

State of Wisconsin \ Government Accountability Board

212 East Washington Avenue, 3rd Floor
Post Office Box 7984
Madison, WI 53707-7984
Voice (608) 266-8005
Fax (608) 267-0500
E-mail: gab@wisconsin.gov
<http://gab.wi.gov>



JUDGE THOMAS H. BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

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TO: Members, Government Accountability Board
Wisconsin Municipal Clerks
Wisconsin County Clerks
City of Milwaukee Election Commission
Milwaukee County Election Commission

FROM: Kevin J. Kennedy
Director and General Council

PREPARED BY: Brian M. Bell, MPA
Elections and Ethics Specialist

SUBJECT: 2013-2014 Enacted Legislation Relevant to the G.A.B.

Following is an updated summary of the bills enacted by the State Legislature and signed into law by the Governor during the 2013-2014 legislative session related to elections, campaign finance, lobbying, and public records laws. These enacted laws represent the bills that G.A.B. staff monitored, and may not represent an exhaustive list of enacted laws that affect the responsibilities of the Board, G.A.B. staff, municipal and county clerks, or other election officials. This memo was updated April 30, 2014, to reflect the signing of Act 613 and clarify the explanation of Act 146.

While many bills are introduced by several co-authors and co-sponsors, this summary includes only the first author listed as introducing the bill. All of the laws listed below are effective on the day after the publication date, unless otherwise specified.

1. Assembly Joint Resolution 2: creation of a department of transportation, creation of a transportation fund, and deposit of funds into the transportation fund (second consideration). Introduced by Representative Ripp.

- The adoption of this joint resolution will require a statewide referendum.
- The referendum will occur with the November 4, 2014 General Election.

2. *Assembly Bill 24 (2013 Wisconsin Act 176): the method of recounting votes cast with automatic tabulating equipment. Introduced by Representative Thiesfeldt.*

- Board of canvassers may decide to conduct the recount of selected wards or election districts by hand or by automatic tabulating equipment, unless a court order specifies the recount method.

3. *Assembly Bill 89 (2013 Wisconsin Act 155): the method of reporting election returns by municipalities. Introduced by Representative Bernier.*

- Municipalities of 35,000 or more may combine election returns of a ward with an adjacent ward if:
 - the ward has a population of 20 or less
 - the total population of the combined wards would not exceed that municipality's population range for wards

4. *Assembly Bill 202 (2013 Wisconsin Act 177): certification of election observers. Introduced by Representative Pridemore.*

- Clerks and chief inspectors must designate observer areas at each polling place.
- There must be an observer area between three and eight feet of the table at which electors state their name and address to receive a voter number.
- There must be an observer area between three and eight feet of the registration table.
- Observers must print their name, sign, and date a log for that polling place.

5. *Assembly Bill 396 (2013 Wisconsin Act 159): absentee voting at residential care facilities. Introduced by Representative Bernier.*

- Clerks shall send two special voting deputies (SVDs) to each community-based residential care facility, adult family home, and residential care apartment complex located in the municipality to conduct in-person absentee voting for occupants upon application by one or more qualified electors who are occupants of the facility, home, or complex, and there are at least five registered electors who are occupants.
- Clerks must post a notice of the visit from at least five working days in advance.
- Clerks must also provide the public notice to a local news medium and to those news media who have filed a written request to receive such notices, at least five working days in advance.
- Municipalities that maintain a website must also post the notice online.
- SVDs must deliver ballot bags or containers of voted absentee ballots to the municipal clerk as soon as possible after visiting the facility and not later than 18 hours after the visit.
- When a retirement home not served by SVDs is on the same grounds as a facility that is, the clerk must obtain the names and addresses of the retirement home occupants and provide these names and addresses to the SVDs to verify which residents are eligible to cast their ballots with the SVDs.
- This law first applies to elections held after May 1, 2014.

6. *Assembly Bill 419 (2013 Wisconsin Act 178): counting votes for write-in candidates. Introduced by Representative Bernier.*

- Generally, election officials will count write-in votes only if there are no candidates certified to appear on the ballot.
- If there are certified candidates, election officials will only count write-ins for registered write-in candidates.
- Election officials shall count all write-in votes if a certified candidate dies or withdraws before the election (no process exists to withdraw except for death).

7. *Assembly Bill 420 (2013 Wisconsin Act 160): providing a printed name for signers of nomination papers and petitions. Introduced by Representative J. Ott.*

- Nomination papers or petitions must now include the signer's legible printed name next to their signature.
- The law first applies to nomination papers for which the initial circulation date is on or after the date of publication.

