

# State of Wisconsin\Government Accountability Board

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## MEMORANDUM

**TO:** Wisconsin Municipal Clerks  
City of Milwaukee Election Commission  
Wisconsin County Clerks  
Milwaukee County Election Commission

**FROM:** Michael Haas  
Elections Division Administrator

Allison Coakley  
Training Coordinator

**DATE:** June 26, 2014

**SUBJECT:** Absentee Voting in Residential Care Facilities and Retirement Homes

The State Legislature approved 2013 Wisconsin Act 159 relating to absentee voting in residential care facilities and retirement homes. Absentee voting in residential care facilities and retirement homes utilizing Special Voting Deputies (SVDs) begins on July 21, 2014 for the August Primary. We will be conducting a 2014 Legislative Updates webinar on July 9, 2014 from 9:00 a.m. to 11:00 a.m. and will cover this topic in more depth: <http://gab.wi.gov/node/3206>. In the meantime, municipal clerks can perform several tasks to determine if they need to send SVDs to these facilities for absentee voting purposes.

Clerks who have not had to train and appoint SVDs to conduct absentee voting in the past because they did not have any nursing homes in their municipality (clerks were previously required to use SVDs to conduct absentee voting in nursing homes if a request was on file in their offices) may now be required to use SVDs depending on the number of registered voters in these facilities and if there is an absentee ballot request on file in the clerk's office. To assist municipal clerks in their preparations, the G.A.B. is providing the following brief pointers:

### Where do I send Special Voting Deputies?

- The definition of "Residential Care Facilities" has not changed. It still includes licensed adult family homes, community-based residential facilities, nursing homes, residential care apartment complexes, and qualified retirement homes. (NOTE: A qualified retirement home is a retirement home for which you have adopted SVD procedures for absentee voting.)
- Review the absentee ballot requests you have on file in your office; were any submitted by a resident in a residential care facility? If yes, you must conduct absentee voting using SVDs if there are at least five registered voters in the care facility.
- Determine whether there are five registered voters in one of the care facilities in your municipality. If yes, you must conduct absentee voting using SVDs if there is at least one absentee ballot request on file in your office.

- The clerk is not required to send SVDs to retirement homes even if five residents are registered voters and an absentee ballot request is on file in the clerk's office. In the case of retirement homes and other care facilities where SVDs are not required, the clerk may send SVDs if a significant number of residents lack adequate transportation to the polls, need assistance in voting, are elderly or indefinitely confined electors. If SVD procedures are adopted for the retirement home, it becomes a qualified retirement home.
- If a retirement home (*not a qualified retirement home-see NOTE above*) is located on the same grounds as a care facility which is being visited by SVDs, contact the administrator of the retirement home to get a list of residents. Determine who is a registered voter and give the list to the SVDs prior to their visit, in the event the retirement home residents wish to vote absentee at the care facility through the SVDs.
- If you have determined the facility must be served by SVDs, do not send an absentee ballot to a resident of the facility who has requested it by mail.

Public Notice Requirements:

- The clerk is required to post a notice of the SVD visit at least five working days in advance.
- The public notice must be posted on the municipality's website at least five working days in advance.
- Clerks must provide the public notice to their local official newspaper, if any. If none, the clerk must provide the public notice to a local news medium likely to give to give notice in the area at least five working days in advance. Clerks may, but are not required to, publish the notice.
- Clerks must provide the public notice to any news media who have filed a written request for the notice at least five working days in advance.