

# State of Wisconsin



2021 Senate Bill 941

Date of enactment:  
Date of publication\*:

## 2021 WISCONSIN ACT

AN ACT *to renumber and amend* 6.275 (2); *to amend* 5.05 (2m) (e) and 5.05 (4); and *to create* 5.05 (19), 6.275 (1) (ab), 6.275 (1) (db), 6.275 (1) (eb), 6.275 (1) (ec), 6.275 (1) (ed), 6.275 (1) (ee), 6.275 (1) (ef), 6.275 (1) (eg), 6.275 (1) (eh), 6.275 (1) (g), 6.275 (1m), 6.275 (2) (b), 6.36 (7) and 16.54 (8s) of the statutes; **relating to:** overseeing the administration of elections.

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

**SECTION 1.** 5.05 (2m) (e) of the statutes is amended to read:

5.05 (2m) (e) No individual who serves as an employee of the commission and no individual who is retained by the commission to serve as a special investigator or a special counsel may, while so employed or retained, make a contribution to a candidate for state or local office. No individual who serves as an employee of the commission, except for legal counsel, and no individual who is retained by the commission to serve as a special investigator or as special counsel, for 12 months prior to becoming so employed or retained, may have made a contribution to a candidate for a partisan state or local office. In this paragraph, contribution has the meaning given in s. 11.0101 (8).

**SECTION 2.** 5.05 (4) of the statutes is amended to read:

5.05 (4) EMPLOYEES. All employees of the commission shall be nonpartisan, except that legal counsel shall be partisan and shall be appointed as provided under this subsection. The legislative leadership of one of the 2 major political parties that received the largest number of votes for president at the most recent presidential election

shall appoint one individual to serve as legal counsel and the legislative leadership of the other such political party shall appoint one individual to serve as legal counsel.

**SECTION 3.** 5.05 (19) of the statutes is created to read:  
5.05 (19) FEDERAL ELECTION GUIDANCE. (a) In this subsection:

1. "Agency" has the meaning given in s. 13.172 (1).
2. "Federal election guidance" means any directive or guidance issued by the federal department of justice or any other executive branch agency of the federal government pertaining to elections, including the times, places, and manner for administering elections in this state, received by an agency on or after the effective date of this subdivision .... [LRB inserts date].

(b) An agency shall submit federal election guidance, and any communication with the department of justice or federal department of justice or any other executive branch agency of the federal government related to that guidance, to the senate majority leader, the senate minority leader, the speaker of the assembly, the assembly minority leader, the chairpersons of the standing committees with jurisdiction concerning elections, and the cochairpersons of the joint committee for review of administrative rules no later than 48 hours after receiving the guidance or communication. No agency may take action to implement federal election guidance without

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

approval from the joint committee for review of administrative rules, except that, if the committee does not schedule a meeting for the purpose of reviewing the guidance within 30 days of receiving the guidance from the agency, the agency may implement the guidance.

**SECTION 4.** 6.275 (1) (ab) of the statutes is created to read:

6.275 (1) (ab) The total number of registered electors residing in the municipality on the day of the primary or election.

**SECTION 5.** 6.275 (1) (db) of the statutes is created to read:

6.275 (1) (db) The total number of electors of the municipality residing in that county who registered to vote beginning on the day of the immediately preceding primary or election and ending on the day of the most recent primary or election.

**SECTION 6.** 6.275 (1) (eb) of the statutes is created to read:

6.275 (1) (eb) The total number of electors of the municipality voting absentee ballots by mail at the primary or election.

**SECTION 7.** 6.275 (1) (ec) of the statutes is created to read:

6.275 (1) (ec) The total number of electors of the municipality voting absentee ballots in person at the primary or election.

**SECTION 8.** 6.275 (1) (ed) of the statutes is created to read:

6.275 (1) (ed) The total number absentee ballots returned by electors residing in the municipal at the primary or election that were not counted and the reasons why such ballots were not counted.

**SECTION 9.** 6.275 (1) (ee) of the statutes is created to read:

6.275 (1) (ee) The total number of electors of the municipality casting ballots at the polling place on the day of the primary or election.

**SECTION 10.** 6.275 (1) (ef) of the statutes is created to read:

6.275 (1) (ef) The total number of electors of the municipality casting provisional ballots under s. 6.97 at the primary or election and the number of such ballots not counted, as provided under s. 6.97 (3) (c).

