

2005 DRAFTING REQUEST

Senate Substitute Amendment (SSA-AJR36)

Received: 02/27/2006

Received By: **jkuesel**

Wanted: **Soon**

Identical to LRB:

For: **Tim Carpenter (608) 266-8535**

By/Representing: **Stuart Ewy**

This file may be shown to any legislator: **NO**

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Constitutional Amendments**

Extra Copies: **SRM - 1**

Submit via email: **YES**

Requester's email: **Sen.Carpenter@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

SSA to AJR-36

Instructions:

Per attached E mail, 2/26/06.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 02/27/2006	jdyer 02/28/2006		_____			
/1			pgreensl 02/28/2006	_____	sbasford 02/28/2006	sbasford 02/28/2006	
/2	jkuesel 03/04/2006	jdyer 03/06/2006	rschluet 03/06/2006	_____	mbarman 03/06/2006	mbarman 03/06/2006	

FE Sent For:

<END>

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/?	jkuesel 02/27/2006	jdyer 02/28/2006		_____			
/1 /2	jkuesel 3/4/06	jd 3/6/06	pgreensl 02/28/2006	_____	sbasford 02/28/2006	sbasford 02/28/2006	

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<END>

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1/1	jkuesel/ 2/27/06	1 2/28 jcd	2/28	2/28			
			PG	PG/15			

FE Sent For:

<END>

Kuesel, Jeffery

From: Ewy, Stuart
Sent: Sunday, February 26, 2006 6:14 PM
To: Kuesel, Jeffery
Subject: RE: SSA to AJR-36

"We can try to draft an amendment or substitute placing the 7 or 8 exemptions in the constitution and leaving the provision permitting the legislature to create more exemptions, if this is what you want."

Yes.

Thanks,

Stuart

-----Original Message-----

From: Kuesel, Jeffery
Sent: Sunday, February 26, 2006 5:30 PM
To: Ewy, Stuart
Cc: Miller, Steve
Subject: RE: SSA to AJR-36

Stuart,

I thought from your instructions you wanted all of AB-63, as passed and vetoed, to be made into a constitutional amendment. I believe there are 7 or 8 exemptions in the bill as passed and vetoed. The constitutional amendment, recognizing that these exemptions in many cases reference existing statutes that are not fixed in place by the constitution and that there might arise a need for other exemptions in the future, provides that the legislature may create exemptions by law.

We can try to draft an amendment or substitute placing the 7 or 8 exemptions in the constitution and leaving the provision permitting the legislature to create more exemptions, if this is what you want. This is much simpler than trying to substitute the whole bill for the proposed amendment, but we would still need to tackle some statutory concepts that are not fixed in place by the constitution. I will confirm what you need on Monday AM.

Jeffery Kuesel

*Managing Attorney
Wisconsin Legislative Reference Bureau
P.O.Box 2037
Madison WI 53701-2037
(608) 266-6778
jeffery.kuesel@legis.state.wi.us*

From: Ewy, Stuart
Sent: Sunday, February 26, 2006 4:58 PM
To: Kuesel, Jeffery
Subject: RE: SOSA to JAR-36

Hi Jeffrey-

Tim does not want his amendments to AJR 36 included in the Sub amendment to the proposed the constitutional amendment requiring an ID to vote. The reference to the amendments was to the amendments that were added in the Assembly to the original bill, which Tim thought made the voter id bill better. The LRB memo explains the amendments. I'll get the LRB memo to you on Mon.

You may be reading too much into this, and we can talk on Mon., but here is what Tim wants: Tim has, in the past, been against the various voter ID bills that have come through the legislature. This session, however, a version of a voter ID bill was passed, that Tim supported and voted for, due to the rather extensive protections that

the bill provided for people who did not have a photo ID because, *inter alia*, they were in a nursing home, they had had their license revoked due to traffic violations, they were in the military, and if they were too poor the DOT would issue one for free, etc. This bill was vetoed by the governor. Now, we have the proposal for the constitutional amendment for voter ID, which does not have the protections that the voter ID bill passed by the legislature had. If we are going to have a constitutional amendment proposed that requires a photo ID to vote, Tim wants to present to the legislature a substitute constitutional amendment so that he can argue, "this is gist of the voter ID bill that we previously passed, and agreed upon. It has protections for the elderly, the poor, the military, those who have recently had licenses revoked, etc. If we are going to have this as a constitutional amendment, let's put in the protections that we previously agreed were necessary."

