



2013 ASSEMBLY BILL 202

May 16, 2013 – Introduced by Representatives PRIDEMORE, TITTL, BIES, KLEEFISCH and WEININGER. Referred to Committee on Campaigns and Elections.

- 1 **AN ACT to amend** 7.41 (1), 7.41 (2) and 7.41 (3) (intro.) and (a) of the statutes;
2 **relating to:** certification of election observers.

Analysis by the Legislative Reference Bureau

Under current law, any member of the public may be present at a polling place, a designated alternative absentee ballot site, or at the office of a municipal clerk to observe an election and the absentee voting process. Current law permits the chief inspector or municipal clerk to designate areas within the polling place, alternate site, or municipal office from which members of the public may observe, provided those observation areas permit the members of the public to readily observe all public aspects of the voting process. The chief inspector at any polling place or the municipal clerk may limit the number of observers representing the same organization who are permitted to observe the election or absentee voting process at the same time.

This bill requires the chief inspector and the municipal clerk to designate an observation area for election observers that is within three feet of the table at which electors announce their name and address to be issued a voter number and within three feet of the table at which a person may register to vote. Under the bill, the chief inspector or municipal clerk may permit an election observer to sit at either table, provided the observer is not permitted to observe confidential information. The bill

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also requires each election observer to print his or her name and sign and date a log maintained for the polling place.

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

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

2 7.41 (1) Any member of the public may be present at any polling place, in the
3 office of any municipal clerk whose office is located in a public building on any day
4 that absentee ballots may be cast in that office, or at an alternate site under s. 6.855
5 on any day that absentee ballots may be cast at that site for the purpose of
6 observation of an election and the absentee ballot voting process, except a candidate
7 whose name appears on the ballot at the polling place or on an absentee ballot to be
8 cast at the clerk's office or alternate site at that election. The chief inspector or
9 municipal clerk may reasonably limit the number of persons representing the same
10 organization who are permitted to observe under this subsection at the same time.
11 Each person permitted to observe under this subsection shall print his or her name
12 in and sign and date a log maintained by the chief inspector or municipal clerk for
13 that polling place, office, or alternate site.

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

15 7.41 (2) The chief inspector or municipal clerk may restrict the location of any
16 individual exercising the right under sub. (1) to certain areas within a polling place,
17 the clerk's office, or alternate site under s. 6.855. The chief inspector or municipal
18 clerk shall clearly designate ~~such an area as an observation area.~~ Designated
19 observation areas for election observers under sub. (1). The observation areas shall
20 be within 3 feet of the table at which electors announce their name and address to
21 be issued a voter number at the polling place, office, or alternate site and within 3

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1 feet of the table at which a person may register to vote at the polling place, office, or
2 alternate site. The chief inspector or municipal clerk may permit an election
3 observer to sit at either of the tables, provided the election observer is not permitted
4 to observe confidential information. The observation areas shall be so positioned to
5 permit any authorized individual election observer to readily observe all public
6 aspects of the voting process.

7 **SECTION 3.** 7.41 (3) (intro.) and (a) of the statutes are amended to read:

8 7.41 (3) (intro.) The chief inspector or municipal clerk may order the removal
9 of any individual exercising the right under sub. (1) if that individual commits an
10 overt act which does any of the following:

11 (a) Disrupts the operation of the polling place, clerk's office, or alternate site
12 under s. 6.855; or,

13 (END)