

2009 DRAFTING REQUEST

Bill

Received: **11/03/2008**

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **Robert Turner (608) 266-0731**

By/Representing: **Nancy McAdams**

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

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Elections - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Turner@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Eliminate witness requirements for military and overseas ballots

Instructions:

Per attached E mail, 11/3/08.

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 11/23/2008	kfollett 11/25/2008		_____			
/1			mduchek 11/25/2008	_____	cduerst 11/25/2008		
/2	jkuesel 03/02/2009	kfollett 03/03/2009	phenry 03/04/2009	_____	cduerst 03/04/2009		
/3	jkuesel	kfollett	rschluet	_____	lparisi	lparisi	

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	04/29/2009	04/30/2009	04/30/2009	_____	04/30/2009	05/12/2009	

FE Sent For: **NONE**

<END>

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/2	jkuesel 03/02/2009	kfollett 03/03/2009	phenry 03/04/2009	_____	cduerst 03/04/2009		

13 jkuesel 4/29/09 13/kif 4/30 [Signature] 26/KM 4/30

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/?	jkuesel 11/23/2008	kfollett 11/25/2008		_____			
/1	jkuesel 3/2/09	12/5/08 3/3	mduchek 11/25/2008	3/4	cduerst 11/25/2008		
FE Sent For:			3/4 ph	dh/jrc			

<END>

DW0125

2009 DRAFTING REQUEST

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Received By: jkuesel

Wanted: As time permits

Identical to LRB:

For: Robert Turner (608) 266-0731

By/Representing: Nancy McAdams

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1?/1	jkuesel 11/23/08	11/25 11/25					

FE Sent For:

<END>

Kuesel, Jeffery

To: McAdams, Nancy
Subject: RE: Bill Drafting Request

Nancy,
I will enter this request for you.

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

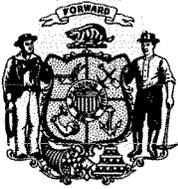
From: McAdams, Nancy
Sent: Monday, November 03, 2008 9:43 AM
To: Kuesel, Jeffery
Subject: Bill Drafting Request

Dear Jeff:

Rep. Turner would like to get a bill drafted to repeal s. 6.87, relating to witnessing of absentee ballots cast by military and overseas electors. Could you please draft this for him? According to Kevin Kennedy, this action has been recommended for Wisconsin by the Federal Voting Assistance program. Please contact Kevin if you have any questions. Thank you.

Nancy

Nancy McAdams
Office of State Rep. Robert Turner
212 North Capitol
P.O. Box 8953
Madison, WI 53708-8953
Phone: 608-266-0731
Fax: 608-282-3661



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0622/7
JTK...

Mon 12/1

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

CR: Fix request sheet please

1 AN ACT ^(generate); **relating to:** elimination of the witness requirement for military and
2 overseas voters who vote by absentee ballot.?

Analysis by the Legislative Reference Bureau

Currently, an elector who casts an absentee ballot must make and subscribe to a certificate before one witness who must be an adult U.S. citizen. The certificate affirms the elector's residency and voting eligibility and affirms that the ballot is voted in secret.

This bill permits any elector who is a "military elector" or an "overseas elector" and who certifies to that fact to vote an absentee ballot without obtaining a witness. Current law defines a "military elector" as 1) a member of a uniformed service; 2) a member of the merchant marine of the United States; 3) a civilian employee of the United States or civilian officially attached to a uniformed service who is serving outside the United States; 4) a peace corps volunteer; or 5) a spouse or dependent of any of those listed in the above categories residing with or accompanying him or her. An individual who is not a civilian employee of the United States need not be outside the United States to be considered a "military elector". Current law also defines an "overseas elector" as a U.S. citizen, who is not disqualified from voting, who has attained or will attain the age of 18 by the date of an election at which the citizen proposes to vote and who does not qualify as a resident of this state, but who was last domiciled in this state or whose parent was last domiciled in this state immediately

: 1)

located (2)

X prior to the parent's departure from the United States, and ³⁾ who is not registered to vote or voting in any other state, territory, or possession.

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

1 SECTION 1. 6.22 (2) (b) of the statutes is repealed.

2 SECTION 2. 6.22 (4) (d) of the statutes is amended to read:

3 6.22 (4) (d) The board shall prescribe the instructions for marking and
4 returning ballots and the municipal clerk shall enclose instructions with each ballot
5 and shall also enclose supplemental instructions for local elections. The instructions
6 shall include a definition of the term "military elector." The envelope, return
7 envelope and instructions may not contain the name of any candidate appearing on
8 the enclosed ballots other than that of the municipal clerk affixed in the fulfillment
9 of his or her duties.

History: 1971 c. 304 s. 29 (2); 1971 c. 336 s. 37; 1973 c. 334 s. 57; 1975 c. 85 ss. 10, 66 (3); 1977 c. 394; 1979 c. 89, 311; 1981 c. 391; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 192; 1995 a. 313; 1999 a. 182; 2001 a. 16; 2005 a. 149, 451.

10 SECTION 3. 6.24 (4) (d) of the statutes is amended to read:

11 6.24 (4) (d) An overseas elector who is not registered may request both a
12 registration form and an absentee ballot at the same time, and the municipal clerk
13 shall send the ballot automatically if the registration form is received within the time
14 prescribed in s. 6.28 (1). The board shall prescribe a special certificate form for the
15 envelope in which the absentee ballot for overseas electors is contained, which shall
16 be substantially similar to that provided under s. 6.87 (2). ~~An overseas elector shall~~
17 ~~make and subscribe to the special certificate form before a witness who is an adult~~
18 ~~U.S. citizen.~~

History: 1977 c. 394; 1979 c. 260, 311; 1985 a. 304; 1987 a. 391; 1989 a. 192; 1995 a. 313; 1997 a. 35; 1999 a. 182 ss. 68 to 75m, 224; 2001 a. 16; 2003 a. 24, 265; 2005 a. 451.

