

WISCONSIN STATE  
LEGISLATURE  
COMMITTEE HEARING  
RECORDS

1999-00

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on  
Campaigns &  
Elections  
(AC-CE)

File Naming Example:

Record of Comm. Proceedings ... RCP

- > 05hr\_AC-Ed\_RCP\_pt01a
- > 05hr\_AC-Ed\_RCP\_pt01b
- > 05hr\_AC-Ed\_RCP\_pt02

*Published Documents*

> Committee Hearings ... CH (Public Hearing Announcements)

> \*\*

> Committee Reports ... CR

> \*\*

> Executive Sessions ... ES

> \*\*

> Record of Comm. Proceedings ... RCP

> \*\*

*Information Collected For Or  
Against Proposal*

> Appointments ... Appt

> \*\*

> Clearinghouse Rules ... CRule

\*\*

> Hearing Records ... HR (bills and resolutions)

> **99hr\_ab0700\_AC-CE\_pt01**

> Miscellaneous ... Misc

> \*\*

# Vote Record

## Assembly Committee on Campaigns and Elections

Date: 1-27-00       Executive Session       Public Hearing  
Bill Number: AB-700  
Moved by: Unanimous Consent Rep. Travis      Seconded by: \_\_\_\_\_  
Motion: to introduce LRB 4366 -

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>
Rep. Stephen Freese, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Walker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Phil Montgomery	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Bonnie Ladwig	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. David Travis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. David Cullen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Miller	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Gary Sherman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: \_\_\_\_\_

Motion Carried       Motion Failed

# Vote Record

## Assembly Committee on Campaigns and Elections

Date: 2/2/00  
Moved by: Walker Seconded by: Montg.  
AB: 700 Clearinghouse Rule: \_\_\_\_\_  
AB: \_\_\_\_\_ SB: \_\_\_\_\_ Appointment: \_\_\_\_\_  
AJR: \_\_\_\_\_ SJR: \_\_\_\_\_ Other: \_\_\_\_\_  
A: \_\_\_\_\_ SR: \_\_\_\_\_

A/S Amdt: \_\_\_\_\_  
A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_  
A/S Sub Amdt: \_\_\_\_\_  
A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_  
A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_

Be recommended for:

- Passage
- Introduction
- Adoption
- Rejection

- Indefinite Postponement
- Tabling
- Concurrence
- Nonconcurrence
- Confirmation

### Committee Member

Rep. Stephen Freese, Chair  
Rep. Scott Suder  
Rep. Scott Walker  
Rep. Phil Montgomery  
Rep. Bonnie Ladwig  
Rep. David Travis  
Rep. David Cullen  
Rep. Mark Miller  
Rep. Gary Sherman

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Rep. Stephen Freese, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Walker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Phil Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Bonnie Ladwig	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. David Travis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. David Cullen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Miller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Gary Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals:

9 0 \_\_\_\_\_

Motion Carried

Motion Failed

# Vote Record

## Assembly Committee on Campaigns and Elections

Date: 2/2/00  
Moved by: 100 Miller Seconded by: Walker  
AB: 100 Clearinghouse Rule: \_\_\_\_\_  
AB: \_\_\_\_\_ SB: \_\_\_\_\_ Appointment: \_\_\_\_\_  
AJR: \_\_\_\_\_ SJR: \_\_\_\_\_ Other: \_\_\_\_\_  
A: \_\_\_\_\_ SR: \_\_\_\_\_

A/S Amdt: 1 \_\_\_\_\_  
A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_  
A/S Sub Amdt: \_\_\_\_\_  
A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_  
A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_

Be recommended for:

- Passage
- Introduction
- Adoption
- Rejection

- Indefinite Postponement
- Tabling
- Concurrence
- Nonconcurrence
- Confirmation

### Committee Member

Rep. Stephen Freese, Chair  
Rep. Scott Suder  
Rep. Scott Walker  
Rep. Phil Montgomery  
Rep. Bonnie Ladwig  
Rep. David Travis  
Rep. David Cullen  
Rep. Mark Miller  
Rep. Gary Sherman

	Aye	No	Absent	Not Voting
Rep. Stephen Freese, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Walker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Phil Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Bonnie Ladwig	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. David Travis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. David Cullen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Miller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Gary Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 9 0 \_\_\_\_\_

Motion Carried

Motion Failed

# Vote Record

## Assembly Committee on Campaigns and Elections

Date: 4/2/00  
 Moved by: Miller      Seconded by: Walker  
 AB: \_\_\_\_\_      Clearinghouse Rule: \_\_\_\_\_  
 AB: \_\_\_\_\_      Appointment: \_\_\_\_\_  
 AJR: \_\_\_\_\_      Other: \_\_\_\_\_  
 A: \_\_\_\_\_      SR: \_\_\_\_\_

A/S Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_  
 A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_

Be recommended for:

- Passage
- Introduction
- Adoption
- Rejection

unanimous  
consent

- Indefinite Postponement
- Tabling
- Concurrence
- Nonconcurrence
- Confirmation

Committee Member

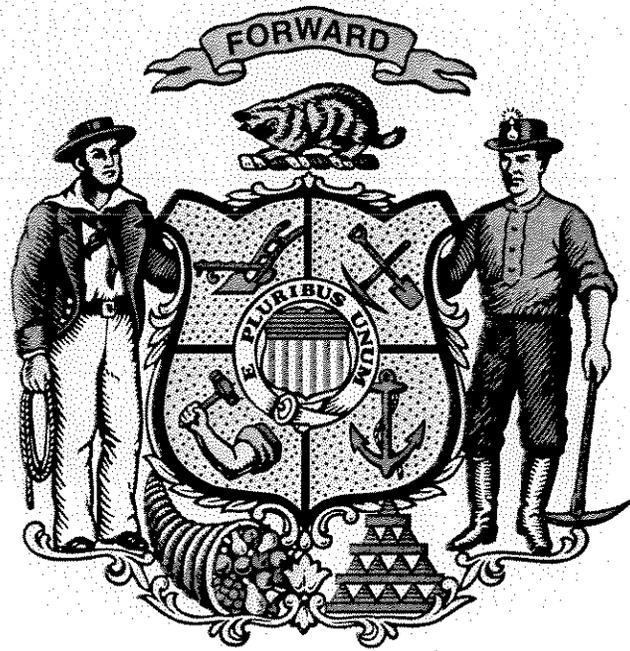
Rep. Stephen Freese, Chair  
 Rep. Scott Suder  
 Rep. Scott Walker  
 Rep. Phil Montgomery  
 Rep. Bonnie Ladwig  
 Rep. David Travis  
 Rep. David Cullen  
 Rep. Mark Miller  
 Rep. Gary Sherman

Aye	No	Absent	Not Voting
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: \_\_\_\_\_

Motion Carried

Motion Failed





## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536  
Telephone: (608) 266-1304  
Fax: (608) 266-3830  
Email: [leg.council@legis.state.wi.us](mailto:leg.council@legis.state.wi.us)

**DATE:** February 4, 2000

**TO:** REPRESENTATIVE STEPHEN J. FREESE, CHAIRPERSON; AND  
MEMBERS OF THE ASSEMBLY COMMITTEE ON CAMPAIGNS AND  
ELECTIONS

**FROM:** Robert J. Conlin, Senior Staff Attorney

**SUBJECT:** Assembly Amendment 1 to 1999 Assembly Bill 700, Relating to Election  
Law Changes

This memorandum describes Assembly Amendment 1 to 1999 Assembly Bill 700. Both the bill and the amendment were introduced by the Assembly Committee on Campaigns and Elections. On February 2, 2000, the committee recommended adoption of the amendment and passage of the bill as amended. The bill makes numerous changes to the election laws. Assembly Amendment 1 makes one additional change, which is described below.

