



## 2007 ASSEMBLY BILL 904

March 4, 2008 - Introduced by Representatives ALBERS, HUEBSCH, J. FITZGERALD, RHOADES, HAHN, JESKEWITZ, VOS, STRACHOTA, OWENS, TOWNSEND, MONTGOMERY, NERISON, KAUFERT, TAUCHEN, LOTHIAN, BALLWEG, HINES, VAN ROY, MUSSER, SUDER, KESTELL, MURSAU, LEMAHIEU, GUNDERSON, NYGREN, KERKMAN and PRIDEMORE. Referred to Committee on Elections and Constitutional Law.

1     **AN ACT** *to renumber and amend* 6.34 (1) (a); *to amend* 5.06 (1), 5.06 (3), 5.06  
2           (4), 5.06 (5), 5.06 (6), 6.22 (6), 6.221 (2), 6.36 (1) (a), 6.82 (2) (a), 6.865 (3m) (a),  
3           6.87 (5), 6.875 (4) (b), 6.875 (6) (c) 1., 6.88 (3) (a), 6.88 (3) (b), 7.08 (3) (intro.),  
4           7.15 (5), 7.15 (6) (a), 7.51 (2) (b), 7.51 (2) (c), 7.51 (2) (d), 7.51 (2) (e), 7.51 (5) (b),  
5           7.52 (3) (a), 7.52 (3) (b), 7.52 (4) (b), 7.52 (4) (c), 7.52 (4) (d), 7.52 (4) (e), 7.60 (1),  
6           9.01 (1) (b) (intro.), 9.01 (1) (b) 2., 9.01 (1) (b) 4. a. and b., 9.01 (1) (b) 4. c., 9.01  
7           (1) (b) 4. d., 9.01 (1) (b) 4. e., 9.01 (1) (b) 5., 9.01 (5) (a), 10.02 (3) (g), 12.13 (3)  
8           (j) and 12.60 (1) (b); and *to create* 5.02 (2m), 6.275 (3), 6.79 (2) (f), 7.30 (2) (d),  
9           9.01 (1) (at), 12.13 (2) (b) 9., 12.13 (2) (c) and 12.13 (4) of the statutes; **relating**  
10        **to:** administration of elections and providing penalties.

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### ***Analysis by the Legislative Reference Bureau***

This bill makes various changes in laws relating to elections administration. The changes include:

1. Currently, all election officials are required to comply with the election laws and valid administrative rules promulgated by the Government Accountability Board. This bill requires, in addition, that all officials comply with valid applicable

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requirements of the election manual that is published by the Government Accountability Board. The bill further provides that if a municipal clerk is found to have violated the election laws or any applicable requirement of the election manual or is restrained from violating the laws or applicable requirement of the manual, the clerk may not participate in assisting a municipal board of canvassers in conducting a recount. The bill instead provides that the clerk's appointing authority shall designate the municipal clerk of another municipality to assist the board of canvassers with the recount. The bill also provides that if an individual who serves as a poll worker is found to have committed any such violation or is restrained from any such violation, the individual may not serve again until the municipal clerk or executive director of the board of election commissioners of the municipality where the individual serves certifies that the individual has successfully completed a training program. In addition, the bill provides that no individual may serve as a poll worker if a complaint against the individual is pending before the Government Accountability Board or during the pendency of an appeal of a decision of the board relating to the individual.

2. Currently, when the number of ballots cast in a ward or election district exceeds the number of voting electors indicated on the poll list, the board of canvassers lays aside blank ballots. The board of canvassers then lays aside any ballots not bearing the required initials of the municipal clerk or executive director of the board of election commissioners or their deputies or the initials of the inspectors (poll workers). If there is an excess number of absentee ballots, the board of canvassers draws out a number of absentee ballots equal to the excess number, and, if there is an excess number of nonabsentee ballots, the board of canvassers draws out a number of nonabsentee ballots equal to the excess number. The board of canvassers then counts only the remaining ballots. This bill provides that the board of canvassers must exclude any marked ballot cast by any of the following electors from this process: 1) a member of a uniformed service on active duty who, by reason of that duty, is absent from the residence where the member is otherwise qualified to vote; or 2) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the residence where the member is otherwise qualified to vote.

3. Currently, an absentee ballot must have the initials of the municipal clerk or executive director of the city board of election commissioners by whom the ballot is issued or the initials of a deputy clerk or a deputy appointed by the executive director written on the back before the ballot is cast. The statutes also provide that the election laws shall be construed to give effect to the will of the electors, if that will is ascertainable, notwithstanding any informality or failure to comply with the law. This bill provides that in no case may an absentee ballot that does not bear the required initials be counted.

4. Currently, each ballot that is distributed to electors has a space on the back for the initials of the two inspectors (poll workers) who give the ballot to an elector who qualifies to cast the ballot. This bill provides specifically that these inspectors shall initial the ballot when it is given to the elector who casts it and may not initial any ballots before that time.

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5. Currently, an elector who has difficulty in voting because of a disability or inability to read, write, or understand English may request the assistance of any individual of his or her choice in voting his or her ballot, except the elector's employer or an agent of that employer or an officer or agent of the elector's labor organization. The assistance may be provided either at a polling place or at a site where an absentee ballot is cast. This bill precludes an elector from obtaining the assistance of a municipal clerk or deputy clerk, or the executive director of a city board of election commissioners or a deputy designated by the executive director. Violators are guilty of a misdemeanor and may be fined not more than \$1,000 or imprisoned for not more than six months, or both.

6. Currently, an elector who resides in a nursing home or in a community-based residential facility or retirement home meeting certain standards may vote in the home or facility with the assistance of two special voting deputies who are dispatched by the municipal clerk or board of election commissioners. Currently, election inspectors (poll workers) are prohibited from advising or suggesting how any ballot should be voted. This bill prohibits any individual who renders assistance at a polling place or absentee balloting site, as well as any deputy who renders assistance at a nursing or retirement home or a community-based residential facility, from advising an elector to vote for or against any candidate. Any person who violates the prohibition is guilty of a felony and may be fined not more than \$10,000 or imprisoned for not more than three years and six months, or both. The bill also precludes any individual who has assisted with the campaign of any candidate at an election from serving as a special voting deputy at the election at which that candidate's name appears on the ballot.

