

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2627/1dn
MGD:jld:km

February 27, 2001

Rep. Freese:

It is unclear which felons are prohibited from voting under current law. The former version of Article III, Section 2, of the Wisconsin Constitution prohibited felons from voting, but that provision applied only to persons committing crimes that were felonies when the constitution was enacted in 1848. *See, e.g.*, 41 OP. Atty. Gen. 181, 182 (1952). Moreover, s. 6.03 (1) (b), which contained language comparable to that contained in the former version of Article III, Section 2, could not take away voting rights that were granted under the constitution. Therefore, it too only applied to persons committing 1848-era felonies.

When the former version of Article III, Section 2 was repealed and replaced by the current version in 1986, s. 6.03 (1) (b) was left intact. In addition, the legislative history of the current version of Article III, Section 2 suggests that the legislature may not have intended to make any substantive changes in the law regarding voter eligibility. Therefore, s. 6.03 (1) (b) may still be construed to apply only to persons committing 1848-era felonies.

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