

2011 DRAFTING REQUEST

Bill

Received: 06/03/2011

Received By: jkuesel

Wanted: Soon

Companion to LRB:

For: Donald Pridemore (608) 267-2367

By/Representing: him

May Contact:

Drafter: jkuesel

Subject: Elections - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Pridemore@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Task Force on the Elections Process and Election Technology

Instructions:

Per LRB-2176/1.

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 06/03/2011	wjackson 06/03/2011		_____			
/1			mduchek 06/03/2011	_____	sbasford 06/03/2011	lparisi 06/07/2011	

FE Sent For:

<END>

→ Not Needed

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1?/1	jkuesel 6/3/11	1 WLj 6/3		_____			

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<END>



State of Wisconsin
2011 - 2012 LEGISLATURE

Fr 6 B

2011 BILL

-2196/1



LRB-8170/1

JTK:wlj:ph

Stays

1 AN ACT ~~to amend 6.34 (3) (a) (intro.), 6.34 (3) (a) 7. b., 6.34 (3) (a) 8., 6.86 (1) (b),~~
2 ~~6.86 (2m) and 7.30 (2) (a) and (b) of the statutes; relating to: requests for~~
3 ~~absentee ballots, proof of residence, residency of election officials, and creation~~ ↓
4 of a task force on the elections process and election technology.

Analysis by the Legislative Reference Bureau

This bill makes changes in election laws relating to requests for absentee ballots, proof of residence, and residency of election officials, and creates a task force on the elections process and election technology.

Requests for absentee ballots

Currently, electors may request that absentee ballots for multiple elections be sent to them at the same time. For electors other than military, overseas, and indefinitely confined electors, the request may cover a period encompassing every election that is held within the same calendar year as the year in which the request is filed. This bill provides that, except for write-in ballots authorized for military and overseas electors, no elector may submit an application to receive an absentee ballot for an election before the date of the election is fixed. The bill also provides that an elector other than a military, overseas, or indefinitely confined elector may request an absentee ballot only for a specific election or for a primary election and the general, spring, special, or recall election that follows the primary.

Proof of residence

Currently, certain electors must present proof of residence in a form prescribed by law in order to vote or register to vote. This bill provides that the proof must be

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presented in a nonelectronic format. Currently, an elector may use a utility bill or a residential lease or a university, college, or technical college identification card together with a fee payment receipt under certain conditions as proof of residence. The identification card may be used only if the university, college, or technical college provides to a municipality a current list of students who reside in university-sponsored housing. This bill limits the use of utility bills to water, sewer, gas, electric, heating fuel, telephone, Internet, or television service bills and limits the type of housing that qualifies for use with a fee or identification card to dormitories that are owned or leased by a university, college, or technical college. The bill also requires a university, college, or technical college to provide the list to the appropriate municipal clerk or board of election commissioners no later than the close of business on the Friday before the election at which proof is presented.

Residency of certain election officials

Currently, election officials are generally required to be qualified electors of the municipality in which the officials serve. In addition, election officials who serve at a polling place are generally required to be qualified electors of the ward for which the polling place is established, whenever a municipality is divided into wards. However, special registration deputies who register electors at a polling place on election day, election officials who are appointed to work at a polling place that serves more than one ward, election officials who are reassigned by a municipal clerk or board of election commissioners to correct staffing deficiencies, or election officials who are appointed to fill a temporary or permanent vacancy need not be electors of any particular ward, but must be qualified electors of the municipality in which they serve. Officials who are appointed to work at a polling place that serves more than one ward must be electors of one of the wards served by the polling place. A high school pupil who is 16 or 17 years of age may serve as an inspector (poll worker) at the polling place serving his or her residence. In addition, if the municipal clerk or the executive director of a board of election commissioners or a deputy to the clerk or executive director serves as a special registration deputy or is appointed to work at a polling place to fill a vacancy in an inspector position, the clerk, executive director, or deputy need not be a resident of the municipality in which he or she serves. This bill provides that an individual who serves as an election official at a polling place on election day need be an elector only of the county where he or she serves, except as the law currently permits the individual to reside elsewhere, and except that a high school pupil who serves as an inspector must continue to meet the current residency requirement.

Task force on the elections process and election technology

This bill creates a task force on the elections process and election technology. The task force consists of 11 members, who are appointed by the Joint Legislative Council, including the chairperson, vice-chairperson, and ranking minority member of the assembly and senate committees whose jurisdiction includes the election laws, the governor and the attorney general or their designees, and two members who have expertise in electronic voting system technology. The task force is directed to evaluate the effectiveness of the elections process as affected by voter identification requirements and to make recommendations for changes in the process, including

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polling place registration on election day, that the task force finds to be appropriate and advisable. The task force is also directed to study and recommend the next generation of electronic voting system technology that should be adopted for use in this state. The bill directs the task force to report its recommendations to the appropriate standing committees of the legislature, the governor, and the attorney general no later than November 1, 2012.

