



State of Wisconsin  
2001 - 2002 LEGISLATURE

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JTK&RJM:kmg:rs

**ASSEMBLY AMENDMENT 1,  
TO 2001 SENATE BILL 110**

June 12, 2001 – Offered by Representative POWERS.

- 1           At the locations indicated, amend the engrossed bill as follows:
- 2           **1.** Page 1, line 1: delete “**SECTION 1**” and substitute “**SECTION 1m**”.
- 3           **2.** Page 2, line 4: after “electors,” insert “elimination of punch card electronic
- 4 voting systems.”.
- 5           **3.** Page 2, line 6: delete “and granting” and substitute “granting”.
- 6           **4.** Page 2, line 6: after “authority” insert “, and making an appropriation”.
- 7           **5.** Page 6, line 1: before that line insert:
- 8           “**SECTION 1am.** 5.02 (1e) of the statutes is amended to read:
- 9           5.02 (1e) “Ballot” means a ~~tabulating card~~, ballot label, sheet of paper or
- 10 envelope on which votes are recorded. The term also includes a sheet or card,
- 11 filmstrip or other device listing or containing information relative to offices,

1 candidates and referenda which is placed, projected or composed on the board or  
2 screen inside a voting machine.

3 **SECTION 1b.** 5.02 (1m) of the statutes is repealed.”.

4 **6.** Page 7, line 7: after that line insert:

5 “**SECTION 4m.** 5.35 (2) of the statutes is amended to read:

6 5.35 (2) VOTING BOOTHS. There shall be one voting booth for every 200 electors  
7 who voted at the last general election. The booths shall have a surface on which to  
8 write or work and be sufficiently enclosed to assure privacy for the elector and anyone  
9 lawfully assisting the elector while marking ~~or punching~~ the elector’s ballot.”.

10 **7.** Page 8, line 2: after that line insert:

11 “**SECTION 8m.** 5.35 (6) (b) of the statutes is amended to read:

12 5.35 (6) (b) At each polling place in the state where a consolidated ballot under  
13 s. 5.655 is used or an electronic voting system is utilized at a partisan primary  
14 election incorporating a ballot upon which electors may mark ~~or punch~~ votes for  
15 candidates of more than one recognized political party or for candidates of a  
16 recognized political party and independent candidates, the municipal clerk or board  
17 of election commissioners shall prominently post a sign in the form prescribed by the  
18 board warning electors in substance that on any ballot with votes cast for candidates  
19 of more than one recognized political party or any ballot with votes cast for  
20 candidates of a recognized political party and independent candidates, no votes cast  
21 for any candidates for partisan office will be counted unless a preference for a party  
22 or for the independent candidates is made. If the elector designates a preference,  
23 only votes cast for candidates of that preference will be counted.

24 **SECTION 8p.** 5.54 of the statutes is amended to read:

1           **5.54 Notice to electors.** Every ballot, except a ~~ballot label~~ or voting machine  
2 ballot, shall bear substantially the following information on the face: “NOTICE TO  
3 ELECTORS: This ballot may be invalid unless initialed by 2 election inspectors. If cast  
4 as an absentee ballot, the ballot must bear the initials of the municipal clerk or  
5 deputy clerk.”.

6           **SECTION 8q.** 5.55 of the statutes is amended to read:

7           **5.55 Ballot identification.** On every ballot, except a ~~ballot label~~ or voting  
8 machine ballot, shall be printed “Official .... Ballot” or “Official .... Ballot for ....”  
9 followed by the designation of the polling place for which the ballot has been  
10 prepared, the date of the election, and the official endorsement and blank  
11 certificates. The number of the ward or wards or aldermanic district, if any, and the  
12 name of the municipality may be omitted in printing and stamped or written on the  
13 ballots at any location which is clearly visible at the option of the county clerk.  
14 Printed information and initials shall appear on the back and outside of the ballot.  
15 ~~When a ballot card is employed with an electronic voting system, the date of the~~  
16 ~~election may be printed or stamped on the back of the ballot card in such a manner~~  
17 ~~that the card is not reusable, at the option of the county clerk.~~

18           **SECTION 8r.** 5.66 (2) of the statutes is amended to read:

19           **5.66 (2)** The county clerk or board of election commissioners shall print a  
20 sufficient number of sample ballots. The municipal clerk or board of election  
21 commissioners shall print sample ballots whenever the municipality prepares  
22 ballots under s. 7.15 (2) (b) or (c). Sample ballots shall be printed on nonwhite colored  
23 paper and shall be overprinted “SAMPLE”. Voting machine sample ballots shall be  
24 a reduced size diagram of the face of the board or screen inside the voting machine  
25 with all candidates, issues and voting instructions as they will appear on the official

