



---

# TYLER VORPAGEL

---

STATE REPRESENTATIVE • 27<sup>TH</sup> ASSEMBLY DISTRICT

**SB 161: Electioneering at a retirement home or residential care facility**  
**Testimony of State Representative Tyler Vorpapel**  
**Senate Committee on Elections and Local Government**  
**May 28, 2015**

Thank you, Chairman LeMahieu and members of the Elections and Local Government Committee for hearing Senate Bill 161. SB 161 addresses complaints brought regarding electioneering on or near retirement homes or residential care facilities during periods where voting deputies are present. It was brought to my attention by Senator LeMahieu and I was more than happy to help work on this legislation with him. I've always made it a priority to do everything I could to protect the rights of those most vulnerable in our society and I feel this bill helps these members of society vote and engage in the political process without influence.

This bill still allows candidates to visit and discuss issues with voters residing in these homes, it simply stops candidates from visiting hours or minutes within their votes which could put them at risk of being coerced into voting for a candidate.

Thank you for your time today, and I am happy to answer any questions at this time.

Comments re Senate Bill 161:

As I understand SB 161, it will be added to s. 12.03 (2) (b) as number (4). I support that as it adds clarification and uniformity to the rules regarding electioneering when Special Voting Deputies (SVDs) are conducting absentee voting at a nursing home or other qualified residential facility designated by a clerk as a polling place on the day and time that absentee voting is taking place.

I have a question regarding the definition of electioneering at a residential facility site while absentee voting is being conducted. SVD absentee voting takes place in a common area of the facility, accessible to not only the voters but other residents such as a dining room, chapel or activity room. Just as campaign posters or other electioneering materials are not permitted to be displayed in a polling place during in-person absentee voting or at the polling place on Election Day, the same rules should clearly apply to in-person absentee voting conducted in a designated care facility, but do they?

In addition, it is required that the poll workers, the SVDs, go to the rooms of residents who are unable or unwilling to come to the common area to vote. SVDs take the polling place to those residents to enable them to cast their ballot. The hallways and elevators within the facility are considered common areas, open to the public. Wisc. Stat. 12.03 (2), (3) and (4) addresses "electioneering" which according to Wisc. Stat. 12.04 means "any activity which is intended to influence voting at an election". Does this include campaign materials such as candidate posters and candidate literature? If so, these materials should not be permitted within 100 feet of the entrance to the facility or within the common, public areas of the facility when the SVDs are within **the facility conducting absentee voting**. (Wisc. Stat. 12.03 (2) (a) 1-3). Language in the statutes needs to clearly define that on "Election Day" in an SVD-served residential facility, electioneering rules are the same electioneering rules that govern any other designated polling place during an election.

I understand that a facility resident may want to display a campaign poster or other electioneering materials. Statutes need to clarify that those materials, however, may not be visible in the public areas of the care facility on the day that the Special Voting Deputies are there conducting an election.

Thank you.

Mary Ann Hanson  
3740 Mountain Drive  
Brookfield, Wisconsin 53045