

WISCONSIN STATE
LEGISLATURE
COMMITTEE HEARING
RECORDS

2003-04

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on
Campaigns &
Elections
(AC-CE)

File Naming Example:

Record of Comm. Proceedings ... RCP

- 05hr_AC-Ed_RCP_pt01a
- 05hr_AC-Ed_RCP_pt01b
- 05hr_AC-Ed_RCP_pt02

Published Documents

➤ Committee Hearings ... CH (Public Hearing Announcements)

➤ **

➤ Committee Reports ... CR

➤ **

➤ Executive Sessions ... ES

➤ **

➤ Record of Comm. Proceedings ... RCP

➤ **

*Information Collected For Or
Against Proposal*

➤ Appointments ... Appt

➤ **

➤ Clearinghouse Rules ... CRule

**

➤ Hearing Records ... HR (bills and resolutions)

➤ **03hr_ab0172_AC-CE_pt01**

➤ Miscellaneous ... Misc

➤ **

Date: April 1, 2003

To: Rep. Stephen Freese, Chair, Assembly Campaigns and Elections Committee

From: Dennis Boyer, Lobbyist, AFSCME Council 11

Re: AB 141 (Eligibility of Public Employees as Candidates for Public Office) and
AB 172 (Mailing and Transmitting Absentee Ballots)

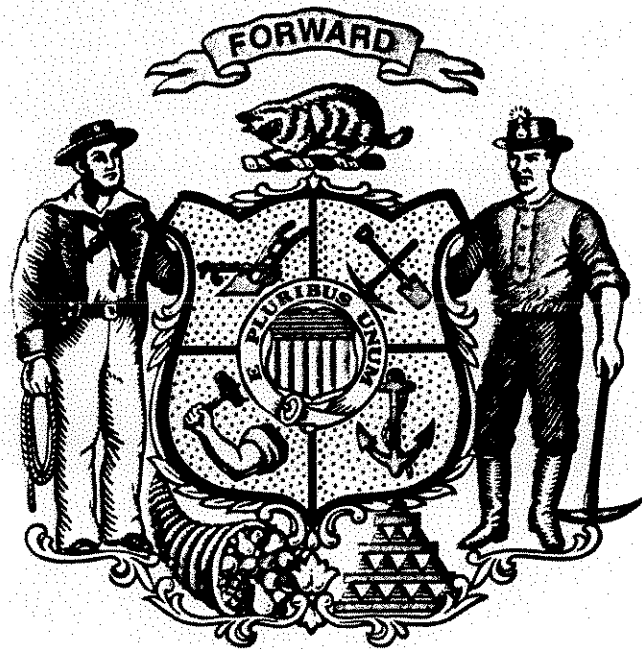
We wish to express our positions on the following bills:

1. **AB 141** – We feel strongly that public employees should be able to engage fully in political life, including the right to run for office. Many public employees have skills and experiences to contribute to policy deliberations. Indeed, the election of some such individuals could bring a practical hands-on knowledge that might prove helpful in an era of reevaluation of the methods by which services are delivered. To those who worry about campaigning during work hours, it must be pointed out that there are work rules and disciplinary procedures that would curb such abuse. Except for the most minor of offices, serious candidates for office would likely avail themselves of leave time in order to effectively compete. If it is possible for deputies to run for sheriff and not disrupt public safety, then it is hard to imagine that any other public body can find compelling reasons to bar public employee candidacies. AB 141 recognizes fundamental fairness.
2. **AB 172** – We understand that there is concern about the methods of absentee ballot distribution and collection. We hope that these legitimate concerns will be addressed in the least restrictive fashion. AB 172 represents an important bipartisan solution to these concerns.

We respectfully request that your committee approve both of the above bills. Thank you for your consideration.

DB:lm

xc:	Rich Abelson	Brian Weeks	Sen. Moore	Sen. Schultz
	Bob Chybowski	Phil Neuenfeldt	Sen. Reynolds	
	Sandra Bloomfield	Rep. Krug	Sen. Robson	



Testimony of State Representative Shirley Krug
Assembly Committee on Campaigns and Elections
Assembly Bill 172
April 3, 2003

Chairman Freese, members of the committee, thank you for the opportunity to speak to you today regarding AB 172.

