2013 DRAFTING REQUEST

Senate Joint Resolution

Received:	**9/10/2013**	Received By:	**jkuesel**
Wanted:	**As time permits**	Same as LRB:	**-4385**
For:	**Jennifer Shilling (608) 266-5490**	By/Representing:	**Nathan Houdek**
May Contact:		Drafter:	**smiller**
Subject:	**Constitutional Amendments**	Addl. Drafters:	
		Extra Copies:	**JTK - 1**

Submit via email: **YES**
Requester's email: **Sen.Shilling@legis.wisconsin.gov**
Carbon copy (CC) to: **joseph.kreye@legis.wisconsin.gov**
tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Electors have a fundmental right to vote

Instructions:

Use language from E Mail of 9/9, 3:32 PM

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	smiller 9/10/2013	wjackson 9/23/2013	jmurphy 9/24/2013	_____ _____			
/1		wjackson 3/7/2014		_____ _____	mbarman 9/24/2013		
/2				_____	srose	srose	

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
					3/7/2014	3/10/2014	

FE Sent For:

<END>

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FE Sent For:

<END>

AUTHENTICATED
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113TH CONGRESS
1ST SESSION

H. J. RES. 44

Proposing an amendment to the Constitution of the United States regarding the right to vote.

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2013

Mr. POCAN (for himself, Mr. ELLISON, Mr. CLAY, Ms. EDWARDS, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. JOHNSON of Georgia, Ms. LEE of California, Mr. MCGOVERN, and Ms. SCHAKOWSKY) introduced the following joint resolution; which was referred to the Committee on the Judiciary

---

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States regarding the right to vote.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States after the date of its submission for ratification:

1 "ARTICLE —

2 "SECTION 1. Every citizen of the United States, who
3 is of legal voting age, shall have the fundamental right
4 to vote in any public election held in the jurisdiction in
5 which the citizen resides.

6 "SECTION 2. Congress shall have the power to en-
7 force and implement this article by appropriate legisla-
8 tion.".

○

Kuesel, Jeffery

From: Houdek, Nathan
Sent: Monday, September 09, 2013 4:33 PM
To: Kuesel, Jeffery
Subject: RE: Emailing: Bill Text - 113th Congress (2013-2014) - THOMAS (Library of Congress).htm

Let's leave section 2 alone, and just establish the "Fundamental right to vote" that you mentioned.

Thanks again.

--
Nathan D. Houdek
Office of Senator Jennifer Shilling
20 South, State Capitol
Phone: 608.266.5490
E-mail: nathan.houdek@legis.wisconsin.gov

From: Kuesel, Jeffery
Sent: Monday, September 09, 2013 4:24 PM
To: Houdek, Nathan
Subject: RE: Emailing: Bill Text - 113th Congress (2013-2014) - THOMAS (Library of Congress).htm

Nathan,

The exceptions in Section 2 that permit the legislature to change voting qualifications are:

1. To define residency.
2. To require voter registration.
3. To permit absentee voting (and define who may use it and when they may use it).
4. To restrict voting by 1) felons unless restored to civil rights; and 2) certain incompetent persons.

No other restrictions or limitations are authorized. If we want to limit or repeal any of this, we need to amend Section 2. If not, I would leave Section 2 alone.

Jeff Kuesel

From: Houdek, Nathan
Sent: Monday, September 09, 2013 4:06 PM
To: Kuesel, Jeffery
Subject: RE: Emailing: Bill Text - 113th Congress (2013-2014) - THOMAS (Library of Congress).htm

Thanks. Can we get that drafted?

Also, with regards to the ability of the legislature to modify the definition of "qualified elector" in limited situations, would there be any value in reducing the legislature's ability to restrict who is considered a "qualified elector"? Essentially, saying something along the lines of, "the legislature shall not modify the definition of "qualified elector" to place any restrictions to vote on the ability of legal state residents who are not felons and who are of legal voting age." I'm sure that wording is not close to correct, but does that make sense?

--
Nathan D. Houdek
Office of Senator Jennifer Shilling

20 South, State Capitol
Phone: 608.266.5490
E-mail: nathan.houdek@legis.wisconsin.gov

From: Kuesel, Jeffery
Sent: Monday, September 09, 2013 3:32 PM
To: Houdek, Nathan
Subject: RE: Emailing: Bill Text - 113th Congress (2013-2014) - THOMAS (Library of Congress).htm

Nathan,

For state purposes I think I would put it in art. III , sec. 4 and say "**Fundamental right to vote.** Subject to Section 2, every qualified elector of this state shall have the fundamental right to vote in any public election held in the election district in which the elector resides.". Currently. Art. III, sec. 1 defines who is a qualified elector and sec. 2 permits the legislature to modify the definition of "qualified elector" in limited situations. I think the key word you want to get in is "fundamental" which means that this is an important right that may accord it greater protection than other rights. I am not sure how much difference this will make as a practical matter but it's something that could be pointed to in the event that a controversy arises.

Jeffery T. Kuesel
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 266-6778
Jeffery.Kuesel@legis.wisconsin.gov

From: Houdek, Nathan
Sent: Monday, September 09, 2013 10:49 AM
To: Kuesel, Jeffery
Subject: RE: Emailing: Bill Text - 113th Congress (2013-2014) - THOMAS (Library of Congress).htm

Sorry about that. I've attached a pdf; that should work for you.

From: Kuesel, Jeffery
Sent: Monday, September 09, 2013 10:45 AM
To: Houdek, Nathan
Subject: Emailing: Bill Text - 113th Congress (2013-2014) - THOMAS (Library of Congress).htm

Nathan,

This is what the link shows when I open it. Can you resend by another method?

Jeff Kuesel

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State of Wisconsin
2013 – 2014 LEGISLATURE

in 9-10

LRB–3108/1
SRM:...:..
Wy

~~PRELIMINARY DRAFT – NOT READY FOR INTRODUCTION~~

2013 SENATE JOINT RESOLUTION

Relating to: the right to vote. (first consideration)

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2013 legislature on first consideration, provides that every qualified elector of this state shall have the fundamental right to vote in any public election held in the election district in which the elector resides.

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

Resolved by the senate, the assembly concurring, That:

SECTION 1. Section 7 of article III of the constitution is created to read:

[Article III] Section 7. Subject to Section 2, every qualified elector of this state shall have the fundamental right to vote in any public election held in the election district in which the elector resides.

SECTION 2. Numbering of new provisions. If another constitutional amendment ratified by the people creates the number of any provision created in this

1 joint resolution, the chief of the legislative reference bureau shall determine the
2 sequencing and the numbering of the provisions whose numbers conflict.

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

6 **(END)**

State of Wisconsin
2013 – 2014 LEGISLATURE

LRB-3108/1
SRM:wlj:jm

2013 SENATE JOINT RESOLUTION

Gen Cat

Relating to: the right to vote (first consideration).

Analysis by the Legislative Reference Bureau

This constitutional amendment, proposed to the 2013 legislature on first consideration, provides that every qualified elector of this state shall have the fundamental right to vote in any public election held in the election district in which the elector resides.

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

4 **(END)**

Rose, Stefanie

From: Palese, Tony
Sent: Monday, March 10, 2014 10:36 AM
To: LRB.Legal
Subject: Draft Review: LRB -3108/2 Topic: Electors have a fundmental right to vote

Please Jacket LRB -3108/2 for the SENATE.