

2003 DRAFTING REQUEST

Bill

Received: **10/02/2003**

Received By: **jkuesel**

Wanted: **Soon**

Identical to LRB:

For: **Stephen Freese (608) 266-7502**

By/Representing: **him**

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

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Elections - miscellaneous**

Extra Copies: **Kevin Kennedy - Elections Bo**

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

State funding for compliance with federal Help America Vote Act

Instructions:

Establish appropriations to finance state funding of compliance with federal Help America Vote Act.

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 10/02/2003 | kfollett 10/02/2003 | | _____ | | | State |
| /1 | | | pgreensl 10/03/2003 | _____ | sbasford 10/03/2003 | Inorthro 10/03/2003 | |

FE Sent For: 10/03/2003.

<END>

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| /1 | | | pgreensl 10/03/2003 | | sbasford 10/03/2003 | | |

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<END>

1/1" 10/3/03
per Terry
Rush for hearing
on 10/17

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| 1? / 1 | jkuesel 10/2 | 71 kj 10/2 | 10/2 kj | 10/2 kj | 3/8/15 | | |
| FE Sent For: | | | | | | | |
| <END> | | | | | | | |

2003

Date (time) needed

FR: 10/3-1PM

LRB - 3419, 1

BILL

JTK: kjf:

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: state contribution towards certain federally financed election administration costs and making appropriations.

[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

insert anal

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

SECTION #.

insert sections text

BILL

to vote in this state at the time that an absentee ballot would otherwise be transmitted.

The bill also provides that if any municipal clerk or board of election commissioners rejects a request for an absentee ballot from a uniformed service or overseas voter, the clerk or board must promptly inform the voter of the reason for the rejection.

Voting after hours pursuant to federal court order

This bill provides that if a federal court orders that a polling place remain open after the official closing hour of 8 p.m., any electors who vote after hours must vote by ballot and have their ballots marked to indicate that they voted after the official closing hour pursuant to a federal court order. The late ballots are then counted unless the court order is overturned. If the order is overturned after the canvass of the election, the bill requires the canvass to be reopened.

Protection and advocacy activities

Under current law, the state protection and advocacy agency implements a system to protect and advocate for the rights of persons with developmental disabilities or mental illness.

The bill authorizes the protection and advocacy agency to engage in activities to ensure full participation in the electoral process for eligible electors with developmental disabilities or mental illness and requires the Department of Health and Family Services to distribute federal funding to the agency for these activities.

Voting by new residents

Currently, an individual who has resided in this state for less than ten days at the time of a presidential election may vote for president and vice president only at the office of a municipal clerk or board of election commissioners, by absentee ballot through the mail, or at a polling place on election day. This bill provides that such an individual may only vote at the office of a municipal clerk or board of election commissioners or at a polling place on election day.

REVISION OF REGISTRATION LIST

Under current law, municipalities must use either a "negative purge" or a "positive purge" system to maintain their voter registration lists. Under the negative purge procedure, an elector who does not vote for a four-year period and does not respond to a notice by requesting continuation of his or her registration is purged from the list. Under the positive purge procedure, the municipal clerk or board of election commissioners sends a registration verification notice to each elector who does not vote for a four-year period. Each elector whose notice is returned as undeliverable is purged from the list. This bill deletes the "positive purge" procedure.

ELECTION ADMINISTRATION ENHANCEMENT***State financial assistance***

Under the federal Help America Vote Act of 2002, this state is eligible to receive federal financial assistance for the purchase of voting equipment, compliance with federal requirements for the conduct of federal elections and other election administration costs, construction of barrier-free polling places, and outreach and training of election officials to enable greater participation of individuals with

insert
anal

BILL

disabilities in federal elections. To be eligible for most of this federal assistance, this state must make expenditures from state moneys equal to at least 5% of the amount spent by this state for the same purposes for which federal assistance is received.

from state
general purpose
revenue

This bill appropriates a sum certain to the Elections Board that may be used to meet minimum federal requirements for continued eligibility for federal assistance. The amount appropriated may or may not be sufficient to meet federal requirements.

minimum

insert a
FE: state here

end insert anal

Federal and state advisory bodies

In accordance with the Help America Vote Act, the bill creates an Election Administration Council whose members are appointed by the executive director of the board to develop and revise as necessary a proposed state plan for the expenditure of federal moneys under the Help America Vote Act. The bill also directs the board to adopt this plan and revise the plan as necessary. In addition, the bill directs the executive director, in consultation with the Elections Board, to appoint a representative of this state as a member of the federal Election Assistance Commission standards board, and to supervise the selection by county and municipal clerks and boards of election commissioners in this state of a representative of this state to serve as a member of the standards board.