This bill is a carefully targeted proposal to close an existing loophole in state law that allows absentee ballots to be delivered en masse to certain types of organizations.

During a recent special election in Milwaukee, a non-profit organization solicited absentee ballot requests on behalf of the citizens they met going door-to-door. The voter-requested absentee ballots were then mailed to the organization rather than to the voters themselves by the Election Commission.

According to press accounts in the Milwaukee Journal Sentinel, more than 100 of the 162 solicited ballots were deemed suspicious enough to warrant further investigation based on separate preliminary reviews by the district attorney's office and the City Election Commission. Possible fraudulent activity may have included mismatched signatures and erroneous names.

Current law only prohibits candidates or political parties from engaging in this kind of activity. I believe that **no** entity should be able to do this. The voter **alone** should receive their own absentee ballots.

That's what my bill accomplishes. If enacted into law, an absentee ballot could **only** be sent to a voter at one of three places: their permanent or temporary residence or their place of employment.

Rep. Ladwig's bill eliminates an option in current law that permits a voter to receive their ballot at work. I know of no problems with this practice; therefore, I do not believe this convenience to our constituents should be ended.

Additionally, her bill reimposes the requirement that an absentee ballot be witnessed by two people rather than one. Again, I know of no problem with our current law; therefore, I don't see a reason to undo a positive change that was recently made.

Rep. Ladwig's bill incorporates two changes to current law that are unnecessary to fill the real loophole.

I urge the committee to reject AB175 and act favorably on AB 172.

Thank you. I'd be happy to respond to your questions.

Absentee ballot dispute erupts in Holloway recall

His opponent calls for investigation, delay of Tuesday's election

By **DAVE UMHOEFER**
dumhoefer@journal-sentinel.com

County Board Chairman Lee Holloway's election opponent demanded Sunday that this week's recall race be postponed until authorities investigate an unusual absentee voting arrangement that put nearly 150 ballots in the hands of an organization on Holloway's campaign payroll.

City and state election officials, saying they had no choice under an election-law loophole, approved a setup that allowed voter-requested absentee ballots to be mailed to the organization, which is run by Holloway's campaign manager. Under the typical arrangement, ballots would be mailed directly to would-be voters.

The revelation prompted Yolanda Staples-Lassiter, who is trying to unseat Holloway in Tuesday's recall, to seek an investigation before polls open.

"I want a full investigation," Staples-Lassiter said Sunday, adding that she might seek a court injunction to stop the election. "The election should be called off for now."

Campaigns and political parties long have distributed absentee-ballot applications, which go to the City of Milwaukee Election Commission. The commission then mails out ballots if the voter is registered.

In this case — in what election officials said was an unprecedented move — a non-profit political group known as African-American Coalition for Empowerment (ACE) requested permission to have residents agree to have their absentee ballots mailed to the organization. The requests were gathered in a door-to-door effort by ACE.

Elections officials were told by ACE officials that they wanted to avoid mail-delivery problems and that some residents feared opening letters from the government, state Elections Board Executive Director Kevin Kennedy said.

"Voters preferred that we got them," Holloway campaign manager Barbara White said. White is also president of ACE.

As understood by election officials, the idea was that ACE, blank ballots in hand, would then re-visit the resident, hand over the ballot for voting, get it back and then see to it that it made its way to City Hall. The completed ballots — some of which have already appeared at City Hall — need just one witness and no notarization, under loose-nod voting rules approved in 1998.

Warning given

Kennedy said he strongly advised ACE that its idea would raise questions about potential fraud and undue influence over voters, but couldn't block it because state law prohibits only a candidate or political party from being the recipient of voters' absentee ballots.

"We couldn't tell them no, but we thought we had an understanding they weren't going to do it because it doesn't pass the smell test," Kennedy said. "I told them, 'You're undermining the whole concept of absentee balloting in Wisconsin.'"