19 SECTION 4. 6.24 (6) of the statutes is amended to read:

1 6.24 (6) INSTRUCTIONS AND HANDLING. The municipal clerk shall send a ballot,
 2 as soon as available, to each overseas elector by whom a request has been made. The
 3 board shall prescribe the instructions for marking and returning ballots and the
 4 municipal clerk shall enclose such instructions with each ballot. The instructions
 5 shall include a definition of the term “overseas elector.” The envelope, return
 6 envelope and instructions may not contain the name of any candidate appearing on
 7 the enclosed ballots other than that of the municipal clerk affixed in the fulfillment
 8 of his or her duties. Except as authorized in s. 6.87 (3), the municipal clerk shall mail
 9 the material, with sufficient postage to ensure that the elector receives the ballot,
 10 unless the material qualifies for mailing free of postage under federal free postage
 11 laws. If the return envelope qualifies for mailing free of postage under federal free
 12 postage laws, the clerk shall affix the appropriate legend required by U.S. postal
 13 regulations. Otherwise, the municipal clerk shall pay the postage required for
 14 return when the ballot is mailed from within the United States. If the ballot is not
 15 mailed by the overseas elector from within the United States, the overseas elector
 16 shall provide return postage.

History: 1977 c. 394; 1979 c. 260, 311; 1985 a. 304; 1987 a. 391; 1989 a. 192; 1995 a. 313; 1997 a. 35; 1999 a. 182 ss. 68 to 75m, 224; 2001 a. 16; 2003 a. 24, 265; 2005 a. 451.

17 **SECTION 5.** 6.87 (2) and (4) of the statutes are amended to read:

18 6.87 (2) Except as authorized under sub. (3) (d), the municipal clerk shall place
 19 the ballot in an unsealed envelope furnished by the clerk. The envelope shall have
 20 the name, official title and post-office address of the clerk upon its face. The other
 21 side of the envelope shall have a printed certificate in substantially the following
 22 form:

23 [STATE OF
 24 County of]

1 or

2 [(name of foreign country and city or other jurisdictional unit)]

3 I,, certify subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false
4 statements, that I am a resident of the [... ward of the] (town) (village) of, or of
5 the aldermanic district in the city of, residing at* in said city, the county
6 of, state of Wisconsin, and am entitled to vote in the (ward) (election district) at
7 the election to be held on; that I am not voting at any other location in this election;
8 that I am unable or unwilling to appear at the polling place in the (ward) (election
9 district) on election day or have changed my residence within the state from one ward
10 or election district to another within 10 days before the election. Unless I am a
11 military elector, as defined in s. 6.22 (1) (b), Wis. Stats., or an overseas elector, as
12 defined in s. 6.24 (1), Wis. Stats., I certify that I exhibited the enclosed ballot
13 unmarked to the witness, that I then in (his) (her) presence and in the presence of
14 no other person except any person rendering assistance under s. 6.87 (5), Wis. Stats.,
15 if I requested assistance, marked the ballot and enclosed and sealed the same in this
16 envelope in such a manner that no one but myself and any person rendering
17 assistance under s. 6.87 (5), Wis. Stats., if I requested assistance, could know how I
18 voted. If I am a military elector, as defined in s. 6.22 (1) (b), Wis. Stats., or an overseas
19 elector, as defined in s. 6.24 (1), Wis. Stats., I certify that I, in the presence of no other
20 person except any person rendering assistance under s. 6.87 (5), Wis. Stats., if I
21 requested assistance, marked the ballot and enclosed and sealed the same in this
22 envelope in such a manner that no one but myself and any person rendering
23 assistance could know how I voted.

24 Signed

25 Identification serial number, if any:

NAB

1 The witness, when required, shall execute the following:

2 I, the undersigned witness, subject to the penalties of s. 12.60 (1) (b), Wis.
3 Stats., for false statements, certify that I am an adult U.S. citizen and that the above
4 statements are true and the voting procedure was executed as there stated. I am not
5 a candidate for any office on the enclosed ballot (except in the case of an incumbent
6 municipal clerk). I did not solicit or advise the elector to vote for or against any
7 candidate or measure.

8(Name)

9(Address)**

10 [For a military elector or overseas elector voting this ballot without a witness]

11 Subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false statements, I hereby
12 certify that I am a military elector, as defined in s. 6.22 (1) (b), Wis. Stats., or an
13 overseas elector, as defined in s. 6.22 (1), Wis. Stats.

14 Signed....

15 * — An elector who provides an identification serial number issued under s.
16 6.47 (3), Wis. Stats., need not provide a street address.

17 ** — If this form is executed before 2 special voting deputies under s. 6.875 (6),
18 Wis. Stats., both deputies shall witness and sign.

History: 1971 c. 242; 1971 c. 304 s. 29 (1), (2); 1975 c. 85; 1975 c. 93 s. 119 (2); 1975 c. 199; 1977 c. 394; 1979 c. 232, 260, 311, 355; 1983 a. 36, 484, 538; 1985 a. 304; 1991 a. 316; 1999 a. 49, 182; 2001 a. 16, 38, 109; 2003 a. 265; 2005 a. 451.

19 (4) Except as otherwise provided in s. 6.875 and this subsection, the elector
20 voting absentee shall make and subscribe to the certification before one witness who
21 is an adult U.S. citizen. If the absent elector is a military elector, as defined in s. 6.22
22 (1) (b), or an overseas elector, as defined in s. 6.24 (1), no witness is required. The
23 absent elector, in the presence of the witness, when required, shall mark the ballot
24 in a manner that will not disclose how the elector's vote is cast. The elector shall then,

NOB

4

NOB

NOB

1 still in the presence of the witness, when required, fold the ballots so each is separate
2 and so that the elector conceals the markings thereon and deposit them in the proper
3 envelope. If a consolidated ballot under s. 5.655 is used, the elector shall fold the
4 ballot so that the elector conceals the markings thereon and deposit the ballot in the
5 proper envelope. If proof of residence is required, the elector shall enclose proof of
6 residence under s. 6.34 in the envelope. Proof of residence is required if the elector
7 is not a military elector or an overseas elector, as defined in s. 6.34 (1), and the elector
8 registered by mail and has not voted in an election in this state. If the elector
9 requested a ballot by means of facsimile transmission or electronic mail under s. 6.86
10 (1) (ac), the elector shall enclose in the envelope a copy of the request which bears an
11 original signature of the elector. The elector may receive assistance under sub. (5).
12 The return envelope shall then be sealed. The witness may not be a candidate. The
13 envelope shall be mailed by the elector, or delivered in person, to the municipal clerk
14 issuing the ballot or ballots. If the envelope is mailed from a location outside the
15 United States, the elector shall affix sufficient postage unless the ballot qualifies for
16 delivery free of postage under federal law. Failure to return an unused ballot in a
17 primary does not invalidate the ballot on which the elector's votes are cast. Return
18 of more than one marked ballot in a primary or return of a ballot prepared under s.
19 5.655 or a ballot used with an electronic voting system in a primary which is marked
20 for candidates of more than one party invalidates all votes cast by the elector for
21 candidates in the primary.

