

2013 DRAFTING REQUEST

Bill

Received: 2/6/2013 Received By: tkuczens
Wanted: As time permits Same as LRB:
For: Don Pridemore (608) 267-2367 By/Representing: him
May Contact: Drafter: tkuczens
Subject: Elections - miscellaneous Addl. Drafters:
Extra Copies: JTK

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

Pre Topic:

No specific pre topic given

Topic:

Polling place observers

Instructions:

No specific instructions given

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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| /? | tkuczens 2/7/2013 | evinz 2/7/2013 | jmurphy 2/7/2013 | _____ | | | |
| /P1 | tkuczens 2/11/2013 | evinz 2/12/2013 | rschluet 2/12/2013 | _____ | srose 2/7/2013 | | |
| /P2 | tkuczens | jdyer | phenry | _____ | sbasford | | |

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| /P3 | tkuczens 2/13/2013 | scalvin 2/13/2013 | jfrantze 2/13/2013 | _____ | mbarman 2/13/2013 | | |
| /1 | tkuczens 4/15/2013 | evinz 4/15/2013 | rschluet 4/15/2013 | _____ | mbarman 2/13/2013 | | |
| /2 | | | | _____ | srose 4/15/2013 | srose 5/13/2013 | |

FE Sent For:

*None
Needed*

<END>

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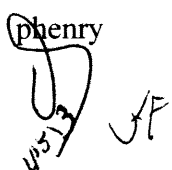
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12 rev 4/15/13

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/P3

*/s sac
02/13/2013*

_____ mbarman
_____ 2/13/2013

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| | | | | Jm + PH 2/7/13 | | | |

FE Sent For:

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2/6/13

Pride more (per lit)

create new election day over draft

- eliminate challenges

- change observation distance to no more than 3 feet



State of Wisconsin
2013 - 2014 LEGISLATURE

-1527/P1



LRB-080771

TKK:eev:jf

RMNR
stays

2013 BILL

2/7/13 Today

regen

1 AN ACT *to renumber and amend* 7.41 (1); *to amend* 6.935, 7.41 (2), 7.41 (3)
 2 (intro.) and (a), 7.41 (4), 7.41 (5), 7.51 (2) (d), 7.52 (4) (d), 54.25 (2) (c) 1. g., 54.25
 3 (2) (c) 4. and 120.06 (13); and *to create* 6.923 and 7.41 (1) (b) of the statutes;
 4 **relating to:** certification of election observers, voter challenges by election
 5 observers, and reporting of challenged ballots.

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.

Current law also permits any U.S. citizen age 18 or older who has resided in an election district or ward in this state for 28 consecutive days before any election to challenge any person offering to vote whom the challenger knows or suspects is not qualified to vote. Currently, the board of canvassers at a polling place and the board of absentee ballot canvassers must keep a written statement on which the number

BILL

of challenged ballots and the reasons why each challenged ballot is challenged is recorded.

This bill requires the municipal clerk to certify any member of the public who completes training as an election official. A person who obtains certification within two years of the date on which the individual seeks to observe an election and the absentee voting process may obtain a badge from the chief inspector at the polling place or from the municipal clerk and may serve as an election observer. The bill requires the chief inspector and the municipal clerk to designate an observation area for election observers wearing a badge that is no more than six feet and no less than three feet from the table at which electors announce their name and address to be issued a voter number and no more than six feet and no less than three feet from the table at which a person may register to vote. The chief inspector or municipal clerk may reasonably limit the number of election observers wearing a badge that may be permitted to serve as an election observer at the same time.

The bill also permits an election observer wearing a badge to challenge any person offering to vote if the election observer observes the person committing a violation of an election law. Finally, the bill requires the local board of canvassers and the board of absentee ballot canvassers to include in the written statement regarding challenged ballots whether the vote of any challenged voter was rejected or received.