1 ballot. Sample ballots to be used with an electronic voting system in which ~~ballot~~  
2 ~~labels and ballot cards~~ ballots that are distributed to electors are used shall be an  
3 actual size copy of the ballot ~~label and ballot card~~. The clerk or board of election  
4 commissioners printing the ballots shall distribute the samples approximately as  
5 follows: 45% shall be kept in the clerk's or board's office and distributed to electors  
6 requesting them; 45% shall be sent to the municipalities, or, if the municipality  
7 prints ballots, 45% shall be sent to the county for distribution to the electors; and 10%  
8 shall be reserved to be sent to the polling places by municipalities in proportion to  
9 the number certified in sub. (1) and made available to electors at the polls on election  
10 day.

11 **SECTION 8s.** 5.68 (3) of the statutes is amended to read:

12 5.68 (3) If voting machines are used or if an electronic voting system is used  
13 in which all candidates and referenda appear on the same ballot ~~card~~, the ballots for  
14 all national, state and county offices and for county and state referenda shall be  
15 prepared and paid for by the county wherein they are used. If the voting machine  
16 or electronic voting system ballot includes a municipal or school, technical college,  
17 sewerage or sanitary district ballot, the cost of that portion of the ballot shall be  
18 reimbursed to the county or paid for by the municipality or district, except as  
19 provided in a 1st class city school district under sub. (2).

20 **SECTION 8t.** 5.79 of the statutes is amended to read:

21 **5.79 Instruction of electors.** At polling places where an electronic voting  
22 system employing the use of ~~ballot cards or ballot labels~~ ballots and voting devices  
23 is used, the election officials shall offer each elector instruction in the operation of  
24 the voting device and ballot ~~label or ballot card~~ before the elector enters the voting  
25 booth. No instructions may be given after the elector has entered the voting booth,

1       except as authorized under s. 6.82 (2). All instructions shall be given by election  
2       officials in such a manner that they may be observed by other persons in the polling  
3       place.

4               **SECTION 8u.** 5.81 (1) of the statutes is amended to read:

5               5.81 (1) Whenever the statutes provide for the use of separate ballots or  
6       columns or rows for offices, parties or referenda, and an electronic voting system  
7       employing a ballot label or ballot card in which ballots are distributed to electors is  
8       used at a polling place, a single ballot may be used for all offices, referenda and  
9       parties. The ballot information, whether placed on the ballot or on the voting device,  
10      shall, as far as practicable, be grouped and ordered in the same manner as provided  
11      for other ballots under this chapter, except that the information on the ballot card  
12      need not be in separate columns or rows ~~and the information in the ballot label~~  
13      ~~booklet may appear on a number of pages.~~

14              **SECTION 8w.** 5.81 (2) of the statutes is repealed.

15              **SECTION 8x.** 5.81 (3) of the statutes is amended to read:

16              5.81 (3) If a municipality utilizes an electronic voting system in which ballots  
17      distributed to electors are employed, absentee ballots may consist of ballots utilized  
18      with the system or paper ballots and envelopes voted in person in the office of the  
19      municipal clerk or voted by mail. ~~If a ballot card is used for voting by mail it shall~~  
20      ~~be accompanied by a punching tool or marking device, elector instructions and a~~  
21      ~~sample ballot showing the proper positions to vote on the ballot card for each party,~~  
22      ~~candidate or referendum and, if the ballot card is to be punched, shall be mounted~~  
23      ~~on a suitable material.~~

24              **SECTION 8y.** 5.82 of the statutes is amended to read:

1           **5.82 Write-in ballots.** If the ballot card employed by a municipality does not  
2 provide a space for write-in votes, the municipality shall provide a separate write-in  
3 ballot, which may be in the form of a paper ballot, to permit electors to write in the  
4 names of persons whose names are not on the ballot whenever write-in votes are  
5 authorized.