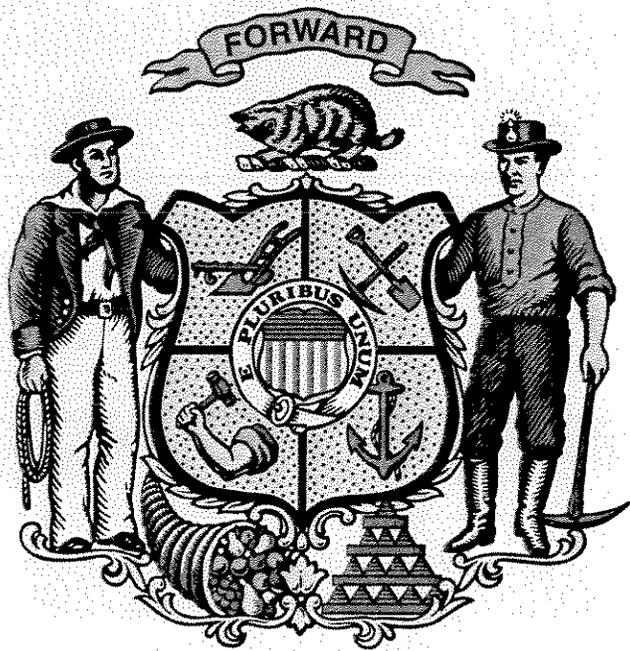
Under current law, the circulator of nomination papers or other election-related petitions must make, under oath, an affidavit attesting to certain information, including the fact that he or she personally circulated the nomination papers or petition, personally obtained the signatures on the papers or petition and knows the respective residences of the signers of the papers or petition. A circulator falsifying any such information may be fined not more than \$10,000 or imprisoned not more than four years and six months, or both, under the election laws. The person may also be subject to a fine of not more than \$10,000 or imprisonment not to exceed 10 years, or both, for false swearing.

Assembly Amendment 1 deletes the requirement that circulators of nomination papers or election-related petitions make an affidavit under oath. Instead, the bill requires circulators to certify all of the information currently required in the affidavit, subject to the same penalties under the current election laws that are described above. However, under the bill, falsifying the information in the circulator's certification would not subject the person to the penalties for false swearing.

The provisions of Assembly Amendment 1 would take effect on August 1, 2000.

If you have any questions on this matter, please feel free to contact me at the Legislative Council Staff offices.

RJC:jal:ksm:jal



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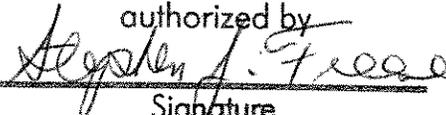
# WISCONSIN EDUCATION ASSOCIATION COUNCIL

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*Affiliated with the National Education Association*

**\* MEMORANDUM \***

This distribution has been  
authorized by

  
Signature

TO: Members of the Wisconsin State Assembly

FROM: John Stocks, Director of Government Relations  
Wisconsin Education Association Council

RE: **Support AB 700 and AB 701 WITHOUT AMENDMENTS**

DATE: February 9, 2000

The Wisconsin Education Association Council (WEAC) encourages you to:

**Support Assembly Bill 700 Without Amendments:** This bill includes recommendations from the Legislative Council's Special Committee to Review the Elections Process and from the Wisconsin Elections Board. The bill is designed to make the elections process more efficient for state and local election officials and to make the use of technology accessible to election administrators.

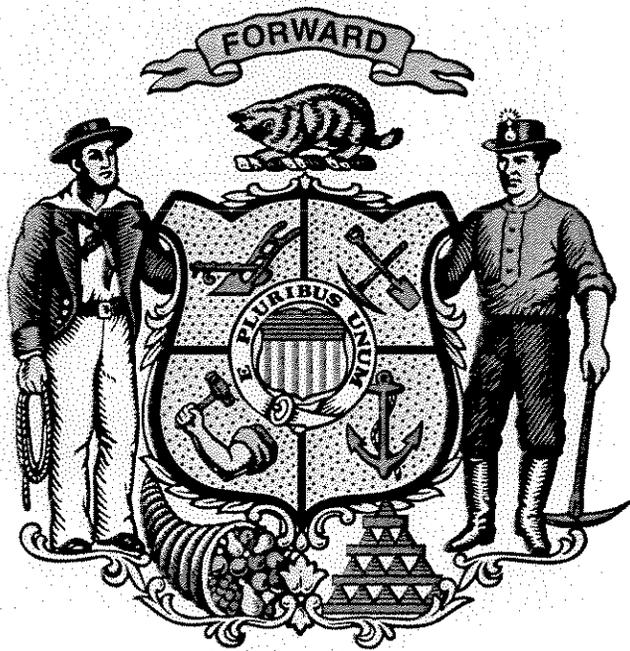
Enactment of AB 700 will ensure that future elections in Wisconsin run more smoothly than those in the past and that election results are provided to the public in a timely manner.

**Support Assembly Bill 701 Without Amendments:** WEAC commends the members of the Assembly Campaigns and Elections Committee for working together on a bipartisan basis to develop this legislation. We also commend the Assembly Rules Committee for quickly scheduling the bill for floor debate. This will be the first time in many years that a house of the legislature has voted on a bipartisan, comprehensive campaign finance reform bill.

Among other things, the bill lifts spending limits to a more reasonable level, thereby creating the opportunity to make public financing more relevant in competitive races, reduces the percentage of money that political candidates can receive from Political Action Committees (PACs), and bans PAC-to-PAC and conduit-to-PAC transfers.

Adding amendments to either bill could lead to an unraveling of the compromises developed at the committee level. Honor the excellent, bipartisan work done by the committee by supporting both AB 700 and AB 701, without amendments, during floor debate today.

*Terry Craney, President*  
*Michael A. Butera, Executive Director*





## **BILL SUMMARY**

**AB 700: Election Law Changes**

**Date:** February 9, 2000

### **BACKGROUND**

Current law enumerates election standards. Assembly Bill 700 makes changes to 29 different provisions within current election law. During the fall floor period, the State Elections Board presented draft legislation to the Assembly Committee on Campaigns and Elections for introduction. Through bipartisan effort, the committee introduced AB 700. These election changes will clean up and simplify the process for municipal clerks.

### **SUMMARY OF AB 700 (AS AMENDED BY COMMITTEE)**

I. Registration and Voter Participation. This bill authorizes absentee voting by any qualified elector who for any reason is unable or unwilling to vote at the polling place. The bill permits municipal clerks to send an absentee ballot to an elector who files a valid application for the ballot by facsimile or electronic mail. The bill allows an elector voting absentee to complete a certification before one witness instead of two. An absentee voter overseas or a military elector must have a witness who is an adult US citizen.

Assembly Bill 700 authorizes municipal clerks to accept late voter registration in any manner if the name can be added to the registration list without creating a special listing and deletes the requirement that registrations received by mail must be substantiated. Polling places may be established in nonpublic or public buildings whichever best serves the voters. The state elections board shall submit a biennial report on the impediments faced by elderly and handicapped voters in the state to each house of the legislature.

II. Role of Political parties and Candidates. Within the polling place, voters who are only eligible to vote in the presidential election due to residency requirement will now have the option to deposit their ballots directly into ballot boxes or give them to the election inspector who will deposit them in the ballot box. Observers, other than candidates, may watch the proceedings; however, the number of individuals allowed in the polling place may be limited by the chief inspector. Assembly Bill 700 would require a municipality to pay the charge for rent on a polling place at all regular primaries, but in the case of special election the governmental unit who called the special election pays the rental cost. Candidates for president and vice president may be placed on the official general election ballot to allow voters to cast a straight party ticket vote. Partisan primary and election ballots shall provide a place for a national, state or county office to cast a vote for a write-in candidate of each party whose presidential candidate received at least 1% of the total votes cast for that office.

III. Elections Administration. Assembly Bill 700 authorizes the use of electronic lists for each election ward provided the format is approved by the elections board or its executive director. Voting wards may be combined in a common polling place if the population of that municipality is greater than 50,000, current law is a population of 35,000, and the election returns for each ward must be maintained separately.

