

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

LRB-4019/P1dn  
JTK&RJM:cjs:jf

October 31, 2001

Kevin Kennedy:

1. Concerning the substitution of the reference to “felony” for the reference to “infamous crime” in the declaration of candidacy under s. 8.21, stats., (your item #5), the Wisconsin Constitution now also disqualifies from holding public office, unless pardoned, any person “...convicted in federal court of a crime designated, at the time of commission, under federal law as a misdemeanor involving a violation of the public trust...” or “...convicted in a court of a state of a crime designated, at the time of commission, under the law of the state as a misdemeanor involving a violation of the public trust...”. Article XIII, sec. 3 (2). Do you wish to add a reference to a misdemeanor designated under state or federal law as a violation of the public trust to the declaration, as well?
2. It does not appear to us that s. 7.08 (1) (b), stats., contains any requirement for free distribution of materials (your item #6). Therefore, this draft does not treat that provision.
3. Concerning your request to permit more than one central counting location to be used by a municipality (your item #7), s. 7.51 (1), stats., currently permits a municipality to designate one *or more* central counting locations. Current law provides in s. 5.86 (1), stats., that proceedings in a central counting location are under the direction of the municipal clerk unless the clerk delegates this responsibility to the county clerk. This draft permits the municipal clerk to delegate the responsibility to direct the proceedings to another election official, and also provides that if the municipal clerk delegates this responsibility to the county clerk, the proceedings are under the supervision of the county clerk or another election official designated by the county clerk.
4. Per our phone conversation of October 23, we have deleted the reference to administration of an oath in s. 6.875 (6), stats., (your item #8), but have provided that *both* special voting deputies must witness the absentee ballots in nursing and retirement homes and CBRF's in order to ensure that no ballot would be witnessed by a single witness who may have partisan inclinations.
5. Concerning the time for certification of the candidates' names after the municipal caucus (your item #9), we also changed the time for certifying candidates' names after nomination papers are filed, as provided in s. 10.06 (3) (am), stats., to provide the same

3-day window that the draft calls for in s. 10.06 (3) (bm), stats., because we could not see a reason why the municipal clerk would need less time to make this certification than the clerk would need when the caucus is used for nominations.

6. Per our phone conversation of October 24, this draft amends ss. 8.15 (4) (a) and 8.40 (2), stats., to restore the date to the circulator's certification on nomination papers and petitions that was inadvertently lost when we deleted the affidavit of circulator. There is a reference to the date of the circulator's certification in s. 9.10 (2) (e) 3., stats.

7. Per our phone conversation of October 29, we have included an effective date of July 1, 2002, in order to lessen the chances that the bill would take effect during an election cycle.

Please let us know if any of these provisions is not in accord with your intent.

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