



2021 SENATE BILL 205

March 16, 2021 - Introduced by Senators STROEBEL, DARLING, ROTH, MARKLEIN, WANGGAARD, NASS, BALLWEG and FELZKOWSKI, cosponsored by Representatives DUCHOW, SKOWRONSKI, MAGNAFICI, EDMING, STEFFEN, KERKMAN, SPIROS, KRUG, BROOKS, LOUDENBECK, GUNDRUM, MURPHY, WICHGERS and KNODL. Referred to Committee on Elections, Election Process Reform and Ethics.

1 **AN ACT** *to amend* 6.875 (6) (c) 2. and 12.60 (1) (a); and *to create* 12.13 (3m) of
2 the statutes; **relating to:** absentee voting in certain residential care facilities
3 and retirement homes and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a municipal clerk is required, under certain circumstances, to dispatch special voting deputies to a residential care facility or qualified retirement home so that the occupants of the facility or home may cast an absentee ballot in person with the special voting deputies rather than vote in person at the appropriate polling place or request and complete an absentee ballot by mail. Under current law, a retirement home is a facility occupied as a primary residence by 10 or more unrelated individuals. A qualified retirement home is a retirement home that has a significant number of occupants who lack adequate transportation to the polling place, need assistance in voting, are aged 60 or over, or are indefinitely confined.

Under current law, the special voting deputies must arrange with the administrator of the qualified retirement home or residential care facility one or more convenient times to visit the home or facility. The administrator of the home or facility may, upon the request of a relative of an occupant of the home or facility notify the relative of the time or times at which special voting deputies will conduct absentee voting at the home or facility.

This bill requires the administrator to provide notice of the dates and times when the deputies will be visiting the home or facility to the relatives for whom the

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home or facility has contact information for each occupant who intends to vote by absentee ballot with the special voting deputies.

The bill also provides that an employee of a qualified retirement home or residential care facility who influences an occupant of the home or facility to apply for or not apply for an absentee ballot or cast or refrain from casting a ballot or influences an occupant's decision for whom to cast a ballot is guilty of the Class I felony.

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

1 **SECTION 1.** 6.875 (6) (c) 2. of the statutes is amended to read:

2 6.875 **(6)** (c) 2. ~~Upon the request of a relative of an occupant of a qualified~~
3 ~~retirement home or residential care facility, the administrator of the home or facility~~
4 ~~may notify the relative of the time or times at which special voting deputies will~~
5 ~~conduct absentee voting at the home or facility and permit the~~ The administrator of
6 a qualified retirement home or residential care facility shall provide notice of the
7 dates and times when the deputies will be visiting the home or facility to each relative
8 of an occupant for whom the home or facility has contact information, if the occupant
9 intends to vote by absentee ballot with the special voting deputies. The
10 administrator may provide the same notice to any other relative of the occupant upon
11 request. The relative to may be present in the room where the voting is conducted.

12 **SECTION 2.** 12.13 (3m) of the statutes is created to read:

13 12.13 **(3m)** ABSENTEE VOTING IN CERTAIN RESIDENTIAL CARE FACILITIES AND
14 RETIREMENT HOMES. No employee of a qualified retirement home, as defined in s.
15 6.875 (1) (at), or residential care facility, as defined in s. 6.875 (1) (bm), may influence
16 an occupant of the home or facility to apply for or not apply for an absentee ballot or
17 cast or refrain from casting a ballot or influence an occupant's decision for whom to
18 cast a ballot.