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

1 SECTION 1. 6.923 of the statutes is created to read:

2 **6.923 Election observer making challenge.** Any election observer certified

3 and wearing a badge issued under s. 7.41 (1) (b) may challenge for cause any person

4 offering to vote and whom the election observer observes committing a violation of

5 an election law. The election observer shall direct the challenge to the chief inspector

6 or municipal clerk. If a person is challenged under this section, an election official

7 may administer the oath or affirmation to the challenged elector under s. 6.92 and

8 ask the challenged elector the questions under that section which are appropriate to

9 test the elector's qualifications. In addition, one of the inspectors shall administer

10 the following oath or affirmation to the challenging election observer: "You do

11 solemnly swear (or affirm) that you will fully and truly answer all questions put to

card
who present the card issued as provided by the bill

who present a card

BILL

1 you regarding the actions of the challenged person that you believe constitute a
2 violation of the election law"; and shall then ask questions which are appropriate as
3 determined by the board, by rule, to test the qualifications of the challenged elector.

4 SECTION 2. 6.935 of the statutes is amended to read:

5 **6.935 Challenge based on incompetency.** Section 6.03 (3) applies to any
6 challenge of a person's right to vote under s. 6.92, ~~6.923~~, 6.925, 6.93, or 7.52 (5) based
7 on an allegation that an elector is incapable of understanding the objective of the
8 elective process and thereby ineligible to vote.

9 SECTION 3. 7.41 (1) of the statutes is renumbered 7.41 (1) (a) and amended to
10 read:

11 7.41 (1) (a) Any member of the public may be present at any polling place, in
12 the office of any municipal clerk whose office is located in a public building on any
13 day that absentee ballots may be cast in that office, or at an alternate site under s.
14 6.855 on any day that absentee ballots may be cast at that site for the purpose of
15 observation of an election and the absentee ballot voting process, except a candidate
16 whose name appears on the ballot at the polling place or on an absentee ballot to be
17 cast at the clerk's office or alternate site at that election. The chief inspector or
18 municipal clerk may reasonably limit the number of persons representing the same
19 organization who are permitted to observe under this subsection at the same time.
20 Each person permitted to observe under this subsection shall print his or her name
21 in and sign and date a log maintained by the chief inspector or municipal clerk for
22 that polling place, office, or alternate site.

23 SECTION 4. 7.41 (1) (b) of the statutes is created to read:

24 7.41 (1) (b) 1. A municipal clerk shall issue a certificate to any member of the
25 public described under par. (a) who completes the training described under s. 7.315

BILL

SECTION 4

1 (1). Except as provided in subd. 2., a certificate issued under this paragraph
2 authorizes the individual to obtain a badge^{a card} from the chief inspector at any polling
3 place or from the municipal clerk in the office of any municipal clerk whose office is
4 located in a public building on any day that absentee ballots may be cast in that office,
5 or from the municipal clerk at an alternate site under s. 6.855 on any day that
6 absentee ballots may be cast at that site, and to serve as an election observer for the
7 purpose of observation of an election and the absentee ballot voting process. Each
8 election observer shall relinquish his or her badge^{a card} when he or she completes service
9 as an election observer for that day. The chief inspector at any polling place or the
10 municipal clerk may reasonably limit the number of persons certified under this
11 paragraph that may be permitted to serve as an election observer at the same time.

12 2. a. No individual may obtain a badge^{a card} and serve as an election observer under
13 this paragraph unless the individual demonstrates to the satisfaction of the chief
14 inspector or municipal clerk that the individual completed the training required
15 under this paragraph within 2 years of the date on which the person wishes to serve
16 as an election observer.

17 b. No candidate whose name appears on the ballot at the polling place or on an
18 absentee ballot to be cast at the clerk's office or alternate site at that election may
19 obtain a badge^{a card or} to serve as an election observer for that election.