(NO SPACE)
For further information see the ~~state and local~~ fiscal estimate, which will be printed as an appendix to this bill. ✓

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

1 **SECTION 1.** 6.34 (3) (a) (intro.) of the statutes is amended to read:

2 6.34 **(3)** (a) (intro.) An identifying document used to establish proof of an
3 elector's residence under sub. (2) shall be in a nonelectronic format and shall contain
4 the information required under par. (b) ~~and~~. The document is limited to one of the
5 following:

6 **SECTION 2.** 6.34 (3) (a) 7. b. of the statutes, as affected by 2011 Wisconsin Act
7 23, is amended to read:

8 6.34 **(3)** (a) 7. b. An identification card issued by a university, college, or
9 technical college that contains a photograph of the cardholder if the university,
10 college, or technical college that issued the card provides to the municipal clerk of the
11 municipality in which the elector submitting proof resides, no later than the close of
12 business on the Friday before any election at which the proof is presented, a certified
13 and current list of students who reside in ~~housing sponsored~~ dormitories that are
14 owned or leased by the university, college, or technical college and who are U.S.
15 citizens to the municipal clerk prior to the election showing the current address of
16 the students and if the municipal clerk, special registration deputy, or inspector
17 verifies that the student presenting the card is included on the list.

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1 ~~SECTION 3. 6.34 (3) (a) 8. of the statutes is amended to read:~~

2 ~~6.34 (3) (a) 8. A utility bill for water, sewer, gas, electric, heating fuel,~~
3 ~~telephone, Internet, or television service for the period commencing not earlier than~~
4 ~~90 days before the day registration is made.~~

5 ~~SECTION 4. 6.86 (1) (b) of the statutes is amended to read:~~

6 ~~6.86 (1) (b) Except as authorized in s. 6.25, no elector may submit an~~
7 ~~application to receive an absentee ballot for an election before the date of the election~~
8 ~~is fixed. Except as provided in this section, if application is made by mail, the~~
9 ~~application, signed by the elector, shall be received no later than 5 p.m. on the 5th~~
10 ~~day immediately preceding the election. If application is made in person, the~~
11 ~~application shall be made no later than 5 p.m. on the day preceding the election. If~~
12 ~~the elector is making written application for an absentee ballot at the September~~
13 ~~primary or general election and the application indicates that the elector is a military~~
14 ~~elector, as defined in s. 6.36 (2) (c), the application shall be received by the municipal~~
15 ~~clerk no later than 5 p.m. on election day. If the application indicates that the reason~~
16 ~~for requesting an absentee ballot is that the elector is a sequestered juror, the~~
17 ~~application shall be received no later than 5 p.m. on election day. If the application~~
18 ~~is received after 5 p.m. on the Friday immediately preceding the election, the~~
19 ~~municipal clerk or the clerk's agent shall immediately take the ballot to the court in~~
20 ~~which the elector is serving as a juror and deposit it with the judge. The judge shall~~
21 ~~recess court, as soon as convenient, and give the elector the ballot. The judge shall~~
22 ~~then witness the voting procedure as provided in s. 6.87 and shall deliver the ballot~~
23 ~~to the clerk or agent of the clerk who shall deliver it to the polling place or, in~~
24 ~~municipalities where absentee ballots are canvassed under s. 7.52, to the municipal~~
25 ~~clerk as required in s. 6.88. If application is made under sub. (2) or (2m), the~~

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1 application may be received no later than ~~5 p.m. on the Friday immediately~~
2 preceding the election.

3 **SECTION 5.** 6.86 (2m) of the statutes is amended to read:

4 **6.86 (2m)** An elector other than an elector who is eligible to receive absentee
5 ballots under sub. (2) may by written application filed with the municipal clerk of the
6 municipality where the elector resides require that an absentee ballot be sent to the
7 elector ~~automatically for every~~ any specific election ~~that is held within the same~~
8 calendar year in which the application is filed or for any primary election and the
9 succeeding general, spring, special or recall election that follows the primary. The
10 application form and instructions shall be prescribed by the board, and furnished
11 upon request to any elector by each municipal clerk. The municipal clerk shall
12 thereupon mail an absentee ballot to the elector ~~for all elections that are held in the~~
13 municipality during the same calendar year that the application is filed the election
14 or elections requested, except that the clerk shall not send an absentee ballot for an
15 election if the elector's name appeared on the registration list in eligible status for
16 a previous election following the date of the application but no longer appears on the
17 list in eligible status. The municipal clerk shall ensure that the envelope containing
18 the absentee ballot is clearly marked as not forwardable. If an elector who files an
19 application under this subsection no longer resides at the same address that is
20 indicated on the application form, the elector shall so notify the municipal clerk. The
21 municipal clerk shall ~~discontinue mailing~~ not mail absentee ballots to an elector
22 under this subsection upon receipt of reliable information that the elector no longer
23 qualifies for the service. The clerk shall notify the elector of any such action not taken
24 at the elector's request within 5 days, if possible. If a municipal clerk is notified by
25 ~~an elector that the elector's residence is changed to another municipality within this~~

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1 state, the municipal clerk shall forward the request to the municipal clerk of that
2 municipality and that municipal clerk shall honor the request, except as provided in
3 this subsection.

