

**2013 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB396)**

Received: 11/1/2013 Received By: jkuesel  
Wanted: Today Same as LRB:  
For: Kathleen Bernier (608) 266-9172 By/Representing: Chad Zuleger  
May Contact: Drafter: jkuesel  
Subject: Elections - miscellaneous Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email: Rep.Bernier@legis.wisconsin.gov  
Carbon copy (CC) to: tracy.kuczenski@legis.wisconsin.gov  
joseph.kreye@legis.wisconsin.gov  
Rachel.VerVelde@legis.wi.gov

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Residential facility voting

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**Instructions:**

See attached sheet.

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**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>
/?	jkuesel 11/5/2013	kfollett 11/5/2013		_____			
/1	jkuesel 11/7/2013		jfrantze 11/5/2013	_____	lparisi 11/5/2013	lparisi 11/5/2013	
/2		wjackson	jfrantze	_____	sbasford	sbasford	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		11/7/2013	11/7/2013	_____	11/8/2013	11/8/2013	

FE Sent For:

**<END>**

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**Topic:**

Residential facility voting

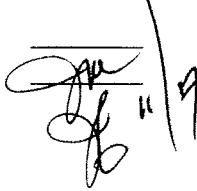
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**Instructions:**

See attached sheet.

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/?	jkuesel 11/5/2013	kfollett 11/5/2013		_____			
/1	jkuesel 11/6/13	Wlj 11/7	jfrantze 11/5/2013 Wlj		lparisi 11/5/2013	lparisi 11/5/2013	

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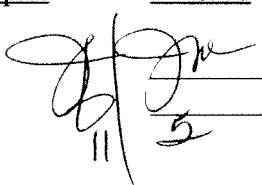
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See attached sheet.

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12/1	jkuesel 11/5/13	11/5 SF 11/5					

FE Sent For:

<END>

## A-Sub to AB-396

1. Facility occupants may vote outside the facility using the same procedures available to other electors.
2. Municipal clerk must send absentee ballots requested by occupants of facilities who are residents of the clerk's municipality with SVD's for delivery to those occupants if the clerk sends SVD's to the facility and the SVD's have not yet visited the facility.
3. Management of any retirement home that also has other facilities on the same property shall send the names and addresses of retirement home occupants to municipal clerk. Clerk is not required to provide SVD services to these occupants.
4. If a retirement home is not served by SVD's, occupants of the home may not cast absentee ballots using the SVD services.
5. If an elector who is an occupant of a facility receives an absentee ballot from a municipal clerk in the mail, the occupant must cast the ballot using the mail instead of casting it with the SVD's.
6. Five registered electors must be residents of the municipality in which the facility is located.
7. SVD's must bring all ballots to a facility for all occupants if the facility or any portion thereof is being serviced.
8. Apply same ballot security requirements to facilities as apply to polling places. SVD's must deliver all ballots that have been cast by occupants to the municipal clerk as expeditiously as possible.



State of Wisconsin  
2013 - 2014 LEGISLATURE

Wed 11/6 - AM

SO 1.76/1



LRB-000071

JTK&K:kjf&wlj:AS

Stays

ASSEMBLY SUBSTITUTE AMDT  
TO 2013 ASSEMBLY BILL 396

pf

see affd ✓

October 1, 2013 - Introduced by Representatives BERNIER, STROEBEL, BIES, KESTELL, PRIDEMORE, KLEEFISCH, MURPHY and CRAIG, cosponsored by Senators GROTHMAN, LAZICH, VUKMIR, TIFFANY, MOULTON and DARLING. Referred to Committee on Campaigns and Elections.

1 AN ACT <sup>(repeal)</sup> ~~to repeal~~ 6.875 (1) (as), 6.875 (2) (a) and (b) and 6.875 (2) (d); to  
2 ~~renumber~~ 6.875 (1) (a) and 6.875 (2) (c); ~~to renumber and amend~~ 6.875 (1)  
3 ~~(ap); to amend~~ 6.87 (4) (b) 5., 6.875 (title), 6.875 (1) (asm), 6.875 (1) (at), 6.875  
4 ~~(3) and (4) (a), 6.875 (4) (b), (6) (a), (b), (c) 1. and 2. and (e) and (7), 12.03 (2) (b)~~  
5 ~~3. and 12.13 (2) (b) 6m., and to create~~ 6.875 (1) (bm), 6.875 (1) (d) and 6.875 (4)  
6 ~~(am)~~ of the statutes; **relating to:** absentee voting at residential care facilities.

**Analysis by the Legislative Reference Bureau**

Currently, the municipal clerk or board of election commissioners of each municipality is directed to dispatch two special voting deputies to conduct absentee voting in person for each election at each nursing home located in the municipality upon application for an absentee ballot by one or more qualified electors who are occupants of the home. Participation in the special absentee voting is limited to occupants of the home. The clerk or board may also dispatch special voting deputies to any community-based residential facility, retirement home, adult family home, or residential care apartment complex located in the municipality to conduct absentee voting for occupants of the facility, home, or complex if the clerk or board finds that a significant number of occupants of the facility, home, or complex may need assistance in voting or meet certain other specified criteria upon application for an absentee ballot by one or more qualified electors who are occupants of the facility, home, or complex. This bill provides that the clerk or board of election commissioners

(substitute amendment)

**ASSEMBLY BILL 396**

*of a municipality*  
 shall dispatch two special voting deputies to each community-based residential facility, adult family home, and residential care apartment complex located in the municipality to conduct absentee voting in person for occupants of the facility, home, or complex at each election upon application by one or more qualified electors who are occupants of the facility, home, or complex, except that the clerk or board need not dispatch special voting deputies to visit any facility, home, or complex unless there are at least five registered electors who are occupants of the facility, home, or complex. ~~The bill does not change current law as it relates to dispatching special voting deputies to retirement homes.~~

*of the municipality*  
 Currently, a municipal clerk or board of election commissioners who dispatches special voting deputies to a facility, home, or complex must post a notice of the visit by the deputies at the facility, home, or complex at least 24 hours in advance of the time of the visit. This ~~bill~~ requires this notice to be posted at the ~~home~~ facility where absentee voting is to be conducted at least five working days in advance of the visit. The ~~bill~~ also directs each municipal clerk and board of election commissioners to provide public notice of each visit by special voting deputies to a residential care facility to a local news medium and to those news media that have filed a written request to receive such notices at least five working days before each visit. In addition, the ~~bill~~ requires the clerk or board to post the notice on the Internet. Under the ~~bill~~, a municipal clerk or board of election commissioners whose municipality does not maintain an Internet site need not comply with the Internet posting requirement.