This bill allows for designees to be appointed for the purpose of canvassing the returns of elections for state and national office and statewide referenda. A designee for the county clerk may be appointed if the clerk's office is vacant or the clerk cannot perform the required duties, or is a candidate for an office to be canvassed. The bill allows the county clerk to designate his or her deputy clerk as a member of the board of canvassers if the clerk can not for any of the aforementioned reasons serve. If a temporary vacancy occurs on a board of canvassers in cities and counties of more than 500,000 the bill requires the executive director of a county board of election commissioners to fill the temporary vacancy.

Elections for joint municipal judge will be required to file nomination papers with the county clerk or election commissioners of the county having the largest population in the jurisdiction served.

Assembly Bill 700 removes specific ballot design requirements, but requires all ballot design to conform to state elections board criteria. For municipalities using paper ballots at an election, a single consolidate ballot of all the offices and referenda for a given election may be used. All referenda questions or petitions for questions submitted for a vote of the people must be submitted six weeks prior to the election where the question will appear.

Assembly Bill 700 changes the appeal process for a recount determination. AB 700 says the court must hold a scheduling conference promptly after an appeal if filed and at this conference the procedures will be set and time line determined to expedite the appeal process as quickly as possible.

Recount documents may be accepted by the candidate or candidates designee. Minutes of recount proceedings shall be sent to the state election board, and all parties affected by the recount.

Notices of all national and state office for primary and general elections, under AB 700, shall be published before the first day for circulating nomination papers.

IV. Campaign Financing. Assembly Bill 700 grants the same authority as given to the state elections board - to investigate, subpoena records and commence and settle civil actions that require payment of a civil forfeiture - to the county board of election commissioners in any county with a population of more than 500,000, with respect to campaign finance reports and statements for county offices and referenda.

## AMENDMENTS

**Assembly Amendment 1** to Assembly Bill 700 deletes the requirement that circulators of nomination papers or election-related petitions make an affidavit under oath. Instead, the bill requires circulators to certify all of the information currently required in the affidavit, subject to the same penalties under the current election laws. However, under the bill, falsifying the information in the circulator's certification would not subject the person to the penalties for false swearing.

## FISCAL EFFECT

The Elections Board will incur significant initial costs for the design, printing and distribution of its election related publications and forms. The Elections Board also takes on additional responsibility for ensuring the accessibility of the election process to all candidates and citizens, especially elderly and disabled voters.

### **PROS**

1. Assembly Bill 700 makes the administration of elections more efficient and increases accessibility for voters. Local government may experience an initial cost increase to acquire and replace existing forms and manuals and train staff including poll workers.

### **CONS**

1. Following the public hearing, concerns were raised about the matter of absentee ballot authentication, facsimile transmission by a municipal clerk to a voter, and a qualified elector being allowed to vote by absentee ballot who for any reason is unable or unwilling to vote at the polling place.

### **SUPPORTERS**

There were no registrations in support of AB 700. Kevin Kennedy, Executive Director, State Elections Board registered for information only.

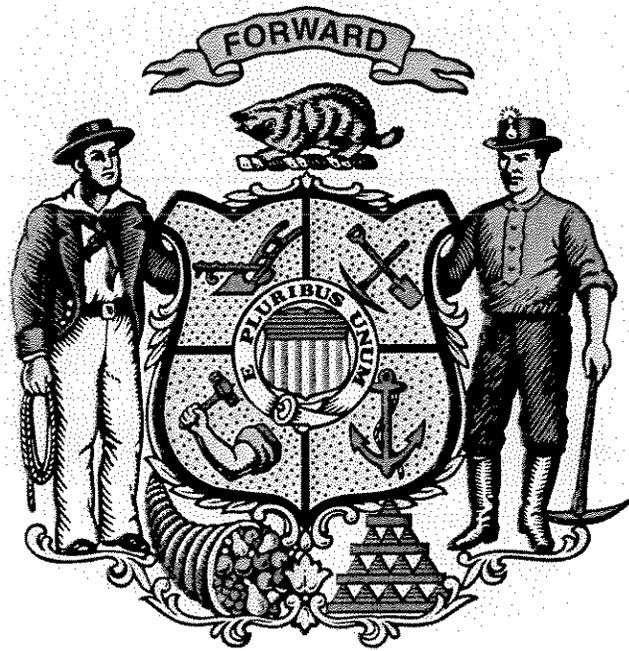
### **OPPOSITION**

No one spoke or registered against AB 700

### **HISTORY**

Assembly Bill 700 was introduced on February 1, 2000, and referred to the Assembly Committee on Campaigns and Elections. A public hearing and executive session was held on February 2, 2000. The Committee voted 9-0 to recommend passage of AB 700 as amended.

**CONTACT:** Terri S. Griffiths, Office of Rep. Stephen Freese



FAX MEMO

TO: Kevin Kennedy  
267-0500

FROM: Office of Rep. Steve Freese  
608-266-7502 (Contact: Terri)

DATE: February 10, 2000

RE: Assembly Amendment 2 to AB 700

six total pages in facsimile

Please let us know if you need additional information!



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBa1349/1  
RJM:wljf

*Grothman*

ASSEMBLY AMENDMENT, 2  
TO 1999 ASSEMBLY BILL 700

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 34, line 14: delete "certification" and substitute "affidavit".

3 **2.** Page 34, line 14: delete the material beginning with "a witness" and ending  
4 with "citizen" on line 15 and substitute: "any person authorized to administer oaths  
5 or shall make and subscribe to the certification under s. 6.87 (2) before 2 witnesses  
6 who are adult U.S. citizens".

7 **3.** Page 35, line 11: delete "affidavit certification" and substitute "certification  
8 or affidavit".

9 **4.** Page 37, line 6: delete "affidavit" and substitute "affidavit".

10 **5.** Page 37, line 8: delete lines 8 to 12 and substitute "Whenever an application,  
11 affidavit or other act is required in ss. 6.86 to 6.89 an overseas elector may fulfill the  
12 requirements by subscribing or swearing before any person authorized to administer  
13 oaths or 2 adult U.S. citizens."

1           **6.** Page 38, line 4: delete lines 4 to 10.

2           **7.** Page 43, line 17: delete the material beginning with that line and ending  
3 with page 44, line 4.

4           **8.** Page 44, line 17: delete “notarize the affidavit witness the voting procedure”  
5 and substitute “notarize the affidavit”.

6           **9.** Page 45, line 16: delete the material beginning with that line and ending  
7 with page 47, line 12, and substitute:

8           “**SECTION 95m.** 6.87 (2) (intro.) of the statutes is amended to read:

9           6.87 (2) (intro.) The Except as authorized under sub. (3)(d), the municipal clerk  
10 shall place the ballot in an unsealed envelope furnished by the clerk. The envelope  
11 shall have the name, official title and post-office address of the clerk upon its face.  
12 The other side of the envelope shall have a printed certificate-affidavit in  
13 substantially the following form:”.

14           **10.** Page 48, line 5: after “certificate” insert “-affidavit”.

15           **11.** Page 48, line 6: delete “that shall” and substitute “. The instructions  
16 shall”.

17           **12.** Page 48, line 7: delete “sign the certificate and” and substitute “make and  
18 subscribe to the affidavit or the certification as required under sub. (4) and to”.

19           **13.** Page 48, line 9: after “certificate” insert “-affidavit”.

20           **14.** Page 48, line 13: delete the material beginning with that line and ending  
21 with page 50, line 2 and substitute:

22           “**SECTION 98m.** 6.87 (4) of the statutes is amended to read:

1           6.87 (4) Except as otherwise provided in s. 6.875, the elector voting absentee  
2 shall either make and subscribe to the affidavit before a person authorized to  
3 administer oaths or make and subscribe to the certification before 2 witnesses. The  
4 absent elector, in the presence of the administrator of the oath or witnesses, shall  
5 mark or punch the ballot in a manner that will not disclose how the elector's vote is  
6 cast. The elector shall then, still in the presence of the administrator of the oath or  
7 the 2 witnesses, fold the ballots if they are paper ballots so each is separate and  
8 conceals the markings or punches thereon and deposit them in the proper envelope,  
9 but. If a consolidated paper ballot under s. 5.655 or a ballot prepared for use with  
10 an electronic voting system is used, the elector shall fold the ballot so that the elector  
11 conceals the markings thereon and deposit the ballot in the proper envelope. The  
12 elector may receive assistance under sub. (5). The return envelope shall then be  
13 sealed. The witnesses or the official oath administrator may not be a candidate. The  
14 envelope shall be mailed by the elector, postage prepaid, or delivered in person, to the  
15 municipal clerk issuing the ballot. Failure to return an unused ballot in a primary  
16 does not invalidate the ballot on which the elector's votes are cast. Return of more  
17 than one marked or punched ballot in a primary or return of a ballot prepared under  
18 s. 5.655 or a ballot used with an electronic voting system in a primary which is  
19 marked or punched for candidates of more than one party invalidates all votes cast  
20 by the elector for candidates in the primary.”