Voter educational programs and information systems

This bill permits the Elections Board, with the assistance of county and municipal clerks and boards of election commissioners, to conduct or prescribe requirements for educational programs to inform electors about voting procedures, voting rights, and voting technology. However, the bill requires the board to conduct an educational program for the specific purpose of educating electors who cast paper ballots, ballots that are counted at a central counting location, and absentee ballots of the effect of casting excess votes for an office. The bill also directs the board, with the assistance of county and municipal clerks, to maintain one or more toll-free telephone lines for electors to report possible voting fraud and voting rights violations, to obtain general election information and to access information concerning their registration status, current polling place locations, and other information relevant to voting in elections. The bill requires the municipal clerks and boards of election commissioners to maintain a free access system under which electors who vote without providing required identification and electors who vote pursuant to a federal court order after a polling place is scheduled to close may ascertain the status of their votes.

Requirements to match information

In accordance with the Help America Vote Act, the bill requires the secretary of transportation (secretary) to enter into two agreements. First, the secretary and the executive director of the Elections Board must enter into an agreement to match personally identifiable information on the official registration list maintained by the Elections Board with personally identifiable information in driver licensing and vehicle registration records maintained by the Department of Transportation (DOT), for the purpose of verifying voter registration information. Second, the secretary must enter into an agreement with the commissioner of the federal Social Security Administration to match the name, date of birth, and social security number of

BILL

1 ~~SECTION 5~~ 5.05 (11) of the statutes, as created by 2003 Wisconsin Act 35, is
2 amended to read:

3 5.05 (11) AIDS TO COUNTIES AND MUNICIPALITIES. From the ~~appropriation~~
4 appropriations under s. 20.510 (1) (t), (v), and (x), the board may provide financial
5 assistance to eligible counties and municipalities for election administration costs in
6 accordance with the plan adopted under sub. (10). As a condition precedent to receipt
7 of assistance under this subsection, the board shall enter into an agreement with the
8 county or municipality receiving the assistance specifying the intended use of the
9 assistance and shall ensure compliance with the terms of the agreement. Each
10 agreement shall provide that if the federal government objects to the use of any
11 assistance moneys provided to the county or municipality under the agreement, the
12 county or municipality shall repay the amount of the assistance provided to the
13 board.

14 ~~SECTION 6. 5.05 (12) to (15) of the statutes are created to read:~~

15 5.05 (12) VOTER EDUCATION. The board may conduct or prescribe requirements
16 for educational programs to inform electors about voting procedures, voting rights,
17 and voting technology. The board shall conduct an educational program for the
18 purpose of educating electors who cast paper ballots, ballots that are counted at a
19 central counting location, and absentee ballots of the effect of casting excess votes for
20 a single office.

21 (13) TOLL-FREE ELECTION INFORMATION EXCHANGE. (a) The board shall maintain
22 one or more toll-free telephone lines for electors to report possible voting fraud and
23 voting rights violations, to obtain general election information, and to access
24 information concerning their registration status, current polling place locations, and
25 other information relevant to voting in elections.

BILL

1 ~~15.617 Same; council. (1) ELECTION ADMINISTRATION COUNCIL. There is~~
 2 ~~created in the elections board an election administration council consisting of~~
 3 ~~members appointed by the executive director of the elections board, including the~~
 4 ~~clerk or executive director of the board of election commissioners of the 2 counties or~~
 5 ~~municipalities in this state having the largest population, one or more election~~
 6 ~~officials of other counties or municipalities, representatives of organizations that~~
 7 ~~advocate for the interests of individuals with disabilities and organizations that~~
 8 ~~advocate for the interests of the voting public, and other electors of this state.~~

9 **SECTION 141.** 19.69 (4) of the statutes is created to read:

10 19.69 (4) NONAPPLICABILITY. This section does not apply to any matching
 11 program established between the secretary of transportation and the commissioner
 12 of the federal social security administration pursuant to an agreement specified
 13 under s. 85.61 (2).