6           **SECTION 8ym.** 5.84 (1) of the statutes is amended to read:

7           **5.84 (1)** Where any municipality employs an electronic voting system which  
8 utilizes automatic tabulating equipment, either at the polling place or at a central  
9 counting location, the municipal clerk shall, on any day not more than 10 days prior  
10 to the election day on which the equipment is to be utilized, have the equipment  
11 tested to ascertain that it will correctly count the votes cast for all offices and on all  
12 measures. Public notice of the time and place of the test shall be given by the clerk  
13 at least 48 hours prior to the test by publication of a class 1 notice under ch. 985 in  
14 one or more newspapers published within the municipality if a newspaper is  
15 published therein, otherwise in a newspaper of general circulation therein. The test  
16 shall be open to the public. The test shall be conducted by processing a preaudited  
17 group of ballots so punched or marked as to record a predetermined number of valid  
18 votes for each candidate and on each referendum. The test shall include for each  
19 office one or more ballots which have votes in excess of the number allowed by law  
20 and, for a partisan primary election, one or more ballots which have votes cast for  
21 candidates of more than one recognized political party, in order to test the ability of  
22 the automatic tabulating equipment to reject such votes. If any error is detected, the  
23 municipal clerk shall ascertain the cause and correct the error. The clerk shall make  
24 an errorless count before the automatic tabulating equipment is approved by the  
25 clerk for use in the election.

1           **SECTION 8yn.** 5.85 (2) and (3) of the statutes are amended to read:

2           5.85 (2) The election officials shall examine the ballots or record of votes cast  
3 for write-in votes and shall count and tabulate the write-in votes. When an  
4 electronic voting system is used which utilizes a ballot which is distributed to  
5 electors, before separating the remaining ~~ballot cards~~ ballots from their respective  
6 covering envelopes, the election officials shall examine the ballots for write-in votes.  
7 When an elector has cast a write-in vote, the election officials shall compare the  
8 write-in vote with the votes on the ballot to determine whether the write-in vote  
9 results in an overvote for any office. In case of an overvote for any office, the election  
10 officials shall make a true duplicate ballot of all votes on the ballot card except for  
11 the office which is overvoted, by using the an official ballot label booklet and voting  
12 device for the ward, if any of that kind used by the elector who voted the original  
13 ballot, and one of the ~~punching or marking~~ devices so as to transfer all votes of the  
14 elector except for the office overvoted, to an official ballot of that kind used in the  
15 ward at that election. Unless election officials are selected under s. 7.30 (4) (c)  
16 without regard to party affiliation, the election officials shall consist in each case of  
17 at least one election official of each of the 2 major political parties, whenever officials  
18 of both parties are present. Write-in votes shall be counted as provided in s. 7.50 (2)  
19 (d). The original ballot upon which there is an overvote shall be clearly labeled  
20 "Overvoted Ballot" and the ballot so produced "Duplicate Overvoted Ballot", and  
21 each shall bear the same serial number which shall be placed thereon by the election  
22 officials, commencing with number "1" and continuing consecutively for each of the  
23 ballots of that kind in that ward or election district. The election officials shall initial  
24 the "Duplicate Overvoted Ballot" ballots and shall place them in the container for  
25 return of the ballots. The "Overvoted Ballot" ballots and their envelopes shall be

1 placed in the “Original Ballots” envelope. Ballots bearing write-in votes marked in  
2 the place designated therefor and bearing the initials of an election official and not  
3 resulting in an overvote and otherwise complying with the election laws as to  
4 marking shall be counted, tallied, and their votes recorded on a tally sheet provided  
5 by the municipal clerk. ~~Ballot cards~~ Ballots and ballot card envelopes shall be  
6 separated and all ballots except any which are defective or overvoted shall be placed  
7 separately in the container for return of the ballots, along with the ballots marked  
8 “Duplicate Overvoted Ballots”.

9 (3) The election officials shall examine the ballots to determine if any is  
10 damaged or defective so that it cannot be counted by the automatic tabulating  
11 equipment. If any ballot is damaged or defective so that it cannot be properly counted  
12 by the automatic tabulating equipment, the election officials, in the presence of  
13 witnesses, shall make a true duplicate ballot of all votes on that ballot by using the  
14 ~~ballot label booklet and voting device for the ward, if any, and one of the punching~~  
15 ~~or marking devices~~ so as to transfer all votes of the elector to an official ballot of that  
16 ~~kind used in the ward~~ by the elector who voted the original ballot in that election.  
17 Unless election officials are selected under s. 7.30 (4) (c) without regard to party  
18 affiliation, the election officials shall consist in each case of at least one election  
19 official of each of the 2 major political parties, whenever officials of both parties are  
20 present. The original ballot shall be clearly labeled “Damaged Ballot” and the ballot  
21 so produced “Duplicate Damaged Ballot”, and each shall bear the same number  
22 which shall be placed thereon by the election officials, commencing with number “1”  
23 and continuing consecutively for the ballots of that kind in the ward. The election  
24 officials shall initial the “Duplicate Damaged Ballot” ballots, and shall place them



1 in the container for return of the ballots. The officials shall place “Damaged Ballot”  
2 ballots and their envelopes in the “Original Ballots” envelope.