21           **15.** Page 53, line 13: delete “~~certificate–affidavit~~ certificate” and substitute  
22 “~~certificate–affidavit~~”.

23           **16.** Page 53, line 23: delete the material beginning with that line and ending  
24 with page 54, line 8 and substitute:

1           **“SECTION 106m.** 6.88 (1) of the statutes is amended to read:

2           6.88 (1) When an absentee ballot arrives at the office of the municipal clerk,  
3 the clerk shall enclose it, unopened, in a carrier envelope which shall be securely  
4 sealed and endorsed with the name and official title of the clerk, and the words “This  
5 envelope contains the ballot of an absent, aged, sick, handicapped or disabled elector  
6 or the ballot of an election official and must be opened at the polls during polling  
7 hours on election day”. If the ballot was received by facsimile transmission or  
8 electronic mail and is accompanied by a separate certificate or affidavit, the clerk  
9 shall enclose the ballot in a certificate–affidavit envelope and securely append the  
10 completed certificate or affidavit to the outside of the envelope before enclosing the  
11 ballot in the carrier envelope. The clerk shall keep the ballot in the clerk’s office until  
12 delivered, as required in sub. (2).”.

13           **17.** Page 54, line 20: delete the material beginning with that line and ending  
14 with page 55, line 9.

15           **18.** Page 55, line 10: delete the material beginning with that line and ending  
16 with page 56, line 2 and substitute:

17           **“SECTION 109m.** 6.88 (3) (b) of the statutes is amended to read:

18           6.88 (3) (b) When the inspectors find that an affidavit or certification is  
19 insufficient, that the applicant is not a qualified elector in the ward or election  
20 district, that the ballot envelope is open or has been opened and resealed, or that the  
21 ballot envelope contains more than one ballot of any one kind, or if proof is submitted  
22 to the inspectors that an elector voting an absentee ballot has since died, or, if the  
23 ballot was voted by facsimile transmission or electronic mail, that the certificate or  
24 affidavit required to accompany the ballot is missing, the inspectors shall not count

1 the ballot. The inspectors shall endorse every ballot not counted on the back,  
2 “rejected (giving the reason)”. The inspectors shall reinsert each rejected ballot into  
3 the affidavit envelope in which it was delivered and enclose the affidavit envelopes  
4 and ballots, and securely seal the ballots and envelopes in an envelope marked for  
5 rejected absentee ballots. The inspectors shall endorse the envelope, “rejected  
6 ballots” with a statement of the ward or election district and date of the election,  
7 signed by the chief inspector and one of the inspectors representing each of the 2  
8 major political parties and returned to the municipal clerk in the same manner as  
9 official ballots voted at the election.”.

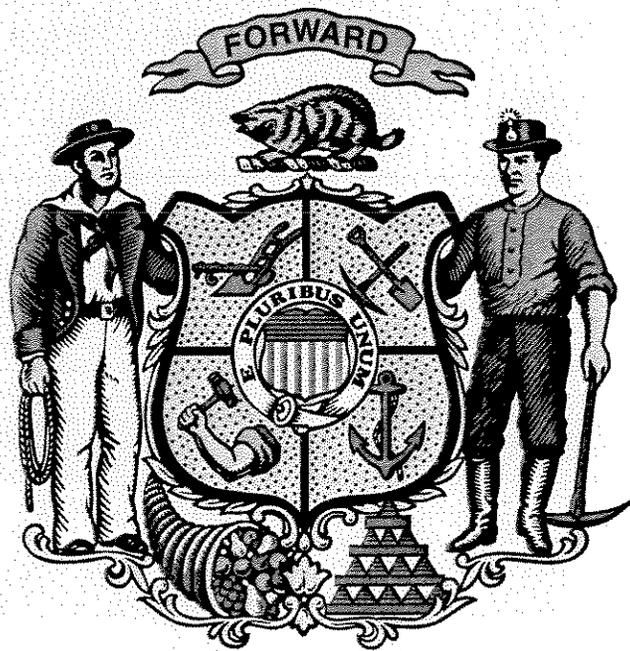
10 **19.** Page 64, line 16: delete lines 16 to 23.

11 **20.** Page 84, line 3: delete lines 3 to 12 and substitute:

12 “**SECTION 166m.** 9.01 (1) (b) 2. of the statutes is amended to read:

13 9.01 (1) (b) 2. The board of canvassers shall then examine the absentee ballot  
14 envelopes. Any defective absentee ballot envelopes shall be laid aside, properly  
15 marked and carefully preserved. The number of voters shall be reduced by the  
16 number of ballot envelopes set aside under this subdivision. An absentee ballot  
17 envelope is defective only if it is neither sworn nor witnessed, if it is not signed by  
18 the voter ~~or~~, if the affidavit supporting the absentee ballot envelope has such a  
19 number of technical errors that the board of canvassers is doubtful of the legal effect  
20 of the affidavit or, if the ballot was voted by facsimile transmission or electronic mail,  
21 if the certificate or affidavit required to accompany the ballot is missing.”.

22 (END)





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## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536  
Telephone: (608) 266-1304  
Fax: (608) 266-3830  
Email: leg.council@legis.state.wi.us

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DATE: March 6, 2000  
TO: INTERESTED LEGISLATORS  
FROM: Robert J. Conlin, Senior Staff Attorney  
SUBJECT: Senate Amendments 1, 2 and 3 to 1999 Engrossed Assembly Bill 700

This memorandum describes Senate Amendments 1, 2 and 3 to 1999 Engrossed Assembly Bill 700. The Senate Committee on Agriculture, Environmental Resources and Campaign Finance Reform held a public hearing on the bill on Wednesday, March 1, 2000. Subsequently, the committee introduced and recommended adoption of the amendments and recommended concurrence in the bill, as amended, on a vote of Ayes, 5; Noes, 0.

### 1. Senate Amendment 1

Under current law, an elector voting absentee must swear an affidavit or complete a certification indicating that the elector is qualified to vote the absentee ballot and that the elector has voted the absentee ballot in the manner prescribed by law. Any elector who swears an affidavit must do so before a person who is authorized to administer oaths. Any elector who completes a certification must do so before two witnesses. Under current law, the witnesses for any overseas or military elector must be adult U.S. citizens.

As introduced, Assembly Bill 700 deleted the requirement of current law that an elector voting absentee must complete a certification before two witnesses or swear an affidavit and, instead, require an elector to complete a certification before one witness. Under the bill, as introduced, for any overseas or military elector, this witness must be an adult U.S. citizen. Subsequently, the Assembly amended the bill and 1999 Engrossed Assembly Bill 700 retains current law with respect to the authentication of absentee ballots.

Senate Amendment 1 restores the provisions of the original bill which deleted the requirement of current law that an elector voting absentee must complete a certification before two witnesses or swear an affidavit and, instead, requires an elector to complete a certification before one witness. Under the amendment, for any overseas or military elector, this witness must be an adult U.S. citizen.

(OVER)

**2. Senate Amendment 2**

Under current law, any person other than a candidate may be present at a polling place for purposes of observation, provided that the person is not disruptive and does not engage in electioneering. 1999 Engrossed Assembly Bill 700 permits the chief inspector (poll worker) at each polling place to reasonably limit the number of persons representing the same organization who are permitted to observe at the polling place at the same time.