Both Kennedy and city Election Commission Executive Director Julietta Henry said Sunday that they were not aware of ACE's direct connection to the Holloway campaign. Kennedy said, though, that he had assumed the group had a favorite in the race.

ACE — where the phone Sunday was answered "Friends for Lee Holloway" — received \$6,392 from the Holloway campaign over a 10-day period this month for consulting, printing and literature drops, according to records at the Milwaukee County Election Commission. Henry, who works for the city, said she does not review those records.

One 5th District resident, Andrea Smith — identified by Staples-Lassiter — said Sunday that she cast an absentee ballot for Holloway a couple weeks after a woman named Barbara stopped by her house, identifying herself as "with the election committee." She signed up to get a ballot.

Smith, who lives on N. 35th St., said the woman returned Thursday night and showed her the two names on the ballot. She chose Holloway because he is the incumbent, she said.

Holloway said Sunday night he would have no immediate comment.

Kennedy, of the state Elections Board, said he gave advice over the phone to White, thinking for five minutes that she was a city elections official because she identified herself as from the "election committee."

Henry said ACE had collected and sent in more than 500 ballot applications for Tuesday's recall, as well as races on the April 1 regular spring election. Many of the applicants were not registered voters, so the city commission ended up mailing out only about 150 ballots to ACE offices, she said.



Holloway



Staples-Lassiter

To check to see if those voters did indeed request ballots, the city sent special letters to each of the 150, Henry said.

Two people who received the letter called the city Election Commission last week, she said. One reported not having requested a ballot. The other reported being told that the application was a petition to clean up the neighborhood, not a ballot application, Henry said.

DA alerted

Kennedy said he had alerted District Attorney E. Michael McCann to the issues involved, in case it turns out that individuals were taken advantage of in the process.

Informed Sunday night of ACE's role, Staples-Lassiter said, "Oh, my God."

She said she had not known of ACE's request to the Election Commission but noted that it helped explain why she kept meeting voters at the doors who told her they were given absentee ballots.

"Every last one of those absentee ballots should be shredded," she said.

White has clashed with Staples-Lassiter before during the course of a yearlong recall campaign led by Staples-Lassiter against Holloway. And on Sunday White had strong words for her call for an election delay.

"I don't give a (expletive) about what Yolanda Staples-Lassiter says," White said. "We can do whatever the hell we want to do."

White, contacted at the ACE office on W. Villard Ave., said she was on sabbatical from ACE during the campaign.

She said ACE was doing voter education, not really working for Lee Holloway. The group would work for whatever politician would pay it, White said.

Absentee ballots are counted at the polls on election day, and can be returned until 5 p.m. Tuesday. They can be challenged as they are counted.



MARY JO WALICKI/MWALICK@JOURNALSENTINEL.COM

Yolanda Staples-Lassiter speaks after a news conference Monday. "Are they going to let this man get away with bloody murder? This is why good people don't run for office," she said of election opponent Lee Holloway.

RECALL ELECTION ABSENTEE BALLOT DISPUTE

No building stands at the street number listed on this absentee ballot application solicited by the African-American Coalition for Empowerment, a group doing campaign work for Milwaukee County Supervisor Lee Holloway. Three seemingly different signatures for a "Sarah Moore" and two different dates of birth are listed on the application and the two voter registration cards that were attached to the application. The city Election Commission, noting the discrepancies, did not mail a ballot out in response to this application, one of dozens under investigation by the Milwaukee County district attorney's office.

EXCERPTS OF APPLICATION FOR ABSENTEE BALLOT

Ballot and number, if any: John Nest Municipality: Milwaukee

Requester: African American Coalition for Empowerment

Requester address: 3522 West Vibron Ave.