3 **SECTION 8yo.** 5.91 (14) of the statutes is created to read:

4 5.91 (14) It does not employ any mechanism by which a ballot is punched or  
5 punctured to record the votes cast by an elector.

6 **SECTION 8yp.** 5.94 of the statutes is amended to read:

7 **5.94 ~~Sample ballot labels and cards~~ ballots; publication.** When an  
8 electronic voting system employing a ballot label and ballot card that is distributed  
9 to electors is used, the county and municipal clerk of the county and municipality in  
10 which the polling place designated for use of the system is located shall cause to be  
11 published, in the type B notices, a true actual-size copy of the ballot label and ballot  
12 card containing the names of offices and candidates and statements of measures to  
13 be voted on, as nearly as possible, in the form in which they will appear on the official  
14 ballot label and ballot card on election day. The notice may be published as a  
15 newspaper insert. Municipal clerks may post the notice if the remainder of the type  
16 B notice is posted.

17 **SECTION 8yq.** 6.15 (3) (a) 1. and (b) of the statutes are amended to read:

18 6.15 (3) (a) 1. Upon proper completion of the application and cancellation card,  
19 the municipal clerk shall inform the elector that he or she may vote for the  
20 presidential electors not sooner than 9 days nor later than 5 p.m. on the day before  
21 the election at the office of the municipal clerk, or at a specified polling place on  
22 election day. When voting at the municipal clerk’s office, the applicant shall provide  
23 identification and shall mark ~~or punch~~ the ballot in the clerk’s presence in a manner  
24 that will not disclose his or her vote. Unless the ballot is utilized with an electronic  
25 voting system, the applicant shall fold the ballot so as to conceal his or her vote. The

1 applicant shall then deposit the ballot and seal it in an envelope furnished by the  
2 clerk.

3 (b) *Election day.* An eligible elector may appear at the polling place for the ward  
4 or election district where he or she resides and make application for a ballot under  
5 sub. (2). In such case, the inspector or special registration deputy shall perform the  
6 duties of the municipal clerk. The elector shall provide identification. If the elector  
7 is qualified, he or she shall be permitted to vote. The elector shall mark ~~or punch~~ the  
8 ballot and, unless the ballot is utilized with an electronic voting system, the elector  
9 shall fold the ballot, and shall deposit the ballot into the ballot box or give it to the  
10 inspector. The inspector shall deposit it directly into the ballot box. Voting machines  
11 or ballots utilized with electronic voting systems may only be used by electors voting  
12 under this section if they permit voting for president and vice president only.

13 **SECTION 8yr. 6.22** (4) and (5) of the statutes are amended to read:

14 **6.22 (4) INSTRUCTIONS AND HANDLING.** An individual who qualifies as a military  
15 elector may request an absentee ballot for any election, or for all elections until the  
16 individual otherwise requests or until the individual no longer qualifies as a military  
17 elector. A military elector's application may be received at any time. The municipal  
18 clerk shall not send a ballot for an election if the application is received later than  
19 5 p.m. on the Friday preceding that election. The municipal clerk shall send a ballot,  
20 as soon as available, to each military elector who requests a ballot. The board shall  
21 prescribe the instructions for marking ~~or punching~~ and returning ballots and the  
22 municipal clerk shall enclose instructions with each ballot and shall also enclose  
23 supplemental instructions for local elections. The envelope, return envelope and  
24 instructions may not contain the name of any candidate appearing on the enclosed  
25 ballots other than that of the municipal clerk affixed in the fulfillment of his or her

1 duties. Whenever the material is mailed, the material shall be prepared and mailed  
2 to make use of the federal free postage laws. The mailing list established under this  
3 subsection shall be kept current in the same manner as provided in s. 6.86 (2) (b).

4 **(5) VOTING PROCEDURE.** Except as authorized in s. 6.25, the ballot shall be  
5 marked ~~or punched~~ and returned, deposited and recorded in the same manner as  
6 other absentee ballots. In addition, the certification under s. 6.87 (2) shall have a  
7 statement of the elector's birth date. Failure to return any unused ballots in a  
8 primary election does not invalidate the ballot on which the elector casts his or her  
9 votes.

10 **SECTION 8**ys. 6.24 (6) and (7) of the statutes are amended to read:

11 6.24 **(6) INSTRUCTIONS AND HANDLING.** The municipal clerk shall send a ballot,  
12 as soon as available, to each overseas elector by whom a request has been made. The  
13 board shall prescribe the instructions for marking ~~or punching~~ and returning ballots  
14 and the municipal clerk shall enclose such instructions with each ballot. The  
15 envelope, return envelope and instructions may not contain the name of any  
16 candidate appearing on the enclosed ballots other than that of the municipal clerk  
17 affixed in the fulfillment of his or her duties. Except as authorized in s. 6.87 (3), the  
18 municipal clerk shall mail the material postage prepaid to any place in the world.  
19 The overseas elector shall provide return postage.