History: 1971 c. 242; 1971 c. 304 s. 29 (1), (2); 1975 c. 85; 1975 c. 93 s. 119 (2); 1975 c. 199; 1977 c. 394; 1979 c. 232, 260, 311, 355; 1983 a. 36, 484, 538; 1985 a. 304; 1991 a. 316; 1999 a. 49, 182; 2001 a. 16, 38, 109; 2003 a. 265; 2005 a. 451.

SECTION 6. 9.01 (1) (b) 2. of the statutes is amended to read:

23 9.01 (1) (b) 2. The board of canvassers shall then examine the absentee ballot
24 envelopes. Any defective absentee ballot envelopes shall be laid aside, properly

1 marked and carefully preserved. The number of voters shall be reduced by the
 2 number of ballot envelopes set aside under this subdivision. An absentee ballot
 3 envelope is defective only if it is not witnessed, ^{if} if a witness is required for the voter
 4 casting the ballot, ^{or} if it is not signed by the voter or if the certificate accompanying
 5 an absentee ballot that the voter received by facsimile transmission or electronic
 6 mail is missing.

History: 1971 c. 251; 1971 c. 304 s. 29 (2); 1971 c. 336; 1973 c. 313; 1973 c. 334 ss. 23 to 26, 57; 1975 c. 41, 422; 1977 c. 394 s. 53; 1977 c. 427; 1979 c. 200; 1979 c. 260
 ss. 66 to 68, 93; 1979 c. 311, 355; 1983 a. 183; 1983 a. 484 s. 172 (3); 1983 a. 538; 1985 a. 304; 1987 a. 391; 1989 a. 192; 1993 a. 213; 1997 a. 27; 1999 a. 49, 182; 2001 a. 16;
 2003 a. 265, 321; 2005 a. 149, 451; 2007 a. 1, 96.

7 **SECTION 7. Initial applicability.**

8 (1) This act first applies with respect to absentee ballots for elections held on
 9 the effective date of this subsection.

10 **SECTION 8. Effective date.**

11 (1) This act takes effect on the first day of the 2nd month beginning after
 12 publication.

13 (END)

D-Note

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

LRB-0622/1dn

JTK...*kgf*

Date

Representative Turner:

uses

X The absentee ballot procedure under s. 6.87 (4), stats., as amended by this draft, *uses* the state definition of the term "military elector" for purposes of exemption from the witness requirement but *the* federal definition of the term "military elector" for purposes of exemption from the requirement to provide proof of residence. While the two definitions both overlap and underlap, the state definition is generally more inclusive. Use of different definitions in the same procedure is likely to cause confusion and errors. You may wish to standardize the definition for purposes of absentee balloting. If you do, you will broaden the scope of the draft somewhat and more sections may need to be treated. *↓*

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0622/1dn
JTK:kjf:md

November 25, 2008

Representative Turner:

The absentee ballot procedure under s. 6.87 (4), stats., as amended by this draft, uses the state definition of the term "military elector" for purposes of exemption from the witness requirement but uses the federal definition of the term "military elector" for purposes of exemption from the requirement to provide proof of residence. While the two definitions both overlap and underlap, the state definition is generally more inclusive. Use of different definitions in the same procedure is likely to cause confusion and errors. You may wish to standardize the definition for purposes of absentee balloting. If you do, you will broaden the scope of the draft somewhat and more sections may need to be treated.

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

State of Wisconsin\Government Accountability Board

Post Office Box 2973
17 West Main Street, Suite 310
Madison, WI 53701-2973
Voice (608) 266-8005
Fax (608) 267-0500
E-mail: gab@wisconsin.gov
<http://gab.wi.gov>



JUDGE MICHAEL BRENNAN
Chair

KEVIN J. KENNEDY
Director and General Counsel

January 21, 2008

The Honorable Robert Turner
Room 223 North, State Capitol
Madison, WI 53702

Dear Representative Turner,

It was great to see you today and discuss legislative issues as well as the recent events in the city of Racine. I have looked over your draft legislation designed to facilitate voter participation by our military and overseas electors. The Board has directed its staff to work with the Legislature to meet this objective

The bill accomplishes the goal of eliminating the witness requirement for military and overseas electors. However, I have a problem with the new language the drafter has added to the certification on the absentee ballot return envelope. I will talk with Mr. Kuesel to suggest an alternative approach that permits the Board to specify the language of the certification on the certificate envelopes for military and overseas electors. Under that approach, it will not be necessary to add language to the absentee certificate envelope used by voters who are not military or overseas electors.

I think there is some merit in standardizing the definition of military elector. However, you may want to address this in separate legislation.

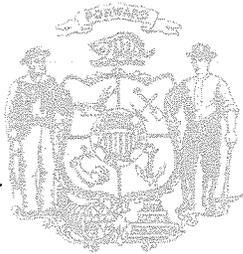
The proof of residence exemption was part of the HAVA implementation legislation. I believe the state definition in §6.22 (1)(b), Stats., would be acceptable for that purpose since it is broader than the HAVA requirement. In addition, we treat a certain category of military elector differently for counting ballots received after the September primary and November general election. It excludes Peace Corps and other civilian government workers covered under the state definition of military elector in §6.22 (1)(b), Stats. This becomes an administrative challenge for local election officials.

Sincerely,

A handwritten signature in cursive script that reads 'Kevin J. Kennedy'.

Kevin J. Kennedy
Director and General Counsel
Government Accountability Board

C: Jeff Kuesel, Legislative Reference Bureau



Robert Turner

STATE REPRESENTATIVE
TO THE 61ST ASSEMBLY DISTRICT

January 26, 2009

Mr. Kevin J. Kennedy
Director and General Counsel
Government Accountability Board
17 West Main Street, Suite 310
Madison, WI 53702

Dear Kevin:

Thank you very much for your letter regarding the bill I requested pertaining to military and overseas electors. I appreciated your suggestions and comments very much.

Thank you for your willingness to discuss a needed change with Jeffrey Kuesel regarding the language of the certification on the ballot envelopes.