**SECTION 11.** 6.275 (1) (eg) of the statutes is created to read:

6.275 (1) (eg) The total number of defective ballots cast by electors of the municipality that election officials recreated, with a separate itemization of such ballots cast by military and oversea electors, damaged ballots, and ballots recreated for other reasons.

**SECTION 12.** 6.275 (1) (eh) of the statutes is created to read:

6.275 (1) (eh) The location of each residential care facility and qualified retirement home to which the municipality dispatched special voting deputies, as pro-

vided under s. 6.875, and the total number of ballots cast by residents of the facilities and homes using special voting deputies.

**SECTION 13.** 6.275 (1) (g) of the statutes is created to read:

6.275 (1) (g) The number of electors residing in the municipality whose personally identifiable information on the official registration list maintained by the commission under s. 6.36 (1) and the information specified in s. 6.34 (2m) did not match the personally identifiable information maintained by the department of transportation beginning on the day of the immediately preceding primary or election and ending on the day of the most recent primary or election; a description of each mismatch; and the number of such electors whose registration status was changed from eligible to ineligible.

**SECTION 14.** 6.275 (1m) of the statutes is created to read:

6.275 (1m) No later than 30 days after each election at which a state or national office is filled or a statewide referendum is held, including any special election, each county clerk or county board of election commissioners shall submit electronically a report to the commission that provides the following:

(a) The approximate number of electors in each municipality in the county that the municipal clerk certified to the clerk or board under s. 5.66 (1) for the election and the number of ballots that the clerk or board ordered under s. 5.66 (1).

(b) The number of ballots ordered under par. (a) that the county or board distributed to each municipality in the county.

(c) The number of ballots distributed to each municipality under par. (b) that were ultimately cast in the election.

(d) The number of ballots distributed under par. (b) that election inspectors rejected, and the reasons for rejection, and the number of ballots distributed under par. (b) that were remade by election inspectors and cast.

(e) The number of ballots distributed under par. (b) that were not used in the election.

(f) Any other action that the county performed under s. 7.60 to reconcile the total number of ballots with the number of votes cast.

(g) An explanation of any discrepancy between the number of ballots ordered and the number distributed and of any discrepancy between the number of ballots distributed and the number cast or rejected.

**SECTION 15.** 6.275 (2) of the statutes is renumbered 6.275 (2) (a) and amended to read:

6.275 (2) (a) Upon receipt of each report filed under this section, the commission shall, within 7 days of receiving the report, publish the information on its Internet site in a format that is easily accessible to the public. The commission shall update the information published under this ~~subsection~~ paragraph on a monthly basis.

**SECTION 16.** 6.275 (2) (b) of the statutes is created to read:

6.275 (2) (b) The commission shall, within 7 days after receiving a report under sub. (1m), submit the report to the senate majority leader, the senate minority leader, the speaker of the assembly, the assembly minority leader, the cochairpersons of the standing committees with jurisdiction concerning elections, and the legislative audit bureau. The legislative audit bureau shall review the report and, within 30 days after receiving the report, shall submit a report to the legislature under s. 13.172 (2) with its findings and recommendations, including a description of any discrepancies it found and any explanation of those discrepancies it received from local election officials.

**SECTION 17.** 6.36 (7) of the statutes is created to read:

6.36 (7) On the first day of each month the commission shall archive an electronic copy of the official registration list as it appeared on the last day of the previous month and retain that copy for no less than 22 months.

**SECTION 18.** 16.54 (8s) of the statutes is created to read:

16.54 (8s) Before the governor may disburse funds received under sub. (1) to the elections commission, the elections commission shall establish a plan for the expenditure of such funds and submit the plan to the joint committee on finance. If the cochairpersons of the joint committee on finance do not notify the elections commission that the committee has scheduled a meeting for the purpose of reviewing the plan within 14 working days after the date of the elections commission's submittal, the elections commission may implement the plan and the governor may disburse the funds to the elections commission. If, within 14 working days after the date of the elections commission's submittal, the cochairpersons of the committee notify the elections commission that the committee has scheduled a meeting for the purpose of reviewing the the plan, the elections commission may implement the plan, and the governor may disburse the funds, only with the approval of the committee.

