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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2021 Senate Bill 210**

**Senate Amendment 1**

### 2021 SENATE BILL 210

Senate Bill 210 makes several changes related to election observers. Under current law, observation areas for election observers must be between 3 feet and 8 feet from the tables at which certain voting activities occur. The bill changes the distance so that observation areas must be not more than 3 feet from these tables. Additionally, the bill requires that observers receive uniform and nondiscriminatory access to all stages of the election process.

The bill requires all observers to wear a badge bearing the individual's name and the organization, if any, that the individual is representing. Observers are prohibited from wearing campaign material advocating voting for or against a candidate or position on a ballot question. An observer who wears this type of campaign material may be expelled by the clerk, chief inspector, or board of canvassers.

Finally, the bill creates two new election-related offenses. The bill makes the wearing of prohibited campaign material by an election observer, if it occurred more than once, disorderly conduct punishable as a Class B misdemeanor. The bill also makes it a forfeiture offense for an election observer to interfere with a voter in preparing or casting his or her ballot, or to hinder or prevent an election official from performing his or her duties.

### SENATE AMENDMENT 1

Senate Amendment 1 retains current law requiring observation areas to be between 3 feet and 8 feet from tables at which certain activities occur, but requires observation areas to be nearer for recount activities. Specifically, the amendment requires boards of canvass to establish observation areas no more than 3 feet from tables where ballots and other election-related materials are being examined and processed during a recount.

The amendment also requires an observer to wear a badge bearing the individual's first initial and last name, rather than the individual's name and organization. The amendment specifies that the prohibition on observers wearing campaign material advocating for or against a candidate or ballot question does not apply to a tag or badge worn by a recount observer that includes a candidate's campaign logo or the name of the organization the observer represents.

Senate Amendment 1 eliminates the disorderly conduct crime for observers who wear prohibited campaign material more than once, but creates a new elections crime applicable to election officials. Under the amendment, an election official who intentionally obstructs an observer's access to observe election procedures commits an unclassified misdemeanor punishable by imprisonment of six months or less, a fine of \$1,000 or less, or both.

## **BILL HISTORY**

Senate Amendment 1 was offered by Senator Darling on April 12, 2021. On April 13, 2021, the Senate Committee on Elections, Election Process Reform, and Ethics recommended adoption of the amendment and passage of the bill, as amended, on votes of Ayes, 3; Noes, 2.

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