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

*home or complex*

*substitute amendment*

*substitute amendment*

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

- 1           **SECTION 1.** 6.87 (4) (b) 5. of the statutes is amended to read:
- 2           6.87 (4) (b) 5. Unless subd. 3. or 4. applies, if the absentee elector resides in a
- 3           qualified retirement home, as defined in s. 6.875 (1) (at), ~~a qualified~~
- 4           ~~community-based residential facility, as defined in s. 6.875 (1) (as), a residential care~~
- 5           ~~apartment complex that is certified or registered under s. 50.034 (1), or an adult~~
- 6           ~~family home that is certified under s. 50.032 or licensed under s. 50.033 or a~~
- 7           ~~residential care facility, as defined in s. 6.875 (1) (bm), and the municipal clerk or~~
- 8           ~~board of election commissioners of the municipality where the complex, facility, or~~
- 9           ~~home is located does not send special voting deputies to visit the complex, facility, or~~

## ASSEMBLY BILL 396

1 home at the election under s. 6.875, the elector may, in lieu of providing proof of  
2 identification, submit with his or her absentee ballot a statement signed by the same  
3 individual who witnesses voting of the ballot that contains the certification of an  
4 authorized representative of the ~~complex~~, facility, or home that the elector resides in  
5 the ~~complex~~, facility, or home and the ~~complex~~, facility, or home is certified or  
6 registered as required by law, that contains the name and address of the elector, and  
7 that verifies that the name and address are correct.

8 SECTION 2. 6.875 (title) of the statutes is amended to read:

9 **6.875 (title) Absentee voting in certain homes, residential care**  
10 **facilities, and complexes retirement homes.**

11 SECTION 3. 6.875 (1) (a) of the statutes is renumbered 6.875 (1) (ae).

12 SECTION 4. 6.875 (1) (ap) of the statutes is renumbered 6.875 (1) (ab) and  
13 amended to read:

14 6.875 (1) (ab) "~~Qualified adult~~ Adult family home" means a facility that is  
15 certified or licensed to operate as an adult family home under s. 50.032 or 50.033 ~~that~~  
16 ~~qualifies under sub. (2) (d) to utilize the procedures under this section.~~

17 SECTION 5. 6.875 (1) (as) of the statutes is repealed.

18 SECTION 6. 6.875 (1) (asm) of the statutes is amended to read:

19 6.875 (1) (asm) "~~Qualified residential~~ Residential care apartment complex"  
20 means a facility that is certified or registered to operate as a residential care  
21 apartment complex under s. 50.034 (1) ~~that qualifies under sub. (2) (d) to utilize the~~  
22 ~~procedures under this section.~~

23 SECTION 7. 6.875 (1) (at) of the statutes is amended to read:

24 6.875 (1) (at) "~~Qualified retirement home~~" means a retirement home that  
25 ~~qualifies under sub. (2) (e) to utilize the procedures under this section.~~



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1 SECTION 8. 6.875 (1) (bm) of the statutes is created to read:

2 6.875 (1) (bm) "Residential care facility" means an adult family home,  
3 community-based residential facility, nursing home, or residential care apartment  
4 complex.

5 SECTION 9. 6.875 (1) (d) of the statutes is created to read:

6 6.875 (1) (d) "Working day" has the meaning given in s. 227.01 (14).

7 ~~SECTION 10. 6.875 (2) (a) and (b) of the statutes are repealed.~~

8 ~~SECTION 11. 6.875 (2) (c) of the statutes is renumbered 6.875 (2).~~

9 SECTION 12. 6.875 (2) (d) of the statutes is repealed.

10 ~~SECTION 13. 6.875 (3) and (4) (a) of the statutes are amended to read:~~

11 6.875 (3)<sup>(a)</sup> An occupant of a nursing home or qualified retirement home,  
12 qualified community-based residential facility, qualified residential care apartment  
13 complex, or qualified adult family home or residential care facility who qualifies as

14 an absent elector and desires to receive an absentee ballot shall make application  
15 under s. 6.86 (1), (2), or (2m) with the municipal clerk or board of election  
16 commissioners of the municipality in which the elector is a resident. The clerk or

17 board of election commissioners of a municipality receiving an application from an  
18 elector who is an occupant of a nursing home or qualified retirement home, qualified  
19 community-based residential facility, qualified residential care apartment complex,

20 or qualified adult family home or residential care facility located in a different  
21 municipality shall, as soon as possible, notify and send an absentee ballot for the  
22 elector to the clerk or board of election commissioners of the municipality in which

23 the home, or facility, or complex is located. The clerk or board of election  
24 commissioners of a municipality receiving an application from an elector who is an  
25 occupant of a nursing home or qualified retirement home, qualified

XNS  
4-6  
PNS  
4-9

Except as provided  
in  
sub.  
(4) ✓  
(or)  
the

Except as provided in sub (4)  
(or),  
the

## ASSEMBLY BILL 396

1 ~~community-based residential facility, qualified residential care apartment complex,~~  
 2 ~~or qualified adult family home~~ or residential care facility located in the municipality  
 3 but who is a resident of a different municipality shall, as soon as possible, notify and  
 4 request an absentee ballot from the clerk or board of election commissioners of the  
 5 municipality in which the elector is a resident. The clerk or board of election  
 6 commissioners shall make a record of all absentee ballots to be sent, delivered, and  
 7 voted under this section.

8 *ENS* *5-7* *6.875* (4) (a) For the purpose of absentee voting in ~~nursing homes,~~ qualified  
 9 retirement homes, ~~qualified community-based residential facilities,~~ qualified  
 10 residential care apartment complexes, and qualified adult family homes and  
 11 residential care facilities, the municipal clerk or board of election commissioners of  
 12 each municipality in which one or more ~~nursing homes,~~ qualified retirement homes,  
 13 ~~qualified community-based residential facilities,~~ ~~qualified residential care~~  
 14 ~~apartment complexes,~~ or qualified adult family homes or residential care facilities  
 15 are located shall appoint at least 2 special voting deputies for the municipality. Upon  
 16 Except as provided in par. (am), upon application under s. 6.86 (1), (2), or (2m) by one  
 17 or more qualified electors who are occupants of a home, or facility, ~~or complex,~~ the  
 18 municipal clerk or board of election commissioners of the municipality in which the  
 19 home, or facility, ~~or complex~~ is located shall dispatch 2 special voting deputies to visit  
 20 the home, or facility, ~~or complex~~ for the purpose of supervising absentee voting  
 21 procedure by occupants of the home, or facility, ~~or complex~~. The clerk or board of  
 22 election commissioners shall maintain a list, available to the public upon request, of  
 23 each home, or facility, ~~or complex~~ where an elector has requested an absentee ballot  
 24 special voting deputies are dispatched. The list shall include the date and time the  
 25 deputies intend to visit each home, or facility, ~~or complex~~. The 2 deputies designated

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**SECTION 13**

1 to visit each ~~nursing home~~, qualified retirement home, ~~qualified community-based~~  
 2 ~~residential facility, qualified residential care apartment complex, and qualified adult~~  
 3 ~~family home~~ and residential care facility shall be affiliated with different political  
 4 parties whenever deputies representing different parties are available.

