

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB700)

Received: 02/08/2000

Received By: **rmarchan**

Wanted: 02/09/2000

Identical to LRB:

For: **Glenn Grothman (608) 264-8486**

By/Representing: **himself**

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

Drafter: **rmarchan**

May Contact:

Alt. Drafters:

Subject: **Elections - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Elections; absentee voting

Instructions:

See Attached. Eliminate provisions regarding absentee voting and authentication of absentee ballots

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>
/1	rmarchan 02/08/2000	jgeller 02/09/2000	jfrantze 02/09/2000	_____	lrb_docadmin 02/09/2000	lrb_docadmin 02/09/2000	

FE Sent For:

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1?	rmarchan	1 wlj 2/9	2/9	<table border="1"> <tr> <td>2</td> <td>9</td> </tr> </table>	2	9			
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FE Sent For:

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRBa1349
RJM:.....

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Wednesday 2-9-00
8:30 AM

AMC

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

DNB

ASSEMBLY AMENDMENT,
TO 1999 ASSEMBLY BILL 700

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 34, line 14: delete "certification" and substitute "affidavit".

3 ✓ 2. Page 34, line 14: delete the material beginning with ^a witness and ending
4 with "citizen" on line 15 and substitute: "any person authorized to administer oaths
5 or shall make and subscribe to the certification under s. 6.87 (2) before 2 witnesses
6 who are adult U.S. citizens".

7 ✓ 3. Page 35, line 11: delete "affidavit certification" and substitute "certification
8 or affidavit".

9 ✓ 4. Page 37, line 6: delete "affidavit" and substitute "affidavit".

STEP 2

10 5. Page 37, line 8: delete lines 8 to 12 and substitute "Whenever an application,
11 affidavit or other act is required in ss. 6.86 to 6.89 an overseas elector may fulfill the

1 requirements by subscribing or swearing before any person authorized to administer
2 oaths or 2 adult U.S. citizens.”

3 ✓ **6.** Page 38, line 4: delete lines 4 to 10.

4 ✓ **7.** Page 43, line 17: delete the material beginning with that line and ending
5 with page 44, line 4.

6 ✓ **8.** Page 45, line 16: delete the material beginning with that line and ending
7 with page 47, line 12 and substitute:
Handwritten note: # Page 44, line 17: delete "notarize the affidavit witness the voting procedure" and substitute "notarize the affidavit"

8 “SECTION 95m. 6.87 (2) (intro.) of the statutes is amended to read:

9 6.87 (2) (intro.) ~~The Except as authorized under sub. (3) (d),~~ the municipal clerk
10 shall place the ballot in an unsealed envelope furnished by the clerk. The envelope
11 shall have the name, official title and post-office address of the clerk upon its face.
12 The other side of the envelope shall have a printed certificate-affidavit in
13 substantially the following form.”

14 ✓ **9.** Page 48, line 5: after “certificate” insert “-affidavit”.

15 ✓ **10.** Page 48, line 6: delete “that shall” and substitute “. The instructions
16 shall”.

17 ✓ **11.** Page 48, line 7: delete “sign the certificate and” and substitute “make and
18 subscribe to the affidavit or the certification as required under sub. (4) and to”.

19 ✓ **12.** Page 48, line 9: after “certificate” insert “-affidavit”.

20 **13.** Page 48, line 13: delete the material beginning with that line and ending
21 with page 50, line 2 and substitute:

22 “SECTION 98m. 6.87 (4) of the statutes is amended to read:

1 6.87 (4) Except as otherwise provided in s. 6.875, the elector voting absentee
2 shall either make and subscribe to the affidavit before a person authorized to
3 administer oaths or make and subscribe to the certification before 2 witnesses. The
4 absent elector, in the presence of the administrator of the oath or witnesses, shall
5 mark or punch the ballot in a manner that will not disclose how the elector's vote is
6 cast. The elector shall then, still in the presence of the administrator of the oath or
7 the 2 witnesses, fold the ballots if they are paper ballots so each is separate and
8 conceals the markings or punches thereon and deposit them in the proper envelope,
9 but. If a consolidated paper ballot under s. 5.655 or a ballot prepared for use with
10 an electronic voting system is used, the elector shall fold the ballot so that the elector
11 conceals the markings thereon and deposit the ballot in the proper envelope. The
12 elector may receive assistance under sub. (5). The return envelope shall then be
13 sealed. The witnesses or the official oath administrator may not be a candidate. The
14 envelope shall be mailed by the elector, postage prepaid, or delivered in person, to the
15 municipal clerk issuing the ballot. Failure to return an unused ballot in a primary
16 does not invalidate the ballot on which the elector's votes are cast. Return of more
17 than one marked or punched ballot in a primary or return of a ballot prepared under
18 s. 5.655 or a ballot used with an electronic voting system in a primary which is
19 marked or punched for candidates of more than one party invalidates all votes cast
20 by the elector for candidates in the primary.”

21 ✓ **14.** Page 53, line 13: delete “~~certificate–affidavit certificate~~” and substitute
22 “certificate–affidavit”.

