



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2013 Assembly Bill 396	Senate Amendment 1
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2013 Assembly bill 396 modifies the procedure for absentee voting using special voting deputies (SVDs).

Current Law

Under current law, residents of nursing homes, adult family homes, community-based residential facilities, residential care apartment complexes, and retirement homes can vote by absentee ballot using a procedure involving SVDs. This procedure is required for nursing homes, but, for the other facilities, the municipal clerk, using criteria in current law, determines whether this procedure will be used.

Assembly Bill 396, as Amended by the Assembly

Assembly Bill 396, as amended by Assembly Substitute Amendment 1, provides that the SVD process is required for adult family homes, community-based residential facilities, and residential care apartment complexes. The bill retains the requirement for nursing homes and retains the option for retirement homes. However, the bill provides that the SVD process need not be used unless there are at least five registered electors of the municipality who are occupants of the facility.

In addition, the bill requires a municipal clerk to give notice of the SVD visit at least five working days prior to the visit. The notice must be posted on the Internet, unless the municipality does not maintain an Internet site.

The bill also provides that if SVDs are used in a facility, the SVD process is the exclusive means of absentee voting in person inside that facility for occupants of the facility. As an alternative to the SVD process, an occupant of a facility may vote in person at the polling place, in person at the clerk's

office, or, if the elector maintains a residence outside the facility, by absentee ballot by mail for that residence.

Further, the bill requires that a clerk obtain the names and addresses of the occupants of a retirement home where SVDs are not used if that retirement home is on the same grounds as a facility where SVDs are used.

Lastly, the bill provides that SVDs may not accept an absentee ballot submitted by an elector whose ballot was not issued by the SVDs. Upon the completion of voting each day, the SVDs must seal the absentee ballot envelopes inside a carrier envelope and seal the envelope, signing their names to the seal. The envelope is placed inside a ballot bag or container. When the SVDs have completed all visits, they must deliver the ballot bag or container to the clerk as expeditiously as possible but no later than noon on Election Day.

Senate Amendment 1

Senate Amendment 1 makes Assembly Bill 396 consistent with the substitute amendment to the Senate companion bill, Senate Bill 297. Senate Amendment 1 makes changes related to the deadline for SVDs to deliver voted ballots to the clerk, verification of names and addresses of residents in facilities that share grounds with retirement homes, and the effective date of the bill.

Specifically, Senate Amendment 1 requires SVDs to deliver ballot bags or containers of voted absentee ballots to the clerk as soon as possible after a visiting facility, but not later than 18 hours after the visit, rather than requiring delivery of ballots to the clerk by noon on Election Day.

The amendment also requires that when a retirement home that is **not** served by SVDs is on the same grounds as a facility that **is** served by SVDs, then the clerk must obtain the names and addresses of the retirement home occupants and provide them to the SVDs to verify which residents are eligible to cast their ballots with the SVDs.

Further, the amendment provides that the act first applies to elections held after May 1, 2014, rather than elections held at least 60 days after the act becomes effective.

Bill History

The Assembly adopted Assembly Substitute Amendment 1 on a voice vote and passed the bill, as amended, on a vote of Ayes, 54; Noes, 39, on November 14, 2013.

Senate Amendment 1 was offered by Senators Grothman and Lazich on January 21, 2014. On February 12, 2014, the Senate Committee on Elections and Urban Affairs recommended adoption of the amendment on a vote of Ayes, 5; Noes, 0. The committee then voted to recommend concurrence in Assembly Bill 396, as amended, on a vote of Ayes, 3; Noes, 2.