As far as the definition of "military elector," I agree that it would detract from the main purpose of this bill. Do you think the conformity of the definition could be accomplished as remedial legislation by the Law Revision Committee of the Legislative Council? Please let me know your thoughts on this.

Again, thank you for your assistance and counsel on this legislation. I am grateful for the benefit of your expertise.

Sincerely,

A handwritten signature in cursive script that reads "Robert L. Turner".

Robert L. Turner
STATE REPRESENTATIVE

RLT/nam

Cc: Jeffrey Kuesel, Legislative Reference Bureau



Kuesel, Jeffery

From: Kuesel, Jeffery
Sent: Thursday, February 19, 2009 3:35 PM
To: Kennedy, Kevin - GAB
Subject: LRB-0622 (Elimination of witness requirement for military and overseas electors who vote by absentee ballot)

Kevin,

In looking at this draft, it seems that we can just state what the certificates need to say and leave it to the board to prescribe the appropriate wording in each case. I assume you still want to have the certificates appear on the outside of the envelopes as opposed to somewhere else.

As for the proof of residence requirement, I take it that you will defer the issue of broadening the proof of residence exemption so the board can deal with this problem more generally later. If not, please let me know. As with the authorization for late ballots, the creation of a distinction on the proof requirement between two electors based solely on occupation or family relationship is somewhat difficult to defend, when both electors could potentially be living in their own residences and not actually absent but merely using absentee voting as a more convenient way to vote.

Jeff



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0622/1 ✓

JTK:kjf:md

waived by Wed 3/4

2009 BILL

Regen

1 **AN ACT to repeal** 6.22 (2) (b); and **to amend** 6.22 (4) (d), 6.24 (4) (d), 6.24 (6), 6.87
2 (2) and (4) and 9.01 (1) (b) 2. of the statutes; **relating to:** elimination of the
3 witness requirement for military and overseas voters who vote by absentee
4 ballot.

Analysis by the Legislative Reference Bureau

Currently, an elector who casts an absentee ballot must make and subscribe to a certificate before one witness who must be an adult U.S. citizen. The certificate affirms the elector's residency and voting eligibility and affirms that the ballot is voted in secret.

This bill permits any elector who is a "military elector" or an "overseas elector" and who certifies to that fact to vote an absentee ballot without obtaining a witness. Current law defines a "military elector" as: 1) a member of a uniformed service; 2) a member of the merchant marine of the United States; 3) a civilian employee of the United States or civilian officially attached to a uniformed service who is serving outside the United States; 4) a peace corps volunteer; or 5) a spouse or dependent of any of those listed in the above categories residing with or accompanying him or her. An individual who is not a civilian employee of the United States need not be located outside the United States to be considered a "military elector." Current law also defines an "overseas elector" as a U.S. citizen: 1) who is not disqualified from voting; 2) who has attained or will attain the age of 18 by the date of an election at which the citizen proposes to vote and who does not qualify as a resident of this state, but who was last domiciled in this state or whose parent was last domiciled in this state

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immediately prior to the parent's departure from the United States; and 3) who is not registered to vote or voting in any other state, territory, or possession.

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

1 **SECTION 1.** 6.22 (2) (b) of the statutes is repealed. ✓

2 **SECTION 2.** 6.22 (4) (d) of the statutes is amended to read: ✓

3 6.22 (4) (d) The board shall prescribe the instructions for marking and
4 returning ballots and the municipal clerk shall enclose instructions with each ballot
5 and shall also enclose supplemental instructions for local elections. The instructions
6 shall include a definition of the term "military elector." The envelope, return
7 envelope and instructions may not contain the name of any candidate appearing on
8 the enclosed ballots other than that of the municipal clerk affixed in the fulfillment
9 of his or her duties.

10 **SECTION 3.** 6.24 (4) (d) of the statutes is amended to read: ✓

11 6.24 (4) (d) An overseas elector who is not registered may request both a
12 registration form and an absentee ballot at the same time, and the municipal clerk
13 shall send the ballot automatically if the registration form is received within the time
14 prescribed in s. 6.28 (1). The board shall prescribe a special certificate form for the
15 envelope in which the absentee ballot for overseas electors is contained, which shall
16 be substantially similar to that provided under s. 6.87 (2). ~~An overseas elector shall~~
17 ~~make and subscribe to the special certificate form before a witness who is an adult~~
18 ~~U.S. citizen.~~

19 **SECTION 4.** 6.24 (6) of the statutes is amended to read: ✓

20 6.24 (6) INSTRUCTIONS AND HANDLING. The municipal clerk shall send a ballot,
21 as soon as available, to each overseas elector by whom a request has been made. The

BILL

1 board shall prescribe the instructions for marking and returning ballots and the
2 municipal clerk shall enclose such instructions with each ballot. The instructions
3 shall include a definition of the term "overseas elector." The envelope, return
4 envelope and instructions may not contain the name of any candidate appearing on
5 the enclosed ballots other than that of the municipal clerk affixed in the fulfillment
6 of his or her duties. Except as authorized in s. 6.87 (3), the municipal clerk shall mail
7 the material, with sufficient postage to ensure that the elector receives the ballot,
8 unless the material qualifies for mailing free of postage under federal free postage
9 laws. If the return envelope qualifies for mailing free of postage under federal free
10 postage laws, the clerk shall affix the appropriate legend required by U.S. postal
11 regulations. Otherwise, the municipal clerk shall pay the postage required for
12 return when the ballot is mailed from within the United States. If the ballot is not
13 mailed by the overseas elector from within the United States, the overseas elector
14 shall provide return postage.