8. *Assembly Bill 565 (2013 Wisconsin Act 169): repealing the schedule of elections. Introduced by the Law Revision Committee.*

- This bill removes the schedule of election-related occurrences from the statutes.
- The Government Accountability Board will continue to provide a calendar of election-related events to the public.

9. *Assembly Bill 567 (2013 Wisconsin Act 171): access to public records (suggested as remedial legislation by the Legislative Reference Bureau). Introduced by the Law Revision Committee.*

- The law modifies the definition of a record to include electronically stored records.
- The law applies to every elective official who is a custodian of records, and defines elective official as an individual who holds an office regularly filled by a vote of the people.
- An individual may have access to records that contain their own personally identifiable information or that of someone they have authorization to act on behalf of to cover the exercise of a durable power of attorney.
- The law substitutes the term *copying* for *photocopying* to reflect other means of providing a copy of a record.

10. *Assembly Bill 606 (2013 Wisconsin Act 174): the number of nomination paper signatures required for citywide offices in second class and third class cities. Introduced by Representative Thiesfeldt.*

- The number nomination paper signatures required for a candidate for a citywide aldermanic district in second and third class cities is now not less than 100 nor more than 200 electors.

- The signature requirement for all other citywide offices in second and third class cities remains at not less than 200 nor more than 400 electors.

11. Senate Bill 20 (2013 Wisconsin Act 147): residency of election officials. Introduced by Senator Lazich.

- Election inspectors serving at a polling place must be an elector of the county where the person serves.
- Chief inspectors must still be a qualified elector of the municipality.
- High school students must continue to meet the previous requirements.
- If the political parties do not submit a list of nominees, election inspectors from within the municipality shall have priority.
- The political parties may submit the list of nominees in any of three ways:
 - to the mayor, president, or chairperson of a municipality (previous law)
 - to the clerk or the clerk's agent
 - or they may deliver or mail the list to the office of the municipality.
- The clerk must then forward the list to the mayor, president, or chairperson of the municipality.
- County party chairpersons may submit lists of election inspector nominees within the City of Milwaukee.
- The county party chairperson shall sign the lists of nominees for the appointment of election inspectors.

12. Senate Bill 262 (2013 Wisconsin Act 179): labeling of duplicate ballots. Introduced by Senator Lazich.

- Election officials shall uniformly identify and number duplicate ballots in the portion of the ballot for official endorsement, in the manner prescribed by the G.A.B.

13. Senate Bill 264 (2013 Wisconsin Act 180): securing the ballot container. Introduced by Senator Lazich.

- Only the chief inspector and one other inspector, whose party affiliation is different from the chief inspector's party affiliation, if available, may secure the ballot container.

14. Senate Bill 265 (2013 Wisconsin Act 181): party representation for election officials serving at polling places. Introduced by Senator Lazich.

- Whenever two or more inspectors are required to perform a function within a polling place and both parties that are entitled to submit nominees have done so, the chief inspector must assign, insofar as practicable, an equal number of inspectors from the nominees of each party.
- The law does not specify how chief inspectors shall assign responsibilities when only one party or no party submits a list of nominees.

- The person who submits a list of election inspector nominees shall certify on that list that they contacted each nominee, and that each nominee agreed to serve as an election official.

15. Senate Bill 267 (2013 Wisconsin Act 182): recording the type of identifying document provided by an elector as proof of residence. Introduced by Senator Lazich.

- Election officials shall record the type proof of residence document, the entity or institution that issued the document, and a number that applies to the individual, if such a number exists.
- Election officials shall record the last four digits of the number if the full number contains more than six digits, or the last two digits if the full number is six or fewer digits.
- The requirement to record the identifying number on the poll list is eliminated
- G.A.B. will add space on the voter registration form to enter this information and add these as required fields in SVRS.
- The law also eliminates the exemption from the proof of residence requirement for those electors who register prior to the close of registration.
 - Military and permanently overseas voters are always exempt from the proof of residence requirement.
 - All other voters must always provide proof of residence to register to vote.

16. Senate Bill 324 (2013 Wisconsin Act 146): limiting the times for voting by absentee ballot in person. Introduced by Senator Grothman.

- This law limits in-person absentee voting during the in-person absentee ballot period to between the hours of 8 a.m. and 7 p.m., Monday through Friday.
- In-person absentee voting is prohibited on weekends, holidays or by appointment outside the hours of 8 a.m. to 7 p.m.
- This law first applies May 27, 2014.