City: Milwaukee State: Wisconsin Zip: 53204

NAME, PLEASE PRINT YOUR NAME IN BLOCK: Sarah Moore

ALL VOTER REGISTRATION CARDS MUST BE ATTACHED TO THIS APPLICATION

SIGNATURE OF ELECTOR: Sarah Moore

VOTER REGISTRATION CARD NO. 1

NAME: John Nest STATE: WI ZIP CODE: 53210 APT/CONV. NO.:

SOCIAL SECURITY NUMBER - (OPTIONAL): DATE OF BIRTH: 9/10/70 PLACE OF BIRTH: CITY, STATE OR FOREIGN COUNTRY

NATURALIZATION DATA (if not U.S. citizen by birth):

DATE: COURT: CITY AND STATE:

STATE OF WISCONSIN } ss
Milwaukee County }

I hereby swear (or affirm) that I am a citizen of the United States, that on the day of the next election I shall be at least 18 years of age, and shall have resided in the state of Wisconsin for at least 30 days preceding said election, and that I am legally qualified to vote, and that I am not currently registered to vote at any other location.

Signature of Voter: John Nest

VOTER REGISTRATION CARD NO. 2

NAME: John Nest STATE: WI ZIP CODE: 53208 APT/CONV. NO.:

SOCIAL SECURITY NUMBER - (OPTIONAL): DATE OF BIRTH: 9/10/70 PLACE OF BIRTH: CITY, STATE OR FOREIGN COUNTRY

NATURALIZATION DATA (if not U.S. citizen by birth):

DATE: COURT: CITY AND STATE:

STATE OF WISCONSIN } ss
Milwaukee County }

I hereby swear (or affirm) that I am a citizen of the United States, that on the day of the next election I shall be at least 18 years of age, and shall have resided in the state of Wisconsin for at least 30 days preceding said election, and that I am legally qualified to vote, and that I am not currently registered to vote at any other location.

Signature of Voter: Sarah Moore



E. Michael McCann
District Attorney

"We're very concerned about the integrity of this race."



Lee Holloway
County Supervisor

Had no comment Monday.

Race on despite disputed ballots

Judge refuses to halt voting in recall election

By **DAVE UMHOEFER**
dumhoefer@journalsentinel.com

County Board Chairman Lee Holloway's recall election proceeded today under a cloud after a judge refused to halt voting, and multiple instances of possible fraud surfaced as absentee ballots poured into the city Election Commission from a group campaigning for Holloway.

An absentee-ballot application from a vacant lot; admissions of forgery; erroneous names on returned ballot envelopes; mismatched signatures; and other discrepancies surfaced in interviews with voters and a review of the sealed ballots.

The head of the Election Commission said late Monday she would not allow counting of the disputed absentee ballots the group submitted until she receives a green light from the Milwaukee County district attorney's office.

The district attorney's office launched an investigation Monday after the Journal Sentinel reported on an unusual arrangement that allowed a group known as the African-American Coalition for Empowerment, or ACE, to receive blank absentee ballots and distribute them to voters the group had solicited door to door. Nearly 160 completed ballots were presented to city election officials Monday by ACE, which is on Holloway's campaign payroll and is run by his longtime campaign manager.

In the last several weeks, ACE workers got as many as 600 potential voters to sign applications for the vote-ahead ballots. Election officials rejected hundreds, though, because the applicants were unregistered, according to Julietta Henry, Election Commission executive director.

Because of a loophole in state law, ACE got permission from election officials to persuade residents to have their ballots sent to ACE's Milwaukee office instead of to the voters — an unusual, if not unprecedented, move. ACE then took the ballots to voters' homes, and the group's workers acted as witnesses while people marked them.

Based just on handwriting discrepancies, more than 100 of the 162 ACE-solicited ballots

"Maybe the candidates aren't that good, but my right to vote is precious. This is not fair that they're doing this."

Guillermo Cantoral, voter who believes he was duped

MJS 8/14/05

Recall race on amid dispute

BALLOTS, From 1A

were deemed suspicious enough Monday to warrant further investigation, based on separate, preliminary reviews by the district attorney's office and Henry's staff. Journal Sentinel reporters also examined many returned ballots and compared them with signed ballot applications. No actual ballots were opened.

