

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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RJM&JTK:jld:kjf

March 8, 2001

Senator Chvala:

1. This amendment corrects an apparent error in proposed s. 5.15 (2) (d) 5. As proposed in SB-63, this provision would permit a municipality to vary from a tentative county plan if the tentative plan “would require the creation of a ward that would unduly favor a particular individual or political party.” This language does not accurately address the legal concern involved. Wards may legally be drawn to unduly favor a particular individual or political party. What matters for legal purposes is how wards are aggregated into election districts. This amendment, therefore, provides that a municipality may vary from a tentative plan if *the tentative plan* would unduly favor a particular individual or political party. Please let us know if you do not approve of this treatment.

2. This substitute amendment permits certain documents to be filed with the secretary of state, county clerk, or legislative reference bureau in electronic format, provided the documents meet the standards specified by the person with whom the documents are filed. However, the authority of the secretary of state, county clerk, or legislative reference bureau to refuse an electronic filing may be limited under federal law. Under current state law, any document that is required to be submitted in writing to a governmental unit and that requires a written signature may be submitted in an electronic format, as long as the governmental unit consents. See s. 137.05, stats. Federal law, though, may require a governmental unit to accept electronic filings of documents relating to certain transactions. See 15 USC 7001 (b) (2) and 7004 (c) (1). Federal law also may limit the authority of a governmental unit to specify standards for electronically filing these documents. Compare 15 USC 7004 (a) with 15 USC 7004 (b) (2). In establishing its standards for electronic filings under this bill, the secretary of state, county clerk, and legislative reference bureau should be aware of the potential impact of these federal statutes.

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