



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBa1363/1
MPG:wlj

**ASSEMBLY AMENDMENT 4,
TO ASSEMBLY BILL 203**

February 20, 2020 - Offered by Representatives SPREITZER, HEBL, HESSELBEIN,
SUBECK, POPE, BILLINGS, OHNSTAD, DOYLE, BROSTOFF and ZAMARRIPA.

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

2 **1.** Page 1, line 5: delete “ballot” and substitute “ballot, early canvassing of
3 absentee ballots,”.

4 **2.** Page 2, line 5: delete “either at the polling place or at a central counting
5 location,” and substitute “~~either at the polling place or at a central counting~~
6 ~~location,~~”.

7 **3.** Page 2, line 6: delete “election” and substitute “~~election~~”.

8 **4.** Page 2, line 7: after “utilized” insert “in an election”.

9 **5.** Page 4, line 5: after that line insert:

10 “**SECTION 3g.** 5.86 (1) of the statutes is amended to read:

11 5.86 (1) All proceedings at each central counting location shall be under the
12 direction of the municipal clerk or an election official designated by the clerk unless

1 the central counting location is at the county seat ~~and the municipal clerk delegates~~
2 ~~the responsibility to supervise the location to the county clerk~~, in which case the
3 proceedings shall be under the direction of the county clerk or an election official
4 designated by the county clerk. If for any municipality the central counting location
5 is at the county seat and the municipality authorizes or elects the early canvassing
6 of absentee ballots under s. 7.525, the county clerk or the county clerk's designee
7 shall begin the proceedings for that municipality on the day before the election
8 consistent with that section. Unless election officials are selected under s. 7.30 (4)
9 (c) without regard to party affiliation, the employees at each central counting
10 location, other than any specially trained technicians who are required for the
11 operation of the automatic tabulating equipment, shall be equally divided between
12 members of the 2 major political parties under s. 7.30 (2) (a) and all duties performed
13 by the employees shall be by teams consisting of an equal number of members of each
14 political party whenever sufficient persons from each party are available.

15 **SECTION 3r.** 6.15 (4) (b) of the statutes is amended to read:

16 6.15 (4) (b) During polling hours, or between 7 a.m. and 8 p.m. on the day before
17 the election if authorized or elected for that election under s. 7.525, the inspectors
18 shall open each carrier envelope, announce the elector's name, check the affidavit for
19 proper execution, and check the voting qualifications for the ward, if any. In
20 municipalities where absentee ballots are canvassed under s. 7.52, the municipal
21 board of absentee ballot canvassers shall perform this function at a meeting of the
22 board of absentee ballot canvassers.”.

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

24 “**SECTION 7e.** 6.86 (1) (b) of the statutes is amended to read:

1 6.86 (1) (b) Except as provided in this section, if application is made by mail,
2 the application shall be received no later than 5 p.m. on the 5th day immediately
3 preceding the election. If application is made in person, the application shall be
4 made no earlier than 14 days preceding the election and no later than the Sunday
5 preceding the election. No application may be received on a legal holiday. A
6 municipality shall specify the hours in the notice under s. 10.01 (2) (e). The
7 municipal clerk or an election official shall witness the certificate for any in-person
8 absentee ballot cast. Except as provided in par. (c), if the elector is making written
9 application for an absentee ballot at the partisan primary, the general election, the
10 presidential preference primary, or a special election for national office, and the
11 application indicates that the elector is a military elector, as defined in s. 6.34 (1), the
12 application shall be received by the municipal clerk no later than 5 p.m. on election
13 day. If the application indicates that the reason for requesting an absentee ballot is
14 that the elector is a sequestered juror, the application shall be received no later than
15 5 p.m. on election day. If the application is received after 5 p.m. on the Friday
16 immediately preceding the election, the municipal clerk or the clerk's agent shall
17 immediately take the ballot to the court in which the elector is serving as a juror and
18 deposit it with the judge. The judge shall recess court, as soon as convenient, and
19 give the elector the ballot. The judge shall then witness the voting procedure as
20 provided in s. 6.87 and shall deliver the ballot to the clerk or agent of the clerk who
21 shall deliver it to the ~~polling place~~ election inspectors of the proper ward or election
22 district or, in municipalities where absentee ballots are canvassed under s. 7.52, to
23 the municipal clerk as required in s. 6.88. If application is made under sub. (2) or
24 (2m), the application may be received no later than 5 p.m. on the Friday immediately
25 preceding the election.