5 **SECTION 14.** 6.875 (4) (am) of the statutes is created to read:

6 6.875 (4) (am) The municipal clerk or board of election commissioners <sup>of a municipality</sup> need not  
 7 dispatch special voting deputies to visit any residential care facility unless there are  
 8 at least 5 registered electors <sup>of the municipality</sup> who are occupants of the facility.

9 **SECTION 15.** 6.875 (4) (b), (6) (a), (b), (c), ~~(d), (e) and (f)~~ and (7) of the statutes  
 10 are amended to read:

11 6.875 (4) (b) Nominations for the special voting deputy positions described in  
 12 par. (a) may be submitted by the 2 recognized political parties whose candidates for  
 13 governor or president received the greatest numbers of votes in the municipality at  
 14 the most recent general election. The deputies shall be specially appointed to carry  
 15 out the duties under par. (a) for the period specified in s. 7.30 (6) (a). The clerk or  
 16 board of election commissioners may revoke an appointment at any time. No  
 17 individual who is employed or retained, or within the 2 years preceding appointment  
 18 has been employed or retained, at a ~~nursing home~~, qualified retirement home,  
 19 ~~qualified community-based residential facility, qualified residential care apartment~~  
 20 ~~complex, or qualified adult family home~~ or residential care facility in the  
 21 municipality, or any member of the individual's immediate family, as defined in s.  
 22 19.42 (7), may be appointed to serve as a deputy.

23 **(6) (a)** Special voting deputies in each municipality shall, not later than 5 p.m.  
 24 on the Friday 6th working day preceding an election, arrange one or more convenient  
 25 times with the administrator of each ~~nursing home~~, qualified retirement home,

Handwritten notes: "RS 6-8" with a circled "6-8" and an arrow pointing to the start of Section 15.

**ASSEMBLY BILL 396**

1 ~~qualified community-based residential facility, qualified residential care apartment~~  
2 ~~complex, and qualified adult family home~~ and residential care facility in the  
3 municipality from which one or more occupants have filed an application under s.  
4 ~~6.86 to conduct absentee voting for the election~~ that the deputies are scheduled to  
5 visit. The time may be no earlier than the 4th Monday preceding the election and  
6 no later than 5 p.m. on the Monday preceding the election. The municipal clerk shall  
7 give notice of each visit by special voting deputies to a qualified retirement home or  
8 residential care facility in the same manner that notices of public meetings are  
9 provided by presiding officers under s. 19.84 (1) (b) at least 5 working days in advance  
10 of each visit, indicating the date and time of the visit. The municipal clerk also shall  
11 post a notice at the home, or facility, or complex and on the Internet indicating the  
12 date and time that absentee voting will take place at that home, or facility, or  
13 ~~complex.~~ The notice shall be posted as soon as practicable after arranging the visit  
14 but in no case less than 24 hours 5 working days before the visit. A municipal clerk  
15 whose municipality does not maintain an Internet site need not comply with the  
16 Internet posting requirement. At the designated time, 2 deputies appointed under  
17 sub. (4) shall visit the home, or facility, or complex.

18 (b) The municipal clerk or executive director of the board of election  
19 commissioners shall issue a supply of absentee ballots to the deputies sufficient to  
20 provide for the number of valid applications for an absentee ballot received by the  
21 clerk, and a reasonable additional number of ballots. The deputies may exercise the  
22 authority granted to the chief inspector under s. 7.41 to regulate the conduct of  
23 observers. For purposes of the application of s. 7.41, the home, or facility, or complex  
24 shall be treated as a polling place. The municipal clerk or executive director shall

**ASSEMBLY BILL 396**

1 keep a careful record of all ballots issued to the deputies and shall require the  
2 deputies to return every ballot issued to them.

3 (c) 1. Upon their visit to the home, or facility, ~~or complex~~ under par. (a), the  
4 deputies shall personally offer each elector who has filed a proper application for an  
5 absentee ballot the opportunity to cast his or her absentee ballot. In lieu of providing  
6 a copy of proof of identification under s. 6.87 (4) (b) 1. with his or her absentee ballot,  
7 the elector may submit with his or her ballot a statement signed by both deputies that  
8 contains the name and address of the elector and verifies that the name and address  
9 are correct. The deputies shall enclose the statement in the certificate envelope. If  
10 an elector presents proof of identification under s. 6.87 (4) (b) 1., the deputies shall  
11 make a copy of the document presented by the elector and shall enclose the copy in  
12 the certificate envelope. If an elector is present who has not filed a proper application  
13 for an absentee ballot, the 2 deputies may accept an application from the elector and  
14 shall issue a ballot to the elector if the elector is qualified, the elector presents proof  
15 of identification, whenever required, or submits a statement containing his or her  
16 name and address under this subdivision, and the application is proper. The  
17 deputies shall each witness the certification and may, upon request of the elector,  
18 assist the elector in marking the elector's ballot. All voting shall be conducted in the  
19 presence of the deputies. Upon request of the elector, a relative of the elector who  
20 is present in the room may assist the elector in marking the elector's ballot. No  
21 individual other than a deputy may witness the certification and no individual other  
22 than a deputy or relative of an elector may render voting assistance to the elector.

23 2. Upon the request of a relative of an occupant of a nursing home, qualified  
24 retirement home, ~~qualified community-based residential facility~~, qualified  
25 residential care apartment complex, ~~or qualified adult family home or residential~~

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1 ~~care facility~~, the administrator of the home, or facility, ~~or complex~~ may notify the  
2 relative of the time or times at which special voting deputies will conduct absentee  
3 voting at the home, or facility, ~~or complex~~ and permit the relative to be present in the  
4 room where the voting is conducted.

5 (e) If a qualified elector is not able to cast his or her ballot on 2 separate visits  
6 by the deputies to the home, or facility, ~~or complex~~, the deputies shall so inform the  
7 municipal clerk or executive director of the board of election commissioners, who may  
8 then send the ballot to the elector no later than 5 p.m. on the Friday preceding the  
9 election.