Henry asked the district attorney's office to focus special attention on five cases in which either the alleged voters told the commission they did not seek to vote absentee, or the ballot envelope contained a different name than the ballot-request application.

Interviews Monday with more than 20 of the ACE absentee voters revealed widespread confusion. Holloway's opponent today is Yolanda Staples-Lassiter, a federal worker. Several people whose names appear on ballots and ballot applications submitted to the Election Commission told the Journal Sentinel on Monday night that they never voted.

Many said they had not voted absentee before.

■ "The people came to my door a couple of weeks ago from the African coalition," said Robert Stern, who lives on N. 37th St. "I signed my name (on the application), and I thought I'd get a ballot, but I never got a ballot. I'm not too happy about it. I don't need no absentee ballot anyway. They told me they were with Holloway."

Stern, who said he did not know the workers' names, added that he would have voted for Holloway anyway. He contacted the Election Commission to complain Monday after realizing they received a ballot in his name. In addition, the signature of the witness who supposedly saw him sign the ballot is illegible, and there is no address provided.

Stern intends to go to the polls and cast a ballot today, and now he's nervous "they might think I voted twice," he said.

■ Guillermo Cantoral was mystified to learn last week that his signature appeared on an absentee election ballot until his mother-in-law revealed Monday that she signed his name on the ballot at the behest of someone who came to their door late last week.

Cantoral now believes he was duped twice: first when he signed an application for an absentee ballot, and a second time when his mother-in-law was told to fill out his ballot. In the first instance, Cantoral said he was told he was signing a petition for a neighborhood cleanup.

"Maybe the candidates aren't that good, but my right to vote is precious," Cantoral, 36, said Monday evening. "This is not fair that they're doing this."

Cantoral's mother-in-law, Josephine Gomez, said she voted for Staples-Lassiter.

■ Three distinctly different "Sarah Moore" signatures appear on an ACE ballot application and two attached voter registration cards sent to the Election Commission, all under the address of 2014 N. 25th St.

But the address doesn't exist, and the nearest address is a vacant lot.

Election Commission officials declined to send ACE a ballot in that case, noting the discrepancies.

■ Everlois Grimes said someone came by her house with an application for a ballot, and she signed that. But she said she never received a ballot, even though the city has one in her name.

"I never got any ballot," she insisted, adding that the last time she voted was in the presidential election for Al Gore.

Grimes and her sister, Emma Graves, also were concerned that their mother, Aggie Grimes, is listed as voting, too.

"I am 100 percent sure she didn't vote," said Graves, who said she had signed her mother's application for a ballot, adding that she never received the actual ballot. Everlois Grimes added that her mother's mental condition is such that she can't even spell her name on her own.

For her part, Graves said she also signed an application but never received a ballot. In-

stead, she said that she received a letter from the coalition saying it had run out of ballots.

■ Barbara Rainey-Mitchell, who lives in the 3100 block of N. 39th St., said a man approached her several weeks ago as she walked to her front door.

"They were going up and down the block," Rainey-Mitchell said. "They said they can't get people to come to vote, so they were going to come to them."



Gatzke:
Attorney for
Staples-
Lassiter

Rainey-Mitchell said she signed something to request the ballot with the expectation that it would arrive in the mail and that she would return it through the mail.

Friday, however, another man arrived at her house with a ballot and had her fill it out while he waited in an adjacent room. She put the ballot in an envelope and handed it to him.

Rainey-Mitchell said she voted for Holloway because she was more familiar with him.

Sharon Yarber, who operates a day care center in the same neighborhood, said a man approached her more than a week ago and asked if she planned to vote in the supervisor's race. The man offered to bring Yarber a ballot, after she told him that her day care duties would keep her from getting to the polls.

Another person brought the ballot to her home sometime last week, and Yarber filled it out, voting for Holloway.

"I didn't know too much about the other people," Yarber said.

"I feel good about it," she said. "Normally I would not have gone out and voted."

Yarber and Rainey-Mitchell said the people who presented them with absentee-ballot applications and ballots did not attempt to sway their votes. Several others contacted in the same neighborhood said the same.