7. Currently, where ballots are distributed to electors at an election, each municipal clerk and board of election commissioners must keep a record of when and in what condition ballots are received from the county clerk and must deliver unopened packages of ballots to the election inspectors (poll workers) at each polling place. This bill provides that each municipal clerk and board of election commissioners must count and record the number of ballots delivered from the county clerk or, if the municipality prepares its own ballots, from the ballot supplier for each election. The bill also directs each municipal clerk and board of election commissioners to keep a record of the number of ballots used as absentee ballots, the number of ballots delivered to each polling place before each election, and the number of voted, spoiled, and unused ballots returned to the clerk or board from each polling place after each election. In addition, the bill directs each municipal clerk and board of election commissioners to report to the Government Accountability Board after each election the number of ballots delivered to the clerk or board, the number of substitute ballots printed by the clerk or board, if any, the number of ballots cast, the number of ballots spoiled, and the number of unused ballots returned to the clerk or board. Finally, the bill also requires each municipal clerk and board of election commissioners to secure access to all unused ballots.

8. Currently, each municipal clerk or board of election commissioners must deliver all ballots, statements, tally sheets, lists, and envelopes relating to each technical college, county, state, or national election to the county clerk or board of

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election commissioners no later than 4 p.m. on the day after each election. The county clerk or board of election commissioners must retain them until destruction is permitted by law. This bill provides that the municipal clerk or executive director of the board of election commissioners or a deputy under direction of the clerk or executive director must personally deliver the ballots and other materials to the county clerk or board of election commissioners. The bill also requires the county clerk or board of election commissioners to keep the clerk's or board's office open on the day after each election until all ballots, statements, tally sheets, lists, and envelopes relating to the election have been received.

9. Currently, if an absentee ballot is open or has been opened or resealed, the ballot is not counted. This bill provides that this procedure also applies to ballots enclosed in unsealed envelopes. Currently, if an absentee ballot is recounted, it is discounted only if it is not witnessed, it is not signed by the voter, or if the certificate accompanying the ballot is missing. This bill provides, in addition, that an absentee ballot shall not be counted in a recount if the absentee ballot envelope was open or unsealed when it was received by the inspectors.

10. Currently, if there are insufficient ballots printed to serve the number of qualified electors who wish to vote, the municipal clerk or board of election commissioners of the municipality where the shortage occurs must provide sufficient substitute ballots to meet demand. This bill provides no election official may duplicate a ballot that bears the initials of an election inspector. Violators are guilty of a misdemeanor and may be fined not more than \$1,000 or imprisoned for not more than six months, or both

11. Currently, the Government Accountability Board is directed to prepare and publish an election manual for the use of election officials in interpreting and implementing the election laws. This bill provides that each step performed by a board of canvassers in conducting a recount must be consistent with applicable law and applicable requirements of the manual.

12. Currently, when a board of canvassers or the chairperson of the Government Accountability Board or its designee conducts a recount, the board or chairperson or designee is directed to keep minutes of the proceedings before the board or the chairperson or designee. This bill requires the minutes to include a description of each step in the recount process that is performed by the board or the chairperson or designee and the findings of the board or the chairperson or designee with respect to each step performed by the board or the chairperson or designee during the recount process, if any. The bill also provides that the board of canvassers may take testimony and may question an elector concerning the process of voting or assistance provided to the elector, but shall not question an elector as to which candidates or questions the elector voted for or against. Any person who violates the prohibition is guilty of a misdemeanor and may be fined not more than \$1,000 or imprisoned for not more than six months, or both, and for a 2nd or subsequent offense

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occurring within five years, the person is guilty of a felony and may be fined not more than \$10,000 or imprisoned for not more than three years and six months, or both.

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

1           **SECTION 1.** 5.02 (2m) of the statutes is created to read:

2           5.02 (2m) "Deputy clerk" includes a deputy who is appointed by the executive  
3 director of a board of election commissioners.

4           **SECTION 2.** 5.06 (1) of the statutes is amended to read:

5           5.06 (1) Whenever any elector of a jurisdiction or district served by an election  
6 official believes that a decision or action of the official or the failure of the official to  
7 act with respect to any matter concerning nominations, qualifications of candidates,  
8 voting qualifications, including residence, ward division and numbering, recall,  
9 ballot preparation, election administration or conduct of elections is contrary to law  
10 or to any applicable requirement of the election manual published under s. 7.08 (3),  
11 or the official has abused the discretion vested in him or her by law with respect to  
12 any such matter, the elector may file a written sworn complaint with the board  
13 requesting that the official be required to conform his or her conduct to the law or to  
14 any applicable requirement of the manual, be restrained from taking any action  
15 inconsistent with the law or any applicable requirement of the manual or be required  
16 to correct any action or decision inconsistent with the law or an applicable  
17 requirement of the manual or any abuse of the discretion vested in him or her by law.  
18 The complaint shall set forth such facts as are within the knowledge of the  
19 complainant to show probable cause to believe that a violation of a law or an  
20 applicable requirement of the manual or an abuse of discretion has occurred or will  
21 occur. The complaint may be accompanied by relevant supporting documents. The

**ASSEMBLY BILL 904****SECTION 2**

1 board may conduct a hearing on the matter in the manner prescribed for treatment  
2 of contested cases under ch. 227 if it believes such action to be appropriate.

3 **SECTION 3.** 5.06 (3) of the statutes is amended to read:

4 5.06 (3) A complaint under this section shall be filed promptly so as not to  
5 prejudice the rights of any other party. In no case may a complaint relating to  
6 nominations, qualifications of candidates or ballot preparation be filed later than 10  
7 days after the complainant knew or should have known that a violation of law or  
8 abuse of discretion occurred or was proposed to occur.

9 **SECTION 4.** 5.06 (4) of the statutes is amended to read:

10 5.06 (4) The board may, on its own motion, investigate and determine whether  
11 any election official, with respect to any matter concerning nominations,  
12 qualifications of candidates, voting qualifications, including residence, ward  
13 division and numbering, recall, ballot preparation, election administration or  
14 conduct of elections, has failed to comply with the law or any applicable requirement  
15 of the election manual published under s. 7.08 (3) or abused the discretion vested in  
16 him or her by law or proposes to do so.

17 **SECTION 5.** 5.06 (5) of the statutes is amended to read:

18 5.06 (5) Upon receipt of a complaint under sub. (1), or upon its own motion, the  
19 board may order any election official to immediately transfer to its possession any  
20 original documents in the custody of the official which the board finds to be necessary  
21 and relevant to permit review of compliance with the laws and the applicable  
22 requirements of the election manual published under s. 7.08 (3) concerning  
23 nominations, qualifications of candidates, ward division and numbering, recall or  
24 ballot preparation or the proper administration of such laws.

25 **SECTION 6.** 5.06 (6) of the statutes is amended to read:

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1           5.06 (6) The board may, after such investigation as it deems appropriate,  
2           summarily decide the matter before it and, by order, require any election official to  
3           conform his or her conduct to the law and applicable requirements of the election  
4           manual published under s. 7.08 (3), restrain an official from taking any action  
5           inconsistent with the law or the applicable requirements of the manual or require  
6           an official to correct any action or decision inconsistent with the law or an applicable  
7           requirement of the manual. The board shall immediately transmit a copy of the order  
8           to the official. An order issued under this subsection is effective immediately or at  
9           such later time as may be specified in the order.

