



2023 ASSEMBLY BILL 543

October 18, 2023 - Introduced by Representatives TITTL, ALLEN, ARMSTRONG, BEHNKE, BRANDTJEN, DITTRICH, GOEBEN, MICHALSKI, MURPHY, MURSAU, O'CONNOR, RETTINGER, ROZAR and WICHGERS, cosponsored by Senators QUINN, NASS and TOMCZYK. Referred to Committee on Campaigns and Elections.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to amend 7.41 (2); and to create 7.41 (4m) of the statutes; relating to:**
2 election observers and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law allows any member of the public to observe the conduct of an election at a polling place or at a site for voting by absentee ballot in person. An individual may also observe the canvassing of absentee ballots. Under current law, an election observer must print his or her name and sign and date a log maintained by the municipal clerk or chief inspector. In addition, the clerk or chief inspector must designate an observation area that is not less than three feet from nor more than eight feet from the table where voters announce their name and address and not less than three feet from nor more than eight feet from the table where individuals are registered to vote. The clerk or chief inspector must establish the observation area at a location where an observer may readily observe all aspects of the voting process. Finally, the clerk or chief inspector may remove an election observer who disrupts the voting process, engages in electioneering, or posts election-related material.

Current law also requires a board of canvassers to publicly conduct all steps of a recount. During the conduct, the person who petitioned for the recount, the opposing candidates, and other interested persons are entitled to be present in person and by counsel to observe the proceedings.

This bill requires the municipal clerk, chief inspector, and board of canvassers to provide election observers uniform and nondiscriminatory access to all stages of the election process, including recounts. The bill also modifies the size of the

ASSEMBLY BILL 543

observation area required under current law so that it is not more than three feet from the table where voters announce their name and address and not more than three feet from the table where individuals are registered to vote. Finally, any person who violates the provisions under the bill may be imprisoned in the county jail for not more than 90 days or fined not more than \$1,000 or both

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

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

1 **SECTION 1.** 7.41 (2) of the statutes is amended to read:

2 7.41 (2) The chief inspector or municipal clerk may restrict the location of any
3 individual exercising the right under sub. (1) to certain areas within a polling place,
4 the clerk's office, or alternate site under s. 6.855. The chief inspector or municipal
5 clerk shall clearly designate observation areas for election observers under sub. (1).
6 The observation areas shall be not less more than 3 feet from ~~not more than 8 feet~~
7 ~~from~~ the table at which electors announce their name and address to be issued a voter
8 number at the polling place, office, or alternate site and not less more than 3 feet from
9 ~~not more than 8 feet from~~ the table at which a person may register to vote at the
10 polling place, office, or alternate site. The observation areas shall be so positioned
11 to permit any election observer to readily observe all public aspects of the voting
12 process. Any person who violates this subsection may be imprisoned in the county
13 jail for not more than 90 days or fined not more than \$1,000 or both.

14 **SECTION 2.** 7.41 (4m) of the statutes is created to read:

15 7.41 (4m) The municipal clerk, chief inspector, and board of canvassers shall
16 provide election observers uniform and nondiscriminatory access to all stages of the
17 election process, including the certification of election technologies, absentee voting
18 in person, canvassing, elector appeals, vote tabulation, and recounts. Any person