10 (7) One observer from each of the 2 recognized political parties whose candidate  
11 for governor or president received the greatest number of votes in the municipality  
12 at the most recent general election may accompany the deputies to each home, or  
13 facility, ~~or complex~~ where absentee voting will take place under this section. The  
14 observers may observe the process of absentee ballot distribution in the common  
15 areas of the home, or facility, ~~or complex~~. Each party wishing to have an observer  
16 present shall submit the name of the observer to the clerk or board of election  
17 commissioners no later than the close of business on the last business day prior to  
18 the visit.

19 **SECTION 16.** 12.03 (2) (b) 3. of the statutes is amended to read:

20 12.03 (2) (b) 3. No person may engage in electioneering within 100 feet of an  
21 entrance to or within a ~~nursing home~~, qualified retirement home, ~~qualified~~  
22 ~~community-based residential facility~~, ~~qualified residential care apartment complex~~,  
23 ~~or qualified adult family home~~ or residential care facility while special voting  
24 deputies are present at the home or facility under s. 6.875 (6).

25 **SECTION 17.** 12.13 (2) (b) 6m. of the statutes is amended to read:

JKS  
9-4

**ASSEMBLY BILL 396**

**SECTION 17**

1           12.13 (2) (b) 6m. Obtain an absentee ballot for voting in a ~~nursing home or~~  
 2           qualified retirement home, ~~qualified community-based residential facility, qualified~~  
 3           ~~residential care apartment complex, or qualified adult family home~~ or residential  
 4           care facility under s. 6.875 (6) and fail to return the ballot to the issuing officer.

**SECTION 18. Initial applicability.**

6           (1) This act first applies with respect to elections held at least 60 days after the  
 7           effective date of this subsection.

(END)

2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBs0176/lins  
JTK.....

INS 2A:

*No P*  
Under the substitute amendment, a municipal clerk or board of election commissioners retains discretion as to whether to dispatch special voting deputies to retirement homes.

INS 2B:

*X* Under current law, an occupant of a facility, home, or complex where special voting deputies are dispatched who is a qualified elector and who applies for an absentee ballot by mail must cast the ballot at the facility, home, or complex.

*f* The substitute amendment provides that if a qualified elector who is an occupant of a facility, home, or complex requests an absentee ballot for an election, and the municipal clerk or board of election commissioners of the municipality in which the facility, home, or complex is located dispatches special voting deputies to that facility, home, or complex, the deputies must personally deliver the ballot to the elector at the facility, home, or complex if they have not finished visiting the facility, home, or complex when the request is received. The substitute amendment provides, however, that if an elector who is an occupant of a facility, home, or complex applies for and receives an absentee ballot for an election in person or by mail, and the elector requests to cast his or her ballot in person at the office of the municipal clerk or board of election commissioners or by mail, the elector may cast the ballot in person or by mailing the ballot to the clerk or board of election commissioners of the municipality in which the elector resides regardless of whether special voting deputies are sent to the facility, home, or complex.

*S* Currently, the municipal clerk or board of election commissioners of a municipality may dispatch special voting deputies to a retirement home located in the municipality if the clerk or board finds that a significant number of occupants of the home lack adequate transportation to the appropriate polling place, a significant number of the occupants may need assistance in voting, there are a significant number of occupants of the home aged 60 or over, or there are a significant number of indefinitely confined electors who are occupants of the home. This substitute amendment provides that if a retirement home to which a municipal clerk or board of election commissioners does not dispatch special voting deputies is located on the same grounds as a facility, home, or complex to which the clerk dispatches special voting deputies, the clerk must obtain from the management of the retirement home the names and addresses of the occupants of the home. An occupant of the retirement home may vote in person at the polling place serving his or her residence or may cast an absentee ballot in the same manner as provided for other electors of the municipality.

*X* Current law provides that when voting at a facility, home, or complex is completed, the special voting deputies must promptly deliver the absentee ballots



X  
X  
X  
and any absentee ballot applications to the municipal clerk or board of election commissioners of the municipality where the facility, home, or complex is located, either personally or by first class mail. If delivery is made in person, the delivery must be made no later than noon on election day. This substitute amendment provides that upon completion of the voting on each day at each facility, home, or complex, the deputies must seal the absentee ballot envelopes and any absentee ballot applications inside a carrier envelope and must sign their names to the seal. The deputies must place the envelope inside a ballot container or bag. Under the substitute amendment, when the deputies have finished visiting all facilities, homes, and complexes to which they are dispatched, the deputies must deliver the container or bag as expeditiously as possible to the municipal clerk or board of election commissioners of the municipality, but not later than noon on election day.

INS 4-6:

SECTION 1. 6.875 (2) (a) of the statutes is amended to read:

6.875 (2) (a) The Absentee voting in person inside residential care facilities and qualified retirement homes shall be conducted by municipalities only in the manner prescribed in this section. At any residential care facility or qualified retirement home where a municipality dispatches special voting deputies to conduct absentee voting in person under this section, the procedures prescribed in this section are the exclusive means of absentee voting in person inside that facility or home for electors who are occupants of nursing homes, qualified community-based residential facilities, qualified retirement homes, qualified residential care apartment complexes, and qualified adult family homes the facility or home. plain

SECTION 2. 6.875 (2) (b) of the statutes is repealed.

INS 4-9:

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**SECTION 3.** 6.875 (3) of the statutes is renumbered 6.875 (3) (a) and amended to read:

INS 5-7:

**SECTION 4.** 6.875 (3) (b) of the statutes is created to read:

6.875 (3) (b) If a retirement home that is not a qualified retirement home is located within a municipality on the same grounds as one or more residential care facilities to which the municipal clerk or board of election commissioners of the municipality dispatches special voting deputies to conduct voting at an election, the municipal clerk or board of election commissioners shall obtain from the management of the retirement home the names and addresses of the occupants of the home. An occupant of the retirement home may vote in person at the polling place, serving his or her residence or may apply for and cast an absentee ballot at the election in the same manner as provided for other electors of the municipality where he or she resides.

**SECTION 5.** 6.875 (4) (a) of the statutes is amended to read:

INS 6-8:

**SECTION 6.** 6.875 (4) (ar) and (at) of the statutes are created to read:

6.875 (4) (ar) As an alternative to absentee voting inside a residential care facility or qualified retirement home, an elector who is an occupant of the facility or home may vote in person at the polling place serving his or her residence or by applying for and casting an absentee ballot in person or by mail in the same manner

as provided for other electors of the municipality where the elector resides and requesting to cast the ballot in person or by mail.

