1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: 05/3/99					Received By: rmarchan							
Wanted: Soon For: Legislative Fiscal Bureau				Identical to LRB: By/Representing: Worzala Drafter: rmarchan Alt. Drafters:								
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Subject: Elections - miscellaneous												
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See Atta	ched. Incorpo	orate LRB-2269	/2.									
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Subject:

Elections - miscellaneous

Extra Copies:

JTK

Pre Topic:

LFB:.....Worzala -

Topic:

Challenging an elector's qualifications

Instructions:

See Attached. Incorporate LRB-2269/2.

Drafting History:

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One East Main, Suite 301 • Madison, W1 53703 • (608) 266-3847 • Fax: (608)

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Senator Moore

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ELECTIONS BOARD

Challenging of Electors

Motion:

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Move to incorporate the provisions of LRB 2269/2, relating to the method by which elections inspectors determine an elector's qualifications, by repealing the statutory questions which an electron inspector may use as the official deems appropriate when an elector's qualifications are challenged and instead require that the Elections Board determine by rule the questions to be asked when an elector's qualifications are challenged. Provide that this provision would be first effective on the first day of the 6th month beginning after publication of the budget act.

Note:

This motion would require the Elections Board to promulgate rules to determine the questions that election officials may ask regarding an elector's qualifications and would delete a current specific statutory list of 18 questions that may be asked as determined appropriate by an election inspector. The provision would become effective on the first day of the 6th month beginning after publication.

Under current law, an election inspector must challenge an elector's qualifications to vote if the inspector knows or suspects that the elector attempting to vote is unqualified. In doing so, the inspector may ask various questions specified in the statutes designed to aid in determining the elector's qualifications. The inspector may also ask any other questions to determine the elector's qualifications. These same questions are to be used by an election inspector if another elector challenges an elector's qualifications to vote.

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LFB BUDGET AMENDMENT [ONLY FOR LFB]

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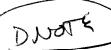
See form AMENDMENTS — COMPONENTS & ITEMS.

EMR

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

>>FOR JT. FIN. SUB. — NOT FOR INTRODUCTION<<



At the locations indicated, amend the bill as follows:

#. Page!?!, line. 1.: delete "SECTION I ond substitute "SECTION Inde

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State of Misconsin 1999 - 2000 LEGISLATURE

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LRB-226972 RJM&JTK:00b:km

/19**99** BILL

AN ACT to repeal 6.92(1) to (6) and 6.925 (1) to (6); and to renumber and amend

6.92 (intro.) and 6.925 (intro.) of the statutes; relating to: challenging electors

and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, election inspectors must challenge an elector's qualifications to vote if the inspector knows or suspects that the elector attempting to vote is unqualified. In doing so, the inspector must administer an oath to the challenged elector and must ask various questions specified in the statutes designed to aid in determining the elector's qualifications. The inspector may also ask any other questions to determine the elector's qualifications. The statutory questions are as follows:

"(1) It challenged as unqualified on the ground that the person is not a citizen:

Are you a citizen of the United States?

(2) If challenged as unqualified on the ground that the person is not a resident of the ward where the person's vote is offered:

(a) When did you last come into this ward?

(b) Did you come for a temporary purpose only, or for the purpose of making it your home?

(c) Did you come into this ward for the purpose of voting here?

(d) Have you now and have you had for the last ten days a voting residence in this ward? If so, what is the particular description, name and location of your residence?

BILL

(e) If the answer to par. (d) is no, then: Have you moved from the ward after the close of registration?

(f) Have you registered to vote at this election at any other place within or

outside this state?

(g) Have you applied for an absentee ballot at any place in this or any other state?

(h) If single, do you board for part of the week, month or year with your parents?

(i) If you have no parents, or are self-supporting, have you registered to vote in this ward?

(i) Will you file your next state income tax return as a resident of this ward?

(3) If challenged as unqualified on the ground that the person is not 18 years of age: Are you 18 years of age to the best of your knowledge and belief?