20 **(7) VOTING PROCEDURE.** Except as authorized under s. 6.25, the ballot shall be  
21 marked ~~or punched~~ and returned, deposited and recorded in the same manner as  
22 other absentee ballots. In addition, the certificate shall have a statement of the  
23 elector's birth date. Failure to return the unused ballots in a primary election does  
24 not invalidate the ballot on which the elector casts his or her votes.”.

1           **8.** Page 15, line 17: after that line insert:

2           “**SECTION 25m.** 6.82 (1) (a) and (2) (a) and (b) of the statutes are amended to  
3 read:

4           6.82 (1) (a) When any inspectors are informed that an elector is at the entrance  
5 to the polling place who as a result of disability is unable to enter the polling place,  
6 they shall permit the elector to be assisted in marking ~~or punching~~ a ballot by any  
7 individual selected by the elector, except the elector’s employer or an agent of that  
8 employer or an officer or agent of a labor organization which represents the elector.  
9 The inspectors shall issue a ballot to the individual selected by the elector and shall  
10 accompany the individual to the polling place entrance where the assistance is to be  
11 given. If the ballot is a paper ballot, the assisting individual shall fold the ballot after  
12 the ballot is marked ~~or punched~~ by the assisting individual. The assisting individual  
13 shall then immediately take the ballot into the polling place and give the ballot to an  
14 inspector. The inspector shall distinctly announce that he or she has “a ballot offered  
15 by .... (stating person’s name), an elector who, as a result of disability, is unable to  
16 enter the polling place without assistance”. The inspector shall then ask, “Does  
17 anyone object to the reception of this ballot?” If no objection is made, the inspectors  
18 shall record the elector’s name under s. 6.79 and deposit the ballot in the ballot box,  
19 and shall make a notation on the registration or poll list: “Ballot received at poll  
20 entrance”.

21           **(2)** (a) If an elector declares to the presiding election official that he or she  
22 cannot read or write, or has difficulty in reading, writing or understanding English  
23 or that due to disability is unable to mark ~~or punch~~ a ballot or depress a button or  
24 lever on a voting machine, the elector shall be informed by the officials that he or she

1 may have assistance. When assistance is requested, the elector may select any  
2 individual to assist in casting his or her vote. The selected individual rendering  
3 assistance may not be the elector's employer or an agent of that employer or an officer  
4 or agent of a labor organization which represents the elector. The selected individual  
5 shall certify on the back of the ballot that it was marked ~~or punched~~ with his or her  
6 assistance. Where voting machines are used, certification shall be made on the  
7 registration list.

8 (b) The individual chosen shall enter the voting booth or machine with the  
9 elector and shall read the names of all candidates on the ballot for each office, and  
10 ask, "For which one do you vote?". The ballot shall be marked ~~or punched~~ or the lever  
11 or button depressed according to the elector's expressed preference. The individual  
12 selected to assist may not disclose to anyone how the elector voted."

13 **9.** Page 16, line 7: after that line insert:

14 **"SECTION 28m.** 6.87 (3) (d) of the statutes is amended to read:

15 6.87 (3) (d) ~~Unless a municipality uses an electronic voting system that~~  
16 ~~requires an elector to punch a ballot in order to record the elector's votes, a~~ A  
17 municipal clerk of a municipality may, if the clerk is reliably informed by an absent  
18 elector of a facsimile transmission number or electronic mail address where the  
19 elector can receive an absentee ballot, transmit a facsimile or electronic copy of the  
20 absent elector's ballot to that elector in lieu of mailing under this subsection if, in the  
21 judgment of the clerk, the time required to send the ballot through the mail may not  
22 be sufficient to enable return of the ballot by the time provided under sub. (6). An  
23 elector may receive an absentee ballot under this subsection only if the elector has  
24 filed a valid application for the ballot under sub. (1). If the clerk transmits an

1 absentee ballot under this paragraph, the clerk shall also transmit a facsimile or  
2 electronic copy of the text of the material that appears on the certificate envelope  
3 prescribed in sub. (2), together with instructions prescribed by the board. The  
4 instructions shall require the absent elector to make and subscribe to the  
5 certification as required under sub. (4) and to enclose the absentee ballot in a  
6 separate envelope contained within a larger envelope, that shall include the  
7 completed certificate. The elector shall then mail the absentee ballot with postage  
8 prepaid to the municipal clerk. An absentee ballot received under this paragraph  
9 shall not be counted unless it is cast in the manner prescribed in this paragraph and  
10 in accordance with the instructions provided by the board.