10           **SECTION 7.** 6.22 (6) of the statutes is amended to read:

11           6.22 (6) **MILITARY ELECTOR LIST.** Each municipal clerk shall keep an up-to-date  
12           list of all eligible military electors who reside in the municipality; city clerks shall  
13           keep the lists by wards. The list shall contain the name, latest-known military  
14           residence and military mailing address of each military elector. The list shall  
15           indicate whether each elector whose name appears on the list is a military elector,  
16           as defined in s. ~~6.36 (2) (c)~~ 6.34 (1) (a), and whether the military elector qualifies  
17           under s. 6.34 (1) (a) 1., 2., or 3., and has so certified under s. 6.865 (3m). All persons  
18           over 18 years of age or who will be 18 years old prior to an election shall be listed and  
19           remain on the list for the duration of their tour of duty. The list shall be kept current  
20           through all possible means. Each clerk shall exercise reasonable care to avoid  
21           duplication of names or listing anyone who is not eligible to vote. Each clerk shall  
22           distribute 2 copies of the list to the appropriate ward in the municipality for use on  
23           election day.

24           **SECTION 8.** 6.221 (2) of the statutes is amended to read:

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1           6.221 (2) Each certificate envelope that is mailed or transmitted to a military  
2 elector ~~under this section~~ shall be clearly labeled as “Cast by a military elector under  
3 s. 6.221, Wis. Stats., and may be eligible to be counted after election day”. The  
4 certificate envelope shall also indicate whether the military elector qualifies under  
5 s. 6.34 (1) (a) 1., 2., or 3.

6           **SECTION 9.** 6.275 (3) of the statutes is created to read:

7           6.275 (3) Within 30 days after each primary and other election, including any  
8 special election, that is held in a municipality in which ballots are distributed to  
9 electors, the municipal clerk or board of election commissioners shall make a written  
10 statement to the board specifying the number of ballots delivered to the clerk or  
11 board of election commissioners, the number of substitute ballots printed by the clerk  
12 or board of election commissioners, if any, the number of ballots cast, the number of  
13 ballots spoiled, and the number of unused ballots returned to the clerk or board of  
14 election commissioners.

15           **SECTION 10.** 6.34 (1) (a) of the statutes is renumbered 6.34 (1) (a) (intro.) and  
16 amended to read:

17           6.34 (1) (a) (intro.) “Military elector” means a any of the following:

18           1. A member of a uniformed service on active duty who, by reason of that duty,  
19 is absent from the residence where the member is otherwise qualified to vote; ~~a.~~

20           2. A member of the merchant marine, as defined in s. 6.22 (1) (a), who by reason  
21 of service in the merchant marine, is absent from the residence where the member  
22 is otherwise qualified to vote; ~~or the.~~

23           3. The spouse or dependent of any such member who, by reason of the duty or  
24 service of the member, is absent from the residence where the spouse or dependent  
25 is otherwise qualified to vote.



**ASSEMBLY BILL 904****SECTION 11**

1           **SECTION 11.** 6.36 (1) (a) of the statutes is amended to read:

2           6.36 (1) (a) The board shall compile and maintain electronically an official  
3 registration list. The list shall contain the name and address of each registered  
4 elector in the state, the date of birth of the elector, the ward and aldermanic district  
5 of the elector, if any, and, for each elector, a unique registration identification number  
6 assigned by the board, the number of a valid operator's license issued to the elector  
7 under ch. 343, if any, or the last 4 digits of the elector's social security account  
8 number, if any, any identification serial number issued to the elector under s. 6.47  
9 (3), the date of any election in which the elector votes, an indication of whether the  
10 elector is a military elector, as defined in ~~sub. (2) (e)~~ s. 6.34 (1) (a), who has so certified  
11 under s. 6.865 (3m), and whether the elector qualifies as such under s. 6.34 (1) (a) 1.,  
12 2., or 3., an indication of whether the elector is an overseas elector, as defined in s.  
13 6.24 (1), any information relating to the elector that appears on the current list  
14 transmitted to the board by the department of corrections under s. ~~301.03 (20)~~ 301.03  
15 (20m), an indication of any accommodation required under s. 5.25 (4) (a) to permit  
16 voting by the elector, an indication of the method by which the elector's registration  
17 form was received, and such other information as may be determined by the board  
18 to facilitate administration of elector registration requirements.

19           **SECTION 12.** 6.79 (2) (f) of the statutes is created to read:

20           6.79 (2) (f) Upon providing an elector with a slip under par. (e), 2 inspectors  
21 shall place their initials on a blank ballot designated for the ward or election district  
22 where the elector resides and one of them shall give the ballot to the elector. No  
23 inspector may place his or her initials on a ballot prior to the time that the ballot is  
24 given to the elector who casts the ballot.

25           **SECTION 13.** 6.82 (2) (a) of the statutes is amended to read:

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1           6.82 (2) (a) If an elector declares to the presiding election official that he or she  
2 cannot read or write, or has difficulty in reading, writing or understanding English  
3 or that due to disability is unable to mark a ballot or depress a button or lever on a  
4 voting machine, the elector shall be informed by the officials that he or she may have  
5 assistance. When assistance is requested, the elector may select any individual  
6 other than a municipal clerk or deputy clerk to assist in casting his or her vote. The  
7 selected individual rendering assistance may not be the elector's employer or an  
8 agent of that employer or an officer or agent of a labor organization which represents  
9 the elector. The selected individual shall not advise the elector to vote for or against  
10 any candidate. For purposes of this paragraph, advice includes any gesture or other  
11 visual or verbal indication of a preferred candidate. The selected individual shall  
12 certify on the back of the ballot that it was marked with his or her assistance. Where  
13 voting machines are used, certification shall be made on the registration list.

14           **SECTION 14.** 6.865 (3m) (a) of the statutes is amended to read:

15           6.865 (3m) (a) Except as provided in par. (c), if any elector who certifies that  
16 he or she will be a military elector on election day requests an absentee ballot, the  
17 municipal clerk shall send or transmit to the elector an absentee ballot for all  
18 elections that occur in the municipality or portion thereof where the elector resides  
19 beginning on the date that the clerk receives the request and ending on the day after  
20 the 3rd successive general election that follows receipt of the request, unless the  
21 elector otherwise requests. In addition, the municipal clerk shall continue to send  
22 or transmit to the elector an absentee ballot for all elections ending on the day after  
23 the 3rd successive general election that follows any election at which the elector  
24 returns an absentee ballot under this section or renews his or her request under par.

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1 (c). A military elector who makes a certification under this paragraph shall indicate  
2 whether the elector qualifies as a military elector under s. 6.34 (1) (a) 1., 2., or 3.