20 SECTION 5. 7.41 (2) of the statutes is amended to read:

21 7.41 (2) The chief inspector or municipal clerk may restrict the location of any
22 individual exercising ~~the~~ a right under sub. (1) to certain areas within a polling place,
23 the clerk's office, or alternate site under s. 6.855. The chief inspector or municipal
24 clerk shall clearly designate ~~such an area as an observation area.~~ Designated
25 observation for election observers who wear a badge^{to} issued under sub. (1) (b). The

present a card

BILL

1 observation areas for election observers ^{g- who present a card} wearing a badge issued under sub. (1) (b)
2 shall be no more than ^{le} 6 feet and no less than 3 feet from the table at which electors
3 announce their name and address to be issued a voter number at the polling place,
4 office, or alternate site and no more than ^{le} 6 feet and no less than 3 feet from the table
5 at which a person may register to vote at the polling place, office, or alternate site.
6 Observation areas for other individuals exercising the right under sub. (1) (a) shall
7 be so positioned to permit any authorized individual to readily observe all public
8 aspects of the voting process.

9 SECTION 6. 7.41 (3) (intro.) and (a) of the statutes are amended to read:

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

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

15 SECTION 7. 7.41 (4) of the statutes is amended to read:

16 7.41 (4) No individual exercising the a right under sub. (1) may view the
17 confidential portion of a registration list maintained under s. 6.36 (4) or a poll list
18 maintained under s. 6.79 (6). However, the inspectors or municipal clerk shall
19 disclose to such an individual, upon request, the existence of such a list, the number
20 of electors whose names appear on the list, and the number of those electors who have
21 voted at any point in the proceedings. No such individual may view the certificate
22 of an absent elector who obtains a confidential listing under s. 6.47 (2).

23 SECTION 8. 7.41 (5) of the statutes is amended to read:

24 7.41 (5) The board may promulgate rules that are consistent with the
25 requirements of sub. (2) regarding the proper conduct of individuals exercising the

BILL

1 a right under sub. (1), including the interaction of those individuals with inspectors
2 and other election officials.

3 **SECTION 9.** 7.51 (2) (d) of the statutes is amended to read:

4 7.51 (2) (d) The inspectors shall keep a written statement, in duplicate, of the
5 number of ballots set aside and the number of defective ballots and challenged
6 ballots. The statement shall contain a record of the reasons for setting aside each
7 ballot and, the reasons why each defective or challenged ballot is defective or
8 challenged, and whether the vote of any challenged elector was rejected or received
9 under s. 6.94. The inspectors shall certify that the statement is correct, sign it, and
10 attach it to the tally sheets.

11 **SECTION 10.** 7.52 (4) (d) of the statutes is amended to read:

12 7.52 (4) (d) The board of absentee ballot canvassers shall keep a written
13 statement, in duplicate, of the number of ballots set aside and the number of
14 defective ballots and challenged ballots. The statement shall contain a record of the
15 reasons for setting aside each ballot and, the reasons why each defective or
16 challenged ballot is defective or challenged, and whether the vote of any challenged
17 elector was rejected or received under s. 6.94. The board of absentee ballot
18 canvassers shall certify that the statement is correct, sign it, and attach it to the tally
19 sheets.

20 **SECTION 11.** 54.25 (2) (c) 1. g. of the statutes is amended to read:

21 54.25 (2) (c) 1. g. The right to register to vote or to vote in an election, if the court
22 finds that the individual is incapable of understanding the objective of the elective
23 process. Also, in accordance with s. 6.03 (3), any elector of a municipality may
24 petition the circuit court for a determination that an individual residing in the
25 municipality is incapable of understanding the objective of the elective process and

BILL

1 thereby ineligible to register to vote or to vote in an election. This determination
2 shall be made by the court in accordance with the procedures specified in this
3 paragraph. If a petition is filed under this subd. 1. g., the finding of the court shall
4 be limited to a determination as to voting eligibility. The appointment of a guardian
5 is not required for an individual whose sole limitation is ineligibility to vote. The
6 determination of the court shall be communicated in writing by the clerk of court to
7 the election official or agency charged under s. 6.48, 6.92, 6.923, 6.925, 6.93, or 7.52
8 (5) with the responsibility for determining challenges to registration and voting that
9 may be directed against that elector. The determination may be reviewed as
10 provided in s. 54.64 (2) and any subsequent determination of the court shall be
11 likewise communicated by the clerk of court.