11 **SECTION 28r.** 6.87 (4) and (5) of the statutes are amended to read:

12 6.87 (4) Except as otherwise provided in s. 6.875, the elector voting absentee  
13 shall make and subscribe to the certification before one witness. The absent elector,  
14 in the presence of the witness, shall mark ~~or punch~~ the ballot in a manner that will  
15 not disclose how the elector's vote is cast. The elector shall then, still in the presence  
16 of the witness, fold the ballots if they are paper ballots so each is separate and so that  
17 the elector conceals the markings thereon and deposit them in the proper envelope.  
18 If a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot if it is  
19 a paper ballot so that the elector conceals the markings thereon and deposit the ballot  
20 in the proper envelope. The elector may receive assistance under sub. (5). The return  
21 envelope shall then be sealed. The witness may not be a candidate. The envelope  
22 shall be mailed by the elector, postage prepaid, or delivered in person, to the  
23 municipal clerk issuing the ballot or ballots. Failure to return an unused ballot in  
24 a primary does not invalidate the ballot on which the elector's votes are cast. Return  
25 of more than one marked ~~or punched~~ ballot in a primary or return of a ballot prepared

1 under s. 5.655 or a ballot used with an electronic voting system in a primary which  
2 is marked ~~or punched~~ for candidates of more than one party invalidates all votes cast  
3 by the elector for candidates in the primary.

4 (5) If the absent elector declares that he or she is unable to read, has difficulty  
5 in reading, writing or understanding English or due to disability is unable to mark  
6 ~~or punch~~ his or her ballot, the elector may select any individual, except the elector's  
7 employer or an agent of that employer or an officer or agent of a labor organization  
8 which represents the elector, to assist in marking ~~or punching~~ the ballot, and the  
9 assistant shall then sign his or her name to a certification on the back of the ballot,  
10 as provided under s. 5.55.”

11 **10.** Page 19, line 21: after that line insert:

12 “**SECTION 29m.** 6.875 (6) of the statutes is amended to read:

13 6.875 (6) Special voting deputies in each municipality shall, not later than 5  
14 p.m. on the Friday preceding an election, arrange one or more convenient times with  
15 the administrator of each nursing home or qualified retirement home and qualified  
16 community-based residential facility in the municipality from which one or more  
17 occupants have filed an application under s. 6.86 to conduct absentee voting for the  
18 election. The time may be no earlier than the 4th Monday preceding the election and  
19 no later than 5 p.m. on the Monday preceding the election. Upon request of a relative  
20 of an occupant of a nursing home or qualified retirement home or qualified  
21 community-based residential facility, the administrator may notify the relative of  
22 the time or times at which special voting deputies will conduct absentee voting at the  
23 home or facility, and permit the relative to be present in the room where the voting  
24 is conducted. At the designated time, 2 deputies appointed under sub. (4) shall visit

1 the nursing home or qualified retirement home or qualified community-based  
2 residential facility. The municipal clerk or executive director of the board of election  
3 commissioners shall issue a supply of absentee ballots to the deputies sufficient to  
4 provide for the number of valid applications received by the clerk, and a reasonable  
5 additional number of ballots. The municipal clerk or executive director shall keep  
6 a careful record of all ballots issued to the deputies and shall require the deputies to  
7 return every ballot issued to them. The deputies shall personally offer each elector  
8 who has filed a proper application the opportunity to cast his or her absentee ballot.  
9 If an elector is present who has not filed a proper application, the 2 deputies may  
10 accept an application from the elector and shall issue a ballot to the elector if the  
11 elector is qualified and the application is proper. The deputies shall administer the  
12 oath and may, upon request of the elector, assist the elector in marking ~~or punching~~  
13 the elector's ballot. Upon request of the elector, a relative of the elector who is present  
14 in the room may assist the elector in marking ~~or punching~~ the elector's ballot. All  
15 voting shall be conducted in the presence of the deputies. No individual other than  
16 a deputy may administer the oath and no individual other than a deputy or relative  
17 of an elector may render voting assistance to the elector. Upon completion of the  
18 voting, the deputies shall promptly deliver, either personally or by 1st class mail, any  
19 absentee ballot applications and the sealed certificate envelope containing each  
20 ballot to the clerk or board of election commissioners of the municipality in which the  
21 elector casting the ballot resides, within such time as will permit delivery to the  
22 polling place serving the elector's residence on election day. Personal delivery may  
23 be made by the deputies no later than noon on election day. If a qualified elector is  
24 not able to cast his or her ballot on 2 separate visits by the deputies to the nursing  
25 home or qualified retirement home, they shall so inform the municipal clerk or



1 executive director of the board of election commissioners, who may then send the  
2 ballot to the elector no later than 5 p.m. on the Friday preceding the election.”.

