



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Assembly Bill 175

**Assembly
Amendments 1, 2, and 3**

Memo published: June 26, 2003

Contact: Robert J. Conlin, Senior Staff Attorney (266-2298)

Generally, under **current** law, each municipal clerk and board of elections commissioners must mail an absentee ballot requested by an elector to the residence of the elector unless the elector specifies a different mailing address. Under current law, however, an elector may not direct that an absentee ballot be mailed to the address of a candidate, political party, or other campaign finance registrant.

Additionally, under current law, an elector who votes an absentee ballot must complete a certification before one witness indicating that the elector is qualified to vote the absentee ballot and that the elector has voted the absentee ballot in the manner prescribed by law.

2003 Assembly Bill 175 provides that a municipal clerk or board of election commissioners may only mail an absentee ballot to the permanent residence or temporary residence of an absent elector. In addition, the bill changes the number of witnesses required on an absentee ballot certification from one witness to two witnesses.

Assembly Amendment 1

Assembly Amendment 1 deletes the provisions of the bill that increase the witness requirement on the absentee ballot certification from one witness to two. Thus, the amendment would maintain the current law requirement that a voter voting an absentee ballot complete a certification before one witness.

Assembly Amendment 2

Assembly Amendment 2 assists in effectuating the intent of the bill by clarifying that the only places to which an absentee ballot may be mailed are a permanent residence or a temporary residence.

Assembly Amendment 3

Assembly Amendment 3 rectifies an ambiguity in current law by making it clear that absentee ballots are to be mailed to absent electors with return postage regardless of whether the ballots are mailed to a permanent or temporary residence. According to Kevin Kennedy, Executive Director of the State Elections Board, some have interpreted the current law requirement that clerks include return postage for all absentee ballots to only apply to absentee ballots mailed to the elector's permanent residence.

Legislative History

Assembly Amendment 1 was introduced by the Assembly Committee on Campaigns and Elections on April 17, 2003, and was recommended for adoption on a vote of Ayes, 4; Noes, 2.

Assembly Amendment 2 was introduced by the Assembly Committee on Campaigns and Elections on April 17, 2003, and was recommended for adoption on a vote of Ayes, 6; Noes, 0.

Assembly Amendment 3 was introduced by the Assembly Committee on Campaigns and Elections on April 17, 2003, and was recommended for adoption on a vote of Ayes, 6; Noes, 0.

The bill was recommended for passage, as amended, by the Assembly Committee on Campaigns and Elections on April 17, 2003, on a vote of Ayes, 4; Noes, 2.

Assembly Amendments 1, 2, and 3 were adopted by the Assembly by voice votes on June 4, 2003.

The bill, as amended, passed the Assembly by a vote of Ayes, 61; Noes, 35, on June 24, 2003.

RJC:rv;ksm