12 **SECTION 12.** 54.25 (2) (c) 4. of the statutes is amended to read:

13 54.25 (2) (c) 4. Regardless of whether a guardian is appointed, a court may
14 declare that an individual is not competent to exercise the right to register to vote
15 or to vote in an election if it finds by clear and convincing evidence that the individual
16 is incapable of understanding the objective of the elective process. If the petition for
17 a declaration of incompetence to vote is not part of a petition for guardianship, the
18 same procedures shall apply as would apply for a petition for guardianship. The
19 determination of the court shall be communicated in writing by the clerk of court to
20 the election official or agency charged under s. 6.48, 6.92, 6.923, 6.925, or 6.93 with
21 the responsibility for determining challenges to registration and voting that may be
22 directed against that elector. The determination may be reviewed as provided in s.
23 54.64 (2) (a) and (c) and any subsequent determination of the court shall be likewise
24 communicated by the clerk of court.

25 **SECTION 13.** 120.06 (13) of the statutes is amended to read:



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1527/DP2

TKK:eev:jm

stays

AMR
insert

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2/12/13

sun

regen

1 AN ACT *to renumber and amend* 7.41 (1); *to amend* 7.41 (2), 7.41 (3) (intro.)
2 and (a), 7.41 (4) and 7.41 (5); and *to create* 7.41 (1) (b) of the statutes; **relating**
3 **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 municipal clerk to certify any member of the public who completes training as an election official. A person who obtains certification within two years of the date on which the individual seeks to observe an election and the absentee voting process may obtain a card from the chief inspector at the polling place or from the municipal clerk and may serve as an election observer. The bill requires the chief inspector and the municipal clerk to designate an observation area for election observers who present the card issued as provided by the bill that is no more than three feet from the table at which electors announce their name and address to be issued a voter number and no more than three feet from the table at

also

Insert sentence from p02

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Bo 10

which a person may register to vote. The chief inspector or municipal clerk may reasonably limit the number of election observers who present a card that may be permitted to serve as an election observer at the same time.

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 renumbered 7.41 (1) (a) and amended to
2 read:

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

15 **SECTION 2.** 7.41 (1) (b) of the statutes is created to read:

16 7.41 (1) (b) 1. A municipal clerk shall issue a certificate to any member of the
17 public described under par. (a) who completes the training described under s. 7.315
18 (1). Except as provided in subd. 2., a certificate issued under this paragraph
19 authorizes the individual to obtain a card from the chief inspector at any polling place
20 or from the municipal clerk in the office of any municipal clerk whose office is located

1 in a public building on any day that absentee ballots may be cast in that office, or from
2 the municipal clerk at an alternate site under s. 6.855 on any day that absentee
3 ballots may be cast at that site, and to serve as an election observer for the purpose
4 of observation of an election and the absentee ballot voting process. Each election
5 observer shall relinquish his or her card when he or she completes service as an
6 election observer for that day. The chief inspector at any polling place or the
7 municipal clerk may reasonably limit the number of persons certified under this
8 paragraph that may be permitted to serve as an election observer at the same time.

9 2. a. No individual may obtain a card and serve as an election observer under
10 this paragraph unless the individual demonstrates to the satisfaction of the chief
11 inspector or municipal clerk that the individual completed the training required
12 under this paragraph within 2 years of the date on which the person wishes to serve
13 as an election observer.

14 b. No candidate whose name appears on the ballot at the polling place or on an
15 absentee ballot to be cast at the clerk's office or alternate site at that election may
16 obtain a card or serve as an election observer for that election.