If this is still not making sense, let's set up a meeting on Monday, Feb. 27 at the office.

Have a good rest of the weekend!

Regards,

Stuart

-----Original Message-----

From: Kuesel, Jeffery

Sent: Sunday, February 26, 2006 3:59 PM

To: Ewy, Stuart

Cc: Miller, Steve

Subject: SOSA to JAR-36

Stuart,

I tried to reach you by phone but failed so here is what I would have asked. I am not sure who is going to draft the substitute amendment you requested. However, it seems to me that the only feasible way to do it is to use the Council memo's) as the base document and mark them up. To facilitate this, we will request the memo of 2-23-05 or any other relevant memos to be loaded into the LRB computer system on Monday morning. I do not have a copy of any memos. I assume, however, that if I call the council, the memo or memos are public documents and the council staff can identify them and release them to us. I understand that the Senator wants to include some of his amendments. Can you identify which ones? Thanks.

Jeffery Kuesel

Managing Attorney

Wisconsin Legislative Reference Bureau

P.O.Box 2037

Madison WI 53701-2037

(608) 266-6778

jeffery.kuesel@legis.state.wi.us

(Dwore)

SENATE SUBSTITUTE AMDT

stays

TO

2005 ASSEMBLY JOINT RESOLUTION 36

Tue 2/28 9:45 AM

May 3, 2005 - Introduced by Representatives STONE and VUKMIR, cosponsored by Senator LEIBHAM. Referred to Committee on Campaigns and Elections.

Regen

1 **To create** section 1m of article III of the constitution; **relating to:** requiring a
2 photographic identification to vote, or register to vote, at the polls on election
3 day (first consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2005 legislature on first consideration, provides that a qualified elector may not vote, or register to vote, at the polls on election day unless the elector presents a photographic identification issued by this state or by the federal government. After the date of ratification, the legislature, by law, with the concurrence of two-thirds of all the members present, may exempt any class of electors from these requirements.

A proposed constitutional amendment requires adoption by two successive legislatures, and ratification by the people, before it can become effective.

Proposal provides that the

for exceptions

In addition, after

4 **Resolved by the assembly, the senate concurring, That:**

5 **SECTION 1.** Section 1m of article III of the constitution is created to read:

6 [Article III] Section 1m (1) ~~a~~ ⁹ qualified elector may not vote, or register to vote,

7 at the polls on election day unless the elector presents a photographic identification

8 issued by this state or by the federal government.

except as provided in subsection (2) or as authorized in subsection (3), a

INS 1-8

1 ~~4~~(3) ² After the date of ratification of this section, the legislature, by law, with the
2 concurrence of two-thirds of all the members present, may exempt any class of
3 electors from the requirements of subsection (1). ✓

4 ***Be it further resolved, That*** this proposed amendment be referred to the
5 legislature to be chosen at the next general election and that it be published for 3
6 months previous to the time of holding such election. ✓

7 (END)

al-note
↓

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0593/1dn

JTK ^{wj} :....

Jld

Senator Carpenter:

In reviewing Enrolled AB-63, I find that there are 8 exemptions to the identification requirement for voting. However, 4 of them relate only to absentee voting and the joint resolution does not apply to absentee voting. That leaves us with 4 exemptions, which are included in this substitute amendment.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0593/1ins
JTK.....

plain

ANS 1-8

(2) Subsection (1) does not apply if:

(a) An elector who applies for identification issued by this state files an affidavit with an agency of this state stating that the elector has a sincerely held religious belief against being photographed, the affidavit identifies the religion to which he or she belongs or the tenets of which he or she adheres to, and the affidavit states that the tenets of the religion prohibit him or her from being photographed.

(b) An elector who has been issued a motor vehicle operator's license by an agency of this state receives a citation or notice of intent to revoke or ^{suspend} the license from a law enforcement officer in any jurisdiction that is dated within 60 days of the date of an election, the elector is required to surrender his or her license at the time that the citation or notice is issued, and the elector presents an original copy of the citation or notice in lieu of the operator's license, in which case the elector's ballot shall be marked in such a way that the ballot can be attributed to the elector.

(c) An elector whose address is confidential pursuant to law because the elector has been subject to domestic abuse presents an identification card issued to the elector by this state or any subdivision thereof ^{e that} which entitles the elector to vote without providing an address.