3 **11.** Page 20, line 23: after that line insert:

4 “**SECTION 32m.** 7.08 (7) of the statutes is created to read:

5 7.08 (7) VOTING SYSTEM TRANSITIONAL ASSISTANCE. From the appropriation under  
6 s. 20.510 (1) (c), provide financial assistance to municipalities that used punch card  
7 electronic voting systems at the 2001 spring election and to counties in which  
8 municipalities that used punch card electronic voting systems at the 2001 spring  
9 election are wholly or partly contained, to enable the municipalities to employ  
10 another type of electronic voting system, and provide training for election officials  
11 in the use of replacement systems.

12 **SECTION 32n.** 7.08 (7) of the statutes, as created by 2001 Wisconsin Act .... (this  
13 act), is repealed.”.

14 **12.** Page 21, line 10: after that line insert:

15 “**SECTION 33m.** 7.15 (3) (b) of the statutes is amended to read:

16 7.15 (3) (b) Sample ballots, and voting machine ballots ~~and ballot labels for~~  
17 ~~electronic voting systems, whenever the labels are affixed to the voting devices,~~ shall  
18 be furnished to the officials in the ward or election district at least one day before each  
19 election.”.

20 **13.** Page 24, line 24: after that line insert:

21 “**SECTION 41m.** 7.37 (4) of the statutes is amended to read:

22 7.37 (4) BALLOTING PROCEDURE. At polling places which utilize paper ballots or  
23 electronic voting systems in which ballots are distributed to electors, 2 inspectors  
24 shall be assigned to take charge of the official ballots. They shall write their initials

1 on the back of each ballot and deliver to each elector as he or she enters the voting  
2 booth one ballot properly endorsed by each of them. Where paper ballots are used,  
3 the inspectors shall fold each ballot in the proper manner to be deposited before  
4 delivering it to the elector. If asked, inspectors may instruct any elector as to the  
5 proper manner of marking ~~or punching~~ the ballot, but they may not give advice,  
6 suggestions, express any preferences or make any requests as to the person for  
7 whom, the question on which or the ballot on which the elector shall vote.

8 **SECTION 41r.** 7.37 (8) of the statutes is amended to read:

9 7.37 (8) ELECTRONIC VOTING SYSTEMS. Prior to the opening of the polling place,  
10 wherever electronic voting systems employing voting devices are used, the  
11 inspectors shall place the voting devices in position for voting and examine them to  
12 see that they are in proper working order ~~and that they have the correct ballot labels~~  
13 ~~by comparing them with the sample ballots.”.~~

14 **14.** Page 25, line 23: after that line insert:

15 “**SECTION 46m.** 7.50 (1) (d) and (2) (a), (b) and (d) of the statutes are amended  
16 to read:

17 7.50 (1) (d) Whenever an electronic voting system is used at a polling place in  
18 a partisan primary, and the same ballot is utilized to cast votes for candidates of more  
19 than one recognized political party or candidates of a party and independent  
20 candidates, if an elector designates a preference for a party or for independent  
21 candidates, only votes cast within that preference category may be counted. If an  
22 elector does not designate a preference and makes a mark ~~or punch~~ or affixes a  
23 sticker opposite candidates of more than one recognized political party or opposite  
24 a candidate in the independent candidates' column and a candidate of a recognized

1 political party, no votes cast by the elector for any candidate for partisan office are  
2 valid. Votes for other candidates and votes on ballot questions, if any, shall be  
3 counted if otherwise valid.

4 (2) (a) At a general election, if the elector places a mark, symbol or sticker ~~or~~  
5 ~~punches a hole~~ under a party designation at the head of a column in or near the space  
6 indicated for that purpose, it is a vote for all the candidates whose names appear in  
7 the marked ~~or punched~~ column except as otherwise provided in this paragraph. If  
8 a name is stricken, it is not a vote for that candidate. If a name is written in, it is a  
9 vote for the write-in candidate. If a sticker is attached it is a vote for the candidate  
10 whose name appears on the sticker. If in some other column there is a mark ~~or punch~~  
11 in the square to the right of a specific candidate's name or at the place designated on  
12 the ballot for marking ~~or punching~~ a vote for a specific candidate for the same office,  
13 it is a vote for that specific candidate and no vote may be counted for the candidate  
14 for the same office in the column marked ~~or punched~~ for a straight party vote.