17 **SECTION 3.** 7.41 (2) of the statutes is amended to read:

18 7.41 (2) The chief inspector or municipal clerk may restrict the location of any
19 individual exercising ~~the a~~ right under sub. (1) to certain areas within a polling place,
20 the clerk's office, or alternate site under s. 6.855. The chief inspector or municipal
21 clerk shall clearly designate ~~such an area as an observation area.~~ Designated
22 observation for election observers who present a card issued under sub. (1) (b). The
23 observation areas for election observers who present a card issued under sub. (1) (b)
24 shall be no more than 3 feet from the table at which electors announce their name
25 and address to be issued a voter number at the polling place, office, or alternate site

1 and no more than 3 feet from the table at which a person may register to vote at the
2 polling place, office, or alternate site. Observation areas for other individuals
3 exercising the right under sub. (1) (a) shall be so positioned to permit any authorized
4 individual to readily observe all public aspects of the voting process.

5 **SECTION 4.** 7.41 (3) (intro.) and (a) of the statutes are amended to read:

6 7.41 (3) (intro.) The chief inspector or municipal clerk may order the removal
7 of any individual exercising the a right under sub. (1) if that individual commits an
8 overt act which does any of the following:

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

11 **SECTION 5.** 7.41 (4) of the statutes is amended to read:

12 7.41 (4) No individual exercising the a right under sub. (1) may view the
13 confidential portion of a registration list maintained under s. 6.36 (4) or a poll list
14 maintained under s. 6.79 (6). However, the inspectors or municipal clerk shall
15 disclose to such an individual, upon request, the existence of such a list, the number
16 of electors whose names appear on the list, and the number of those electors who have
17 voted at any point in the proceedings. No such individual may view the certificate
18 of an absent elector who obtains a confidential listing under s. 6.47 (2).

19 **SECTION 6.** 7.41 (5) of the statutes is amended to read:

20 7.41 (5) The board may promulgate rules that are consistent with the
21 requirements of sub. (2) regarding the proper conduct of individuals exercising the
22 a right under sub. (1), including the interaction of those individuals with inspectors
23 and other election officials.

24

(END)

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1527/P1ins
TKK:eev;jm

INSERT 3-17

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

2 7.41 (2) The chief inspector or municipal clerk may restrict the location of any
3 individual exercising ~~the a~~ right under sub. (1) to certain areas within a polling place,
4 the clerk's office, or alternate site under s. 6.855. The chief inspector or municipal
5 clerk shall clearly designate ~~such an area as an~~ observation area. ~~Designated~~
6 ~~observation~~ areas for election observers under sub. (1). The observation areas shall
7 be no more than 3 feet from the table at which electors announce their name and
8 address to be issued a voter number at the polling place, office, or alternate site and
9 no more than 3 feet from the table at which a person may register to vote at the
10 polling place, office, or alternate site and shall be so positioned to permit any
11 ~~authorized individual~~ election observer to readily observe all public aspects of the
12 voting process.

History: 1989 a. 192; 1999 a. 49; 1999 a. 150 s. 672; 1999 a. 182; 2001 a. 39, 109; 2005 a. 451.

Kuczenski, Tracy

From: Pusch, Liz
Sent: Monday, February 11, 2013 9:57 AM
To: Kuczenski, Tracy
Subject: Irb 1527/P1

Good Morning Tracy,

I have another change to make to this preliminary draft.

Rep. Pridemore did not want to limit the designated observing area to only certified observers. This area should be open to all observers.

Let me know if you have any questions!

Thanks!

Liz Pusch
Office of Rep. Don Pridemore
608-267-2367
Liz.Pusch@legis.wi.gov

Kuczenski, Tracy

From: Pusch, Liz
Sent: Tuesday, February 12, 2013 2:46 PM
To: Kuczenski, Tracy
Subject: lrb 1527/P2

Hi Tracy,

As we discussed, please remove any reference to poll observer training. Keep the 3 ft requirements as well as the requirement to sign and date the log (lines 12-14).

Again, thank you for your help and for all the changes☺

Enjoy the rest of your day!

Liz Pusch
Office of Rep. Don Pridemore
608-267-2367
Liz.Pusch@legis.wi.gov



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1527/PZ
TKK:eev:rs

P3
L + jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2/12/13
wanted 2/13/13

PWFV

Regen

✓

1 **AN ACT to renumber and amend 7.41 (1); to amend 7.41 (2), 7.41 (3) (intro.)**
2 **and (a), 7.41 (4) and 7.41 (5); and to create 7.41 (1) (b) of the statutes; relating**
3 **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.