15 **SECTION 5.** 6.87 (2) and (4) of the statutes are amended to read:

16 ~~6.87 (2) Except as authorized under sub. (3) (d), the municipal clerk shall place~~
17 the ballot in an unsealed envelope furnished by the clerk. The envelope shall have
18 the name, official title and post-office address of the clerk upon its face. The other
19 side of the envelope shall have a printed certificate in substantially the following
20 form:

21 [STATE OF

22 County of]

23 or

24 [(name of foreign country and city or other jurisdictional unit)]

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3-15

BILL

1 I,, certify subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false
2 statements, that I am a resident of the [... ward of the] (town) (village) of, or of
3 the ... aldermanic district in the city of, residing at* in said city, the county
4 of, state of Wisconsin, and am entitled to vote in the (ward) (election district) at
5 the election to be held on; that I am not voting at any other location in this election;
6 that I am unable or unwilling to appear at the polling place in the (ward) (election
7 district) on election day or have changed my residence within the state from one ward
8 or election district to another within 10 days before the election. Unless I am a
9 military elector, as defined in s. 6.22 (1) (b), Wis. Stats., or an overseas elector, as
10 defined in s. 6.24 (1), Wis. Stats., I certify that I exhibited the enclosed ballot
11 unmarked to the witness, that I then in (his) (her) presence and in the presence of
12 no other person except any person rendering assistance under s. 6.87 (5), Wis. Stats.,
13 if I requested assistance, marked the ballot and enclosed and sealed the same in this
14 envelope in such a manner that no one but myself and any person rendering
15 assistance under s. 6.87 (5), Wis. Stats., if I requested assistance, could know how I
16 voted. If I am a military elector, as defined in s. 6.22 (1) (b), Wis. Stats., or an overseas
17 elector, as defined in s. 6.24 (1), Wis. Stats., I certify that I, in the presence of no other
18 person except any person rendering assistance under s. 6.87 (5), Wis. Stats., if I
19 requested assistance, marked the ballot and enclosed and sealed the same in this
20 envelope in such a manner that no one but myself and any person rendering
21 assistance could know how I voted.

22 Signed

23 Identification serial number, if any:

24 The witness, when required, shall execute the following:

BILL

1 I, the undersigned witness, subject to the penalties of s. 12.60 (1) (b), Wis.
2 Stats., for false statements, certify that I am an adult U.S. citizen and that the above
3 statements are true and the voting procedure was executed as there stated. I am not
4 a candidate for any office on the enclosed ballot (except in the case of an incumbent
5 municipal clerk). I did not solicit or advise the elector to vote for or against any
6 candidate or measure.

7(Name)

8(Address)**

9 [For a military elector or overseas elector voting this ballot without a witness]

10 Subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false statements, I hereby
11 certify that I am a military elector, as defined in s. 6.22 (1) (b), Wis. Stats., or an
12 overseas elector, as defined in s. 6.24 (1), Wis. Stats.

13 Signed....

14 * — An elector who provides an identification serial number issued under s.
15 6.47 (3), Wis. Stats., need not provide a street address.

16 ** — If this form is executed before 2 special voting deputies under s. 6.875 (6),
17 Wis. Stats., both deputies shall witness and sign.

18 (4) Except as otherwise provided in s. 6.875 and this subsection, the elector
19 voting absentee shall make and subscribe to the certification before one witness who
20 is an adult U.S. citizen. If the absent elector is a military elector, as defined in s. 6.22
21 (1) (b), or an overseas elector, as defined in s. 6.24 (1), no witness is required. The
22 absent elector, in the presence of the witness, when required, shall mark the ballot
23 in a manner that will not disclose how the elector's vote is cast. The elector shall then,
24 still in the presence of the witness, when required, fold the ballots so each is separate
25 and so that the elector conceals the markings thereon and deposit them in the proper

BILL

1 envelope. If a consolidated ballot under s. 5.655 is used, the elector shall fold the
2 ballot so that the elector conceals the markings thereon and deposit the ballot in the
3 proper envelope. If proof of residence is required, the elector shall enclose proof of
4 residence under s. 6.34 in the envelope. Proof of residence is required if the elector
5 is not a military elector or an overseas elector, as defined in s. 6.34 (1), and the elector
6 registered by mail and has not voted in an election in this state. If the elector
7 requested a ballot by means of facsimile transmission or electronic mail under s. 6.86
8 (1) (ac), the elector shall enclose in the envelope a copy of the request which bears an
9 original signature of the elector. The elector may receive assistance under sub. (5).
10 The return envelope shall then be sealed. The witness may not be a candidate. The
11 envelope shall be mailed by the elector, or delivered in person, to the municipal clerk
12 issuing the ballot or ballots. If the envelope is mailed from a location outside the
13 United States, the elector shall affix sufficient postage unless the ballot qualifies for
14 delivery free of postage under federal law. Failure to return an unused ballot in a
15 primary does not invalidate the ballot on which the elector's votes are cast. Return
16 of more than one marked ballot in a primary or return of a ballot prepared under s.
17 5.655 or a ballot used with an electronic voting system in a primary which is marked
18 for candidates of more than one party invalidates all votes cast by the elector for
19 candidates in the primary.

20 **SECTION 6.** 9.01 (1) (b) 2. of the statutes is amended to read: ✓

21 9.01 (1) (b) 2. The board of canvassers shall then examine the absentee ballot
22 envelopes. Any defective absentee ballot envelopes shall be laid aside, properly
23 marked and carefully preserved. The number of voters shall be reduced by the
24 number of ballot envelopes set aside under this subdivision. An absentee ballot
25 envelope is defective only if it is not witnessed ~~or~~ if a witness is required for the voter

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6-19

BILL

1 casting the ballot, if it is not signed by the voter, or if the certificate accompanying
2 an absentee ballot that the voter received by facsimile transmission or electronic
3 mail is missing.

SECTION 7. Initial applicability.

4
5 (1) This act first applies with respect to absentee ballots for elections held on
6 the effective date of this subsection.

SECTION 8. Effective date.

7
8 (1) This act takes effect on the first day of the 2nd month beginning after
9 publication.

10 (END)

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0622/2ins
JTK.....

INS 3-15:

~~SECTION 1. 6.87 (2) of the statutes is amended to read:~~

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

~~[STATE OF~~

~~County of]~~

~~or~~

~~[(name of foreign country and city or other jurisdictional unit)]~~

~~I,, certify subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false statements, that I am a resident of the [.... ward of the] (town) (village) of, or of the aldermanic district in the city of, residing at* in said city, the county of, state of Wisconsin, and am entitled to vote in the (ward) (election district) at the election to be held on, that I am not voting at any other location in this election; that I am unable or unwilling to appear at the polling place in the (ward) (election district) on election day or have changed my residence within the state from one ward or election district to another within 10 days before the election. I certify that I exhibited the enclosed ballot unmarked to the witness, that I then in (his) (her) presence and in the presence of no other person marked the ballot and enclosed and sealed the same in this envelope in such a manner that no one but myself and any~~

person rendering assistance under s. 6.87 (5), Wis. Stats., if I requested assistance, could know how I voted.