■ Bette J. Higgins, who lives on the 1900 block of N. 32nd St., said two people came to

her house with a ballot in her name at the end of last week. "They had a whole stack of ballots," she said.

She said she just checked off both candidates. "I didn't know who to vote for," she said, adding they didn't talk about any of the candidates. "I generally vote. But I vote at the school across the street," she said pointing to Westside Academy I.

■ Patricia A. Neal, who lives in the Parc West Apartments, 2342 N. 35th St., recognized the person who had solicited her absentee registration. She believed the man was working for Holloway, but she said he never said so explicitly. "He brought me the ballot," said Neal. She said she filled out the ballot in privacy and that he didn't see who she was voting for. She declined to say how she voted.

Brief legal skirmish

A move by Staples-Lassiter for a court order to halt today's election failed, with Milwaukee County Circuit Judge Maxine White dismissing it for lack of specific evidence.

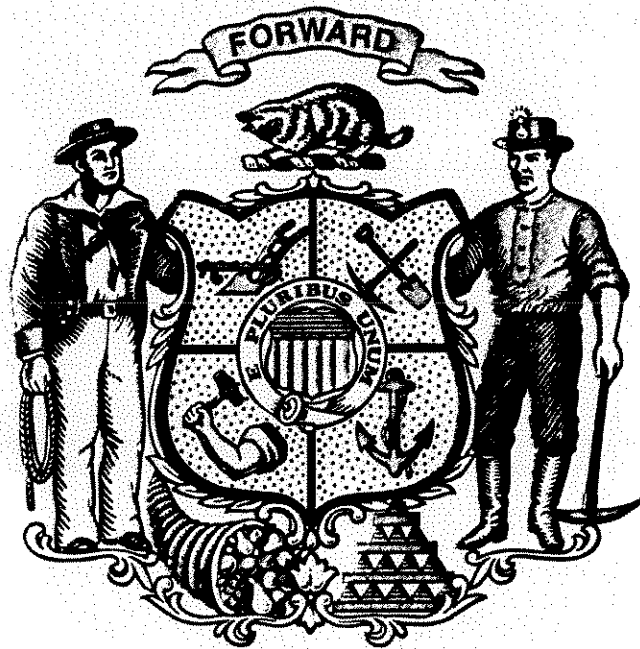
The remedy for any absentee ballot irregularities should be post-election challenges, argued John Finerty, a lawyer for Holloway, and County Corporation Counsel William Domina. Domina represented the Milwaukee County Election Commission. Holloway has declined to comment on the dispute.

A losing candidate can petition the county Elections Commission for a recount and challenge ballots the candidate feels are suspect, he said.

James Gatzke, an attorney for Staples-Lassiter, said Monday his client's election chances could suffer because of ACE's role.

At a Monday afternoon news conference, Gatzke said some voters "had been potentially misled as to the effect of their absentee ballot." He said holding the election today "could be a gross injustice."

Journal Sentinel staff writers Tom Held, Jessica McBride, Georgia Pabst and Steve Schultze contributed to this report.



State Senator GWENDOLYNNE MOORE



April 3, 2003

Capitol Office:
P. O. Box 7882, Madison, WI 53707-7882
Phone: (608) 266-5810 Fax: (608) 267-2353
District Telephone: (414) 442-3080
Toll-free Legislative Hotline: 1-800-362-9472
E-Mail: sen.moore@legis.state.wi.us
Member: Joint Finance Committee
Board Member: Wisconsin Housing and
Economic Development Authority

Testimony of State Senator Gwendolynne Moore on Assembly Bill 172 and 175 Assembly Committee on Campaigns and Elections

Good morning. I would like to thank Chairman Freese and the members of the Assembly Committee on Campaigns and Elections for holding a hearing on Assembly Bill 172, a bill I have co-authored with Representative Krug.