Senate Amendment 2 deletes the authority of the chief inspector at a polling place to reasonably limit the number of observers representing the same organization and instead authorizes the chief inspector to limit the number of such observers to one per organization, or if the polling place serves combined wards, to one per organization for each of the combined wards.

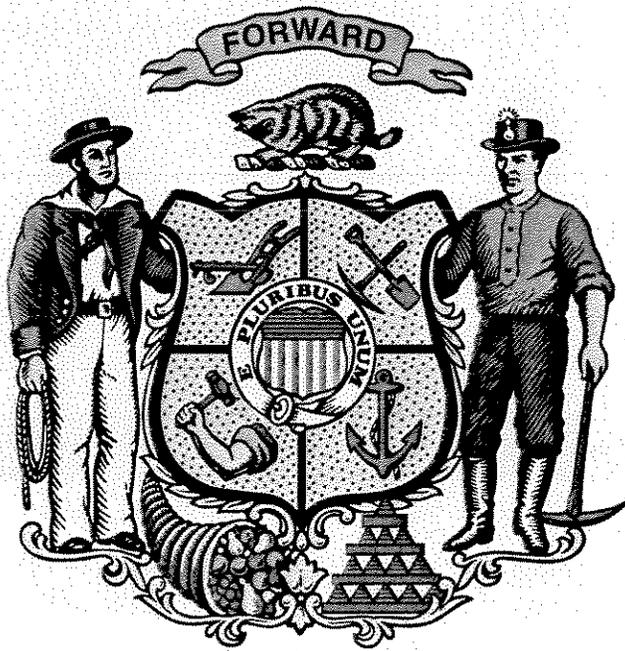
**3. Senate Amendment 3**

Under current law, the governing body of a municipality may combine two or more wards for voting purposes to facilitate using a common polling place. However, with certain exceptions, every municipality having a population of 35,000 or more is required to maintain separate election returns for each ward so combined. 1999 Engrossed Assembly Bill 700 changes the population threshold so that only municipalities with a population of 50,000 or more are required to maintain separate election returns for each ward so combined.

Senate Amendment 3 amends the bill to restore the population limit of 35,000 that is provided under current law.

If you have any questions about any of the matters contained in this memorandum, please feel free to contact me at the Legislative Council Staff offices.

RJC:jal:ksm:tlj:jal





## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

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DATE: March 9, 2000  
TO: INTERESTED LEGISLATORS  
FROM: Robert J. Conlin, Senior Staff Attorney  
SUBJECT: Senate Amendments 1, 2, 3 and 4 to 1999 Engrossed Assembly Bill 700

This memorandum describes Senate Amendments 1, 2, 3 and 4 and Senate Amendment 1 to Senate Amendment 1 to 1999 Engrossed Assembly Bill 700. The amendments were adopted by the Senate, and the bill was concurred in, as amended, by the Senate on a voice vote on March 7, 2000.

### I. Senate Amendment 1

Under current law, an elector voting absentee must swear an affidavit or complete a certification indicating that the elector is qualified to vote the absentee ballot and that the elector has voted the absentee ballot in the manner prescribed by law. Any elector who swears an affidavit must do so before a person who is authorized to administer oaths. Any elector who completes a certification must do so before two witnesses. Under current law, the witnesses for any overseas or military elector must be adult U.S. citizens.

As introduced, Assembly Bill 700 deleted the requirement of current law that an elector voting absentee must complete a certification before two witnesses or swear an affidavit and, instead, require an elector to complete a certification before one witness. Under the bill, as introduced, for any overseas or military elector, this witness must be an adult U.S. citizen. Subsequently, the Assembly amended the bill and 1999 Engrossed Assembly Bill 700 retains current law with respect to the authentication of absentee ballots.

Senate Amendment 1 restores the provisions of the original bill which deleted the requirement of current law that an elector voting absentee must complete a certification before two witnesses or swear an affidavit and, instead, requires an elector to complete a certification before one witness. Under the amendment, for any overseas or military elector, this witness must be an adult U.S. citizen.

**2. Senate Amendment 1 to Senate Amendment 1**

Under current law, the authority to vote absentee is restricted to electors who will be absent from the municipality in which they are qualified electors on election day for any reason or who because of age, sickness, handicap, physical disability, jury duty, service as an election official or religious reasons cannot appear at the polling place in their wards.

As introduced, Assembly Bill 700 amended current law by authorizing absentee voting by any qualified elector who for any reason is unable or unwilling to vote at the polling place in his or her ward. Subsequently, the Assembly deleted this provision so that 1999 Engrossed Assembly Bill 700 retains current law with respect to the authority to vote an absentee ballot.

Senate Amendment 1 to Senate Amendment 1 restores the provision of the original bill and authorizes absentee voting by any qualified elector who, for any reason, is unable or unwilling to vote at the polling place.

**3. Senate Amendment 2**

Under current law, any person other than a candidate may be present at a polling place for purposes of observation, provided that the person is not disruptive and does not engage in electioneering. 1999 Engrossed Assembly Bill 700 permits the chief inspector (poll worker) at each polling place to reasonably limit the number of persons representing the same organization who are permitted to observe at the polling place at the same time.

Senate Amendment 2 deletes the authority of the chief inspector at a polling place to reasonably limit the number of observers representing the same organization and instead authorizes the chief inspector to limit the number of such observers to one per organization, or if the polling place serves combined wards, to one per organization for each of the combined wards.

**4. Senate Amendment 3**

Under current law, the governing body of a municipality may combine two or more wards for voting purposes to facilitate using a common polling place. However, with certain exceptions, every municipality having a population of 35,000 or more is required to maintain separate election returns for each ward so combined. 1999 Engrossed Assembly Bill 700 changes the population threshold so that only municipalities with a population of 50,000 or more are required to maintain separate election returns for each ward so combined.

Senate Amendment 3 amends the bill to restore the population limit of 35,000 that is provided under current law.

**5. Senate Amendment 4**

Under current law, the county board of canvassers is composed of the county clerk and two qualified electors of the county appointed by the clerk. If the county clerk's office is vacant, if the clerk cannot perform his or her duties or if the clerk is a candidate for an office to be

Trans  
Vote  
No

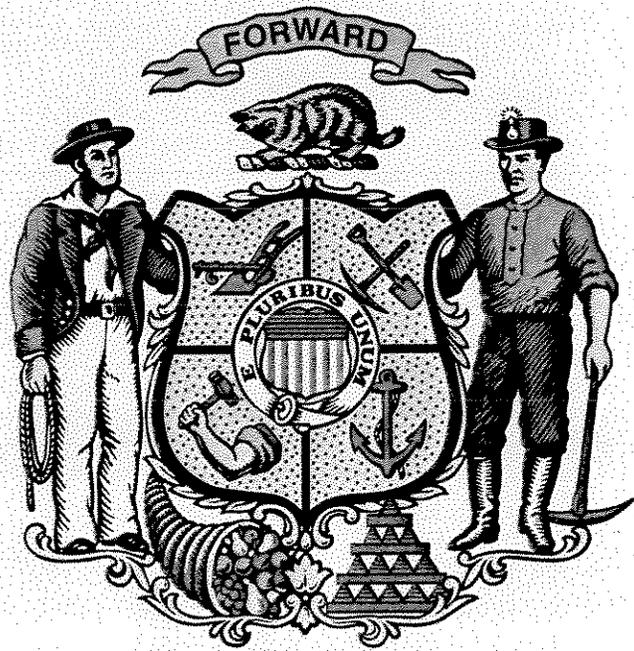
canvassed by the board, the county executive or the chairperson of the county board of supervisors, if there is no executive, must designate another qualified elector of the county to perform the clerk's duties. Also, under current law, every county clerk is required to appoint one or more deputies.

1999 Engrossed Assembly Bill 700 provides that, if a clerk's office is vacant, if the clerk cannot perform his or her duties or if the clerk is a candidate at an election being canvassed, the county clerk shall designate a deputy clerk to perform his or her duties. Under the bill, if the clerk or the designated deputy are both unable to perform their duties, the county executive or chairperson of the county board would designate another qualified elector to serve.

