

**2011 DRAFTING REQUEST**

**Bill**

Received: 10/26/2011

Received By: **jkuesel**

Wanted: **As time permits**

Companion to LRB:

For: **Mary Lazich (608) 266-5400**

By/Representing: **Andrew Hanus**

May Contact:

Drafter: **jkuesel**

Subject: **Elections - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Lazich@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Eligibility of absentee voters to vote at polling places

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**Instructions:**

Per attached E mail, #3.

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**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 10/27/2011	kfollett 10/28/2011		_____			
/1			jfrantze 10/28/2011	_____	mbarman 10/28/2011	sbasford 10/28/2011	

FE Sent For:

<END>

↳ Not Needed

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12/1	jkuesel 10/27/11	11/gf 10/28		10/28			

FE Sent For:

<END>

**Kuesel, Jeffery**

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**From:** Hanus, Andrew  
**Sent:** Wednesday, October 26, 2011 11:07 AM  
**To:** Kuesel, Jeffery  
**Subject:** Draft Request

Hi Jeff,

Thanks again for your help yesterday. Sen. Lazich has asked that we begin drafting the following items as 4 separate bills. As usual, we may be moving some of these bills soon, so we ask that you draft the easiest bills first so that we can begin our work with them.

Draft 1: Regarding the 28 day residency requirement – we want language to require the voter to *provide documentation* that he or she has been a resident for 28 days, as opposed to current law where the voter merely says that they have been a resident for 28 days.

Draft 2: We would like a companion bill to LRB–2195/1 (Rep. Pridemore AB 169), which allows poll workers to work anywhere in their county.

Draft 3: We would like to stop the practice whereby a person may vote via absentee ballot, but then also vote on election day. GAB has suggested that if we address this issue, we draft language that states that if an absentee ballot is received by the clerk, then that person may not vote in person. However, a person who receives an absentee ballot *but does not sent it back in* may vote provisionally (on the condition that their absentee ballot is not received).

Draft 4: Notarization of recall petition circulator signatures – We would like to draft language that would require that a notary public authenticate the circulator's signature on a recall petition.

If you have any questions or concerns, please just let me know. Thanks a lot.

Best,

Andrew Hanus  
Sen. Lazich's Office  
6-5400



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3340/1

JTK: kjf

Fin 10/28-AM

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Gen

1

**AN ACT ...; relating to:** return of absentee ballots and voting in person by electors who have voted by absentee ballot in the same election.

2

***Analysis by the Legislative Reference Bureau***

Currently, if a qualified elector casts an absentee ballot, whether by mail or in person, the municipal clerk or board of election commissioners of the municipality where the elector resides delivers the ballot in an absentee ballot envelope to the polling place serving the elector's residence. There is no authorization for a municipality to return an absentee ballot to an elector once the ballot has been cast. The election inspectors (poll workers), upon receiving the absentee ballot of a qualified elector, mark the poll list to indicate that the elector has voted when they count the ballot. No elector is permitted to vote more than once in the same election. If a municipality elects to canvass its absentee ballots centrally using a board of absentee ballot canvassers, the board of absentee ballot canvassers marks a separate poll list containing the names of the qualified electors of the municipality to indicate the electors who have cast absentee ballots. The municipal board of canvassers is then required to reconcile the poll list marked at each polling place with the poll list marked by the board of absentee ballot canvassers to ensure that no person is permitted to vote more than once. If the municipal board of canvassers finds that an elector who has voted in person has also cast an absentee ballot, the absentee ballot is void.

This bill provides that if an elector casts an absentee ballot, either by mail or in person, the municipal clerk or board of election commissioners shall not return the ballot to the elector. The bill also provides that an elector who casts an absentee



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

LRB-3340/1dn

JTK...*kyf*

*Date*

Senator Lazich:

Currently, under s. 7.53 (1) and (2) (d), stats., if a municipal board of canvassers finds that an elector who has cast an absentee ballot at an election has also cast a ballot in person at the same election, the absentee ballot is void. However, under s. 6.88 (3) (a), stats., if the municipality counts absentee ballots at polling places instead of using a board of absentee ballot canvassers, the inspectors may open and count the absentee ballot at any time between the opening and closing of the polls on election day. The statutes are silent on what the inspectors should do if they find, when recording an absentee voter on the poll list, that the voter has already voted in person earlier in the day. Presumably, since it is normally impossible to retrieve the earlier ballot from the ballot box, the inspectors do not count the absentee ballot. You may wish to amend the law to specifically indicate that this is what the inspectors must do.

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

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

LRB-3340/1dn  
JTK:kjf:jf

October 28, 2011

Senator Lazich:

Currently, under s. 7.53 (1) and (2) (d), stats., if a municipal board of canvassers finds that an elector who has cast an absentee ballot at an election has also cast a ballot in person at the same election, the absentee ballot is void. However, under s. 6.88 (3) (a), stats., if the municipality counts absentee ballots at polling places instead of using a board of absentee ballot canvassers, the inspectors may open and count the absentee ballot at any time between the opening and closing of the polls on election day. The statutes are silent on what the inspectors should do if they find, when recording an absentee voter on the poll list, that the voter has already voted in person earlier in the day. Presumably, since it is normally impossible to retrieve the earlier ballot from the ballot box, the inspectors do not count the absentee ballot. You may wish to amend the law to specifically indicate that this is what the inspectors must do.

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



**Parisi, Lori**

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**From:** Sen.Lazich

**Sent:** Friday, October 28, 2011 10:03 AM

**To:** LRB.Legal

**Subject:** Draft Review: LRB 11-3340/1 Topic: Eligibility of absentee voters to vote at polling places

Please Jacket LRB 11-3340/1 for the SENATE.

10/28/2011