

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

LRB-0610/2dn

JTK:cjs:pg

April 1, 2003

Kevin Kennedy:

1. Per your item 1. and my drafter's note to /P3, item 4.a., the draft in its treatment of s. 5.25 (4) (a), stats, now requires that individuals with any type of disability, including a mental disability, be accommodated. In order not to create a conflict with s. 6.03 (1) (a), stats., which disqualifies some individuals with mental disabilities from voting, the draft excludes these individuals from the right of accommodation.

2. Proposed s. 5.36, which permits individuals with disabilities to notify a municipal clerk or board of election commissioners that they intend to vote in person and to specify the type of accommodation that will facilitate their voting, does not change the law because currently any individual may notify a clerk or board of anything. I hope that the failure to provide notice under this provision will not be used as a defense to any failure to accommodate disabled electors. I also hope that disabled electors will not feel that this language obligates municipalities to supply the specific type of accommodation requested if something else will suffice.

3. I did not change the references to folding of ballots in ss. 6.15 (3) (a) and 6.87 (4), stats., because those provisions relate to mailed ballots, which would need to be folded.

4. Concerning proposed s. 6.15 (4m), which relates to registration of new residents, I did not think it was appropriate for new electors to affirm that they have resided in the ward or election district for *less than* 10 days on one form and then, at the same time, affirm that they have resided in the ward or election district for *at least* 10 days on another form. Therefore, the draft provides for the municipal clerk or inspectors to offer to provide the elector with a mail registration form. If there are no such forms at the polling place, the officials can make a notation and have the municipal clerk send out the form later.

5. Concerning the treatment of s. 6.55 (2) (c) 2., stats., the reference to a number provided by the elector should have been removed on the previous draft. Thanks for catching this reference.

6. Concerning the military and overseas electors, as I related, the affected provisions are: 1) application for absentee ballots simultaneously for two general elections; 2) informing applicants of the reason(s) for rejection of absentee ballot requests; 3) exemption from voter identification requirements; and 4) federal statistical reports.

The state definitions are broader except that the federal definition of “overseas voter” includes some military electors whereas the state definition does not. For purposes of 1) and 2), the state definitions could probably be used. For purposes of 3) and 4), however, the only way to comply with the Help America Vote Act is to use the federal definitions. While this causes an administrative burden, it will be mitigated if the appropriate tags are incorporated into the electronic registration list.

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