Signed

Identification serial number, if any:

The witness shall execute the following:

I, the undersigned witness, subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false statements, certify that I am an adult U.S. citizen and that the above statements are true and the voting procedure was executed as there stated. I am not a candidate for any office on the enclosed ballot (except in the case of an incumbent municipal clerk). I did not solicit or advise the elector to vote for or against any candidate or measure.

....(Name)

....(Address)**

X * — the form prescribed by the board. The board shall prescribe a separate form of the certificate for use by military electors, overseas electors, and other absent electors. The form shall specify the street address of the elector and the state and county, or the foreign country or other jurisdictional unit, in which it is executed. The signer shall certify, subject to the penalties under s. 12.60 (1) (b), for false statements, that he or she resides at the specified address in a specified county and city, village, or town, and if a city, a specified aldermanic district; that the signer will not appear at the polling place for the ward or election district where the signer resides on election day or has changed his or her residence from one ward or election district to another within the 10-day period preceding the election; and that the signer has exhibited the enclosed ballot unmarked to the witness, whenever a witness is required, and in the presence of no person other than any required witness marked

3

X

the ballot and sealed the envelope so that no one but the signer and any person rendering assistance under sub. (5), if the signer requested assistance, could know how the signer voted. If the signer is a military elector or an overseas elector, the signer shall so certify. The signer shall then sign his or her name and provide his or her identification serial number under s. 6.47 (2), if any. The witness, whenever required, shall then certify, subject to the penalties of s. 12.60 (1) (b) for false statements, that the witness is an adult U.S. citizen and that the signer's statements are true and the voting procedure was executed in the manner certified by the signer. The witness shall further certify that the witness is not a candidate for any office on the ballot, unless the witness is a municipal clerk who witnesses the ballot in his or her official capacity, and the witness did not solicit or advise the elector to vote for or against any candidate or measure. The witness shall then sign his or her name and provide his or her address. An elector who provides an identification serial number issued under s. 6.47 (3), Wis. Stats., need not provide a street address. ** If this ^{explain} the form is executed before 2 special voting deputies under s. 6.875 (6), Wis. Stats., both deputies shall witness and sign the form.

X

History: 1971 c. 242; 1971 c. 304 s. 29 (1), (2); 1975 c. 85; 1975 c. 93 s. 119 (2); 1975 c. 199; 1977 c. 394; 1979 c. 232, 260, 311, 355; 1983 a. 36, 484, 538; 1985 a. 304; 1991 a. 316; 1999 a. 49, 182; 2001 a. 16, 38, 109; 2003 a. 265; 2005 a. 451.

INS 6-19:

SECTION 2. 7.08 (1) (c) of the statutes is amended to read:

7.08 (1) (c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (4), 6.33 (1), 6.40 (1) (a), 6.47 (1) (am) 2. and (3), 6.55 (2), and 6.86 (2) to (3) and 6.87 (2). All such forms shall contain a statement of the penalty applicable to false or fraudulent

X

registration or voting through use of the form. Forms are not required to be furnished by the board.

History: 1971 c. 242; 1973 c. 334 s. 6, 57; 1975 c. 85, 93, 94, 199; 1977 c. 29, 107, 394, 427; 1979 c. 89, 177, 260, 311; 1981 c. 377; 1983 a. 51, 484; 1985 a. 120, 304; 1989 a. 192; 1993 a. 140; 1995 a. 16 s. 2; 1997 a. 27; 1999 a. 49, 182; 2001 a. 16, 38, 107, 109; 2003 a. 265; 2005 a. 177, 278, 451; 2007 a. 1, 20, 96.

Kuesel, Jeffery

To: McAdams, Nancy
Subject: RE: LRB 0622/2, Military & Overseas voter witnesses

Nancy,

I will make the changes requested by Kevin Kennedy and send you a new version.

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: McAdams, Nancy
Sent: Tuesday, April 28, 2009 1:41 PM
To: Kuesel, Jeffery
Cc: Kennedy, Kevin - GAB
Subject: FW: LRB 0622/2, Military & Overseas voter witnesses

Dear Jeff:

I checked with Rep. Turner and he asked that you revise the bill as suggested by Kevin Kennedy, as appears below. Thank you for all of your work on this bill so far.

Sincerely,

Nancy McAdams
Office of State Rep. Robert Turner
223 North Capitol
P.O. Box 8953
Madison, WI 53708-8953
Phone: 608-266-0731
Fax: 608-282-3661

From: Kennedy, Kevin - GAB [<mailto:Kevin.Kennedy@Wisconsin.gov>]
Sent: Sunday, April 26, 2009 6:56 PM
To: McAdams, Nancy
Cc: Kuesel, Jeffery; Haas, Michael R - GAB
Subject: RE: LRB 0622/2, Military & Overseas voter witnesses

Ms. McAdams,

I have reviewed the revised draft eliminating the witness requirement for military and overseas electors. I have two suggestions.

On page 5 of the draft on line 7, I suggest removing the language ",and if a city, a specified aldermanic district". This is carryover language from current law that is unnecessary and creates a possible issue for voters who do not specify the aldermanic district in which they reside. The city clerk will ensure the ballot is routed to the proper polling place based on the elector's voting address.

Also on page 5 of the draft beginning on line 7 and continuing through line 10 the following language should be modified ; "that the signer will not appear at the polling place for the ward or election district where the signer resides on election day or has changed his or her residence from one ward or election district to another within the 10-day period preceding the election;"

This language appears to replace language from current law that the voter is certifying "that I am not voting at any other location in this election; that I am unable or unwilling to appear at the polling place in the (ward) (election district) on election day or have changed my residence within the state from one ward or election district to another within 10 days before the election."

The new language raises two issues. Under current law an absentee elector may appear at the polling place and cast a ballot if the absentee ballot has not been processed. This certification would remove that option. Since an absentee elector has already made a written request for an absentee ballot, is it really necessary to certify that the person is eligible to cast an absentee ballot (I am unable or unwilling to appear at the polling place in the (ward) (election district) on election day or have changed my residence within the state from one ward or election district to another within 10 days before the election)?

I suggest language to the effect " I am not voting at any other location in this election; I am eligible to vote absentee."

