
Wisconsin Legislative Council

AMENDMENT MEMO



Memo published: March 6, 2020

Contact: Katie Bender-Olson, Senior Staff Attorney

2019 Senate Bill 795

Senate Amendment 1

2019 SENATE BILL 795

2019 Senate Bill 795 establishes post-election procedures for the Elections Commission and for municipal clerks and local boards of election commissioners. The bill requires the Elections Commission, after each general election, to obtain and examine information provided by the Electronic Registration Information Center (ERIC) and to refer any instances of an elector voting more than once in an election to the appropriate district attorney within 180 days. The bill applies that same deadline for referral to a district attorney based on information provided by a municipal clerk that an elector voted more than once in an election.

Additionally, the bill allows the Elections Commission to file a sworn complaint in order to initiate an investigation into any type of elector misconduct and applies the requirements regarding a post-election audit, applicable under current law to municipal clerks, to local boards of election commissioners.

Under the bill, municipal clerks and boards of election commissioners must conduct post-election audits and refer any instances of an elector voting more than once to a district attorney. The bill additionally requires the municipal clerk and board of election commissioners to include, in their annual reports to the Legislature, the number of referrals to district attorneys and the outcome of each referral.

SENATE AMENDMENT 1

Senate Amendment 1 removes the provision allowing a member of the Elections Commission to file a sworn complaint in order to initiate an investigation into any elector misconduct. However, the amendment allows the Commission to initiate an investigation without a formal complaint based on any information the Commission receives from ERIC or, with regard to an elector voting more than once, from a municipal clerk. The amendment also removes, as duplicative, the specific references to a board of election commissioners, as current law already requires those boards to perform the same duties as municipal clerks.

BILL HISTORY

Senate Amendment 1 was offered by Senator Bernier on February 17, 2020. On February 26, 2020, the Senate Committee on Elections, Ethics, and Rural Issues adopted the amendment on a vote of Ayes, 5; Noes, 0. The committee then recommended passage of Senate Bill 795, as amended, on a vote of Ayes, 4; Noes, 1.

KBO:ty