14 **SECTION 142.** 20.005 (3) (schedule) of the statutes: at the appropriate place,
 15 insert the following amounts for the purposes indicated:

| | | | | 2003-04 | 2004-05 |
|----|--|-----|---|---------|---------|
| 17 | 20.510 Elections board | | | | |
| 18 | (1) ADMINISTRATION OF ELECTION AND CAMPAIGN LAWS | | | | |
| 19 | (t) Election administration; state | | | | |
| 20 | contribution | SEG | C | 477,000 | -0- |
| 21 | (v) Election administration | SEG | A | -0- | -0- |

22 ~~**SECTION 143.** 20.510 (1) (h) of the statutes is amended to read:~~

23 20.510 (1) (h) ~~Materials and services.~~ The amounts in the schedule for the cost
 24 of publishing documents, locating and copying records, ~~providing contractual~~

BILL

1 ~~services under s. 6.33 (5) (b), and conducting administrative meetings and~~
 2 ~~conferences and for supplies, postage and shipping. All moneys received by the board~~
 3 ~~from collections for sales of publications, copies of records and supplies, for postage,~~
 4 ~~for shipping and records location fees, for providing contractual services under s. 6.33~~
 5 ~~(5) (b), and for charges assessed to participants in administrative meetings and~~
 6 ~~conferences shall be credited to this appropriation account.~~

7 SECTION ~~144~~[✓]. 20.510 (1) (t) of the statutes is created to read:

8 20.510 (1) (t) *Election administration; state contribution.* As a continuing
 9 appropriation, from the election administration fund, the amounts in the schedule
 10 to meet federal requirements for state contribution towards elections administration
 11 costs financed with federal aid under P.L. 107-252.

12 SECTION ~~145~~[✓]. 20.510 (1) (v) of the statutes is created to read:

13 20.510 (1) (v) *Election administration.* From the election administration fund,
 14 the amounts in the schedule to meet federal requirements for the conduct of federal
 15 elections under P.L. 107-252.

16 SECTION ~~146~~[✓]. 20.855 (4) (bp) of the statutes is created to read:

17 20.855 (4) (bp) *Election administration fund transfer.* A sum sufficient to make
 18 the payments required under s. 20.510 (1) (t) to (v), to be transferred to the election
 19 administration fund.

20 SECTION ~~147~~[✓]. 25.425 of the statutes, as created by 2003 Wisconsin Act 35, is
 21 amended to read:

22 **25.425 Election administration fund.** There is established a separate
 23 nonlapsible trust fund, designated the election administration fund, consisting of all
 24 moneys received from the federal government under P.L. 107-252 and all moneys
 25 transferred to the fund from other funds.

(End)

Northrop, Lori

From: Griffiths, Terri
Sent: Friday, October 03, 2003 1:01 PM
To: LRB.Legal
Subject: Draft review: LRB 03-3419/1 Topic: State funding for compliance with federal Help America Vote Act

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

Draft review: LRB 03-3419/1 Topic: State funding for compliance with federal Help America Vote Act

Memo

To: Senator

Representative

Freeze

(The Draft's Requester)

Per your request: ... the attached fiscal estimate was prepared for your unIntroduced 2003 draft.

LRB Number: LRB - 3419

Version: " / 1 "

Fiscal Estimate Prepared By: (agency abbr.) ELB

If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

Entered In Computer And Copy Sent To Requester Via E-Mail: 10 / 06 / 2003

* * * * *

To: LRB - Legal Section PA's

Subject: *Fiscal Estimate Received For An Unintroduced Draft*

- > **If redrafted** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version.
- > **If introduced** ... and the version of the attached fiscal estimate is for a **previous version** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version. Have Mike (or Lynn) get the ball rolling on getting a fiscal estimate prepared for the introduced version.
- > **If introduced** ... and the version of the attached fiscal estimate is for the **current version** ... please write the draft's introduction number below and give to Mike (or Lynn) to process.

THIS DRAFT WAS INTRODUCED AS: 2003 AB-601

Barman, Mike

From: Barman, Mike
Sent: Monday, October 06, 2003 9:01 AM
To: Rep.Freese
Cc: Griffiths, Terri
Subject: LRB 03-3419/1 (FE by ELB - attached - for your review)



FE_Freese.pdf