6 This bill requires the municipal clerk to certify any member of the public who completes training as an election official. A person who obtains certification within two years of the date on which the individual seeks to observe an election and the absentee voting process may obtain a card from the chief inspector at the polling place or from the municipal clerk and may serve as an election observer. The chief inspector or municipal clerk may reasonably limit the number of election observers who present a card that may be permitted to serve as an election observer at the same time. The bill also requires the chief inspector and the municipal clerk to designate an observation area for election observers that is no more than three feet from the

NO
The bill also requires each election observer to print his or her name and sign and date a log maintained for the polling place.

table at which electors announce their name and address to be issued a voter number and no more than three feet from the table at which a person may register to vote.

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

1 Fix Component SECTION 1. 7.41 (1) of the statutes is renumbered 7.41 (1)(a) and amended to
2 read:

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

15 SECTION 2. 7.41 (1) (b) of the statutes is created to read:

16 7.41 (1) (b) 1. A municipal clerk shall issue a certificate to any member of the
17 public described under par. (a) who completes the training described under s. 7.315
18 (1). Except as provided in subd. 2., a certificate issued under this paragraph
19 authorizes the individual to obtain a card from the chief inspector at any polling place
20 or from the municipal clerk in the office of any municipal clerk whose office is located
21 in a public building on any day that absentee ballots may be cast in that office, or from

6
1 the municipal clerk at an alternate site under s. 6.855 on any day that absentee
2 ballots may be cast at that site, and to serve as an election observer for the purpose
3 of observation of an election and the absentee ballot voting process. Each election
4 observer shall relinquish his or her card when he or she completes service as an
5 election observer for that day. The chief inspector at any polling place or the
6 municipal clerk may reasonably limit the number of persons certified under this
7 paragraph that may be permitted to serve as an election observer at the same time.

8 2. a. No individual may obtain a card and serve as an election observer under
9 this paragraph unless the individual demonstrates to the satisfaction of the chief
10 inspector or municipal clerk that the individual completed the training required
11 under this paragraph within 2 years of the date on which the person wishes to serve
12 as an election observer.

13 b. No candidate whose name appears on the ballot at the polling place or on an
14 absentee ballot to be cast at the clerk's office or alternate site at that election may
15 obtain a card or serve as an election observer for that election.

16 **SECTION 3.** 7.41 (2) of the statutes is amended to read:

17 7.41 (2) The chief inspector or municipal clerk may restrict the location of any
18 individual exercising ~~the~~ ^{the ← plain} right under sub. (1) to certain areas within a polling place,
19 the clerk's office, or alternate site under s. 6.855. The chief inspector or municipal
20 clerk shall clearly designate ~~such an area as an observation area.~~ Designated
21 observation areas for election observers under sub. (1). The observation areas shall
22 be no more than 3 feet from the table at which electors announce their name and
23 address to be issued a voter number at the polling place, office, or alternate site and
24 no more than 3 feet from the table at which a person may register to vote at the
25 polling place, office, or alternate site (and) shall be so positioned to permit any

③ The observation areas ✓

1 authorized individual election observer to readily observe all public aspects of the
2 voting process.

3 SECTION 4. 7.41 (3) (intro.) and (a) of the statutes are amended to read:

4 7.41 (3) (intro.) The chief inspector or municipal clerk may order the removal
5 of any individual exercising ^{a the ← plain ✓} the a right under sub. (1) if that individual commits an
6 overt act which does any of the following:

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

9 SECTION 5. 7.41 (4) of the statutes is amended to read:

10 7.41 (4) No individual exercising the a right under sub. (1) may view the
11 confidential portion of a registration list maintained under s. 6.36 (4) or a poll list
12 maintained under s. 6.79 (6). However, the inspectors or municipal clerk shall
13 disclose to such an individual, upon request, the existence of such a list, the number
14 of electors whose names appear on the list, and the number of those electors who have
15 voted at any point in the proceedings. No such individual may view the certificate
16 of an absent elector who obtains a confidential listing under s. 6.47 (2).