23 **15.** Page 53, line 23: delete the material beginning with that line and ending
24 with page 54, line 8 and substitute:

1 **“SECTION 106m. 6.88 (1) of the statutes is amended to read:**

2 **6.88 (1) When an absentee ballot arrives at the office of the municipal clerk,**
3 **the clerk shall enclose it, unopened, in a carrier envelope which shall be securely**
4 **sealed and endorsed with the name and official title of the clerk, and the words “This**
5 **envelope contains the ballot of an absent, aged, sick, handicapped or disabled elector**
6 **or the ballot of an election official and must be opened at the polls during polling**
7 **hours on election day”. If the ballot was received by facsimile transmission or**
8 **electronic mail and is accompanied by a separate certificate or affidavit, the clerk**
9 **shall enclose the ballot in a certificate–affidavit envelope and securely append the**
10 **completed certificate or affidavit to the outside of the envelope before enclosing the**
11 **ballot in the carrier envelope.** The clerk shall keep the ballot in the clerk’s office until
12 delivered, as required in sub. (2).”.

13 ✓ **16.** Page 54, line 20: delete the material beginning with that line and ending
14 with page 55, line 9.

15 ✓ **17.** Page 55, line 10: delete the material beginning with that line and ending
16 with page 56, line 2 and substitute:

17 **“SECTION 109m. 6.88 (3) (b) of the statutes is amended to read:**

18 **6.88 (3) (b) When the inspectors find that an affidavit or certification is**
19 **insufficient, that the applicant is not a qualified elector in the ward or election**
20 **district, that the ballot envelope is open or has been opened and resealed, or that the**
21 **ballot envelope contains more than one ballot of any one kind, or if proof is submitted**
22 **to the inspectors that an elector voting an absentee ballot has since died, or, if the**
23 **ballot was voted by facsimile transmission or electronic mail, that the certificate or**
24 **affidavit required to accompany the ballot is missing,** the inspectors shall not count

1 the ballot. The inspectors shall endorse every ballot not counted on the back,
2 “rejected (giving the reason)”. The inspectors shall reinsert each rejected ballot into
3 the affidavit envelope in which it was delivered and enclose the affidavit envelopes
4 and ballots, and securely seal the ballots and envelopes in an envelope marked for
5 rejected absentee ballots. The inspectors shall endorse the envelope, “rejected
6 ballots” with a statement of the ward or election district and date of the election,
7 signed by the chief inspector and one of the inspectors representing each of the 2
8 major political parties and returned to the municipal clerk in the same manner as
9 official ballots voted at the election.”.

10 **18.** Page 64, line 16: delete lines 16 to 23.

11 **19.** Page 84, line 3: delete lines 3 to 12 and substitute:

12 **“SECTION 166m.** 9.01 (1) (b) 2. of the statutes is amended to read:

13 9.01 (1) (b) 2. The board of canvassers shall then examine the absentee ballot
14 envelopes. Any defective absentee ballot envelopes shall be laid aside, properly
15 marked and carefully preserved. The number of voters shall be reduced by the
16 number of ballot envelopes set aside under this subdivision. An absentee ballot
17 envelope is defective only if it is neither sworn nor witnessed, if it is not signed by
18 the voter ~~or~~, if the affidavit supporting the absentee ballot envelope has such a
19 number of technical errors that the board of canvassers is doubtful of the legal effect
20 of the affidavit or, if the ballot was voted by facsimile transmission or electronic mail,
21 if the certificate or affidavit required to accompany the ballot is missing.”.

22 (END)

NOTE

¶ This amendment deletes the requested provisions relating to the definition of an absent elector and the authentication of absentee ballots.

[Name: RTM]

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1349/1dn
RJM:wlj:jf

February 9, 2000

This amendment deletes the requested provisions relating to the definition of an absent elector and the authentication of absentee ballots.

Robert J. Marchant
Legislative Attorney
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CORRECTIONS IN: **CCC (LRBa1349/1)**
ASSEMBLY AMENDMENT 2
TO 1999 ASSEMBLY BILL 700

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Prepared by the Legislative Reference Bureau

(Date)

February 17, 2000

In engrossing, the following correction was made:

1. Page 1, line 9: delete that line and substitute:

"4c. Page 37, line 5: delete the material beginning with "certificate" and ending with "affidavit" on line 6 and substitute "~~certificate~~certificate-affidavit~~affidavit~~"."

BSM

KMG:

Minor clerical corrections in legislation are authorized under s. 35.17, stats.; Senate Rule 31, Assembly Rule 37 and Joint Rule 56.



State of Wisconsin
1999-2000 LEGISLATURE

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TO 1999 ASSEMBLY BILL 700**

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(February 17, 2000)

In engrossing, the following correction was made:

1. Page 1, line 9: delete that line and substitute:

“4c. Page 37, line 5: delete the material beginning with “certificate” and ending with “affidavit” on line 6 and substitute “~~certificate affidavit~~ certificate-affidavit”.”