1 **SECTION 7m.** 6.87 (6) of the statutes is amended to read:

2 6.87 (6) The ballot shall be returned so it is delivered to the polling place
3 election inspectors of the proper ward or election district no later than 8 p.m. on
4 election day. Except in municipalities where absentee ballots are canvassed under
5 s. 7.52, if the municipal clerk receives an absentee ballot on election day, the clerk
6 shall secure the ballot and cause the ballot to be delivered to the polling place serving
7 the elector's residence before 8 p.m. Any ballot not mailed or delivered as provided
8 in this subsection may not be counted.

9 **SECTION 7s.** 6.88 (1) of the statutes is amended to read:

10 6.88 (1) When an absentee ballot arrives at the office of the municipal clerk,
11 or at an alternate site under s. 6.855, if applicable, the clerk shall enclose it,
12 unopened, in a carrier envelope which shall be securely sealed and endorsed with the
13 name and official title of the clerk, and the words "This envelope contains the ballot
14 of an absent elector and must be opened ~~in the same room where votes are being cast~~
15 ~~at the polls during polling hours on election day or, in municipalities where absentee~~
16 ~~ballots are canvassed under s. 7.52, stats., at a meeting of the municipal board of~~
17 ~~absentee ballot canvassers under s. 7.52, stats~~ only as provided by law." If the elector
18 is a military elector, as defined in s. 6.34 (1), or an overseas elector, regardless of
19 whether the elector qualifies as a resident of this state under s. 6.10, and the ballot
20 was received by the elector by facsimile transmission or electronic mail and is
21 accompanied by a separate certificate, the clerk shall enclose the ballot in a
22 certificate envelope and securely append the completed certificate to the outside of
23 the envelope before enclosing the ballot in the carrier envelope. The clerk shall keep
24 the ballot in the clerk's office or at the alternate site, if applicable until delivered, as
25 required in sub. (2).

1 **SECTION 7v.** 6.88 (3) (a) of the statutes is amended to read:

2 6.88 (3) (a) Except in municipalities where absentee ballots are canvassed
3 under s. 7.52, at any time between the opening and closing of the polls on election day,
4 or between 7 a.m. and 8 p.m. on the day before the election if authorized or elected
5 for that election under s. 7.525, the inspectors shall, in the same room where votes
6 are being cast, or in the place where absentee ballots begin being canvassed early
7 under s. 7.525, in such a manner that members of the public can hear and see the
8 procedures, open the carrier envelope only, and announce the name of the absent
9 elector or the identification serial number of the absent elector if the elector has a
10 confidential listing under s. 6.47 (2). When the inspectors find that the certification
11 has been properly executed, the applicant is a qualified elector of the ward or election
12 district, and the applicant has not voted in the election, they shall enter an indication
13 on the poll list next to the applicant's name indicating an absentee ballot is cast by
14 the elector. They shall then open the envelope containing the ballot in a manner so
15 as not to deface or destroy the certification thereon. The inspectors shall take out the
16 ballot without unfolding it or permitting it to be unfolded or examined. Unless the
17 ballot is cast under s. 6.95, the inspectors shall verify that the ballot has been
18 endorsed by the issuing clerk. If the poll list indicates that proof of residence under
19 s. 6.34 is required and proof of residence is enclosed, the inspectors shall enter both
20 the type of identifying document submitted by the absent elector and the name of the
21 entity or institution that issued the identifying document on the poll list in the space
22 provided. If the poll list indicates that proof of residence under s. 6.34 is required and
23 no proof of residence is enclosed or the name or address on the document that is
24 provided is not the same as the name and address shown on the poll list, the
25 inspectors shall proceed as provided under s. 6.97 (2). The inspectors shall then

1 deposit the ballot into the proper ballot box and enter the absent elector's name or
2 voting number after his or her name on the poll list in the same manner as if the
3 elector had been present and voted in person.”.

4 **7.** Page 6, line 1: after “(b),” insert “at a location where the early canvassing
5 of absentee ballots is being conducted under s. 7.525,”.