4 **SECTION 6.** 7.30 (2) (a) and (b) of the statutes are amended to read:

5 7.30 (2) (a) Only election officials appointed under this section or s. 6.875 may
6 conduct an election. Except as otherwise provided in this paragraph and in ss. 7.15
7 (1) (k) and 7.52 (1) (b), each election official shall be a qualified elector of the ward
8 or wards, or the election district, for county in which the polling place is established.
9 ~~A special registration deputy who is appointed under s. 6.55 (6) or an election official~~
10 ~~who is appointed under this section to fill a vacancy under par. (b) need not be a~~
11 ~~resident of the ward or wards, or the election district, but shall be a resident of the~~
12 ~~municipality located,~~ except that if a municipal clerk or deputy clerk serves as a
13 registration deputy or is appointed to fill a vacancy under par. (b), the clerk or deputy
14 clerk need not be a resident of the municipality county, but shall be a resident of the
15 state. No more than 2 individuals holding the office of clerk or deputy clerk may serve
16 without regard to municipal county residency in any municipality at any election.
17 Special registration deputies who are appointed under s. 6.55 (6) may be appointed
18 to serve more than one polling place. All officials appointed under this section shall
19 be able to read and write the English language, be capable, and be of good
20 understanding, and may not be a candidate for any office to be voted for at an election
21 at which they serve. In 1st class cities, they may hold no public office other than
22 notary public. Except as authorized under subs. (1) (b) and (4) (c), all inspectors shall
23 be affiliated with one of the 2 recognized political parties which received the largest
24 number of votes for president, or governor in nonpresidential general election years,
25 in the ward or combination of wards served by the polling place at the last election.

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1 Excluding the inspector who may be appointed under sub. (1) (b), the party which
2 received the largest number of votes is entitled to one more inspector than the party
3 receiving the next largest number of votes at each polling place. Election officials
4 appointed under this section may serve the electors of more than one ward where
5 wards are combined under s. 5.15 (6) (b). If a municipality is not divided into wards,
6 the ward requirements in this paragraph apply to the municipality at large.

7 (b) When a vacancy occurs in an office under this section, the vacancy shall be
8 filled by appointment of the municipal clerk. Unless the vacancy occurs in the
9 position of an inspector appointed under sub. (1) (b), the vacancy shall be filled from
10 the remaining names on the lists submitted under sub. (4) or from additional names
11 submitted by the chairperson of the county party committee of the appropriate party
12 under sub. (4) whenever names are submitted under sub. (4) (d). If the vacancy is
13 due to candidacy, sickness or any other temporary cause, the appointment shall be
14 a temporary appointment and effective only for the election at which the temporary
15 vacancy occurs. The same qualifications that applied to original appointees shall be
16 required of persons who fill vacancies except that a vacancy may be filled in cases of
17 emergency or because of time limitations by a person who resides in another
18 aldermanic district or ward within the municipality, and if a municipal clerk or
19 deputy clerk fills the vacancy, the clerk or deputy, but not more than a total of 2
20 individuals in any municipality, may serve without regard to the clerk's or deputy's
21 municipality county of residence, if the clerk or deputy meets the other
22 qualifications.

23 **SECTION 7. Nonstatutory provisions.**

24 (1) TASK FORCE ON VOTER IDENTIFICATION AND ELECTION TECHNOLOGY. (a) There
25 is created a task force on voter identification and election technology. Except as

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1 provided in paragraph (b), the task force shall consist of 11 members appointed by
2 the joint legislative council including:

3 1. The chairperson, vice-chairperson, and ranking minority member of the
4 assembly and senate committees whose jurisdiction includes the election laws.

5 2. The governor and attorney general or their designees.

6 3. Two members who have expertise in electronic voting system technology.

7 (b) Either chairperson may designate another member of his or her committee
8 to serve in his or her place as a member of the task force. The cochairpersons of the
9 task force shall be the chairpersons of the assembly and senate committees whose
10 jurisdiction includes the election laws except that by the designation of either
11 chairperson, the vice chairperson or a member who is designated to serve in place of
12 the chairperson may serve in place of the chairperson as cochairperson of the task
13 force.

14 (c) The joint legislative council shall provide staff services to the task force.

15 (d) The task force shall evaluate the effectiveness of the elections process as
16 affected by voter identification requirements and shall make recommendations for
17 any changes in the elections process, including polling place registration on election
18 day, that the task force finds to be appropriate and advisable. The task force shall
19 also study and recommend the next generation of electronic voting system
20 technology that should be adopted for use in this state.

21 (e) The task force shall report its recommendations to the appropriate standing
22 committees of the legislature, the governor, and the attorney general no later than
23 November 1, 2012.

24 ~~SECTION 8. Initial applicability.~~

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1 (1) The treatment of sections 6.34 (3) (a) (intro.) of the statutes first applies with
2 respect to registration and voting at elections held on the first day of the 2nd month
3 beginning after publication.

4 (END)

Basford, Sarah

From: Castaneda, Christian
Sent: Tuesday, June 07, 2011 3:04 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-2196/1 Topic: Task Force on the Elections Process and Election Technology

Please Jacket LRB 11-2196/1 for the ASSEMBLY.