(4) If challenged as unqualified on the ground that the person has made or become directly or indirectly interested in any bet or wager depending upon the result of the election:

(a) Have you made, in any manner, any bet or wager depending upon the result of this election, or on the election of any person for whom votes may be cast at the election?

(b) Are you in any manner, directly or indirectly, interested in any bet or wager

depending in any way upon the result of this election?

(5) If challenged as unqualified on the ground that the person has been convicted of treason, felony or bribery and not been subsequently restored to civil rights:

(a) Have you ever been tried or convicted in this state of any crime? If yes,

then—

(b) Of what crime when and in what court were you so convicted?

(c) Have you in any manner since the conviction been restored to civil rights,

and if yes, how?".

Challenges to an elector's qualifications may also be made by other electors who know or suspect that an elector is not qualified to vote. In such a case, the elector making the challenge is asked similar questions, which are also specified in the statutes, designed to elicit information about the challenged elector's qualifications.

This bill repeals the statutory questions used when an elector's qualifications are challenged. Instead, the bill requires the elections board, by rule, to determine the questions to be asked when an elector's qualifications are challenged.

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

SECTION 1. 6.92 (intro.) of the statutes is renumbered 6.92 and amended to

read:

BILL

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6.92 Inspector making challenge. Each inspector shall challenge for cause any person offering to vote whom the inspector knows or suspects is not a qualified elector. If a person is challenged as unqualified by an inspector, one of the inspectors shall administer the following oath or affirmation to the person: "You do solemnly swear (or affirm) that you will fully and truly answer all questions put to you regarding your place of residence and qualifications as an elector of this election"; and shall then ask those of the following questions which are appropriate as determined by the board, by rule, to test the person's qualifications:

SECTION 6.92 (1) to (6) of the statutes are repealed.

SECTION 6.925 (intro.) of the statutes is renumbered 6.925 and amended to read:

6.925 Elector making challenge in person. Any elector may challenge for cause any person offering to vote whom the elector knows or suspects is not a qualified elector. If a person is challenged as unqualified by an elector, one of the inspectors may administer the oath or affirmation to the challenged elector under s. 6.92 and ask the challenged elector the questions under that section which are appropriate to test the elector's qualifications. In addition, one of the inspectors shall administer the following oath or affirmation to the challenging elector: "You do solemnly swear (or affirm) that you will fully and truly answer all questions put to you regarding the challenged person's place of residence and qualifications as an elector of this election"; and shall then ask those of the following questions which are appropriate as determined by the board, by rule, to test the qualifications of the challenged elector.

SECTION 6.925 (1) to (6) of the statutes are repealed.

BILL

1 (1) This act takes effect on the first day of the 6th month beginning after publication.

(END)

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Attached is the amendment you requested incorporating LRB-2269/2 into the budget bill. Please call if you have any questions. \land

Robert J. Marchant Legislative Attorney Phone: (608) 261–4454

LRBb0223/1dn RJM:cmh:jf

May 5, 1999

Attached is the amendment you requested incorporating LRB-2269/2 into the budget bill. Please call if you have any questions.

Robert J. Marchant Legislative Attorney Phone: (608) 261–4454



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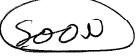
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State of Misconsin 1999 - 2000 LEGISLATURE

LRBb0223/



 $LFB{:}.....Worzala-Challenging\ an\ elector's\ qualifications$

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

At the locations indicated, amend the bill as follows:

1. Page 121, line 1: before that line insert:

"SECTION 1c. 6.92 (intro.) of the statutes is renumbered 6.92 and amended to read:

6.92 Inspector making challenge. Each inspector shall challenge for cause any person offering to vote whom the inspector knows or suspects is not a qualified elector. If a person is challenged as unqualified by an inspector, one of the inspectors shall administer the following oath or affirmation to the person: "You do solemnly swear (or affirm) that you will fully and truly answer all questions put to you regarding your place of residence and qualifications as an elector of this election"; and shall then ask those of the following questions which are appropriate as determined by the board, by rule, to test the person's qualifications:

1 Section 1g. 6.92 (1) to (6) of the statutes are repealed.

SECTION 1n. 6.925 (intro.) of the statutes is renumbered 6.925 and amended to read:

- cause any person offering to vote whom the elector knows or suspects is not a qualified elector. If a person is challenged as unqualified by an elector, one of the inspectors may administer the oath or affirmation to the challenged elector under s. 6.92 and ask the challenged elector the questions under that section which are appropriate to test the elector's qualifications. In addition, one of the inspectors shall administer the following oath or affirmation to the challenging elector: "You do solemnly swear (or affirm) that you will fully and truly answer all questions put to you regarding the challenged person's place of residence and qualifications as an elector of this election"; and shall then ask those of the following questions which are appropriate as determined by the board, by rule, to test the qualifications of the challenged elector:
 - SECTION 1r. 6.925 (1) to (6) of the statutes are repealed.".
 - 2. Page 121, line 1: delete "Section 1" and substitute "Section 1w".
 - 3. Page 1471, line 16: after that line insert:

"(2g) CHALLENGING ELECTORS. The treatment of sections 6.92 (intro.) and (1) to (6) and (intro.) and (1) to (6) of the statutes takes effect on the first day of the 6th month beginning after publication.".

22 (END)

LRBb0223/

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a redraft of

Attached is the amendment you requested incorporating LRB-2269/2 into the budget bill. Please call if you have any questions.

Robert J. Marchant Legislative Attorney Phone: (608) 261–4454

LRBb0223/2dn RJM:cmh:kjf

May 18, 1999

Attached is a redraft of the amendment you requested incorporating LRB-2269/2 into the budget bill. This draft corrects a cross-reference in the nonstatutory material on page 2, line 20. I apologize for any inconvenience. Please call if you have any questions.

Robert J. Marchant Legislative Attorney Phone: (608) 261–4454



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State of Misconsin 1999 - 2000 LEGISLATURE

LRBb0223/2 RJM:cmh:kjf

LFB:.....Worzala – Challenging an elector's qualifications $For \ 1999-01 \ BUDGET - NOT \ READY \ FOR \ INTRODUCTION$

At the locations indicated, amend the bill as follows:

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

	1. P	age 121, lin	e 1: before	that line ins	ert:			
	"SECT	rion 1c. 6.9	2 (intro.)	of the statute	s is renumbered 6	3.92 ar	nd amende	d to
read	:							
	6.92	Inspector	making	challenge.	Each inspector	shall	challenge	for

6.92 Inspector making challenge. Each inspector shall challenge for cause any person offering to vote whom the inspector knows or suspects is not a qualified elector. If a person is challenged as unqualified by an inspector, one of the inspectors shall administer the following oath or affirmation to the person: "You do solemnly swear (or affirm) that you will fully and truly answer all questions put to you regarding your place of residence and qualifications as an elector of this election"; and shall then ask those of the following questions which are appropriate as determined by the board, by rule, to test the person's qualifications:

Section 1g. 6.92 (1) to (6) of the statutes are repealed.

SECTION 1n. 6.925 (intro.) of the statutes is renumbered 6.925 and amended to read:

cause any person offering to vote whom the elector knows or suspects is not a qualified elector. If a person is challenged as unqualified by an elector, one of the inspectors may administer the oath or affirmation to the challenged elector under s. 6.92 and ask the challenged elector the questions under that section which are appropriate to test the elector's qualifications. In addition, one of the inspectors shall administer the following oath or affirmation to the challenging elector: "You do solemnly swear (or affirm) that you will fully and truly answer all questions put to you regarding the challenged person's place of residence and qualifications as an elector of this election"; and shall then ask those of the following questions which are appropriate as determined by the board, by rule, to test the qualifications of the challenged elector:

SECTION 1r. 6.925 (1) to (6) of the statutes are repealed.".

- 2. Page 121, line 1: delete "Section 1" and substitute "Section 1w".
- **3.** Page 1471, line 16: after that line insert:

"(2g) CHALLENGING ELECTORS. The treatment of sections 6.92 (intro.) and (1) to (6) and 6.925 (intro.) and (1) to (6) of the statutes takes effect on the first day of the 6th month beginning after publication.".