

---

# Wisconsin Legislative Council

## AMENDMENT MEMO

---



**Memo published:** June 1, 2021

**Contact:** Peggy Hurley, Staff Attorney

**2021 Assembly Bill 198**

**Assembly Amendment 2**

### 2021 ASSEMBLY BILL 198

Under current law, an absentee ballot may not be counted unless the certificate accompanying the ballot is signed by the elector and a person who witnessed the elector completing the ballot and contains the witness' address. If a clerk receives an absentee ballot with an improperly completed certificate or with no certificate, the clerk may return the ballot to the elector, inside the sealed envelope when an envelope is received, together with a new envelope if necessary, whenever time permits the elector to correct the defect and return the ballot before the end of Election Day.

Under Assembly Bill 198, a municipal clerk who receives an absentee ballot with no certificate or with an incomplete certificate may not correct a defect on the certificate but must return the ballot to the voter and post notification of the defect on the voter's information page on the MyVote Wisconsin website. Additionally, under the bill, it is a Class I felony, punishable by a fine not to exceed \$10,000, imprisonment not to exceed three years and six months, or both, to do any of the following:

- Intentionally cause or assist rejecting or otherwise not counting a valid vote or registration.
- Intentionally cause or assist casting or counting an invalid vote or registration.
- Intentionally fail to report other illegal acts by an election official to the district attorney for the county where the act occurred, except that failure to report an election official who intentionally discloses the name or address of any elector who obtains a confidential listing to any person who is not authorized by law to obtain that information is subject to a fine of \$1,000, imprisonment not to exceed six months, or both.

### ASSEMBLY AMENDMENT 2

Under Assembly Amendment 2, a clerk who receives an absentee ballot with no certificate or an incomplete certificate may return the ballot to the voter if time permits for its return, or may contact the voter by other means, but is required to post a notification of the defect on the voter's MyVote page. The amendment additionally specifies all of the items that must be completed on an absentee ballot certificate in order for the ballot to be counted, and creates a Class C misdemeanor crime for anyone other than the voter or witness correcting an absentee ballot certificate.

### BILL HISTORY

Assembly Amendment 2 was introduced by Representative Sanfelippo on May 25, 2021. On June 1, 2021, the Assembly Committee on Criminal Justice and Public Safety voted to recommend adoption of the amendment on a vote of Ayes, 5; Noes, 3. The committee then voted to recommend passage of the bill, as amended, on a vote of Ayes, 5; Noes, 3.

PH:ksm