Senate Amendment 4 deletes the above-described modification and retains current law with respect to the composition of the county board of canvassers.

If you have any questions about any of the matters contained in this memorandum, please feel free to contact me at the Legislative Council Staff offices.

RJC:jal:tlu:ksm;jal;wu





Wisconsin Speaker Pro Tempore  
Representative Stephen J. Freese

FACSIMILE COVER SHEET

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PHONE NUMBER: LOCAL LINE 608.266.7502  
TOLL-FREE 1.888.534.0051

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Wisconsin Speaker Pro Tempore  
Representative Stephen J. Freese

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Wisconsin Speaker Pro Tempore  
Representative Stephen J. Freese

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TO: SARAH MACHI

FAX NUMBER: 257-6899

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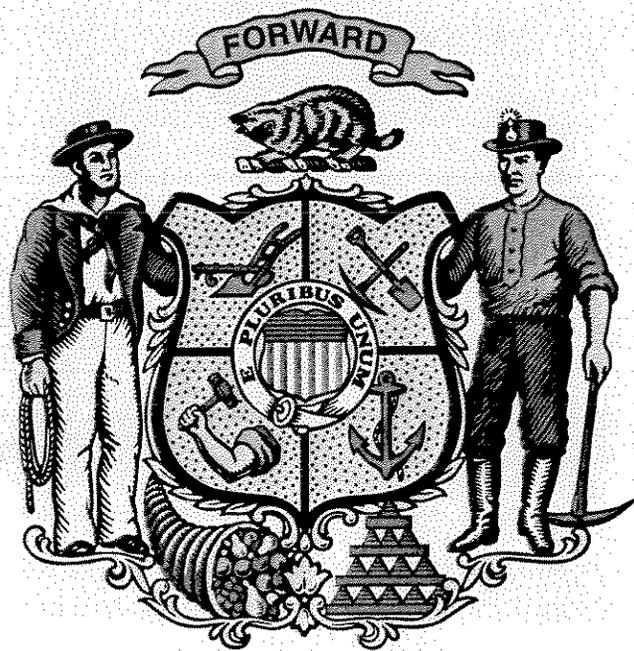
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1999 - 2000 LEGISLATURE

1999 ASSEMBLY BILL 700

February 1, 2000 - Introduced by Committee on Campaigns and Elections.  
Referred to Committee on Campaigns and Elections.

An Act to repeal 5.25 (4) (b), 5.35 (6) (a) 4., 5.55 (form), 5.58 (2) (b), 5.60 (8) (a) 1., 2. and 3., 5.64 (1) (c), 5.64 (2) (a) and (b), 5.64 (3) (intro.), 6.30 (2) and (3), 6.865 (2), 7.30 (4) (cm), 7.30 (4) (cn), 7.38 (title) and (1), 7.39 and 8.17 (2), (3) and (4) (a) and (b); to renumber and amend 5.55 (intro.), 5.58 (2) (a), 5.60 (8) (a) (intro.), 5.62 (1) (b), 5.62 (2), 5.64 (1) (e), 5.64 (2) (intro.), 5.64 (3) (a), 5.64 (3) (b), 7.38 (3) and 8.17 (4) (c); to consolidate, renumber and amend 6.865 (intro.) and (1); to amend 5.01 (4) (a), 5.05 (1) (e), 5.15 (6) (b), 5.25 (1), 5.35 (4), 5.35 (6) (b), 5.37 (3), 5.53 (2), 5.58 (intro.), 5.58 (1) (intro.), 5.58 (1c), 5.58 (1g) (a), 5.58 (1g) (b), 5.58 (1r), 5.58 (2m), 5.60 (intro.), 5.60 (1) (intro.), 5.60 (1) (b), 5.60 (2), 5.60 (3) (intro.), 5.60 (4) (a) and (b), 5.60 (4m), 5.60 (5) (intro.), 5.60 (5) (a), 5.60 (6) (a), 5.60 (6m) and (7), 5.60 (8) (intro.), 5.62 (1) (a), 5.62 (5), 5.64 (1) (intro.), 5.64 (1) (a), 5.64 (1) (b), 5.64 (1) (d), 5.64 (1) (f), 5.64 (2) (c), 5.65, 5.68 (5), 5.81 (1), 5.81 (2), 6.15 (3) (b), 6.22 (4), 6.22 (5), 6.24 (1) and (2), 6.24 (3), 6.24 (3), 6.24 (4) (c), 6.24 (4) (d), 6.24 (5), 6.24 (6), 6.24 (7), 6.275 (1) (c), 6.28 (1), 6.29 (1), 6.29 (2) (b), 6.29 (2) (c), 6.30 (1), 6.30 (4), 6.33 (2) (b), 6.45 (1), 6.79 (intro.), 6.79 (1) and (2), 6.79 (5), 6.80 (2) (e) and (f), 6.85, 6.86 (1) (b), 6.86 (3) (a), 6.87 (2), 6.87 (3) (a), 6.87 (4), 6.87 (7), 6.87 (8), 6.87 (9), 6.875 (2) (b), 6.875 (2) (c), 6.875 (4), 6.875 (6), 6.88 (1), 6.88 (2), 6.88 (3) (a), 6.88 (3) (b), 6.95, chapter 7 (title), 7.08 (1) (c), 7.08 (2) (a), 7.10 (2), 7.15 (1) (cm), 7.30 (2) (a), 7.30 (4) (b) 1., 7.30 (4) (b) 2., 7.37 (6), 7.41 (1), 7.51 (3) (d), 7.53 (3) (a), 7.60 (2), 7.60 (4) (a), 7.60 (4) (b), 7.60 (5), 7.60 (6), 7.70 (3) (a), 7.70 (3) (b), 7.70 (3) (c), 7.70 (3) (d), 7.70 (3) (e) (intro.), 7.70 (3) (g), 7.70 (3) (h), 7.70 (3) (i), 7.70 (5) (a), 8.05 (1) (j), 8.05 (3) (b), 8.05 (3) (d) and (e), 8.05 (5), 8.10 (6) (a), 8.12 (2), 8.17 (1) (a), 8.17 (5) (b), 8.20 (9), 8.21, 8.35 (2) (a), 8.35 (2) (d), 8.50 (1) (a), 8.50 (1) (b), 8.50 (4) (fm), 9.01 (1) (a), 9.01 (1) (ar) 3., 9.01 (1) (b) 2., 9.01 (2), 9.01 (5) (a), 9.01 (5) (c), 9.01 (6) (a), 9.01 (7), 9.01 (8), 10.02 (3) (b) 1., 10.02 (3) (b) 2., 10.02 (3) (b) 2m., 10.02 (3) (b) 3. and 4., (c) and (d), 10.06 (2) (h), 10.06 (4) (i), 11.02 (3), 11.03 (1), 11.60 (4) and (5), 13.123 (3) (b) 2., 24.66 (4), 32.72 (1), 38.08 (1) (a) 1., 59.05 (2), 59.08 (7) (b), 60.62 (2), 60.74 (5) (b), 60.785 (2) (a), 61.187 (1), 61.46 (1), 62.13 (6) (b), 64.39 (2), 66.021 (5) (a), 66.022 (3), 66.023 (4) (e) 1. and 2., 66.024 (4) (a) and (b), 66.027, 66.028 (6) (a) and (b), 66.059 (2m) (b), 66.061 (1) (c), 66.075 (5), 66.521 (10) (d), 66.77 (3) (a) 1., 66.94 (4), 67.12 (12) (e) 6., 81.01 (3) (b), 86.21 (2) (a), 92.11 (4) (c), 119.48 (4) (c), 119.49 (2), 120.06 (6) (b), 121.91 (3) (a), 125.05 (1) (b) 5., 197.04 (1) (b), 197.10 (2), 227.52 (6), 755.01 (4) and 778.135; to repeal and recreate 6.22 (2) (b); and to create 5.25 (4) (d), 5.51 (8), 5.62 (1) (b) 2., 5.62 (2) (b), 5.64 (1) (e) 2., 5.64 (1) (eg), 5.655, 6.87 (3) (d), 7.10 (6), 7.21 (2m), 8.10 (6) (bm), 8.17 (5) (bm), 8.37, 9.01 (5) (bm), 11.02 (3e) and 67.05 (3) (am) of the statutes; relating to: various changes in the election laws; requiring a referendum; and providing penalties.