Allegations of absentee voter fraud during a recent Milwaukee County Board recall election, which were exposed in several *Milwaukee Journal Sentinel* articles, are very troubling to me. Shortly after voter fraud accusations were made, I contacted the State Elections Board Executive Director Kevin Kennedy to ensure that such tactics would be blocked in future elections. Subsequently, Representative Krug approached me with an inspired solution, Assembly Bill 172 (AB 172), which protects voters from organizations attempting to abuse the electoral process by committing elector fraud, while preserving Wisconsin's long tradition of fair and open access to the ballot.

Under current law, an elector may request that an absentee ballot be mailed to any specified address, except that of a candidate, political party or other campaign finance registrant. AB 172 tightens this law, by stipulating that a municipal clerk or Board of Election Commissioners may only transmit an absentee ballot directly to the elector at one of the following locations: **the permanent or temporary residence or place of employment.**

Also allow me to make comments on Assembly Bill 175 (AB 175), which has also been scheduled to receive a public hearing today. Authored by Representative Ladwig and Senator Darling, AB 175 contains similar language that also requires absentee ballots be directly transmitted to the electors permanent or temporary residence. There are two differences between AB 172 and AB 175: the witness requirement and allowing for absentee ballots to be transmitted to one's place of employment. AB 172 maintains the current law of requiring one witness to be present when an absentee ballot voter completes the special certificate form or swear an affidavit before a person who is authorized to administer oaths. On the other hand, **AB 175 requires an elector to complete certification before two witnesses. AB 175 also does not allow for ballots to be sent to one's place of employment.**

I ask you to oppose AB 175 as it poses a serious burden on absentee ballot voters through its unnecessary two witness requirement and limiting that ballots be sent solely to one's residence.

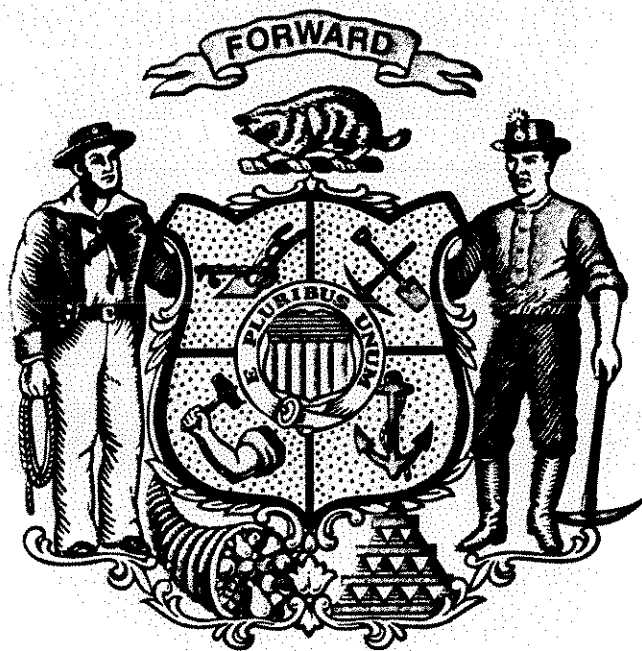
- ❖ **Who is most likely to vote absentee?** - Senior citizens, confined individuals with physical disabilities, and those who are too physically ill to go to the polls. Under AB 175, individuals included in this group who live with a spouse would be required to bring a second witness into their residence in order to vote absentee. For elderly or disabled persons

from this group who live alone, the requirement is even more onerous for now they must locate two witnesses in order to preserve their franchise. Is there any reason to believe that seniors, the ill and the disabled are abusing the current absentee ballot process by committing elector fraud? Representative Ladwig seems to think so, "*It's harder to get two people to lie for you than one.*" (Quote from Rep. Ladwig referencing AB 175 and her motivation behind requiring two people to witness the ballot, *Milwaukee Journal Sentinel*, 3/9/03)

