

JOURNAL OF THE ASSEMBLY (September 5, 1973)

STATE OF WISCONSIN

Assembly Journal

Eighty-First Regular Session

WEDNESDAY, September 5, 1973.

The chief clerk makes the following entries under the above date:

AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 844** offered by Representatives Wahner and Schneider.

Assembly substitute amendment 2 to **Assembly Bill 814** offered by Representatives Jackamonis and Wahner.

Assembly amendment 2 to **Assembly Bill 1089** offered by Representative Kleczka.

Assembly amendment 1 to assembly substitute amendment 1 to **Assembly Bill 597** offered by Representative Shabaz.

Assembly amendment 1 to assembly substitute amendment 1 to **Assembly Bill 1045** offered by Representatives Rutkowski and Plewa.

Assembly substitute amendment 1 to **Senate Bill 119** offered by Committee on Judiciary.

INTRODUCTION AND REFERENCE OF BILLS

Read first time and referred:

Assembly Bill 1259

Relating to providing storm shelters for occupants of mobile home parks, granting rule-making authority and providing a penalty.

By Representatives DUREN and JACKAMONIS.

To committee on State Affairs.

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Assembly Bill 1260

Relating to requiring mobile home parks to provide tie-down facilities, granting rule-making authority and providing a penalty.

By Representatives DUREN and JACKAMONIS.

To committee on State Affairs.

Assembly Bill 1261

Relating to a minimum speed limit for vehicles on state trunk highways.

By Representative DUREN.

To committee on Highways.

COMMUNICATIONS

The State of Wisconsin
Department of Justice
Madison 53702

September 5, 1973

The Honorable, The Assembly
State Capitol
Madison, Wisconsin 53702

Dear Representatives:

By Resolution No. 25, you have asked my opinion as to whether a person who has dyslexia and needs help in voting must be aided as provided in subsecs. (2) (a) or (2) (b) of sec. 6.82, Wis. Stats.

Although the definitions of "dyslexia" found in the various medical dictionaries differ somewhat, the term is usually used to rather generally describe various degrees of impaired ability to read understandingly. The impairment is seen most commonly with central lesions and in many cases of minimal brain dysfunction. In a particular instance, the condition may only cause reading to be an unpleasant experience physically because attended with fatigue and disagreeable sensations; in other instances, the condition may be so serious that the person afflicted may have lost the ability to recognize or comprehend written or printed words and sentences. The latter condition is more accurately termed "alexia," i.e. word blindness. See definitions in Blakiston's Gould Medical Dictionary (3rd ed.), pp. 54, 473; Hinsie and Campbell, Psychiatric Dictionary (4th ed.), pp. 27, 239; Doreand's Illustrated Medical Dictionary (24th ed.), p. 457; Stedman's Medical Dictionary (21st ed.), pp. 48, 492.

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Section 6.82 (2) (b), Stats., provides in part:

“(b) if the elector is totally blind or his vision is so impaired that he cannot read the ballot, he may be assisted * * *”

Since subsection (2) (b) relates solely to persons who are unable to see or whose eyesight is impaired, this statutory provision is clearly not applicable to persons who have dyslexia.

Section 6.82 (2) (a), Stats., provides:

“If an elector declares to the presiding election official that he cannot read or write, or that due to physical disability, he is unable to mark his ballot, he shall be informed that he may have assistance. When assistance is requested, 2 election officials shall be selected by the elector to assist him in marking his ballot. The 2 persons chosen to assist shall not be of the same political party. The selected officials shall certify on the back of the ballot that it was marked with their assistance but shall not disclose to anyone how the elector voted.” (Emphasis supplied.)

Whether a person with dyslexia may take advantage of the voter assistance provisions of sec. 6.82 (2) (a), Stats., will largely depend upon the extent to which his physical condition has impaired his ability to read understandingly. In my opinion, however, if because of such a condition, an otherwise qualified elector is unable to mark his ballot in a manner which expresses his intent, due to an inability to read the ballot understandingly, the election officials are under a duty to assist that elector under the provisions of subsection (2) (a). Under the provisions of sec. 6.82 (2) (c), Stats., if the presiding election official questions whether the elector is in fact so physically disabled by dyslexia, he may require the elector to make his declaration of disability under oath.

Sincerely yours,
ROBERT W. WARREN,
Attorney General

CAPTION:

An elector with dyslexia may qualify for voter assistance under the provisions of sec. 6.82 (2) (a), Stats.

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LEGISLATIVE REFERENCE BUREAU CORRECTIONS

Assembly substitute amendment 1 to Assembly Bill 551

In lines 1 and 10 substitute "252.15 (1m)" for "252.14 (1m)", as shown in the drafting records of the Legislative Reference Bureau.