(d) An elector presents photographic identification within a period specified by law after the polls are closed and the elector casts a ballot at the polls that is marked in such a way that the ballot can be attributed to the elector.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0593/1dn
JTK:jld:pg

February 28, 2006

Senator Carpenter:

In reviewing Enrolled AB-63, I find that there are 8 exemptions to the identification requirement for voting. However, 4 of them relate only to absentee voting and the joint resolution does not apply to absentee voting. That leaves us with 4 exemptions, which are included in this substitute amendment.

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBs0593/1

PJD:jld:pg

wanted mon 3/10

JTK

SENATE SUBSTITUTE AMENDMENT,
TO 2005 ASSEMBLY JOINT RESOLUTION 36

Regen

1 To create section 1m of article III of the constitution; relating to: requiring a
2 photographic identification to vote, or register to vote, ^{in an election} at the polls on election
3 ~~day~~ (first consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2005 legislature on first consideration, provides that, with ^{eight} ~~four~~ exceptions, a qualified elector may not vote, or register to vote, ^{in an election} at the polls on election day unless the elector presents a photographic identification issued by this state or by the federal government. In addition, after the date of ratification, the proposal provides that the legislature, by law, with the concurrence of two-thirds of all the members present, may exempt any class of electors from ~~these requirements~~ ^{this requirement}.

A proposed constitutional amendment requires adoption by two successive legislatures, and ratification by the people, before it can become effective.

Resolved by the assembly, the senate concurring, That:

SECTION 1. Section 1m of article III of the constitution is created to read:

[Article III] Section 1m (1) Except as provided in subsection (2) or as authorized in subsection (3), a qualified elector may not vote, or register to vote, at the polls on

^{made} ~~for~~ if the elector is voting by absentee ballot ^{the elector} ~~the elector~~ encloses with his or her ballot a copy of a photographic identification issued by this state or ^{by} the federal government ^{no} ~~of~~

1
2
3

election ^{in an} day unless the elector presents a photographic identification issued by this state or by the federal government.

(2) Subsection (1) does not apply if:

(a) An elector who applies for identification issued by this state files an affidavit with an agency of this state stating that the elector has a sincerely held religious belief against being photographed, the affidavit identifies the religion to which he or she belongs or the tenets of which he or she adheres to, and the affidavit states that the tenets of the religion prohibit him or her from being photographed.

(b) An elector who has been issued a motor vehicle operator's license by an agency of this state receives a citation or notice of intent to revoke or suspend the license from a law enforcement officer in any jurisdiction that is dated within 60 days of the date of an election, the elector is required to surrender his or her license at the time that the citation or notice is issued, and the elector presents an original copy of the citation or notice in lieu of the operator's license, in which case the elector's ballot shall be marked in such a way that the ballot can be attributed to the elector.

(c) An elector whose address is confidential pursuant to law because the elector has been subject to domestic abuse presents an identification card issued to the elector by this state or any subdivision thereof that entitles the elector to vote without providing an address.

(d) An elector presents photographic identification within a period specified by law after the polls are closed and the elector casts a ballot at the polls that is marked in such a way that the ballot can be attributed to the elector.

JNS
2-22
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24
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(3) After the date of ratification of this section, the legislature, by law, with the concurrence of two-thirds of all the members present, may exempt any class of electors from the requirements of subsection (1).

or if the elector is voting by absentee ballot, the elector encloses with his or her ballot a copy of a photographic identification issued by this state or by the federal government.

in which case, the elector may present or enclose identification issued by this state that does not include a photograph.

or the elector casts an absentee ballot that is marked

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0593/2ins
JTK.....

INS 2-22:

(e) The elector is a military elector or an overseas elector, as defined by law, and is voting by absentee ballot. ✓

(f) The elector is voting by absentee ballot and has already provided a copy of the required identification in connection with a previous request for an absentee ballot, and the elector has not changed his or her name since the time that a copy of the elector's identification was provided. ✓

(g) The elector is voting by absentee ballot because the elector is indefinitely confined or is disabled for an indefinite period, and the elector submits a statement signed by a witness to his or her absentee ballot verifying the elector's identity.

(h) The elector is an occupant of a nursing home, community-based residential facility, retirement home, adult foster home, or residential care apartment complex, as defined by law, where a municipality sends special voting deputies for the purpose of conducting absentee voting and the elector submits a statement signed by the deputies with his or her absentee ballot that verifies the elector's identity.