3 **SECTION 15.** 6.87 (5) of the statutes is amended to read:

4 6.87 (5) If the absent elector declares that he or she is unable to read, has  
5 difficulty in reading, writing or understanding English or due to disability is unable  
6 to mark his or her ballot, the elector may select any individual, except a municipal  
7 clerk or a deputy clerk, the elector's employer or an agent of that employer, or an  
8 officer or agent of a labor organization which represents the elector, to assist in  
9 marking the ballot, and the assistant shall then sign his or her name to a certification  
10 on the back of the ballot, as provided under s. 5.55. The selected individual shall not  
11 advise the absent elector to vote for or against any candidate. For purposes of this  
12 subsection, advice includes any gesture or other visual or verbal indication of a  
13 preferred candidate.

14 **SECTION 16.** 6.875 (4) (b) of the statutes is amended to read:

15 6.875 (4) (b) Nominations for the special voting deputy positions described in  
16 par. (a) may be submitted by the 2 recognized political parties whose candidates for  
17 governor or president received the greatest numbers of votes in the municipality at  
18 the most recent general election. The deputies shall be specially appointed to carry  
19 out the duties under par. (a) for the period specified in s. 7.30 (6) (a). The clerk or  
20 board of election commissioners may revoke an appointment at any time. No  
21 individual who is employed or retained, or within the 2 years preceding appointment  
22 has been employed or retained, at a nursing home or qualified retirement home or  
23 qualified community-based residential facility in the municipality, or any member  
24 of the individual's immediate family, as defined in s. 19.42 (7), may be appointed to  
25 serve as a deputy. No individual who has assisted with the campaign of any candidate

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1 at an election may serve as a special voting deputy under this section at the election  
2 at which that candidate's name appears on the ballot. The clerk or board of election  
3 commissioners shall appoint an election inspector of the municipality to serve in  
4 place of any individual who is precluded from serving under this paragraph at a  
5 particular election.

6 **SECTION 17.** 6.875 (6) (c) 1. of the statutes is amended to read:

7 6.875 (6) (c) 1. Upon their visit to the home or facility under par. (a), the  
8 deputies shall personally offer each elector who has filed a proper application for an  
9 absentee ballot the opportunity to cast his or her absentee ballot. If an elector is  
10 present who has not filed a proper application for an absentee ballot, the 2 deputies  
11 may accept an application from the elector and shall issue a ballot to the elector if  
12 the elector is qualified and the application is proper. The deputies shall each witness  
13 the certification and may, upon request of the elector, assist the elector in marking  
14 the elector's ballot. All voting shall be conducted in the presence of the deputies.  
15 Neither of the deputies may advise the elector to vote for or against any candidate.  
16 For purposes of this subdivision, advice includes any gesture or other visual or verbal  
17 indication of a preferred candidate. Upon request of the elector, a relative of the  
18 elector who is present in the room may assist the elector in marking the elector's  
19 ballot. No individual other than a deputy may witness the certification and no  
20 individual other than a deputy or relative of an elector may render voting assistance  
21 to the elector.

22 **SECTION 18.** 6.88 (3) (a) of the statutes is amended to read:

23 6.88 (3) (a) Except in municipalities where absentee ballots are canvassed  
24 under s. 7.52, at any time between the opening and closing of the polls on election day,  
25 the inspectors shall, in the same room where votes are being cast, in such a manner

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1 that members of the public can hear and see the procedures, open the carrier  
2 envelope only, and announce the name of the absent elector or the identification  
3 serial number of the absent elector if the elector has a confidential listing under s.  
4 6.47 (2). When the inspectors find that the certification has been properly executed,  
5 the applicant is a qualified elector of the ward or election district, and the applicant  
6 has not voted in the election, they shall enter an indication on the poll list next to the  
7 applicant's name indicating an absentee ballot is cast by the elector. They shall then  
8 open the envelope containing the ballot in a manner so as not to deface or destroy the  
9 certification thereon. The inspectors shall take out the ballot without unfolding it  
10 or permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95,  
11 the inspectors shall verify that the ballot has been endorsed by the issuing clerk. If  
12 the certificate envelope indicates that the ballot is cast by a military elector, as  
13 defined in s. 6.34 (1) (a) 1. or 2., the inspectors shall write on the back of the ballot  
14 "Military elector s. 6.34 (1) (a) 1. or 2., stats." If the poll list indicates that proof of  
15 residence under s. 6.34 is required and no proof of residence is enclosed or the name  
16 or address on the document that is provided is not the same as the name and address  
17 shown on the poll list, the inspectors shall proceed as provided under s. 6.97 (2). The  
18 inspectors shall then deposit the ballot into the proper ballot box and enter the  
19 absent elector's name or voting number after his or her name on the poll list in the  
20 same manner as if the elector had been present and voted in person.

21 **SECTION 19.** 6.88 (3) (b) of the statutes is amended to read:

22 6.88 (3) (b) When the inspectors find that a certification is insufficient, that the  
23 applicant is not a qualified elector in the ward or election district, that the ballot  
24 envelope is open or unsealed or has been opened and resealed, that the ballot  
25 envelope contains more than one ballot of any one kind or, except in municipalities

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1 where absentee ballots are canvassed under s. 7.52, that the certificate of an elector  
2 who received an absentee ballot by facsimile transmission or electronic mail is  
3 missing, or if proof is submitted to the inspectors that an elector voting an absentee  
4 ballot has since died, the inspectors shall not count the ballot. The inspectors shall  
5 endorse every ballot not counted on the back, "rejected (giving the reason)". The  
6 inspectors shall reinsert each rejected ballot into the certificate envelope in which  
7 it was delivered and enclose the certificate envelopes and ballots, and securely seal  
8 the ballots and envelopes in an envelope marked for rejected absentee ballots. The  
9 inspectors shall endorse the envelope, "rejected ballots" with a statement of the ward  
10 or election district and date of the election, signed by the chief inspector and one of  
11 the inspectors representing each of the 2 major political parties and returned to the  
12 municipal clerk in the same manner as official ballots voted at the election.

13 **SECTION 20.** 7.08 (3) (intro.) of the statutes is amended to read:

14 7.08 (3) ELECTION MANUAL. (intro.) Prepare and publish separate from the  
15 election laws an election manual written so as to be easily understood by the general  
16 public explaining the duties of the election officials, together with notes and  
17 references to the statutes as the board considers advisable. The election manual  
18 shall be consistent with all laws and valid rules of the board and does not apply to  
19 the extent of any inconsistency. The election manual shall:

20 **SECTION 21.** 7.15 (5) of the statutes is amended to read:

21 7.15 (5) RECORD OF BALLOTS RECEIVED. Each municipal clerk shall keep a record  
22 of when and in what condition the packages containing the ballots were received  
23 from the county clerk. The municipal clerk shall count and record the number of  
24 ballots delivered from the county clerk or, if the municipality prepares its own  
25 ballots, from the ballot supplier for each election. The municipal clerk shall secure

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1 access to all unused ballots. The municipal clerk shall deliver to the proper officials  
2 the unopened packages of ballots the day before the election. The municipal clerk  
3 shall keep a record of the number of ballots used as absentee ballots, the number of  
4 ballots delivered to each polling place before each election, and the number of voted,  
5 spoiled, and unused ballots returned to the clerk from each polling place after each  
6 election.