(at) Except as provided in par. (ar), if a qualified elector of a municipality who is an occupant of a residential care facility or qualified retirement home in that municipality requests an absentee ballot for an election and the municipal clerk or board of election commissioners dispatches special voting deputies to that facility or home, the clerk or board of election commissioners shall give the absentee ballot to the special voting deputies who shall personally deliver the ballot to the elector at the time of their visit if they have not finished visiting the facility or home when the request is received.

INS 9-4:

(d) Upon completion of the voting on each day at each residential care facility or qualified retirement home, the deputies shall promptly seal the absentee ballot envelopes and any any absentee ballot applications inside a carrier envelope and shall seal the carrier envelope and sign their names to the seal. The deputies shall place the envelope inside a ballot bag or container. When the deputies have finished visiting all residential care facilities and qualified retirement homes to which they are dispatched, the deputies shall deliver, either personally or by 1st class mail, any absentee ballot applications and the sealed certificate envelope containing each ballot the ballot bag or container to the clerk or board of election commissioners of the municipality in which the elector casting the ballot resides as expeditiously as possible, within such time as will permit delivery to the polling place serving the

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elector's residence on election day. ~~Personal delivery may be made by the deputies~~,  
but no later than noon on election that day.

**History:** 1985 a. 304; 1987 a. 391; 1989 a. 192; 1997 a. 127, 188, 237; 1999 a. 32, 182; 2001 a. 16, 109; 2005 a. 149, 451; 2007 a. 96; 2011 a. 23, 75.



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRBs0176/a  
JTK:kjf&wlj/jf

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Fri 10/8 - AM

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ASSEMBLY SUBSTITUTE AMENDMENT,  
TO ASSEMBLY BILL 396

Regen

1 AN ACT *to repeal* 6.875 (1) (as), 6.875 (2) (b) and 6.875 (2) (d); *to renumber* 6.875  
2 (1) (a); *to renumber and amend* 6.875 (1) (ap) and 6.875 (3); *to amend* 6.87  
3 (4) (b) 5., 6.875 (title), 6.875 (1) (asm), 6.875 (2) (a), 6.875 (4) (a), 6.875 (4) (b),  
4 (6) and (7), 12.03 (2) (b) 3. and 12.13 (2) (b) 6m.; and *to create* 6.875 (1) (bm),  
5 6.875 (1) (d), 6.875 (3) (b), 6.875 (4) (am) and 6.875 (4) (ar) and (at) of the  
6 statutes; **relating to:** absentee voting at residential care facilities.

*Analysis by the Legislative Reference Bureau*

Currently, the municipal clerk or board of election commissioners of each municipality is directed to dispatch two special voting deputies to conduct absentee voting in person for each election at each nursing home located in the municipality upon application for an absentee ballot by one or more qualified electors who are occupants of the home. Participation in the special absentee voting is limited to occupants of the home. The clerk or board may also dispatch special voting deputies to any community-based residential facility, retirement home, adult family home, or residential care apartment complex located in the municipality to conduct absentee voting for occupants of the facility, home, or complex if the clerk or board finds that a significant number of occupants of the facility, home, or complex may

need assistance in voting or meet certain other specified criteria upon application for an absentee ballot by one or more qualified electors who are occupants of the facility, home, or complex. This substitute amendment provides that the clerk or board of election commissioners of a municipality shall dispatch two special voting deputies to each community-based residential facility, adult family home, and residential care apartment complex located in the municipality to conduct absentee voting in person for occupants of the facility, home, or complex at each election upon application by one or more qualified electors who are occupants of the facility, home, or complex, except that the clerk or board need not dispatch special voting deputies to visit any facility, home, or complex unless there are at least five registered electors of the municipality who are occupants of the facility, home, or complex. Under the substitute amendment, a municipal clerk or board of election commissioners retains discretion as to whether to dispatch special voting deputies to retirement homes.

Currently, a municipal clerk or board of election commissioners who dispatches special voting deputies to a facility, home, or complex must post a notice of the visit by the deputies at the facility, home, or complex at least 24 hours in advance of the time of the visit. This substitute amendment requires this notice to be posted at the facility, home, or complex where absentee voting is to be conducted at least five working days in advance of the visit. The substitute amendment also directs each municipal clerk and board of election commissioners to provide public notice of each visit by special voting deputies to a residential care facility to a local news medium and to those news media that have filed a written request to receive such notices at least five working days before each visit. In addition, the substitute amendment requires the clerk or board to post the notice on the Internet. Under the substitute amendment, a municipal clerk or board of election commissioners whose municipality does not maintain an Internet site need not comply with the Internet posting requirement.

Under current law, an occupant of a facility, home, or complex where special voting deputies are dispatched who is a qualified elector and who applies for an absentee ballot by mail must cast the ballot at the facility, home, or complex.

*This*  
The substitute amendment provides that if a qualified elector who is an occupant of a facility, home, or complex requests an absentee ballot for an election, and the municipal clerk or board of election commissioners of the municipality in which the facility, home, or complex is located dispatches special voting deputies to that facility, home, or complex, the deputies must personally deliver the ballot to the elector at the facility, home, or complex if they have not finished visiting the facility, home, or complex when the request is received. The substitute amendment provides, however, that if an elector who is an occupant of a facility, home, or complex applies for and receives an absentee ballot for an election in person or by mail, and the elector requests to cast his or her ballot in person at the office of the municipal clerk or board of election commissioners or by mail, the elector may cast the ballot in person or by mailing the ballot to the clerk or board of election commissioners of the municipality in which the elector resides regardless of whether special voting deputies are sent to the facility, home, or complex.

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*The substitute amendment prohibits special voting deputies from accepting an absentee ballot submitted by an elector whose ballot was not issued to the elector by the deputies.*

Currently, the municipal clerk or board of election commissioners of a municipality may dispatch special voting deputies to a retirement home located in the municipality if the clerk or board finds that a significant number of occupants of the home lack adequate transportation to the appropriate polling place, a significant number of the occupants may need assistance in voting, there are a significant number of occupants of the home aged 60 or over, or there are a significant number of indefinitely confined electors who are occupants of the home. This substitute amendment provides that if a retirement home to which a municipal clerk or board of election commissioners does not dispatch special voting deputies is located on the same grounds as a facility, home, or complex to which the clerk dispatches special voting deputies, the clerk must obtain from the management of the retirement home the names and addresses of the occupants of the home. An occupant of the retirement home may vote in person at the polling place serving his or her residence or may cast an absentee ballot in the same manner as provided for other electors of the municipality.