15 (b) A ballot cast without any marks, or stickers ~~or punches~~ may not be counted.  
16 A ballot without a mark ~~or punch~~ at the top of a party column may be counted only  
17 for persons for whom marks ~~or punches~~ are applicable.

18 (d) If an elector writes a person's name in the proper space for write-in  
19 candidates for an office, it is a vote for the person written in for the office indicated,  
20 regardless of whether the elector strikes the names appearing in the same column  
21 for the same office, or places a mark ~~or punch~~ by the same or any other name for the  
22 same office, or omits placing a mark ~~or punch~~ to the right of the name written in. If  
23 an elector is permitted to vote for more than one candidate for the same office in an  
24 election and casts one or more write-in votes which, when added to the votes cast for  
25 candidates whose names appear on the ballot, exceed the number of votes authorized

1 to be cast for the office, the write-in votes shall be counted and the votes for  
2 candidates whose names appear on the ballot may not be counted, unless there are  
3 more write-in votes than votes authorized to be cast, in which case no votes may be  
4 counted for the office.

5 **SECTION 46p.** 10.01 (2) (b) of the statutes is amended to read:

6 10.01 (2) (b) Type B—The type B notice shall include the relevant facsimile  
7 ballots and the relevant portions of voting instructions to electors under s. 10.02 for  
8 each office or referendum and shall specify the date of the election. In counties or  
9 municipalities where an electronic voting system ~~employing a ballot label and ballot~~  
10 ~~card~~ in which ballots are distributed to electors is used, the notice shall include the  
11 information specified in s. 5.94. The type B notice shall be published once by the  
12 county clerks, and for primaries and other elections in municipalities or special  
13 purpose districts, once by the clerk of the municipality or special purpose district on  
14 the day preceding each primary and other election.

15 **SECTION 46q.** 10.06 (3) (e) of the statutes is amended to read:

16 10.06 (3) (e) When electronic or mechanical voting machines or electronic  
17 voting systems ~~employing a ballot card or label~~ in which ballots are distributed to  
18 electors are used in a municipality at a municipal election, the municipal clerk shall  
19 publish a type B notice on the Monday before the election. The notice shall include  
20 all offices and questions to be voted on at the election. The cost of this notice shall  
21 be shared under s. 5.68 (2) and (3).”.

22 **15.** Page 27, line 3: after that line insert:

23 “**SECTION 51m.** 12.13 (1) (f) and (3) (e) and (j) of the statutes are amended to  
24 read:



1           20.510 (1) (c) *Voting system transitional assistance.* The amounts in the  
2 schedule to provide assistance to counties and municipalities in eliminating punch  
3 card electronic voting systems under s. 7.08 (7).

4           **SECTION 54q.** 20.510 (1) (c) of the statutes, as created by 2001 Wisconsin Act  
5 .... (this act), is repealed.”.

6           **17.** Page 28, line 3: after that line insert:

7           “**SECTION 55m.** 59.08 (9) of the statutes is amended to read:

8           59.08 (9) The ballot shall have on the back or reverse side the endorsements  
9 provided by law for ballots for general elections and shall be marked, ~~punched or~~  
10 labeled by the elector and counted and canvassed as other ballots cast on questions  
11 in the county are counted and canvassed. The election shall be conducted by the  
12 same officers and in the same manner as are other elections in the county. The  
13 results of the election shall be certified to the judges of the circuit courts for the  
14 counties.”.

15           **18.** Page 39, line 3: after that line insert:

16           “(2x) **ELIMINATION OF PUNCH CARD ELECTRONIC VOTING SYSTEMS.** The treatment  
17 of sections 5.02 (1e) and (1m), 5.35 (2) and (6) (b), 5.54, 5.55, 5.66 (2), 5.68 (3), 5.79,  
18 5.81 (1), (2), and (3), 5.82, 5.84 (1), 5.85 (2) and (3), 5.91 (14), 5.94, 6.15 (3) (a) 1. and  
19 (b), 6.22 (4), and (5), 6.24 (6) and (7), 6.82 (1) (a) and (2) (a) and (b), 6.87 (3) (d), (4),  
20 and (5), 6.875 (6), 7.15 (3) (b), 7.37 (4) and (8), 7.50 (1) (d) and (2) (a), (b), and (d), 10.01  
21 (2) (b), 10.06 (3) (e), 12.13 (1) (f) and (3) (e) and (j), and 59.08 (9) of the statutes takes  
22 effect on January 1, 2002.

