose districts, once by the clerk of the municipality or special purpose district on
3 the day preceding each primary and other election.

4 **SECTION 46q.** 10.06 (3) (e) of the statutes is amended to read:

5 10.06 (3) (e) When electronic or mechanical voting machines or electronic
6 voting systems ~~employing a ballot card or label~~ in which ballots are distributed to
7 electors are used in a municipality at a municipal election, the municipal clerk shall
8 publish a type B notice on the Monday before the election. The notice shall include
9 all offices and questions to be voted on at the election. The cost of this notice shall
10 be shared under s. 5.68 (2) and (3).”.

11 **12.** Page 27, line 3: after that line insert:

12 “**SECTION 51m.** 12.13 (1) (f) and (3) (e) and (j) of the statutes are amended to
13 read:

14 12.13 (1) (f) Shows his or her marked ~~or punched~~ ballot to any person or places
15 a mark upon the ballot so it is identifiable as his or her ballot.

16 (3) (e) Prepare or cause to be prepared an official ballot with intent to change
17 the result of the election as to any candidate or referendum; prepare an official ballot
18 which is premarked ~~or prepunched~~ or which has an unauthorized sticker affixed
19 prior to delivery to an elector; or deliver to an elector an official ballot bearing a mark
20 ~~or punch~~ opposite the name of a candidate or referendum question that might be
21 counted as a vote for or against a candidate or question.

22 (j) When called upon to assist an elector who cannot read or write, has difficulty
23 in reading, writing or understanding English, or is unable to mark ~~or punch~~ a ballot
24 or depress a lever or button on a voting machine, inform the elector that a ballot

1 contains names or words different than are printed or displayed on the ballot with
2 the intent of inducing the elector to vote contrary to his or her inclination,
3 intentionally fail to cast a vote in accordance with the elector's instructions or reveal
4 the elector's vote to any 3rd person."

Handwritten: PWS 21-13-12
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5

13. Page 28, line 3: after that line insert:

6 "SECTION 55m. 59.08 (9) of the statutes is amended to read:

7 59.08 (9) The ballot shall have on the back or reverse side the endorsements
8 provided by law for ballots for general elections and shall be marked, ~~punched or~~
9 labeled by the elector and counted and canvassed as other ballots cast on questions
10 in the county are counted and canvassed. The election shall be conducted by the
11 same officers and in the same manner as are other elections in the county. The
12 results of the election shall be certified to the judges of the circuit courts for the
13 counties."

Handwritten: PWS 21-13-14
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14

14. Page 39, line 3: after that line insert:

15 "(2x) ELIMINATION OF PUNCH CARD ELECTRONIC VOTING SYSTEMS. The treatment
16 of sections 5.02 (1e) and (1m), 5.35 (2) and (6) (b), 5.54, 5.55, 5.66 (2), 5.68 (3), 5.79,
17 5.81 (1), (2), and (3), 5.82, 5.84 (1), 5.85 (2) and (3), 5.91 (14), 5.94, 6.15 (3) (a) 1. and
18 (b), 6.22 (4), and (5), 6.24 (6) and (7), 6.82 (1) (a) and (2) (a) and (b), 6.87 (3) (d), (4),
19 and (5), 6.875 (6), 7.15 (3) (b), 7.37 (4) and (8), 7.50 (1) (d) and (2) (a), (b), and (d), 10.01
20 (2) (b), 10.06 (3) (e), 12.13 (1) (f) and (3) (e) and (j), and 59.08 (9) of the statutes takes
21 effect on January 1, 2002." ~~2002~~

Handwritten: PWS 21-21
22

(END)

21-13:1 ✓

1 12.13 (1) (f) Shows his or her marked ~~or punched~~ ballot to any person or places
2 a mark upon the ballot so it is identifiable as his or her ballot.

3 (3) (e) Prepare or cause to be prepared an official ballot with intent to change
4 the result of the election as to any candidate or referendum; prepare an official ballot
5 which is premarked ~~or prepunched~~ or which has an unauthorized sticker affixed
6 prior to delivery to an elector; or deliver to an elector an official ballot bearing a mark
7 ~~or punch~~ opposite the name of a candidate or referendum question that might be
8 counted as a vote for or against a candidate or question.

9 (j) When called upon to assist an elector who cannot read or write, has difficulty
10 in reading, writing or understanding English, or is unable to mark ~~or punch~~ a ballot
11 or depress a lever or button on a voting machine, inform the elector that a ballot
12 contains names or words different than are printed or displayed on the ballot with
13 the intent of inducing the elector to vote contrary to his or her inclination,
14 intentionally fail to cast a vote in accordance with the elector's instructions or reveal
15 the elector's vote to any 3rd person."