17 SECTION 6. 7.41 (5) of the statutes is amended to read:

18 7.41 (5) The board may promulgate rules that are consistent with the
19 requirements of sub. (2) regarding the proper conduct of individuals exercising the
20 a right under sub. (1), including the interaction of those individuals with inspectors
21 and other election officials.

Barman, Mike

From: LRB.Legal
Sent: Wednesday, February 13, 2013 11:59 AM
To: Kuczenski, Tracy
Subject: FW: Draft review: LRB -1527/P3 Topic: Polling place observers

Looks like they want it to go to a "/1" ... Thanks

MB

From: Rep.Pridemore
Sent: Wednesday, February 13, 2013 11:53 AM
To: LRB.Legal
Subject: RE: Draft review: LRB -1527/P3 Topic: Polling place observers

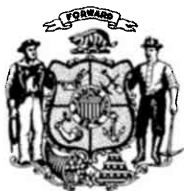
Looks good!
Can you turn this into a draft for introduction?

Thanks again for all the changes☺

Liz

From: LRB.Legal
Sent: Wednesday, February 13, 2013 8:48 AM
To: Rep.Pridemore
Subject: Draft review: LRB -1527/P3 Topic: Polling place observers

Following is the PDF version of draft LRB -1527/P3.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1527/D8
TKK.eev&jld:ph

RM12

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2/13/13

No changes

-gen cat

- 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 no more than three feet from the table at which electors announce their name and address to be issued a voter number and no more than three feet from the table at which a person may register to vote. The bill 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 no more than 3 feet from the table at which electors announce their name and
21 address to be issued a voter number at the polling place, office, or alternate site and
22 no more than 3 feet from the table at which a person may register to vote at the
23 polling place, office, or alternate site. The observation areas shall be so positioned
24 to permit any authorized individual election observer to readily observe all public
25 aspects of the voting process.

Kuczenski, Tracy

From: Kuesel, Jeffery
Sent: Wednesday, March 27, 2013 3:17 PM
To: Kuczenski, Tracy
Subject: LRB-1527 (Election observers) (Pridemore) - small change

Tracy,

Liz Pusch from Rep. Pridemore's office called and said he wants to make a small change to the above draft. He wants to say that the observation must either be within 3 feet of the table or, at the discretion of the chief inspector, the observers may be provided with a seat at the table (as long as confidential information is not observed). She will call to check with you within a day or two after you return and get a chance to catch your breath.

Jeff



Stays RAMP

2013 BILL

4/15/13

1 AN ACT ^{regen} 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 no more than three feet ^{within} from the table at which electors announce their name and address to be issued a voter number and no more than three feet ^{of} from the table at which a person may register to vote. (The bill 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:

Under the bill, the chief inspector ^{of} municipal clerk may permit an election observer to sit at either table, provided the observer is not permitted to observe confidential information.

BILL

SECTION 1

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 no more than ^{a within a of} 3 feet from the table at which electors announce their name and
21 address to be issued a voter number at the polling place, office, or alternate site and
22 no more than ^{a within a of} 3 feet from the table at which a person may register to vote at the
23 polling place, office, or alternate site. The observation areas shall be so positioned
24 to permit any authorized individual election observer to readily observe all public
25 aspects of the voting process.

The chief inspector or municipal clerk may permit an election observer to sit at either of the tables, provided the election observer is not permitted to observe confidential information.

Rose, Stefanie

From: Pusch, Liz
Sent: Monday, May 13, 2013 11:53 AM
To: LRB.Legal
Subject: Draft Review: LRB -1527/2 Topic: Polling place observers

Could I have this ready by later today or Tuesday a.m.?

Thank you!

Liz Pusch
Office of Rep. Don Pridemore
608-267-2367
Liz.Pusch@legis.wi.gov

Please Jacket LRB -1527/2 for the ASSEMBLY.