7 **SECTION 22.** 7.15 (6) (a) of the statutes is amended to read:

8 7.15 (6) (a) The municipal clerk shall provide substitute paper ballots in  
9 substantially the form of the original ballots whenever the necessary original ballots  
10 are not delivered to the municipality, are destroyed, are lost or stolen after delivery,  
11 are not ready for distribution or the supply is exhausted during polling hours. The  
12 municipal clerk may also provide substitute paper ballots, together with ballot boxes  
13 and voting booths, whenever a voting machine or electronic voting system is  
14 rendered inoperable by a malfunction which occurs within 24 hours of the time set  
15 for opening of the polls. No substitute ballot may carry the initials of the municipal  
16 clerk or an election inspector prior to the time that the ballot is voted. Paper ballots  
17 may be cast only in accordance with the procedures prescribed in ss. 6.80 (2) and 7.37  
18 (4). The municipal clerk shall keep a record of the number of substitute ballots  
19 provided to each polling place before or during each election and the number of voted,  
20 spoiled, and unused substitute ballots that are returned to the clerk from each  
21 polling place after each election.

22 **SECTION 23.** 7.30 (2) (d) of the statutes is created to read:

23 7.30 (2) (d) No individual who serves as a chief inspector, an inspector, or a  
24 special registration deputy appointed under s. 6.55 (6) may serve at any election if  
25 the individual is found under s. 5.06 or in any judicial action or proceeding to have

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1 violated the election laws or any applicable requirement contained in the election  
2 manual published under s. 7.08 (3) or is restrained from violating the laws or manual  
3 until the municipal clerk of the municipality where the individual serves certifies  
4 that the individual has successfully completed a training program under s. 7.31 or  
5 7.315. No individual may serve in any such position at any election of a complaint  
6 against the individual under s. 5.06 is pending before the board or an appeal of the  
7 decision of the board relating to the individual is pending before a court on the day  
8 of the election. The position of the individual shall be filled as a temporary vacancy  
9 under par. (b) until the individual's disqualification is removed.

10 **SECTION 24.** 7.51 (2) (b) of the statutes is amended to read:

11 7.51 (2) (b) When during the counting of the ballots cast at an election a  
12 majority of the inspectors find that a ballot is so defective that they cannot determine  
13 with reasonable certainty for whom it was cast, they shall so mark the ballot and  
14 preserve it. The board of canvassers shall not count the vote cast on the the ballot  
15 for any office for which they determine the ballot to be defective. Notwithstanding  
16 s. 5.01 (1), the inspectors shall not count any absentee ballot that does not bear the  
17 initials of the municipal clerk or a deputy clerk. The inspectors shall mark, lay aside,  
18 and carefully preserve any absentee ballot not bearing the initials of the municipal  
19 clerk or a deputy clerk.

20 **SECTION 25.** 7.51 (2) (c) of the statutes is amended to read:

21 7.51 (2) (c) Whenever the number of ballots remaining after ballots are laid  
22 aside under par. (b) exceeds the number of voting electors as indicated on the poll list,  
23 the inspectors shall place all ballots face up to check for blank ballots. In this  
24 paragraph, "blank ballot" means a ballot on which no votes are cast for any office or  
25 question. The inspectors shall mark, lay aside and preserve any blank ballots. The



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1 inspectors shall then temporarily separate the absentee ballots marked “Military  
2 elector s. 6.34 (1) (a) 1. or 2., stats.” from the other ballots. Except in municipalities  
3 where absentee ballots are canvassed under s. 7.52, if the number of remaining  
4 ballots still exceeds the total number of voting electors reduced by the number of  
5 ballots separated under this paragraph, the inspectors shall ~~place all ballots face~~  
6 ~~down and~~ then proceed to check for the initials. The inspectors shall mark, lay aside  
7 and preserve any ballot not bearing the initials of 2 inspectors ~~or any absentee ballot~~  
8 ~~not bearing the initials of the municipal clerk.~~ During. Except as provided in par.  
9 (b), during the count the inspectors shall count those ballots cast by challenged  
10 electors the same as the other ballots.

11 **SECTION 26.** 7.51 (2) (d) of the statutes is amended to read:

12 7.51 (2) (d) The inspectors shall keep a written statement, in duplicate, of the  
13 number of ballots set aside, the number of ballots separated as military elector  
14 ballots, and the number of defective ballots and challenged ballots. The statement  
15 shall contain a record of the reasons for setting aside each ballot and the reasons why  
16 each defective or challenged ballot is defective or challenged. The inspectors shall  
17 certify that the statement is correct, sign it, and attach it to the tally sheets.

18 **SECTION 27.** 7.51 (2) (e) of the statutes is amended to read:

19 7.51 (2) (e) Except in municipalities where absentee ballots are canvassed  
20 under s. 7.52, if after any ballots have been laid aside, the number of remaining  
21 ballots still exceeds the total number of electors recorded on the poll list reduced by  
22 the number of ballots separated under par. (c), the inspectors shall separate the  
23 absentee ballots that were not laid aside or separated under par. (b) or (c) from the  
24 other ballots. If there is an excess number of those absentee ballots, the inspectors  
25 shall place the absentee ballots in the ballot box and one of the inspectors shall

**ASSEMBLY BILL 904****SECTION 27**

1 publicly and without examination draw therefrom by chance the number of ballots  
2 equal to the excess number of absentee ballots. If there is an excess number of  
3 nonabsentee ballots, the inspectors shall place those ballots in the ballot box and one  
4 of the inspectors shall publicly and without examination draw therefrom by chance  
5 the number of ballots equal to the excess number of those ballots. All ballots so  
6 removed may not be counted but shall be specially marked as having been removed  
7 by the inspectors on original canvass due to an excess number of ballots, set aside  
8 and preserved. When the number of ballots and total shown on the poll list agree,  
9 the inspectors shall return all ballots to be counted, including the ballots of military  
10 electors that were separated under par. (c), to the ballot box and shall turn the ballot  
11 box in such manner as to thoroughly mix the ballots. The inspectors shall then open,  
12 count and record the number of votes. When the ballots are counted, the inspectors  
13 shall separate them into piles for ballots similarly voted. Objections may be made  
14 to placement of ballots in the piles at the time the separation is made.