16 ~~#~~ 16. Page 27, line 22: after that line insert:

17 "SECTION 54L. 20.005 (3) (schedule) of the statutes: at the appropriate place,
18 insert the following amounts for the purposes indicated:

19 2001-02 2002-03

20 20.510 Elections board

21 (1) ADMINISTRATION OF ELECTION AND CAMPAIGN LAWS

22 (c) ~~Voting system transitional assis-~~
Electronic voting system master lease payment

23 ~~ance~~

GPR

AB

~~100,000~~ *-0-*

-0-

24 SECTION 54p. 20.510 (1) (c) of the statutes is created to read:

24-13:2 ✓

Electronic market lease payments Biennially
Voting system ~~transitional assistance~~

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20.510 (1) (c) The amounts in the schedule to provide assistance to counties and municipalities in eliminating punch card electronic voting systems under ~~§ 59.08 (9)~~.
2001 Wisconsin Act ... (this act), section 76 (1)

5X

SECTION 54q. 20.510 (1) (c) of the statutes, as created by 2001 Wisconsin Act ... (this act), is repealed.”.

17. Page 28, line 3: after that line insert:

“**SECTION 55m.** 59.08 (9) of the statutes is amended to read:

59.08 (9) The ballot shall have on the back or reverse side the endorsements provided by law for ballots for general elections and shall be marked, punched or labeled by the elector and counted and canvassed as other ballots cast on questions in the county are counted and canvassed. The election shall be conducted by the same officers and in the same manner as are other elections in the county. The results of the election shall be certified to the judges of the circuit courts for the counties.”.

18. Page 39, line 3: after that line insert:

“(2x) **ELIMINATION OF PUNCH CARD ELECTRONIC VOTING SYSTEMS.** The treatment of sections 5.02 (1e) and (1m), 5.35 (2) and (6) (b), 5.54, 5.55, 5.66 (2), 5.68 (3), 5.79, 5.81 (1), (2), and (3), 5.82, 5.84 (1), 5.85 (2) and (3), 5.91 (14), 5.94, 6.15 (3) (a) 1. and (b), 6.22 (4), and (5), 6.24 (6) and (7), 6.82 (1) (a) and (2) (a) and (b), 6.87 (3) (d), (4), and (5), 6.875 (6), 7.15 (3) (b), 7.37 (4) and (8), 7.50 (1) (d) and (2) (a), (b), and (d), 10.01 (2) (b), 10.06 (3) (e), 12.13 (1) (f) and (3) (e) and (j), and 59.08 (9) of the statutes takes effect on January 1, 2002.

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0605/lins
JTK & RJM.....

INSERT 21-13: -3

H. Page 38, line 4: after that line insert:

~~(5)~~ LEASE OF ELECTRONIC VOTING EQUIPMENT. (a) The department of administration shall enter into a master lease under section 16.76 (4) of the statutes on behalf of the elections board to obtain sufficient electronic voting system equipment suitable for use with an electronic voting system in municipalities that employed a punch card electronic voting system at the 2001 spring election and that are required under this act to eliminate that system in future elections. The elections board shall sublease the equipment obtained under this ~~subsection~~ ^{paragraph} to any county in which the municipalities are wholly or partly contained at nominal cost to the county. The elections board shall make the payments required under the master lease to the department of administration from the appropriation under ~~§ 20.510 (1) (c)~~ ^{section} of the statutes.

(b) Notwithstanding ~~§~~ ^{section} 13.101 (3) (a) of the statutes, if the elections board requests a supplemental appropriation from the joint committee on finance for the purpose of making payments under the master lease entered into under paragraph (a), no finding of emergency is required. Notwithstanding sections 13.10 and 13.101 (3) of the statutes, if the elections board requests a supplement under this paragraph, and the cochairpersons of the joint committee on finance do not notify the elections board that a meeting of the committee has been scheduled to discuss the request within 14 working days of the date that the request is made, the request is considered to be approved by the committee. If, within 14 working days of the date of the request,

21-2-13-4

committee

the cochairpersons of the notify the elections board that the committee has scheduled a meeting to discuss the request, no supplement is approved. ”.

(END)

21-21

20590
H

~~MASTER LEASE PAYMENTS~~

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(2y) VOTING SYSTEM ~~TRANSITIONAL ASSISTANCE~~. The repeal of sections ~~7.0817~~ and

20.510 (1) (c) of the statutes takes effect on July 1, 2003.”

(END)

Emery, Lynn

From: Emery, Lynn

Sent: Tuesday, June 19, 2001 2:33 PM

To: Rep.Freese

Subject: LRB-a0605/1 (attached)