AB700

This bill makes various changes in election laws. Significant provisions include:

Under current law, the authority to vote absentee is restricted to electors who will be absent from the municipality in which they are qualified electors on election day for any reason or who because of age, sickness, handicap, physical disability, jury duty, service as an election official or religious reasons cannot appear at the polling place in their wards.

This bill authorizes absentee voting by any qualified elector who for any reason is unable or unwilling to vote at the polling place.

Currently, when an elector who qualifies for an absentee ballot makes a proper written application for a ballot, the municipal clerk mails a ballot to the elector, together with a certificate-affidavit envelope. The elector then casts the ballot, encloses the ballot in the certificate-affidavit envelope, signs the certificate-affidavit and mails the envelope to the municipal clerk of the municipality who sent the ballot to the elector.

This bill permits the municipal clerk of any municipality to send an absentee ballot to an elector who files a valid application for the ballot by means of facsimile transmission or electronic mail, unless the municipality uses an electronic voting system that requires an elector to punch a ballot in order to cast the elector's votes. The absentee ballot must be accompanied by a copy of the text of a certificate, together with instructions prescribed by the elections board. The elector must then enclose the ballot in an envelope that is in turn enclosed in a larger envelope containing the certificate, sign the certificate and mail the larger envelope to the municipal clerk with postage prepaid.

Under current law, an elector voting absentee must swear an affidavit or complete a certification indicating that the elector is qualified to vote the absentee ballot and that the elector has voted the absentee ballot in the manner prescribed by law. Any elector who swears an affidavit must do so before a person who is authorized to administer oaths. Any elector who completes a certification must do so before two witnesses. Under current law, the witnesses for any overseas or military elector must be adult U.S. citizens.

This bill deletes the requirement that an elector voting absentee must complete a certification before two witnesses or swear an affidavit and, instead, requires an elector to complete a certification before one witness. For any overseas or military elector this witness must be an adult U.S. citizen.

Currently, when an elector registers by mail before election day, the elector's registration form must be substantiated by a special voter registration deputy or by

another elector who resides in the same municipality where the registering elector resides, substantiating all material statements on the registration form.

This bill deletes this requirement.

Under current law, the deadline for voter registration is 5 p.m. on the second Wednesday preceding the election. Registrations made by mail must be delivered to the office of the municipal clerk or board of election commissioners or postmarked not later than the second Wednesday preceding the election. Voters may register after this deadline in person at the office of the municipal clerk or board of election commissioners or at the proper polling place on election day.

This bill authorizes a municipal clerk to accept a registration in any manner after the second Wednesday preceding an election, if the clerk determines that the registration list can be revised to incorporate the registration in time for the election without creating a secondary registration list or separate registration material to accommodate the late registrant.

Under current law, the governing body of a city, village or town establishes polling places, except that the city board of election commissioners establishes polling places in cities with a population of over 500,000 (currently, only Milwaukee). So far as practicable, the places chosen must be public buildings.

This bill permits the authority charged with establishing polling places to choose a nonpublic building for this purpose if use of a public building is impracticable, as under current law, or if use of a nonpublic building better serves the needs of the electorate.

Under current federal and state law, all polling places, with limited exceptions, must be accessible to handicapped and elderly voters. Until 1994, federal law also required the chief election officer of each state to report to the federal election commission every two years the number of accessible and inaccessible polling places in the state and the reasons for any instances of inaccessibility. State law requires the executive director of the state elections board to transmit a copy of each such report to the legislature. Federal law, however, no longer requires this report.

This bill deletes the current reporting requirements and instead requires the state elections board to submit a biennial report on the impediments faced by elderly and handicapped voters in the state to each house of the legislature for distribution to the appropriate standing committees.

Under current law, the adult dependent children of members of the armed forces and merchant marine, federal employes and peace corps volunteers who are stationed abroad may vote in elections in this state in the ward or election district where the parent who provides support for the children is entitled to vote.

This bill extends the privilege of voting, in federal elections only, to the adult citizen children of other U.S. citizens who are residing overseas, subject to approval at a statewide referendum to be held in November 2000.

Generally, under current law, when an elector has completed voting his or her ballot, the elector may either deposit the ballot into the ballot box or deliver it to an election inspector for deposit into the ballot box. However, in certain situations, electors are not given such an option. For example, persons otherwise qualified to vote, but who have not resided in the state for ten days prior to the date of the presidential election, may vote for president but the statutes provide that such electors' ballots must be given to an election inspector who must deposit the ballots into the ballot box. Conversely, at partisan primaries and the presidential preference primary when paper ballots are distributed to electors, the statutes provide that an elector must place the ballot into the appropriate ballot box and do not provide the option for an inspector to deposit the ballot.

This bill amends current law to provide specifically that, in these situations, the ballots may be either deposited directly into the ballot box by the electors or given to the inspector who must deposit them into the ballot box.

Under current law, political parties qualifying for separate ballot status elect their party committeemen or committeewomen at the September primary. The function of committeemen and committeewomen is to represent their neighborhoods in the structure of the political parties and to serve as liaisons between their party and the residents of their election districts.

This bill requires that political party committeemen or committeewomen be selected by a vote of the county political party members in good standing at a meeting held after the September primary but before April 1 of the following year.

Currently, political party committeemen and committeewomen may appoint official observers to observe proceedings at polling places. Candidates at partisan primary elections, as well as independent and nonpartisan candidates, and groups seeking to influence voting at referenda may similarly appoint official observers. Official observers are issued permits by the appropriate municipal clerk or board of election commissioners. In addition, under current law, any person other than a candidate may be present at a polling place for purposes of observation, provided that the person is not disruptive and does not engage in electioneering.

This bill discontinues appointment of official observers, but retains the right of persons other than candidates to observe proceedings at polling places. The bill also permits the chief inspector (poll worker) at each polling place to reasonably limit the number of persons representing the same organization who are permitted to observe at the polling place at the same time.

Current law requires a separate ballot when the president and vice president

of the United States are to be elected.

This bill eliminates that requirement and requires instead that the names of candidates for president and vice president be placed on the official general election ballot in a manner that will allow electors to vote for a political party's candidates for president and vice president by voting a straight party ticket.

Under current law, every recognized political party listed on the official ballot at the last gubernatorial election whose candidate for any statewide office received at least 1% of the total votes cast for that office and, if the last general election was also a presidential election, every recognized political party listed on the ballot at that election whose candidate for president received at least 1% of the total votes cast for that office is entitled to a separate primary ballot or one or more separate columns or rows on the September primary ballot. In addition, at least one candidate of the party for a state office must have qualified to have his or her name appear on the ballot under the name of the party at the last gubernatorial election.

This bill imposes an additional requirement that, at each election, within each assembly district or county, the party have at least one candidate for any national, state or county office listed on the ballot. If a party that qualifies for a separate ballot, column or row under current law does not qualify for a separate ballot, column or row under the bill, the bill requires that a separate ballot, column or row be provided instead that must contain a place for casting a vote for a write-in candidate of each party that qualifies under current law for a separate ballot, column or row for each office, but that no longer qualifies for a separate ballot, column or row under the bill.

Under current law, election officials at each election ward must maintain two separate lists of all persons voting. This bill authorizes those lists to be maintained in an electronic format approved by the elections board or its executive director.

Current law authorizes the governing body of a municipality to combine two or more wards for voting purposes to facilitate using a common polling place. However, with certain exceptions, every municipality having a population of 35,000 or more is required to maintain separate election returns for each ward so combined. This bill changes the population threshold so that only municipalities with a population of 50,000 or more are required to maintain separate election returns for each ward so combined.

Currently, the chairperson of the elections board canvasses the returns of elections for state and national office and statewide referenda and determines the results. This bill permits the chairperson to appoint another person to canvass a specific election. The designee of the chairperson then carries out the duties of the chairperson for that election only.