15 **SECTION 28.** 7.51 (5) (b) of the statutes is amended to read:

16 7.51 (5) (b) The municipal clerk shall deliver all ballots, statements, tally  
17 sheets, lists, and envelopes relating to a school district election to the school district  
18 clerk by 4 p.m. on the day following each such election. The municipal clerk or a  
19 deputy clerk under direction of the municipal clerk shall personally deliver the  
20 ballots, statements, tally sheets, lists, and envelopes for his or her municipality  
21 relating to any county, technical college district, state, or national election to the  
22 county clerk no later than 4 p.m. on the day following each such election or, in  
23 municipalities where absentee ballots are canvassed under s. 7.52, by 4 p.m. on the  
24 2nd day following each such election, and no later than 4 p.m. on the day after  
25 receiving any corrected returns under s. 6.221 (6) (b). ~~The person delivering the~~

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1 ~~returns shall be paid out of the municipal treasury.~~ Each county clerk shall retain  
2 ballots, statements, tally sheets, or envelopes received by the clerk until destruction  
3 is authorized under s. 7.23 (1).

4 **SECTION 29.** 7.52 (3) (a) of the statutes is amended to read:

5 7.52 (3) (a) The board of absentee ballot canvassers shall first open the carrier  
6 envelope only, and, in such a manner that a member of the public, if he or she desired,  
7 could hear, announce the name of the absent elector or the identification serial  
8 number of the absent elector if the elector has a confidential listing under s. 6.47 (2).

9 When the board of absentee ballot canvassers finds that the certification has been  
10 properly executed and the applicant is a qualified elector of the ward or election  
11 district, the board of absentee ballot canvassers shall enter an indication on the poll  
12 list next to the applicant's name indicating an absentee ballot is cast by the elector.

13 The board of absentee ballot canvassers shall then open the envelope containing the  
14 ballot in a manner so as not to deface or destroy the certification thereon. The board  
15 of absentee ballot canvassers shall take out the ballot without unfolding it or  
16 permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95, the

17 board of absentee ballot canvassers shall verify that the ballot has been endorsed by  
18 the issuing clerk. If the certificate envelope indicates that the ballot is cast by a  
19 military elector, as defined in s. 6.34 (1) (a) 1. or 2., the board of absentee ballot

20 canvassers shall write on the back of the ballot "Military elector s. 6.34 (1) (a) 1. or  
21 2., stats." If the poll list indicates that proof of residence is required and no proof  
22 of residence is enclosed or the name or address on the document that is provided is  
23 not the same as the name and address shown on the poll list, the board of absentee

24 ballot canvassers shall proceed as provided under s. 6.97 (2). The board of absentee  
25 ballot canvassers shall mark the poll list number of each elector who casts an

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1 absentee ballot on the back of the elector’s ballot. The board of absentee ballot  
2 canvassers shall then deposit the ballot into the proper ballot box and enter the  
3 absent elector’s name or poll list number after his or her name on the poll list.

4 **SECTION 30.** 7.52 (3) (b) of the statutes is amended to read:

5 7.52 (3) (b) When the board of absentee ballot canvassers finds that a  
6 certification is insufficient, that the applicant is not a qualified elector in the ward  
7 or election district, that the ballot envelope is open or unsealed or has been opened  
8 and resealed, that the ballot envelope contains more than one ballot of any one kind,  
9 or that the certificate of an elector who received an absentee ballot by facsimile  
10 transmission or electronic mail is missing, or if proof is submitted to the board of  
11 absentee ballot canvassers that an elector voting an absentee ballot has since died,  
12 the board of absentee ballot canvassers shall not count the ballot. Each member of  
13 the board of absentee ballot canvassers shall endorse every ballot not counted on the  
14 back as “rejected (giving the reason).” The board of absentee ballot canvassers shall  
15 reinsert each rejected ballot into the certificate envelope in which it was delivered  
16 and enclose the certificate envelopes and ballots, and securely seal the ballots and  
17 envelopes in an envelope marked for rejected absentee ballots. The board of absentee  
18 ballot canvassers shall endorse the envelope as “rejected ballots,” with a statement  
19 of the ward or election district and date of the election, and each member of the board  
20 of absentee ballot canvassers shall sign the statement. The board of absentee ballot  
21 canvassers shall then return the envelope containing the ballots to the municipal  
22 clerk.

23 **SECTION 31.** 7.52 (4) (b) of the statutes is amended to read:

24 7.52 (4) (b) When during the counting of the ballots cast at an election the board  
25 of absentee ballot canvassers finds that a ballot is so defective that it cannot

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1 determine with reasonable certainty for whom it was cast, the board of absentee  
2 ballot canvassers shall so mark the ballot and preserve it. The board of absentee  
3 ballot canvassers shall not count the vote cast on the ballot for any office for which  
4 it determines the ballot to be defective. Notwithstanding s. 5.01 (1), the board of  
5 absentee ballot canvassers shall not count any absentee ballot that does not bear the  
6 initials of the municipal clerk or a deputy clerk. The board of absentee ballot  
7 canvassers shall mark, lay aside, and carefully preserve any absentee ballot not  
8 bearing the initials of the municipal clerk or a deputy clerk.

9 **SECTION 32.** 7.52 (4) (c) of the statutes is amended to read:

10 7.52 (4) (c) Whenever the number of ballots exceeds the number of voting  
11 electors as indicated on the poll list, the board of absentee ballot canvassers shall  
12 place all ballots face up to check for blank ballots. In this paragraph, "blank ballot"  
13 means a ballot on which no votes are cast for any office or question. The board of  
14 absentee ballot canvassers shall mark, lay aside, and preserve any blank ballots. If  
15 ~~the number of ballots still exceeds the number of voting electors, the board of~~  
16 ~~absentee ballot canvassers shall place all ballots face down and proceed to check for~~  
17 ~~the initials. The board of absentee ballot canvassers shall mark, lay aside, and~~  
18 ~~preserve any ballot not bearing the initials of the municipal clerk. During~~ The board  
19 of absentee ballot canvassers shall then temporarily separate the absentee ballots  
20 marked "Military elector s. 6.34 (1) (a) 1. or 2., stats." from the other ballots. Except  
21 as provided in par. (b), during the count, the board of absentee ballot canvassers shall  
22 count those ballots cast by challenged electors the same as the other ballots.

23 **SECTION 33.** 7.52 (4) (d) of the statutes is amended to read:

24 7.52 (4) (d) The board of absentee ballot canvassers shall keep a written  
25 statement, in duplicate, of the number of ballots set aside, the number of ballots

**ASSEMBLY BILL 904****SECTION 33**

1 separated as military elector ballots, and the number of defective ballots and  
2 challenged ballots. The statement shall contain a record of the reasons for setting  
3 aside each ballot and the reasons why each defective or challenged ballot is defective  
4 or challenged. The board of absentee ballot canvassers shall certify that the  
5 statement is correct, sign it, and attach it to the tally sheets.