17. Senate Bill 377 (2013 Wisconsin Act 148): reporting registration and voting statistics. Introduced by Senator Lazich.

- Clerks must report information regarding same-day voter registration audit postcards to the county clerk and to GAB at the earliest practicable time after, but no later than 90 days after, an election at which a state or national office is filled or a statewide referendum is held
- Clerks must report the number of audit postcards mailed, the number returned because the elector did not reside at the address given, the number of electors whose status changed from eligible to ineligible on the registration list because of the audit, and the number of individuals referred to the district attorney.
- Clerks must update the information on a monthly basis and submit the updated information to the county clerk and G.A.B.
- Municipal clerks must report election related statistics via an electronic report to the county clerk and directly to the G.A.B. (e.g., SVRS, WEDCS, or CRM – similar to the Four-Year Maintenance postcard process).

- Municipal clerks must report suspected election frauds, irregularities, or violations of which the clerk has knowledge to the District Attorney for the county where the suspected activity occurred, and to the G.A.B, in the manner prescribed by the board.
- The G.A.B. must submit an annual report to the Legislature regarding these reports in accordance with Wis. Stat. §13.172.
- Clerks must report the information regarding EDR verification postcards to the board within 90 days of the 2014 General Election, and the G.A.B. must publish this information on its website.
- All other provisions of this law take effect January 1, 2016.

18. Senate Bill 548 (2013 Wisconsin Act 149): transferring responsibility over biennial updating of voter registration list to the Government Accountability Board. Introduced by Senator Lazich.

- The G.A.B. is responsible for mailing the Notice of Suspension of Registration forms to conduct voter list maintenance each biennium.
- Municipal clerks are responsible for changing the registration status of electors request to continue their voter registration, and for processing undeliverable postcards.
- The G.A.B. will mail Notices of Suspension of Registration no later than June 15 following each general election.

19. Senate Bill 655 (2013 Wisconsin Act 153): various changes in the campaign finance and lobbying laws. Introduced by Senator Lazich.

- The registration threshold for referendum activity by groups or individuals changes from \$750 to \$2,500.
- The registration threshold for a committee, group, or individual, other than a candidate committee, that accepts contributions, incurs obligations, or makes disbursements changes from \$25 to \$300.
- Transfers between personal campaign committees count toward the 65 percent rule (from all committees), but not the 45 percent rule (from committees other than political party and legislative campaign committees).
- The limit that a corporation or association (also known as sponsoring organizations) may expend annually to solicit contributions to its separate segregated fund is the greater of \$20,000 or 20 percent of the amount of contributions to the separate segregated fund in the prior year.
- A conduit may redirect certain contributions to a sponsor (committee associated with the conduit) or to an administrative fund of the conduit under limited and specified conditions.
- This law excludes certain Internet activity from reporting under the campaign finance law by excluding this activity from the definitions of *contribution* and *disbursement*.
 - Certain Internet-related activity is still included in the definition of *disbursement* and is reportable (e.g., payment for certain Internet activity).

- This law excludes certain media coverage and communications to the public from reporting under the campaign finance law by excluding the activity from the definitions of *contribution* and *disbursement*.
 - The excluded media coverage does not apply to the cost of a news story that appears in a medium owned or controlled by a candidate, personal campaign committee of a candidate, support committee of a candidate, or a political party.
- The time for late reporting changes from 24 to 48 hours.
- The Campaign Finance Information System (CFIS) must allow electronic signatures.
 - A registrant that files a report in an electronic format may file a paper copy of the signature portion of the report.
 - The law eliminates the requirement for filing a hard copy of the report if the registrant files electronically.
- A lobbyist may personally make a contribution in the year of the candidate's election between the first day authorized by law for the circulation of nomination papers as a candidate (currently, April 15th) and the date of the general election.
 - A lobbyist may still only contribute to a candidate for legislative office during that time only if the Legislature has concluded its final floor period, and is not in special or extraordinary session.
 - Furnishing contributions to partisan candidates or officeholders is now always prohibited.

20. Assembly Bill 613: modifying the duties of a county clerk; counties in which a board of election commissioners is required; and staffing of a board of election commissioners in populous counties. Introduced by Representative Bernier.

- Requires a board of election commissioners in municipalities over 500,000 population and counties over 750,000 population (increased from 500,000).
- The county clerk shall serve as the executive director of the county election commission (Milwaukee).
- This law removes the limit on the number of assistants the county clerk may appoint.