Under current law, the county board of canvassers is composed of the county clerk and two qualified electors of the county appointed by the clerk. If the county clerk's office is vacant, if the clerk cannot perform his or her duties or if the clerk is

a candidate for an office to be canvassed by the board, the county executive or the chairperson of the county board of supervisors, if there is no executive, must designate another qualified elector of the county to perform the clerk's duties. Also under current law, every county clerk is required to appoint one or more deputies.

This bill provides that, if a county clerk's office is vacant, if the clerk cannot perform his or her duties or if the clerk is a candidate at an election being canvassed, the county clerk shall designate a deputy clerk to perform his or her duties. Under the bill, if the county clerk and the designated deputy clerk are both unable to perform their duties, the county executive or chairperson of the county board of supervisors designates another qualified elector to serve, as currently provided.

Under current law, municipalities may enter into an agreement to establish a joint municipal court. In such cases, candidates for municipal judge file nomination papers with the elections board and their elections are certified by the board of state canvassers.

This bill requires those candidates to file nomination papers with the county clerk or board of election commissioners of the county having the largest population in the jurisdiction served by the judge and their elections to be certified by the board of canvassers of that county.

Under current law, if a municipality utilizes paper ballots at an election, it must provide separate ballots for certain offices or combinations of offices specified by law and separate ballots for referenda. The ballots are then distributed only to those groups of electors who are eligible to vote in the elections to which they pertain.

This bill authorizes a municipality, with the consent of the county clerk or board of election commissioners of each county in which there is located any portion of the municipality, to substitute for paper ballots a single consolidated paper ballot or a ballot that is prepared for utilization with an electronic voting system. With the consolidated ballot, all of the offices and referenda appear on the same ballot. The bill provides that a consolidated paper ballot or ballot that is prepared to be used with an electronic voting system may be distributed only to electors who are eligible to vote for all of the offices and in all of the referenda appearing on the ballot.

Generally, under current law, notice of referenda questions that will appear on an election ballot must be published by the appropriate county or municipal clerk or other appropriate election official or agency prior to the election at which they will appear. However, the statutes do not provide a specific time by which the questions must be provided to the official or agency.

This bill requires that, unless otherwise required by current law, all referenda questions that will appear on an election ballot, and all petitions seeking to have questions submitted to a vote of the people, be submitted to the official or agency responsible for the preparation of the ballots no later than six weeks prior to the

election at which the questions will appear. If, under current law, a referendum may be held sooner than six weeks after the filing of a petition or the passage of a resolution calling for that referendum, this bill extends the time period before which the referendum may be held to not less than six weeks.

Current law sets forth numerous, specific ballot design requirements for use in elections, including spring primary ballots, spring election ballots, September primary ballots, general election ballots and special referenda ballots.

This bill deletes these specific requirements. Instead, the bill requires that, unless otherwise provided by the statutes, all ballots conform with the ballot forms prescribed by the state elections board.

Current law permits certain individuals to appeal a recount determination to circuit court. Under current law, within ten days after an appeal is filed, the appellant must file a complaint specifying each alleged defect with the recount. All other parties to the appeal must file an answer within the time ordered by the court. Currently, whenever an appeal is filed, the court must hold a hearing. However, there is a conflict in current law concerning the period during which this hearing must be held. One provision requires the hearing to be held within five days after the date that the court orders the municipal clerks to transfer the relevant election materials to the court and another provision requires the hearing to be held within 15 days after the filing of an answer to the appeal.

This bill eliminates this conflict in current law and changes the procedure for appealing a recount determination. Under the bill, the court must hold a scheduling conference promptly after an appeal is filed. At the scheduling conference, the court must adopt procedures that will permit the court to determine the appeal as expeditiously as possible. The complaint, all answers and any other information required by the court must be filed within the time ordered by the court. Under the bill, the hearing on the appeal must be held at the time and place ordered by the court.

Under current law, when a petition for recount of an election is filed, the clerk or body with whom the petition is filed must have copies of the petition delivered to the candidates affected by the recount. The copies must be delivered by the sheriff in the manner provided for service of a summons in a civil action.

This bill allows the opportunity for a candidate or an agent designated by the candidate to accept a copy of the petition personally.

Under current law, a board of canvassers must keep complete minutes of all of its recount proceedings.

This bill requires a board of canvassers to provide one copy of those minutes to the state elections board and, in the case of a political party candidate for a state or

national office, to the chief officer of the state committee of that party or, in the case of a political party candidate for county office, to the chief officer of the county committee of that party.

Currently, if a municipality establishes a polling place at a location where a fee is charged, the municipality must pay the charge, except at certain special elections called by school districts.

This bill provides that the municipality pays the charge at all regular primaries and elections, but, if another local governmental unit calls a special election that is not held concurrently with a regular election, that governmental unit pays the charge for the use of that polling place at that special election.

Currently, each county clerk must publish a notice of all national and state offices to be voted on at the September primary and general election. Similarly, each school district clerk must publish a notice of any upcoming school district election. Under current law, each of these notices may be published after the first day for circulating nomination papers for the applicable election and office.

This bill requires each of these notices to be published before the first day for circulating nomination papers.

Under current law, the municipal clerk or board of election commissioners of a municipality may follow certain procedures to facilitate absentee voting in certain community-based residential facilities, retirement homes and nursing homes. Currently, under these procedures, the municipal clerk or the board of election commissioners must appoint special voting deputies to visit certain of these facilities and homes to supervise absentee voting by the occupants. In municipalities other than cities over 500,000 population, current law conflicts as to whether these appointments are made by the municipal clerk, or by the municipal governing body from nominations submitted by party committeemen or committeewomen.

This bill provides that in these municipalities, special voting deputies are appointed solely by the municipal clerk, without nominations.

Under current law, the county board of canvassers is composed of the county clerk and two qualified electors of the county appointed by the clerk. If the county clerk's office is vacant, if the clerk cannot perform his or her duties or if the clerk is a candidate for an office to be canvassed by the board, the county executive or the chairperson of the county board of supervisors, if there is no executive, must designate another qualified elector of the county to perform the clerk's duties. Also under current law, every county clerk is required to appoint one or more deputies.

This bill provides that, if a county clerk's office is vacant, if the clerk cannot perform his or her duties or if the clerk is a candidate at an election being canvassed, the county clerk shall designate a deputy clerk to perform his or her duties. Under

the bill, if the county clerk and the designated deputy clerk are both unable to perform their duties, the county executive or chairperson of the county board of supervisors designates another qualified elector to serve, as currently provided.

Current law requires election results to be canvassed and recounts to be conducted by a board of canvassers. Depending upon the type and location of a particular election, the applicable board of canvassers may be a municipal board of canvassers, school district board of canvassers or county board of canvassers. In addition, in cities and counties of more than 500,000 population (currently, only the city of Milwaukee and Milwaukee County), the municipal board of election commissioners and county board of election commissioners, respectively, serve as the boards of canvassers. With limited exceptions, current law requires the municipal clerk to appoint a member to fill any temporary vacancy on a municipal board of canvassers. Similarly, the county clerk must appoint a member to serve if a member other than the clerk cannot serve on a county board of canvassers. Furthermore, in cities having a population of more than 500,000, current law requires the executive director of the municipal board of election commissioners to serve as a member of the board of canvassers to fill any temporary vacancy. Current law does not specify a procedure for filling a vacancy on a county board of canvassers in counties of more than 500,000 or on a school district board of canvassers.

This bill requires the executive director of a county board of election commissioners to serve as a member of the county board of canvassers to fill any temporary vacancy. In addition, the bill requires the school district clerk to appoint a member to fill any temporary vacancy on the school district board of canvassers.

Under current law, the state elections board is authorized to investigate, subpoena records and commence and settle civil actions requiring the payment of civil forfeitures for violations of the campaign finance law.

This bill grants the same authority to the county board of election commissioners, which must be established in any county with a population of more than 500,000 (currently, only Milwaukee County), with respect to campaign finance reports and statements for county offices and referenda.