6 **SECTION 34.** 7.52 (4) (e) of the statutes is amended to read:

7 7.52 (4) (e) If, after any ballots have been set aside, the number of remaining  
8 ballots still exceeds the total number of electors recorded on the poll list reduced by  
9 the number of ballots separated under par. (c), the board of absentee ballot  
10 canvassers shall place the absentee ballots that were not laid aside or separated  
11 under par. (b) or (c) in the ballot box and one of the members shall publicly and  
12 without examination draw therefrom by chance the number of ballots equal to the  
13 excess number of ballots. All ballots so removed shall not be counted but shall be  
14 specially marked as having been removed by the board of absentee ballot canvassers  
15 on original canvass due to an excess number of ballots, set aside, and preserved.  
16 When the number of ballots and total shown on the poll list agree, the board of  
17 absentee ballot canvassers shall return all ballots to be counted, including the ballots  
18 of military electors that were separated under par. (c), to the ballot box and shall turn  
19 the ballot box in such manner as to thoroughly mix the ballots. The board of absentee  
20 ballot canvassers shall then open, count, and record the number of votes. When the  
21 ballots are counted, the board of absentee ballot canvassers shall separate them into  
22 piles for ballots similarly voted. Objections may be made to placement of ballots in  
23 the piles at the time the separation is made.

24 **SECTION 35.** 7.60 (1) of the statutes is amended to read:

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1           7.60 (1) KEEP OFFICE OPEN. On election night the county clerk shall keep the  
2 clerk's office open to receive reports from the ward inspectors and shall post all  
3 returns. On the day after election day, the county clerk shall keep the clerk's office  
4 open until the clerk has received all ballots, statements, tally sheets, lists, and  
5 envelopes from each municipal clerk.

6           **SECTION 36.** 9.01 (1) (at) of the statutes is created to read:

7           9.01 (1) (at) 1. The municipal clerk shall assist the municipal board of  
8 canvassers in conducting any recount that is conducted by the board of canvassers,  
9 except that if the municipal clerk is found under s. 5.06 or in any judicial action or  
10 proceeding to have violated the election laws or any applicable requirement  
11 contained in the election manual published under s. 7.08 (3) or is restrained from  
12 violating the laws or manual, the municipal clerk shall not participate in assisting  
13 the board of canvassers. The appointing authority shall designate the municipal  
14 clerk of another municipality to serve in lieu of the municipal clerk who is not  
15 participating.

16           2. No individual who serves as a chief inspector, an inspector, or a special  
17 registration deputy appointed under s. 6.55 (6) may participate in conducting a  
18 recount if the individual is found under s. 5.06 or in any judicial action or proceeding  
19 to have violated the election laws or any applicable requirement contained in the  
20 election manual published under s. 7.08 (3) or is restrained from violating the laws  
21 or manual until the municipal clerk of the municipality where the individual serves  
22 certifies that the individual has successfully completed a training program under s.  
23 7.31 or 7.315. No such individual may participate in conducting a recount if a  
24 complaint against the individual under s. 5.06 is pending before the board or an

**ASSEMBLY BILL 904****SECTION 36**

1 appeal of the decision of the board relating to the individual is pending before a court  
2 on the day of the election.

3 **SECTION 37.** 9.01 (1) (b) (intro.) of the statutes is amended to read:

4 9.01 (1) (b) (intro.) The proper board of canvassers shall reconvene no earlier  
5 than 9 a.m. on the day following delivery of notice to all candidates under sub. (2) and  
6 no later than 9 a.m. on the day following the last day for filing of a petition, or if the  
7 original canvass is subject to correction under s. 6.221 (6) (b), immediately after  
8 issuance of the amended statement and determination in the original canvass,  
9 whichever is later. The board of canvassers shall then proceed to recount the ballots  
10 in the wards or municipalities specified and to review the allegations of fact  
11 contained in the petition or petitions. Each step performed by the board of  
12 canvassers shall be consistent with applicable law and applicable requirements of  
13 the election manual published under s. 7.08 (3). The recount shall proceed for each  
14 ward or municipality as follows:

15 **SECTION 38.** 9.01 (1) (b) 2. of the statutes is amended to read:

16 9.01 (1) (b) 2. The board of canvassers shall then examine the absentee ballot  
17 envelopes. Any defective absentee ballot envelopes shall be laid aside, properly  
18 marked and carefully preserved. The number of voters shall be reduced by the  
19 number of ballot envelopes set aside under this subdivision. An absentee ballot  
20 envelope is defective only if it is not witnessed ~~or~~, if it is not signed by the voter, if the  
21 envelope was open or unsealed when it was originally received by the inspectors, or  
22 if the certificate accompanying an absentee ballot that the voter received by facsimile  
23 transmission or electronic mail is missing.

24 **SECTION 39.** 9.01 (1) (b) 4. a. and b. of the statutes are amended to read:



**ASSEMBLY BILL 904****SECTION 39**

1           9.01 (1) (b) 4. a. When the container or bag has been checked, it shall be opened  
2           and the contents removed. The board of canvassers shall, without examination other  
3           than what is necessary to determine that each is a single ballot, count the number  
4           of ballots in the container or bag, excluding ballots removed under s. 7.51 (2) (b) and  
5           (e).

6           b. The board of canvassers shall then, for each opened absentee ballot envelope  
7           that was laid aside as defective under subd. 2., without inspection, randomly draw  
8           one absentee ballot that was not laid aside under s. 7.51 (2) (b) from the container  
9           or bag. In differentiating absentee ballots from other ballots, the board of canvassers  
10          shall presume that a ballot initialed only by the municipal clerk, the executive  
11          director of the board of election commissioners, or a deputy clerk or secretary is an  
12          absentee ballot. If there are more defective absentee ballot envelopes than there are  
13          probable absentee ballots, all of the probable absentee ballots that were not laid aside  
14          under s. 7.51 (2) (b) shall be removed from the container or bag. Additional ballots  
15          shall be removed only if the number of remaining ballots still exceeds the number of  
16          voting electors recorded under subd. 1., reduced by the number of defective envelopes  
17          set aside under subd. 2. All ballots removed shall not be counted, but shall be marked  
18          as to the reason for their removal, set aside and carefully preserved.

