

1999 DRAFTING REQUEST

Bill

Received: **09/23/98**

Received By: **kuesejt**

Wanted: **As time permits**

Identical to LRB:

For: **Fred Risser (608) 266-1627**

By/Representing: **him**

This file may be shown to any legislator: **NO**

Drafter: **kuesejt**

May Contact:

Alt. Drafters:

Subject: **Elections - miscellaneous**

Extra Copies:

Topic:

No reason required to obtain absentee ballot

Instructions:

Per 1997 SB 91.

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>
/?	kuesejt 10/19/98	chanaman 12/1/98		_____			Local
/1			jfrantze 12/2/98	_____	lrb_docadmin 12/2/98	lrb_docadmin 02/10/99	
				_____	lrb_docadmin 02/10/99		

FE Sent For:

G 02-16-99

<END>

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 12/2/98

To: Senator Risser

Relating to LRB drafting number: LRB-0369

Topic

No reason required to obtain absentee ballot

Subject(s)

Elections - miscellaneous

1. **JACKET** the draft for introduction

Risser

in the **Senate** or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Jeffery T. Kuesel, Assistant Chief Counsel
Telephone: (608) 266-6778

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1/1	kuesejt 10/19	11-30 JLG	6/10/0	JR 11/22			

FE Sent For:

<END>

FRED A. RISSER

State Senator

September 22, 1998



Jeffery T. Kuesel
Legislative Reference Bureau
Drafting Section
100 N. Hamilton
Madison, WI 53702

Dear Jeff:

Last session you drafted 1997 Senate Bill 71 relating to authorization for electors to vote in the primary of more than one political party.

I would appreciate you providing me with a redraft of this bill for the 1999-2001 Legislative Session.

Thank you.

Most sincerely,


FRED A. RISSER
State Senator

FAR:lt



State of Wisconsin
1997 - 1998 LEGISLATURE
1999 - 2000

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cm4
+
jlg

1997 SENATE BILL 91

February 19, 1997 - Introduced by Senators RISSER, WELCH and SHIBILSKI, cosponsored by Representatives DUFF, MURAT, KRUG, F. LASEE, MORRIS-TATUM, BALDWIN, HANDRICK, MEYER, RYBA, DIEHOLM, OLSEN, J. LEHMAN, HASENOHRL, SPRINGER, BOYLE and ROBSON. Referred to Committee on Economic Development, Housing and Government Operations.

regen cat

1 AN ACT to repeal 6.865 (2); to renumber and amend 6.85; to consolidate,
2 renumber and amend 6.865 (intro.) and (1); to amend 6.85 (title), 6.86 (1) (a)
3 (intro.), 6.86 (1) (b), 6.86 (3) (a), 6.87 (2) and 6.88 (1); and to create 6.85 (2) of
4 the statutes; relating to: qualifications for absentee voting.

Analysis by the Legislative Reference Bureau

Currently, any elector who is or expects to be absent from the municipality where the elector resides on election day or who, because of age, sickness, handicap, physical disability, jury duty, service as an election official or religious reasons, cannot appear at the polling place serving his or her residence may obtain and cast an absentee ballot for any election by making application to the municipality where the elector resides.

Under this bill, any elector who wishes to cast his or her vote for any election at a location other than the polling place serving his or her residence may obtain and cast an absentee ballot at that election by making application to the municipality where the elector resides. ~~No reason need be given by the elector to obtain or cast an absentee ballot.~~

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

does not need to give a reason

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

SENATE BILL 91

SECTION 1

1 SECTION 1. 6.85^x (title) of the statutes is amended to read:

2 6.85 (title) **Absent elector; definition qualification.**

3 SECTION 2. 6.85^x of the statutes is ^renumbered 6.85^v (1) and ^amended to read:

4 6.85 (1) An absent elector is any otherwise qualified elector who is or expects
5 to be absent from the municipality in which the absent elector is a qualified elector
6 on election day whether by reason of active service in the U.S. armed forces or for any
7 other reason, or who because of age, sickness, handicap, physical disability, jury duty,
8 service as an election official or religious reasons cannot appear at wishes to cast his
9 or her vote at a location other than the polling place in his or her ward. No person
10 under the age of 70 qualifies as an absent elector solely because of age for the ward
11 or election district where the elector resides.

12 (3) Any otherwise qualified elector who changes residence within this state by
13 moving to a different ward or municipality later than 10 days prior to an election may
14 vote ~~an~~ by absentee ballot in the ward or municipality where he or she was qualified
15 to vote before ~~moving~~ changing his or her residence.

16 (4) An elector qualifying under this section may vote by absentee ballot under
17 ss. 6.86 to 6.89.

18 SECTION 3. 6.85^x (2) of the statutes is created to read:

19 6.85 (2) Except as provided in sub. (3), an absent elector shall apply for an
20 absentee ballot with the municipal clerk of the municipality where the elector
21 resides.