Current law provides that when voting at a facility, home, or complex is completed, the special voting deputies must promptly deliver the absentee ballots and any absentee ballot applications to the municipal clerk or board of election commissioners of the municipality where the facility, home, or complex is located, either personally or by first class mail. If delivery is made in person, the delivery must be made no later than noon on election day. This substitute amendment provides that upon completion of voting on each day at each facility, home, or complex, the deputies must seal the absentee ballot envelopes and any absentee ballot applications inside a carrier envelope and must sign their names to the seal. The deputies must place the envelope inside a ballot container or bag. Under the substitute amendment, when the deputies have finished visiting all facilities, homes, and complexes to which they are dispatched, the deputies must deliver the container or bag as expeditiously as possible to the municipal clerk or board of election commissioners of the municipality, but not later than noon on election day.

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

1           **SECTION 1.** 6.87 (4) (b) 5. of the statutes is amended to read:  
2           6.87 (4) (b) 5. Unless subd. 3. or 4. applies, if the absentee elector resides in a  
3           qualified retirement home, as defined in s. 6.875 (1) (at), ~~—a qualified~~  
4           ~~community-based residential facility, as defined in s. 6.875 (1) (as), a residential care~~  
5           ~~apartment complex that is certified or registered under s. 50.034 (1), or an adult~~  
6           ~~family home that is certified under s. 50.032 or licensed under s. 50.033 or a~~

1 residential care facility, as defined in s. 6.875 (1) (bm), and the municipal clerk or  
2 board of election commissioners of the municipality where the ~~complex~~, facility, or  
3 home is located does not send special voting deputies to visit the ~~complex~~, facility, or  
4 home at the election under s. 6.875, the elector may, in lieu of providing proof of  
5 identification, submit with his or her absentee ballot a statement signed by the same  
6 individual who witnesses voting of the ballot that contains the certification of an  
7 authorized representative of the ~~complex~~, facility, or home that the elector resides in  
8 the ~~complex~~, facility, or home and the ~~complex~~, facility, or home is certified or  
9 registered as required by law, that contains the name and address of the elector, and  
10 that verifies that the name and address are correct.

11 **SECTION 2.** 6.875 (title) of the statutes is amended to read:

12 **6.875 (title) Absentee voting in certain homes, residential care**  
13 **facilities, and complexes retirement homes.**

14 **SECTION 3.** 6.875 (1) (a) of the statutes is renumbered 6.875 (1) (ae).

15 **SECTION 4.** 6.875 (1) (ap) of the statutes is renumbered 6.875 (1) (ab) and  
16 amended to read:

17 6.875 (1) (ab) “~~Qualified adult~~ Adult family home” means a facility that is  
18 certified or licensed to operate as an adult family home under s. 50.032 or 50.033 ~~that~~  
19 ~~qualifies under sub. (2) (d) to utilize the procedures under this section.~~

20 **SECTION 5.** 6.875 (1) (as) of the statutes is repealed.

21 **SECTION 6.** 6.875 (1) (asm) of the statutes is amended to read:

22 6.875 (1) (asm) “~~Qualified residential~~ Residential care apartment complex”  
23 means a facility that is certified or registered to operate as a residential care  
24 apartment complex under s. 50.034 (1) ~~that qualifies under sub. (2) (d) to utilize the~~  
25 ~~procedures under this section.~~



1           **SECTION 7.** 6.875 (1) (bm) of the statutes is created to read:

2           6.875 (1) (bm) “Residential care facility” means an adult family home,  
3 community–based residential facility, nursing home, or residential care apartment  
4 complex.

5           **SECTION 8.** 6.875 (1) (d) of the statutes is created to read:

6           6.875 (1) (d) “Working day” has the meaning given in s. 227.01 (14).

7           **SECTION 9.** 6.875 (2) (a) of the statutes is amended to read:

8           6.875 (2) (a) ~~The Absentee voting in person inside residential care facilities and~~  
9 ~~qualified retirement homes shall be conducted by municipalities only in the manner~~  
10 ~~prescribed in this section. At any residential care facility or qualified retirement~~  
11 ~~home where a municipality dispatches special voting deputies to conduct absentee~~  
12 ~~voting in person under this section, the~~ procedures prescribed in this section are the  
13 exclusive means of absentee voting in person inside that facility or home for electors  
14 who are occupants of ~~nursing homes, qualified community–based residential~~  
15 ~~facilities, qualified retirement homes, qualified residential care apartment~~  
16 ~~complexes, and qualified adult family homes~~ the facility or home.

17           **SECTION 10.** 6.875 (2) (b) of the statutes is repealed.

18           **SECTION 11.** 6.875 (2) (d) of the statutes is repealed.

19           **SECTION 12.** 6.875 (3) of the statutes is renumbered 6.875 (3) (a) and amended  
20 to read:

21           6.875 (3) (a) An occupant of a ~~nursing home or~~ qualified retirement home,  
22 ~~qualified community–based residential facility, qualified residential care apartment~~  
23 ~~complex, or qualified adult family home or residential care facility~~ who qualifies as  
24 an absent elector and desires to receive an absentee ballot shall make application  
25 under s. 6.86 (1), (2), or (2m) with the municipal clerk or board of election

1 commissioners of the municipality in which the elector is a resident. ~~The~~ Except as  
2 provided in sub. (4) (ar), the clerk or board of election commissioners of a  
3 municipality receiving an application from an elector who is an occupant of a ~~nursing~~  
4 ~~home or qualified retirement home, qualified community-based residential facility,~~  
5 ~~qualified residential care apartment complex, or qualified adult family home or~~  
6 residential care facility located in a different municipality shall, as soon as possible,  
7 notify and send an absentee ballot for the elector to the clerk or board of election  
8 commissioners of the municipality in which the home, or facility, ~~or complex~~ is  
9 located. ~~The~~ Except as provided in sub. (4) (ar), the clerk or board of election  
10 commissioners of a municipality receiving an application from an elector who is an  
11 occupant of a ~~nursing home or~~ qualified retirement home, ~~qualified~~  
12 ~~community-based residential facility, qualified residential care apartment complex,~~  
13 ~~or qualified adult family home or~~ residential care facility located in the municipality  
14 but who is a resident of a different municipality shall, as soon as possible, notify and  
15 request an absentee ballot from the clerk or board of election commissioners of the  
16 municipality in which the elector is a resident. The clerk or board of election  
17 commissioners shall make a record of all absentee ballots to be sent, delivered, and  
18 voted under this section.