Kevin J. Kennedy
Director and General Counsel
Wisconsin Government Accountability Board
608-266-8005
kevin.kennedy@wi.gov

From: McAdams, Nancy [<mailto:Nancy.McAdams@legis.wisconsin.gov>]
Sent: Tuesday, April 21, 2009 4:15 PM
To: Kennedy, Kevin - GAB
Cc: Kuesel, Jeffery - LEGIS; Rep.Turner
Subject: LRB 0622/2, Military & Overseas voter witnesses

Dear Mr. Kennedy:

How is your review of this proposal coming along? Rep. Turner is looking forward to introducing it once you feel it's ready for prime time. Thank you.

Nancy McAdams
Office of State Rep. Robert Turner
223 North Capitol
P.O. Box 8953
Madison, WI 53708-8953
Phone: 608-266-0731
Fax: 608-282-3661



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0622/2 3

JTK:kjf:ph

Account Fri 5/1

2009 BILL

Regen

1 **AN ACT to repeal** 6.22 (2) (b); and **to amend** 6.22 (4) (d), 6.24 (4) (d), 6.24 (6), 6.87
 2 (2) and (4), 7.08 (1) (c) and 9.01 (1) (b) 2. of the statutes; **relating to: elimination**
 3 ~~of the witness requirement for military and overseas voters~~ *requirements for* who vote by *electors*
 4 absentee ballot.

Analysis by the Legislative Reference Bureau

Currently, an elector who casts an absentee ballot must make and subscribe to a certificate before one witness who must be an adult U.S. citizen. The certificate affirms the elector's residency and voting eligibility and affirms that the ballot is voted in secret.

This bill permits any elector who is a "military elector" or an "overseas elector" and who certifies to that fact to vote an absentee ballot without obtaining a witness. Current law defines a "military elector" as: 1) a member of a uniformed service; 2) a member of the merchant marine of the United States; 3) a civilian employee of the United States or civilian officially attached to a uniformed service who is serving outside the United States; 4) a peace corps volunteer; or 5) a spouse or dependent of any of those listed in the above categories residing with or accompanying him or her. An individual who is not a civilian employee of the United States need not be located outside the United States to be considered a "military elector." Current law also defines an "overseas elector" as a U.S. citizen: 1) who is not disqualified from voting; 2) who has attained or will attain the age of 18 by the date of an election at which the citizen proposes to vote and who does not qualify as a resident of this state, but who was last domiciled in this state or whose parent was last domiciled in this state

BILL

immediately prior to the parent's departure from the United States; and 3) who is not registered to vote or voting in any other state, territory, or possession.

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

SECTION 1. 6.22 (2) (b) of the statutes is repealed.

SECTION 2. 6.22 (4) (d) of the statutes is amended to read:

6.22 (4) (d) The board shall prescribe the instructions for marking and returning ballots and the municipal clerk shall enclose instructions with each ballot and shall also enclose supplemental instructions for local elections. The instructions shall include a definition of the term "military elector." The envelope, return envelope and instructions may not contain the name of any candidate appearing on the enclosed ballots other than that of the municipal clerk affixed in the fulfillment of his or her duties.

SECTION 3. 6.24 (4) (d) of the statutes is amended to read:

6.24 (4) (d) An overseas elector who is not registered may request both a registration form and an absentee ballot at the same time, and the municipal clerk shall send the ballot automatically if the registration form is received within the time prescribed in s. 6.28 (1). The board shall prescribe a special certificate form for the envelope in which the absentee ballot for overseas electors is contained, which shall be substantially similar to that provided under s. 6.87 (2). ~~An overseas elector shall make and subscribe to the special certificate form before a witness who is an adult U.S. citizen.~~

And, if a city resident, must certify the address in which he or she resides

SECTION 4. 6.24 (6) of the statutes is amended to read:

6.24 (6) INSTRUCTIONS AND HANDLING. The municipal clerk shall send a ballot, as soon as available, to each overseas elector by whom a request has been made. The

is eligible to vote absentee.

The bill also deletes a requirement that every absentee voter must certify that he or she is unable or unwilling to appear at the polling place ^{or} his or her residence on election day or has changed his or her residence within the state within 30 days of the election and replaces it with a requirement that every absentee elector must certify that he or she

BILL

1 board shall prescribe the instructions for marking and returning ballots and the
2 municipal clerk shall enclose such instructions with each ballot. The instructions
3 shall include a definition of the term "overseas elector." The envelope, return
4 envelope and instructions may not contain the name of any candidate appearing on
5 the enclosed ballots other than that of the municipal clerk affixed in the fulfillment
6 of his or her duties. Except as authorized in s. 6.87 (3), the municipal clerk shall mail
7 the material, with sufficient postage to ensure that the elector receives the ballot,
8 unless the material qualifies for mailing free of postage under federal free postage
9 laws. If the return envelope qualifies for mailing free of postage under federal free
10 postage laws, the clerk shall affix the appropriate legend required by U.S. postal
11 regulations. Otherwise, the municipal clerk shall pay the postage required for
12 return when the ballot is mailed from within the United States. If the ballot is not
13 mailed by the overseas elector from within the United States, the overseas elector
14 shall provide return postage.

15 **SECTION 5.** 6.87 (2) and (4) of the statutes are amended to read:

16 6.87 (2) Except as authorized under sub. (3) (d), the municipal clerk shall place
17 the ballot in an unsealed envelope furnished by the clerk. The envelope shall have
18 the name, official title and post-office address of the clerk upon its face. The other
19 side of the envelope shall have a printed certificate in substantially the following
20 form:

21 [STATE OF

22 County of]

23 or

24 [~~(name of foreign country and city or other jurisdictional unit)~~]

BILL

1 I,, ~~certify subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false~~
2 ~~statements, that I am a resident of the [.... ward of the] (town) (village) of, or of~~
3 ~~the aldermanic district in the city of, residing at* in said city, the county~~
4 ~~of, state of Wisconsin, and am entitled to vote in the (ward) (election district) at~~
5 ~~the election to be held on~~; that I am not voting at any other location in this election;
6 that I am unable or unwilling to appear at the polling place in the (ward) (election
7 district) on election day or have changed my residence within the state from one ward
8 or election district to another within 10 days before the election. I certify that I
9 exhibited the enclosed ballot unmarked to the witness, that I then in (his) (her)
10 presence and in the presence of no other person marked the ballot and enclosed and
11 sealed the same in this envelope in such a manner that no one but myself and any
12 person rendering assistance under s. 6.87 (5), Wis. Stats., if I requested assistance,
13 could know how I voted.