6 **8.** Page 14, line 13: after that line insert:

7 **“SECTION 15m.** 7.52 (1) (a) of the statutes is amended to read:

8 7.52 (1) (a) The governing body of any municipality may provide by ordinance
9 that, in lieu of canvassing absentee ballots at polling places under s. 6.88, the
10 municipal board of absentee ballot canvassers designated under s. 7.53 (2m) shall,
11 at each election held in the municipality, canvass all absentee ballots received by the
12 municipal clerk by 8 p.m. on election day. Prior to enacting an ordinance under this
13 subsection, the municipal clerk or board of election commissioners of the
14 municipality shall notify the elections commission in writing of the proposed
15 enactment and shall consult with the elections commission concerning
16 administration of this section. At every election held in the municipality following
17 enactment of an ordinance under this subsection, the board of absentee ballot
18 canvassers shall, any time after the opening of the polls, or between 7 a.m. and 8 p.m.
19 on the day before the election if authorized or elected for that election under s. 7.525,
20 and before 10 p.m. on election day, publicly convene to count the absentee ballots for
21 the municipality. The municipal clerk shall give at least 48 hours' notice of any
22 meeting under this subsection. Any member of the public has the same right of
23 access to a meeting of the municipal board of absentee ballot canvassers under this
24 subsection that the individual would have under s. 7.41 to observe the proceedings

1 at a polling place. The board of absentee ballot canvassers may order the removal
2 of any individual exercising the right to observe the proceedings if the individual
3 disrupts the meeting.”.

4 **9.** Page 15, line 7: after that line insert:

5 “**SECTION 16e.** 7.52 (10) of the statutes is created to read:

6 7.52 (10) If, subject to s. 7.525, absentee ballots begin being canvassed under
7 this section on the day before the election, no action under subs. (4) to (8) may be
8 performed before election day.

9 **SECTION 16m.** 7.525 of the statutes is created to read:

10 **7.525 Early canvassing of absentee ballots. (1) ORDINANCE AUTHORIZING**
11 **EARLY CANVASSING; REQUIREMENTS.** (a) 1. The governing body of any municipality that
12 uses automatic tabulating equipment to process absentee ballots may provide by
13 ordinance that absentee ballots received by the municipal clerk may begin being
14 canvassed on the day before the election. Unless the ordinance provides otherwise,
15 the municipal clerk or municipal board of election commissioners may elect to begin
16 canvassing ballots early under this section in any election.

17 2. Prior to enacting an ordinance under subd. 1., the municipal clerk or
18 municipal board of election commissioners shall notify the elections commission in
19 writing of the proposed enactment and shall consult with the elections commission
20 concerning administration of this section. No ordinance under subd. 1. may take
21 effect unless approved by the elections commission.

22 (b) Ballots may be canvassed early under this section only between 7 a.m. and
23 8 p.m. on the day before the election and may not be tallied until after the polls close
24 on election day.

1 (c) Any member of the public has the same right of access to a place where
2 absentee ballots are being canvassed early under this section that the individual
3 would have under s. 7.41 to observe the proceedings at a polling place.

4 (d) When not in use, automatic tabulating equipment used for purposes of this
5 section and the areas where the programmed media, memory devices, and ballots are
6 housed shall be secured with tamper-evident security seals in a double-lock location
7 such as a locked cabinet inside a locked office.

8 (e) No person may act in any manner that would give him or her the ability to
9 know or to provide information on the accumulating or final results from the ballots
10 canvassed early under this section before the close of the polls on election day. A
11 person who violates this paragraph is guilty of a Class I felony.

12 **(2) NOTICE REQUIREMENTS.** Absentee ballots may not begin being canvassed
13 early under this section for any election unless all of the following apply:

14 (a) At least 70 days before the election the municipal clerk or executive director
15 of the municipal board of election commissioners notifies in writing the county clerk
16 or executive director of the county board of election commissioners that early
17 canvassing of absentee ballots will take place in the election.

18 (b) The notice under s. 10.01 (2) (e) specifies the date and time during which,
19 and each location where, the early canvassing of absentee ballots will be conducted.

20 **SECTION 16p. Initial applicability.**

21 (1) This act first applies to the August 11, 2020, primary election.”.

22 (END)