19 **SECTION 13.** 6.875 (3) (b) of the statutes is created to read:

20 6.875 (3) (b) If a retirement home that is not a qualified retirement home is  
21 located within a municipality on the same grounds as one or more residential care  
22 facilities to which the municipal clerk or board of election commissioners of the  
23 municipality dispatches special voting deputies to conduct voting at an election, the  
24 municipal clerk or board of election commissioners shall obtain from the  
25 management of the retirement home the names and addresses of the occupants of the

1 home. An occupant of the retirement home may vote in person at the polling place  
2 serving his or her residence or may apply for and cast an absentee ballot at the  
3 election in the same manner as provided for other electors of the municipality where  
4 he or she resides.

5 **SECTION 14.** 6.875 (4) (a) of the statutes is amended to read:

6 6.875 (4) (a) For the purpose of absentee voting in ~~nursing homes~~, qualified  
7 retirement homes, ~~qualified community-based residential facilities~~, ~~qualified~~  
8 ~~residential care apartment complexes~~, and ~~qualified adult family homes~~ and  
9 residential care facilities, the municipal clerk or board of election commissioners of  
10 each municipality in which one or more ~~nursing homes~~, qualified retirement homes,  
11 ~~qualified community-based residential facilities~~, ~~qualified residential care~~  
12 ~~apartment complexes~~, or ~~qualified adult family homes~~ or residential care facilities  
13 are located shall appoint at least 2 special voting deputies for the municipality. ~~Upon~~  
14 Except as provided in par. (am), upon application under s. 6.86 (1), (2), or (2m) by one  
15 or more qualified electors who are occupants of a home, or facility, ~~or complex~~, the  
16 municipal clerk or board of election commissioners of the municipality in which the  
17 home, or facility, ~~or complex~~ is located shall dispatch 2 special voting deputies to visit  
18 the home, or facility, ~~or complex~~ for the purpose of supervising absentee voting  
19 procedure by occupants of the home, or facility, ~~or complex~~. The clerk or board of  
20 election commissioners shall maintain a list, available to the public upon request, of  
21 each home, or facility, ~~or complex~~ where an elector has requested an absentee ballot  
22 special voting deputies are dispatched. The list shall include the date and time the  
23 deputies intend to visit each home, or facility, ~~or complex~~. The 2 deputies designated  
24 to visit each ~~nursing home~~, qualified retirement home, ~~qualified community-based~~  
25 ~~residential facility~~, ~~qualified residential care apartment complex~~, and ~~qualified adult~~

1 ~~family home and residential care facility~~ shall be affiliated with different political  
2 parties whenever deputies representing different parties are available.

3 SECTION 15. 6.875 (4) (am) of the statutes is created to read:

4 6.875 (4) (am) The municipal clerk or board of election commissioners of a  
5 municipality need not dispatch special voting deputies to visit any residential care  
6 facility unless there are at least 5 registered electors of the municipality who are  
7 occupants of the facility.

8 SECTION 16. 6.875 (4) (ar) and (at) of the statutes are created to read:

9 6.875 (4) (ar) ~~As an alternative to absentee voting inside a residential care~~  
10 ~~facility or qualified retirement home, an elector who is an occupant of the facility or~~  
11 ~~home may vote in person at the polling place serving his or her residence or by~~  
12 ~~applying for and casting an absentee ballot in person or by mail in the same manner~~  
13 ~~as provided for other electors of the municipality where the elector resides and~~  
14 ~~requesting to cast the ballot in person or by mail.~~

15 (at) Except as provided in par. (ar), if a qualified elector of a municipality who  
16 is an occupant of a residential care facility or qualified retirement home in that  
17 municipality requests an absentee ballot for an election and the municipal clerk or  
18 board of election commissioners dispatches special voting deputies to that facility or  
19 home, the clerk or board of election commissioners shall give the absentee ballot to  
20 the special voting deputies who shall personally deliver the ballot to the elector at  
21 the time of their visit if they have not finished visiting the facility or home when the  
22 request is received.

23 SECTION 17. 6.875 (4) (b), (6) and (7) of the statutes are amended to read:

24 6.875 (4) (b) Nominations for the special voting deputy positions described in  
25 par. (a) may be submitted by the 2 recognized political parties whose candidates for

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8-9

1 governor or president received the greatest numbers of votes in the municipality at  
2 the most recent general election. The deputies shall be specially appointed to carry  
3 out the duties under par. (a) for the period specified in s. 7.30 (6) (a). The clerk or  
4 board of election commissioners may revoke an appointment at any time. No  
5 individual who is employed or retained, or within the 2 years preceding appointment  
6 has been employed or retained, at a ~~nursing home~~, qualified retirement home,  
7 ~~qualified community-based residential facility, qualified residential care apartment~~  
8 ~~complex, or qualified adult family home~~ or residential care facility in the  
9 municipality, or any member of the individual's immediate family, as defined in s.  
10 19.42 (7), may be appointed to serve as a deputy.

11 (6) (a) Special voting deputies in each municipality shall, not later than 5 p.m.  
12 on the ~~Friday 6th working day~~ preceding an election, arrange one or more convenient  
13 times with the administrator of each ~~nursing home~~, qualified retirement home,  
14 ~~qualified community-based residential facility, qualified residential care apartment~~  
15 ~~complex, and qualified adult family home~~ and residential care facility in the  
16 municipality ~~from which one or more occupants have filed an application under s.~~  
17 ~~6.86 to conduct absentee voting for the election~~ that the deputies are scheduled to  
18 visit. The time may be no earlier than the 4th Monday preceding the election and  
19 no later than 5 p.m. on the Monday preceding the election. The municipal clerk shall  
20 give notice of each visit by special voting deputies to a qualified retirement home or  
21 residential care facility in the same manner that notices of public meetings are  
22 provided by presiding officers under s. 19.84 (1) (b) at least 5 working days in advance  
23 of each visit, indicating the date and time of the visit. The municipal clerk also shall  
24 post a notice at the home, or facility, or complex and on the Internet indicating the  
25 date and time that absentee voting will take place at that home, or facility, or

1 ~~complex~~. The notice shall be posted as soon as practicable after arranging the visit  
2 but in no case less than ~~24 hours~~ 5 working days before the visit. A municipal clerk  
3 whose municipality does not maintain an Internet site need not comply with the  
4 Internet posting requirement. At the designated time, 2 deputies appointed under  
5 sub. (4) shall visit the home, or facility, ~~or complex~~.