14 Signed

15 Identification serial number, if any:

16 The witness shall execute the following:

17 I, the undersigned witness, ~~subject to the penalties of s. 12.60 (1) (b), Wis.~~
18 ~~Stats., for false statements, certify that I am an adult U.S. citizen and that the above~~
19 ~~statements are true and the voting procedure was executed as there stated. I am not~~
20 ~~a candidate for any office on the enclosed ballot (except in the case of an incumbent~~
21 ~~municipal clerk). I did not solicit or advise the elector to vote for or against any~~
22 ~~candidate or measure~~

23(Name)

24(Address)**

BILL

1 *— the form prescribed by the board. The board shall prescribe a separate form
2 of the certificate for use by military electors, overseas electors, and other absent
3 electors. The form shall specify the street address of the elector and the state and
4 county, or the foreign country or other jurisdictional unit, in which it is executed. The
5 signer shall certify, subject to the penalties under s. 12.60 (1) (b), for false statements,
6 that he or she resides at the specified address in a specified county and city, village,
7 or town, and if a city, a specified aldermanic district; that the signer will not appear
8 at the polling place for the ward or election district where the signer resides on
9 election day or has changed his or her residence from one ward or election district
10 to another within the 10-day period preceding the election; and that the signer has
11 exhibited the enclosed ballot unmarked to the witness, whenever a witness is
12 required, and in the presence of no person other than any required witness marked
13 the ballot and sealed the envelope so that no one but the signer and any person
14 rendering assistance under sub. (5), if the signer requested assistance, could know
15 how the signer voted. If the signer is a military elector or an overseas elector, the
16 signer shall so certify. The signer shall then sign his or her name and provide his or
17 her identification serial number under s. 6.47 (3), if any. The witness, whenever
18 required, shall then certify, subject to the penalties of s. 12.60 (1) (b) for false
19 statements, that the witness is an adult U.S. citizen and that the signer's statements
20 are true and the voting procedure was executed in the manner certified by the signer.
21 The witness shall further certify that the witness is not a candidate for any office on
22 the ballot, unless the witness is a municipal clerk who witnesses the ballot in his or
23 her official capacity, and the witness did not solicit or advise the elector to vote for
24 or against any candidate or measure. The witness shall then sign his or her name
25 and provide his or her address. An elector who provides an identification serial

BILL

1 number issued under s. 6.47 (3), ~~Wis. Stats.~~, need not provide a street address. **
2 If ~~this~~ the form is executed before 2 special voting deputies under s. 6.875 (6), ~~Wis.~~
3 ~~Stats.~~, both deputies shall witness and sign the form.

4 (4) Except as otherwise provided in s. 6.875 and this subsection, the elector
5 voting absentee shall make and subscribe to the certification before one witness who
6 is an adult U.S. citizen. If the absent elector is a military elector, as defined in s. 6.22
7 (1) (b), or an overseas elector, as defined in s. 6.24 (1), no witness is required. The
8 absent elector, in the presence of the witness, when required, shall mark the ballot
9 in a manner that will not disclose how the elector's vote is cast. The elector shall then,
10 still in the presence of the witness, when required, fold the ballots so each is separate
11 and so that the elector conceals the markings thereon and deposit them in the proper
12 envelope. If a consolidated ballot under s. 5.655 is used, the elector shall fold the
13 ballot so that the elector conceals the markings thereon and deposit the ballot in the
14 proper envelope. If proof of residence is required, the elector shall enclose proof of
15 residence under s. 6.34 in the envelope. Proof of residence is required if the elector
16 is not a military elector or an overseas elector, as defined in s. 6.34 (1), and the elector
17 registered by mail and has not voted in an election in this state. If the elector
18 requested a ballot by means of facsimile transmission or electronic mail under s. 6.86
19 (1) (ac), the elector shall enclose in the envelope a copy of the request which bears an
20 original signature of the elector. The elector may receive assistance under sub. (5).
21 The return envelope shall then be sealed. The witness may not be a candidate. The
22 envelope shall be mailed by the elector, or delivered in person, to the municipal clerk
23 issuing the ballot or ballots. If the envelope is mailed from a location outside the
24 United States, the elector shall affix sufficient postage unless the ballot qualifies for
25 delivery free of postage under federal law. Failure to return an unused ballot in a

BILL

1 primary does not invalidate the ballot on which the elector's votes are cast. Return
2 of more than one marked ballot in a primary or return of a ballot prepared under s.
3 5.655 or a ballot used with an electronic voting system in a primary which is marked
4 for candidates of more than one party invalidates all votes cast by the elector for
5 candidates in the primary.

6 **SECTION 6.** 7.08 (1) (c) of the statutes is amended to read:

7 7.08 (1) (c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (4), 6.33 (1),
8 6.40 (1) (a), 6.47 (1) (am) 2. and (3), 6.55 (2), and 6.86 (2) to (3), and 6.87 (2). All such
9 forms shall contain a statement of the penalty applicable to false or fraudulent
10 registration or voting through use of the form. Forms are not required to be furnished
11 by the board.

12 **SECTION 7. Initial applicability.**

13 (1) This act first applies with respect to absentee ballots for elections held on
14 the effective date of this subsection.

15 **SECTION 8.** 9.01 (1) (b) 2. of the statutes is amended to read:

16 9.01 (1) (b) 2. The board of canvassers shall then examine the absentee ballot
17 envelopes. Any defective absentee ballot envelopes shall be laid aside, properly
18 marked and carefully preserved. The number of voters shall be reduced by the
19 number of ballot envelopes set aside under this subdivision. An absentee ballot
20 envelope is defective only if it is not witnessed ~~or~~, if a witness is required for the voter
21 casting the ballot, if it is not signed by the voter, or if the certificate accompanying
22 an absentee ballot that the voter received by facsimile transmission or electronic
23 mail is missing.

24 **SECTION 9. Effective date.**

Change
Component
wrong
one

Parisi, Lori

From: Rep.Turner
Sent: Tuesday, May 12, 2009 2:33 PM
To: LRB.Legal
Cc: Kennedy, Kevin - GAB
Subject: Draft Review: LRB 09-0622/3 Topic: Eliminate witness requirements for military and overseas ballots

Please Jacket LRB 09-0622/3 for the ASSEMBLY.