22 SECTION 4. 6.86^x (1) (a) (intro.) of the statutes is amended to read:

23 6.86 (1) (a) (intro.) Any elector, ~~qualifying under ss. 6.20 and 6.85 as an absent~~
24 ~~elector,~~ may make written application to the appropriate municipal clerk under s.
25 6.85 for an official ballot by one of the following methods:

proof w/ stats.

proof w/ stats

SENATE BILL 91

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

2 6.86 (1) (b) Except as provided in this section, if application is made in writing,
 3 the application, signed by the elector, shall be received no later than 5 p.m. on the
 4 Friday immediately preceding the election. If application is made in person, the
 5 application shall be made no later than 5 p.m. on the day preceding the election. If
 6 the elector is making written application and the application indicates that the
 7 reason for requesting an absentee ballot is that the elector is a sequestered juror, the
 8 application shall be received no later than 5 p.m. on election day. If the application
 9 is received after 5 p.m. on the Friday immediately preceding the election, the
 10 municipal clerk or the clerk's agent shall immediately take the ballot to the court in
 11 which the elector is serving as a juror and deposit it with the judge. The judge shall
 12 recess court, as soon as convenient, and give the elector the ballot. The judge shall
 13 then notarize the affidavit as provided in s. 6.87 and shall deliver the ballot to the
 14 clerk or agent of the clerk who shall deliver it to the polling place as required in s.
 15 6.88. If application is made under sub. (2), the application may be received no later
 16 than 5 p.m. on the Friday immediately preceding the election.

prop w/ state

17 SECTION 6. 6.86^x (3) (a) of the statutes is amended to read:

18 6.86 (3) (a) Any elector who is registered, or otherwise qualified where
 19 registration is not required, and who ~~qualifies under ss. 6.20 and 6.85 as an absent~~
 20 ~~elector because the elector is hospitalized,~~ may apply for and obtain an official ballot
 21 by agent. The agent may apply for and obtain a ballot for the hospitalized absent
 22 elector by presenting a form prescribed by the board and containing the required
 23 information supplied by the hospitalized elector and signed by that elector and any
 24 other elector residing in the same municipality as the hospitalized elector,

prop w/ state

SENATE BILL 91

SECTION 6

proof w/ state

1 corroborating the information contained therein. The corroborating elector shall
2 state on the form his or her full name and address.

3 **SECTION 7.** 6.865^A (intro.) and (1) of the statutes are consolidated, renumbered
4 6.865 and amended to read:

proof w/ state

5 **6.865^V Federal postcard request form.** A federal postcard registration and
6 absentee ballot request form may be used to apply for an absentee ballot under s. 6.86
7 (1) if the form is completed in such manner that the municipal clerk or board of
8 election commissioners with whom it is filed is able to determine all of the following:
9 ~~(1) That that~~ the applicant is an elector of this state and of the ward or election
10 district where the elector seeks to vote.

11 **SECTION 8.** 6.865^X (2) of the statutes is repealed.

12 **SECTION 9.** 6.87^X (2) of the statutes is amended to read:

13 6.87 (2) The municipal clerk shall place the ballot in an unsealed envelope
14 furnished by the clerk. The envelope shall have the name, official title and
15 post-office address of the clerk upon its face. The other side of the envelope shall
16 have a printed certificate-affidavit in substantially the following form:

17 [STATE OF

18 County of]

19 or

20 [(name of foreign country and city or other jurisdictional unit)]

proof w/ state

21 I,, (certify) (do solemnly swear) subject to the penalties of s. 12.60 (1) (b), Wis.
22 Stats., for false statements that I am a resident of the [... ward of the] (town) (village)
23 of, or of the aldermanic district in the city of, residing at in said city, the
24 county of, state of Wisconsin, and am entitled to vote in the (ward) (election
25 district) at the election to be held on; that I am not voting at any other location

SENATE BILL 91

good w/ order

1 in this election; that I cannot appear at wish to vote in this election at a location other
 2 than the polling place in the for that (ward) (election district) on election day because
 3 ~~I expect to be absent from the municipality or because of age, sickness, handicap,~~
 4 ~~physical disability, religious reasons, jury duty, service as an election official, or~~
 5 because I have changed my residence within the state from one ward or election
 6 district to another within 10 days before the election. I (certify) (swear) that I
 7 exhibited the enclosed ballot unmarked to the (2 witnesses) (person administering
 8 the oath), that I then in (their) (his) (her) presence and in the presence of no other
 9 person marked the ballot and enclosed and sealed the same in this envelope in such
 10 a manner that no one but myself and any person rendering assistance under s. 6.87
 11 (5), Wis. Stats., if I requested assistance, could know how I voted.

Signed

13 The (2 witnesses) (person administering the oath) shall execute either of the
14 following as appropriate:

15 We, the undersigned witnesses, subject to the penalties of s. 12.60 (1) (b), Wis.
16 Stats., for false statements, certify that the above statements are true and the voting
17 procedure was executed as there stated. Neither of us is a candidate for any office
18 on the enclosed ballot (except in the case of an incumbent municipal clerk). The
19 elector was not solicited or advised by us to vote for or against any candidate or
20 measure.

21(Name)

22(Address)

23(Name)

24(Address)

SENATE BILL 91

proof in bond

1 Subscribed and sworn to before me this day of, A.D.,, and I hereby
2 certify that I am not a candidate on the ballot upon which the affiant voted (unless
3 I am an incumbent municipal clerk), that the voting procedure above was executed
4 as therein stated, and that the affiant was not solicited or advised by me to vote for
5 or against any candidate or measure.

6(Name)
7(Title)
8(State or nation)

9 **SECTION 10.** 6.88^x(1) of the statutes is amended to read:

proof in bond

10 6.88 (1) When an absentee ballot arrives at the office of the municipal clerk,
11 the clerk shall enclose it, unopened, in a carrier envelope which shall be securely
12 sealed and endorsed with the name and official title of the clerk, and the words "This
13 envelope contains the ballot of an absent, aged, sick, handicapped or disabled elector
14 or the ballot of an election official[✓] and must be opened at the polls during polling
15 hours on election day". The clerk shall keep the ballot in the clerk's office until
16 delivered, as required in sub. (2).

17 **SECTION 11. Initial applicability.**

18 (1) This act first applies with respect to absentee ballots requested for the ²⁰⁰⁰ ~~1998~~
19 September primary election.

20 (END) ✓