6 (b) The municipal clerk or executive director of the board of election  
7 commissioners shall issue a supply of absentee ballots to the deputies sufficient to  
8 provide for the number of valid applications for an absentee ballot received by the  
9 clerk, and a reasonable additional number of ballots. The deputies may exercise the  
10 authority granted to the chief inspector under s. 7.41 to regulate the conduct of  
11 observers. For purposes of the application of s. 7.41, the home, or facility, ~~or complex~~  
12 shall be treated as a polling place. The municipal clerk or executive director shall  
13 keep a careful record of all ballots issued to the deputies and shall require the  
14 deputies to return every ballot issued to them.

15 (c) 1. Upon their visit to the home, or facility, ~~or complex~~ under par. (a), the  
16 deputies shall personally offer each elector who has filed a proper application for an  
17 absentee ballot the opportunity to cast his or her absentee ballot. In lieu of providing  
18 a copy of proof of identification under s. 6.87 (4) (b) 1. with his or her absentee ballot,  
19 the elector may submit with his or her ballot a statement signed by both deputies that  
20 contains the name and address of the elector and verifies that the name and address  
21 are correct. The deputies shall enclose the statement in the certificate envelope. If  
22 an elector presents proof of identification under s. 6.87 (4) (b) 1., the deputies shall  
23 make a copy of the document presented by the elector and shall enclose the copy in  
24 the certificate envelope. If an elector is present who has not filed a proper application  
25 for an absentee ballot, the 2 deputies may accept an application from the elector and

1 shall issue a ballot to the elector if the elector is qualified, the elector presents proof  
 2 of identification, whenever required, or submits a statement containing his or her  
 3 name and address under this subdivision, and the application is proper. The  
 4 deputies shall each witness the certification and may, upon request of the elector,  
 5 ~~assist the elector in marking the elector's ballot.~~ *The deputies shall not accept an absentee ballot submitted by an elector* All voting shall be conducted in the *whose*  
 6 presence of the deputies. Upon request of the elector, a relative of the elector who *ballot*  
 7 is present in the room may assist the elector in marking the elector's ballot. No *was*  
 8 individual other than a deputy may witness the certification and no individual other *no*  
 9 than a deputy or relative of an elector may render voting assistance to the elector. *issued*  
 10 *to the*

11 2. Upon the request of a relative of an occupant of a ~~nursing home~~, qualified *by*  
 12 ~~retirement home, qualified community-based residential facility, qualified~~ *the*  
 13 ~~residential care apartment complex, or qualified adult family home or residential~~ *deputies*  
 14 ~~care facility, the administrator of the home, or facility, or complex~~ may notify the  
 15 relative of the time or times at which special voting deputies will conduct absentee  
 16 voting at the home, or facility, or complex and permit the relative to be present in the  
 17 room where the voting is conducted.

18 (d) Upon completion of the voting on each day at each residential care facility  
 19 or qualified retirement home, the deputies shall promptly seal the absentee ballot  
 20 envelopes and any any absentee ballot applications inside a carrier envelope and  
 21 shall seal the carrier envelope and sign their names to the seal. The deputies shall  
 22 place the envelope inside a ballot bag or container. When the deputies have finished  
 23 visiting all residential care facilities and qualified retirement homes to which they  
 24 are dispatched, the deputies shall deliver, either personally or by 1st class mail, any  
 25 absentee ballot applications and the sealed certificate envelope containing each  
ballot the ballot bag or container to the clerk or board of election commissioners of

1 the municipality in which the elector casting the ballot resides as expeditiously as  
2 possible, within such time as will permit delivery to the polling place serving the  
3 elector's residence on election day. ~~Personal delivery may be made by the deputies,~~  
4 but no later than noon on election that day.

5 (e) If a qualified elector is not able to cast his or her ballot on 2 separate visits  
6 by the deputies to the home, or facility, ~~or complex~~, the deputies shall so inform the  
7 municipal clerk or executive director of the board of election commissioners, who may  
8 then send the ballot to the elector no later than 5 p.m. on the Friday preceding the  
9 election.

10 (7) One observer from each of the 2 recognized political parties whose candidate  
11 for governor or president received the greatest number of votes in the municipality  
12 at the most recent general election may accompany the deputies to each home, or  
13 ~~facility, or complex~~ where absentee voting will take place under this section. The  
14 observers may observe the process of absentee ballot distribution in the common  
15 areas of the home, or facility, ~~or complex~~. Each party wishing to have an observer  
16 present shall submit the name of the observer to the clerk or board of election  
17 commissioners no later than the close of business on the last business day prior to  
18 the visit.

19 **SECTION 18.** 12.03 (2) (b) 3. of the statutes is amended to read:

20 12.03 (2) (b) 3. No person may engage in electioneering within 100 feet of an  
21 entrance to or within a ~~nursing home~~, qualified retirement home, ~~qualified~~  
22 ~~community-based residential facility, qualified residential care apartment complex,~~  
23 ~~or qualified adult family home~~ or residential care facility while special voting  
24 deputies are present at the home or facility under s. 6.875 (6).

25 **SECTION 19.** 12.13 (2) (b) 6m. of the statutes is amended to read:



1           12.13 (2) (b) 6m. Obtain an absentee ballot for voting in a ~~nursing home or~~  
2           qualified retirement home, ~~qualified community-based residential facility, qualified~~  
3           ~~residential care apartment complex, or qualified adult family home~~ or residential  
4           care facility under s. 6.875 (6) and fail to return the ballot to the issuing officer.

5           **SECTION 20. Initial applicability.**

6           (1) This act first applies with respect to elections held at least 60 days after the  
7           effective date of this subsection.

8   (END)

2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

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INS 2A:

<sup>Not</sup> as an alternative to absentee voting inside a facility, home or complex, an elector who is an occupant of such a facility, home, or complex may 1) vote in person at the polling place serving his or her residence or by absentee ballot in person at the office of the municipal clerk or board of election commissioners serving his or her residence; or 2) if the elector maintains a residence outside the facility, home, or complex, vote by applying for <sup>and</sup> casting an absentee ballot by mail at that residence.

INS 8-9:

(ar) As an alternative to absentee voting inside a residential care facility or qualified retirement home, an elector who is an occupant of the facility or home may:

1. Vote in person at the polling place serving his or her residence under s. 6.79 (2) or in person at the office of the municipal clerk or board of election commissioners of the municipality where he or she resides under s. 6.86 (1) (a) 2.; or

2. If the elector maintains a residence outside the facility or home, vote by applying for and casting an absentee ballot by mail under s. 6.86 (1) (a) 1. at that residence.