

### 2003 DRAFTING REQUEST

#### Bill

Received: **03/05/2003**

Received By: **jkuesel**

Wanted: **Today**

Identical to LRB:

For: **Shirley Krug (608) 266-5813**

By/Representing: **her**

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

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Elections - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Krug@legis.state.wi.us**

Carbon copy (CC:) to:

---

#### Pre Topic:

No specific pre topic given

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#### Topic:

Transmittal of absentee ballots

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#### Instructions:

Ballots may only be mailed to an elector's permanent or temporary residence or place of employment.

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#### 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>
/?	jkuesel 03/05/2003	wjackson 03/05/2003		_____			
/1			pgreensl 03/05/2003	_____	amentkow 03/05/2003	mbarman 03/06/2003	

FE Sent For: *None Needed*

<END>

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NOTE

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1?	jkuesel 3/5	1 WLj 3/5	3/6 p8	3/5 p6/ch			

FE Sent For:

<END>

2003

Date (time) needed

DW 0751

LRB - 2224, 1

BILL

Wanted wed 3/5

JR:WLj:

Use the appropriate components and routines developed for bills.

AN ACT... [generate catalog] *to repeal* ...; *to renumber* ...; *to consolidate and renumber* ...; *to renumber and amend* ...; *to consolidate, renumber and amend* ...; *to amend* ...; *to repeal and recreate* ...; and *to create* ... of the statutes; relating to: *mailing and transmitting absentee ballots*

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

*Analysis by the Legislative Reference Bureau*

If titles are needed in the analysis, in the component bar:

For the main heading, execute: ..... create → anal: → title: → head

For the subheading, execute: ..... create → anal: → title: → sub

For the sub-subheading, execute: ..... create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: ..... create → anal: → text

Next page  
↓

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

SECTION #.

**2003-2004 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2224/1ins2  
JTK.....

Currently, each municipal clerk and board of election commissioners is directed to mail an absentee ballot requested by an elector to the residence of the elector unless the elector specifies a different mailing address. However, no elector may specify that an absentee ballot shall be mailed to the address of a candidate, political party, or other campaign finance registrant. If a clerk or board is reliably informed of a facsimile transmission number or electronic mail address where an eligible elector who has applied for an absentee ballot is able to receive the ballot and there may not be sufficient time before an election to send and receive the ballot through the mail, the clerk or board may transmit the ballot to the elector at the facsimile transmission number or electronic mail address.

This bill provides that a municipal clerk or board of election commissioners may only mail an absentee ballot to the permanent or temporary residence or place of employment of an absent elector. Under the bill, if a clerk or board transmits an absentee ballot to an elector, the clerk or board may only transmit the ballot to an address located at the permanent or temporary residence or place of employment of the elector.

2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2224/lins  
JTK.....

SECTION 1. 6.87 (3) (a) of the statutes is amended to read:

6.87 (3) (a) Except as authorized under par. (d) and as otherwise provided in s. 6.875, the municipal clerk shall mail the absentee ballot postage prepaid for return to the elector's permanent or temporary residence unless otherwise or place of employment of the elector, as directed by the elector, or shall deliver it to the elector personally at the clerk's office.

SECTION 2. 6.87 (3) (b) of the statutes is renumbered 6.87 (3) (e) and amended to read:

6.87 (3) (e) ~~No elector may direct that a ballot be sent to the address of a candidate, political party or other registrant under s. 11.05 unless the elector permanently or temporarily resides at that address.~~ Upon receipt of reliable information that an address given by an elector is not eligible to receive ballots under this paragraph, the municipal clerk shall refrain from sending mailing or transmitting ballots to that address. Whenever possible, the municipal clerk shall notify an elector if his or her ballot cannot be mailed or transmitted to the address directed by the elector.

SECTION 3. 6.87 (3) (c) and (d) of the statutes are amended to read:

6.87 (3) (c) If an elector's ballot is mailed to a location other than the elector's permanent residence or place of employment, it shall be prepaid for return when mailed within the United States. If the ballot is delivered to the elector at the clerk's office, the ballot shall be voted at the office and may not be removed therefrom.

(d) A municipal clerk of a municipality may, if the clerk is reliably informed by an absent elector of a facsimile transmission number or electronic mail address

located at the permanent or temporary residence or place of employment of the elector where the elector can receive an absentee ballot, transmit a facsimile or electronic copy of the absent elector's ballot to that elector in lieu of mailing under this subsection if, in the judgment of the clerk, the time required to send the ballot through the mail may not be sufficient to enable return of the ballot by the time provided under sub. (6). An elector may receive an absentee ballot under this subsection only if the elector has filed a valid application for the ballot under sub. (1). If the clerk transmits an absentee ballot under this paragraph, the clerk shall also transmit a facsimile or electronic copy of the text of the material that appears on the certificate envelope prescribed in sub. (2), together with instructions prescribed by the board. The instructions shall require the absent elector to make and subscribe to the certification as required under sub. (4) and to enclose the absentee ballot in a separate envelope contained within a larger envelope, that shall include the completed certificate. The elector shall then mail the absentee ballot with postage prepaid to the municipal clerk. An absentee ballot received under this paragraph shall not be counted unless it is transmitted and cast in the manner prescribed in this paragraph and in accordance with the instructions provided by the board.

**History:** 1971 c. 242; 1971 c. 304 s. 29 (1), (2); 1975 c. 85; 1975 c. 93 s. 119 (2); 1975 c. 199; 1977 c. 394; 1979 c. 232, 260, 311, 355; 1983 a. 36, 484, 538; 1985 a. 304; 1991 a. 316; 1999 a. 49, 182; 2001 a. 16, 38, 109.

(END)

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

LRB-2224/1dn

JTK.../...

WLj

Representative Krug

Currently, the spring election campaign and several special election campaigns are underway. You may wish to consider an initial applicability provision if you would like to avoid changing the procedure for treatment of absentee ballots while campaigns are underway.

Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778

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

LRB-2224/1dn  
JTK:wlj:pg

March 5, 2003

Representative Krug:

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Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778

**Barman, Mike**

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**From:** Little, Sharon  
**Sent:** Wednesday, March 05, 2003 6:20 PM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 03-2224/1 Topic: Transmittal of absentee ballots

It has been requested by <Little, Sharon> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-2224/1 Topic: Transmittal of absentee ballots