- ❖ **Absentee balloting was created to ensure greater access and convenience to the electoral process.** Legislators from both parties overwhelmingly supported changes in the absentee ballot process for the 2000 election. Despite the rhetoric, even the Republican Party website (RPW) boasts about how easy it is to register and vote in Wisconsin. When discussing absentee ballot requirements, RPW currently does not even mention a witness requirement, stating, "for those who will be voting absentee in an upcoming election, you can use the 'Application for Absentee Ballot', and mail it to your Municipal Clerk's office." Wisconsin should be proud of the fact that absentee voting has increased by 25% since November 1998. By resurrecting a two-witness requirement, AB 175 establishes greater barriers and disenfranchisement to the absentee ballot voter.
- ❖ Perhaps, most importantly, the two-witness requirement from **AB 175 would not have impacted the recently reported fraudulent activities of ACE volunteers.** To skirt this regulation, groups such as ACE could merely send two volunteers to each door to witness the certification of absentee ballots. In fact, the *Milwaukee Journal Sentinel* found that multiple ACE volunteers had approached at least one voter during the recent County Board recall election who spoke of his interaction with ACE by saying, "*The people came to my door a couple of weeks ago from the African coalition.*" (*Milwaukee Journal Sentinel*, 3/4/03)
- ❖ Lastly, AB 175 would also create great burden on the working class. Many American workers spend more time at work than they do at home. Limiting the transmittance of absentee ballots to one's residence will create much undo burden on the working population.

Wisconsin has a long and proud history of fair and inclusive elections. Please join me in preserving our state's progressive election laws by promoting changes that maintain open access to the ballot, while also protecting voters from organizations that seek to abuse Wisconsin's open access to the ballot. **Support Assembly Bill 172, a sensible less intrusive approach to correcting a recently exposed flaw in our electoral process. I also request that you not support Rep. Ladwig's and Sen. Darling's bill to require two witnesses, which would create greater burden and disenfranchisement to Wisconsin voters who use absentee ballots.**

Thank you for allowing me the opportunity to share my views on Assembly Bills 172 and 175.



2003 ASSEMBLY BILL 172

March 18, 2003 - Introduced by Representatives KRUG, FREESE, HUBER, LADWIG, TRAVIS, MUSSER, PLOUFF, HAHN, CULLEN, ALBERS, ZEPNICK, STASKUNAS, J. LEHMAN, SINICKI, MORRIS, GUNDRUM, BERCEAU, COGGS and LASSA, cosponsored by Senators MOORE, REYNOLDS, ROBSON and SCHULTZ. Referred to Committee on Campaigns and Elections.

1 **AN ACT** *to renumber and amend* 6.87 (3) (b); and *to amend* 6.87 (3) (a) and 6.87
2 (3) (c) and (d) of the statutes; **relating to:** mailing and transmitting absentee
3 ballots.

Analysis by the Legislative Reference Bureau

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

ASSEMBLY BILL 172

address located at the permanent or temporary residence or place of employment of the elector.

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

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

2 6.87 (3) (a) Except as authorized under par. (d) and as otherwise provided in
3 s. 6.875, the municipal clerk shall mail the absentee ballot postage prepaid for return
4 to the elector's permanent or temporary residence ~~unless otherwise~~ (or place of
5 employment of the elector, as directed ~~(by the elector)~~) or shall deliver it to the elector
6 personally at the clerk's office.

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

9 6.87 (3) (e) ~~No elector may direct that a ballot be sent to the address of a~~
10 ~~candidate, political party or other registrant under s. 11.05 unless the elector~~
11 ~~permanently or temporarily resides at that address.~~ Upon receipt of reliable
12 information that an address given by an elector is not eligible to receive ballots under
13 this paragraph, the municipal clerk shall refrain from sending mailing or
14 transmitting ballots to that address. Whenever possible, the municipal clerk shall
15 notify an elector if his or her ballot cannot be mailed or transmitted to the address
16 directed by the elector.

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

18 6.87 (3) (c) If an elector's ballot is mailed to a location other than the elector's
19 permanent residence or place of employment, it shall be prepaid for return when
20 mailed within the United States. If the ballot is delivered to the elector at the clerk's
21 office, the ballot shall be voted at the office and may not be removed therefrom.

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

20

(END)