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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2021 Senate Bill 212**

**Senate Amendment 1**

### 2021 SENATE BILL 212

Senate Bill 212 relates to absentee ballots that have incomplete certificates and election violations committed by election officials. Under current law, a clerk who receives an absentee ballot with a missing or improperly completed certificate “may” return the ballot to the voter, if time permits the voter to correct the defect and return the ballot by Election Day. The bill **requires** a clerk to return any absentee ballot with an incomplete or missing certificate, and requires the clerk to post notice of the defect on the voter’s information page on the MyVote System. The MyVote System is the internet site maintained by the Wisconsin Elections Commission through which a voter may register, request an absentee ballot, or receive other information specific to the voter. The bill also explicitly prohibits a clerk from correcting a defect in an absentee ballot certificate, a practice sometimes referred to as “curing.”

Senate Bill 212 also creates three new elections-related crimes for election officials and punishes them as Class I felonies. Under the bill, an elections official (e.g., poll workers and clerks) cannot intentionally do any of the following: (a) assist or cause the casting or counting of a vote or receipt of a registration that is invalid for any reason; (b) assist or cause the rejection of or failure to count a valid vote or the rejection of a valid registration; or (c) fail to promptly report a violation by another election official to the Wisconsin Elections Commission and the District Attorney.

### SENATE AMENDMENT 1

Senate Amendment 1 maintains current law stating that a clerk “may” return an absentee ballot with a defective certificate, rather than requiring return of these ballots. However, the clerk must post a notice of any defect in a voter’s certificate on the voter’s MyVote information page. The amendment provides that the clerk may also attempt to notify the voter of the defect by other means, in addition to posting on the internet site.

The amendment also makes “curing” of absentee ballots a misdemeanor crime. Specifically, the amendment provides that no person other than the voter, or a witness with respect to the witness certificate, may correct a defect in the voter’s absentee ballot certificate. A violation is punishable as a Class C misdemeanor.

Finally, the amendment prohibits counting absentee ballots that are missing particular pieces of information. An absentee ballot with no certificate, or with a certificate that does not include the following information, may not be counted: the voter’s printed first and last name; the voter’s house or apartment number; the voter’s street name; the voter’s municipality; the voter’s signature; the witness’s printed first and last name; the witness’s house or apartment number; the witness’s street name; the witness’s municipality; and the witness’s signature.

## **BILL HISTORY**

Senate Amendment 1 was offered by Senator Darling on May 7, 2021, and was adopted by the full Senate on May 11, 2021. The Senate then passed the bill, as amended, on a vote of Ayes, 20; Noes, 13.

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