19          **SECTION 40.** 9.01 (1) (b) 4. c. of the statutes is amended to read:

20          9.01 (1) (b) 4. c. If, after completing the steps set forth in subd. 4. b., the number  
21          of ballots still exceeds the number of voters, the board of canvassers shall place all  
22          ballots face up to check for blank ballots. Any blank ballots shall be so marked, set  
23          aside and carefully preserved. The board of canvassers shall then temporarily  
24          separate the absentee ballots marked "Military elector s. 6.34 (1) (a) 1. or 2., stats."  
25          from the other ballots.

**ASSEMBLY BILL 904****SECTION 41**

1           **SECTION 41.** 9.01 (1) (b) 4. d. of the statutes is amended to read:

2           9.01 (1) (b) 4. d. If, after completing the steps set forth in subd. 4. c., the number  
3 of remaining ballots still exceeds the total number of voters reduced by the number  
4 of defective envelopes set aside under subd. 2. and by the number of ballots  
5 temporarily separated under subd. 4. c., the board of canvassers shall ~~place all~~  
6 ~~ballots face down to~~ then check the initials. Any ballot not properly initialed by 2  
7 inspectors or any absentee ballot not properly initialed by the municipal clerk, the  
8 executive director of the board of election commissioners, or a deputy clerk or  
9 secretary shall be temporarily set aside and the board of canvassers shall, without  
10 inspection, randomly draw from these ballots as many as are necessary to reduce the  
11 number of ballots to equal the number of voters. Any ballots removed for lack of  
12 initials shall not be counted but shall be marked, set aside and carefully preserved.

13           **SECTION 42.** 9.01 (1) (b) 4. e. of the statutes is amended to read:

14           9.01 (1) (b) 4. e. If, after completing the steps set forth in subd. 4. d., the number  
15 of remaining ballots still exceeds the number of voters reduced by the number of  
16 defective envelopes set aside under subd. 2. and by the number of ballots temporarily  
17 separated under subd. 4. c., the remaining ballots shall be returned to the container  
18 or bag and the board of canvassers shall draw a number of ballots equal to the excess  
19 number of ballots by chance and without inspection from the container or bag. These  
20 ballots shall not be counted but shall be marked as having been removed by the  
21 canvassers on recount due to an excess number of ballots, set aside and carefully  
22 preserved.

23           **SECTION 43.** 9.01 (1) (b) 5. of the statutes is amended to read:

24           9.01 (1) (b) 5. When the number of ballots and voters agree, or after noting that  
25 the number of voters exceeds the number of ballots, the board of canvassers shall

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1 return all ballots to be counted, including the ballots of military electors that were  
2 separated under subd. 4. c., to the ballot box and shall turn the ballot box in such  
3 manner as to thoroughly mix the ballots. The recount shall then begin.

4 **SECTION 44.** 9.01 (5) (a) of the statutes is amended to read:

5 9.01 (5) (a) The board of canvassers or the chairperson of the board or the  
6 chairperson's designee shall keep complete minutes of all proceedings before the  
7 board of canvassers or the chairperson or designee. The minutes shall include a  
8 description of each step in the recount process that is performed by the board of  
9 canvassers or the chairperson or designee and the findings of the board of canvassers  
10 or the chairperson or designee with respect to that step, if any. The minutes shall  
11 include a record of objections and offers of evidence. If the board of canvassers or the  
12 chairperson or chairperson's designee receives exhibits from any party, the board of  
13 canvassers or the chairperson or designee shall number and preserve the exhibits.  
14 The board of canvassers or the chairperson or chairperson's designee shall make  
15 specific findings of fact with respect to any irregularity raised in the petition or  
16 discovered during the recount. Any member of the board of canvassers or the  
17 chairperson or chairperson's designee may receive testimony, administer oaths,  
18 certify official acts and issue subpoenas for purposes of this section. The board of  
19 canvassers or the chairperson of the board or the chairperson's designee may  
20 question an elector concerning the process of voting or assistance provided to the  
21 elector, but shall not question an elector as to which candidates or questions the  
22 elector voted for or against. Witness fees shall be paid by the county. In the case of  
23 proceedings before the chairperson of the board or chairperson's designee, witness  
24 fees shall be paid by the board.

25 **SECTION 45.** 10.02 (3) (g) of the statutes is amended to read:

**ASSEMBLY BILL 904****SECTION 45**

1           10.02 (3) (g) An elector may select an individual to assist in casting his or her  
2           vote if the elector declares to the presiding official that he or she is unable to read,  
3           has difficulty reading, writing or understanding English or that due to disability is  
4           unable to cast his or her ballot. The selected individual rendering assistance may  
5           not be a municipal clerk or a deputy clerk, the elector's employer or an agent of that  
6           employer, or an officer or agent of a labor organization which represents the elector  
7           and shall not advise the elector to vote for or against any candidate.

8           **SECTION 46.** 12.13 (2) (b) 9. of the statutes is created to read:

9           12.13 (2) (b) 9. Duplicate a ballot that bears the initials of an election inspector.

10          **SECTION 47.** 12.13 (2) (c) of the statutes is created to read:

11          12.13 (2) (c) No municipal clerk or deputy clerk may assist an elector who  
12          declares that he or she is unable to read, has difficulty in reading, writing, or  
13          understanding English, or due to disability is unable to mark his or her ballot, in  
14          marking the elector's ballot.

15          **SECTION 48.** 12.13 (3) (j) of the statutes is amended to read:

16          12.13 (3) (j) When called upon to assist an elector who cannot read or write, has  
17          difficulty in reading, writing or understanding English, or is unable to mark a ballot  
18          or depress a lever or button on a voting machine, inform the elector that a ballot  
19          contains names or words different than are printed or displayed on the ballot with  
20          the intent of inducing the elector to vote contrary to his or her inclination,  
21          intentionally fail to cast a vote in accordance with the elector's instructions, advise  
22          the elector to vote for or against any candidate, or reveal the elector's vote to any 3rd  
23          person. For purposes of this paragraph, advice includes any gesture or other visual  
24          or verbal indication of a preferred candidate.

25          **SECTION 49.** 12.13 (4) of the statutes is created to read:

**ASSEMBLY BILL 904**

1           12.13 (4) CANVASSERS. If any member of a board or canvassers, or the  
2 chairperson of the board or chairperson's designee, questions an elector in violation  
3 of s. 9.01 (5) (a), the member, chairperson or designee may be fined not more than  
4 \$1,000 or imprisoned for not more than 6 months, or both, and for a 2nd or  
5 subsequent offense within 5 years is guilty of a Class I felony.

6           **SECTION 50.** 12.60 (1) (b) of the statutes is amended to read:

7           12.60 (1) (b) Whoever violates s. 12.03, 12.05, 12.07, 12.08 or 12.13 (2) (b) 8. or  
8 9. or (c), (3) (b), (c), (d), (g), (i), (n) to (x), (ze), (zm) or (zn) may be fined not more than  
9 \$1,000, or imprisoned not more than 6 months or both.

10

**(END)**