

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_ab0848_AC-CE_pt01**

➤ Miscellaneous ... Misc

➤ **

LRB
2530/1

AB -
848

Vote Record

Committee on Campaigns and Elections

Date: 2/17/04 J. Travis
Moved by: _____ Seconded by: Freese

AB _____ SB _____ Clearinghouse Rule _____
AJR _____ SJR _____ Appointment _____
AR _____ SR _____ Other _____

A/S Amdt _____
A/S Amdt _____ to A/S Amdt _____
A/S Sub Amdt _____
A/S Amdt _____ to A/S Sub Amdt _____
A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Stephen Freese	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mark Gundrum	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Glenn Grothman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Jeffrey Wood	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative David Travis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mark Pocan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>4</u>	<u>2</u>	_____	_____

Motion Carried

Motion Failed

AB 848

Vote Record

Committee on Campaigns and Elections

Date: 2/19/04

Moved by: Pocan Seconded by: Freese

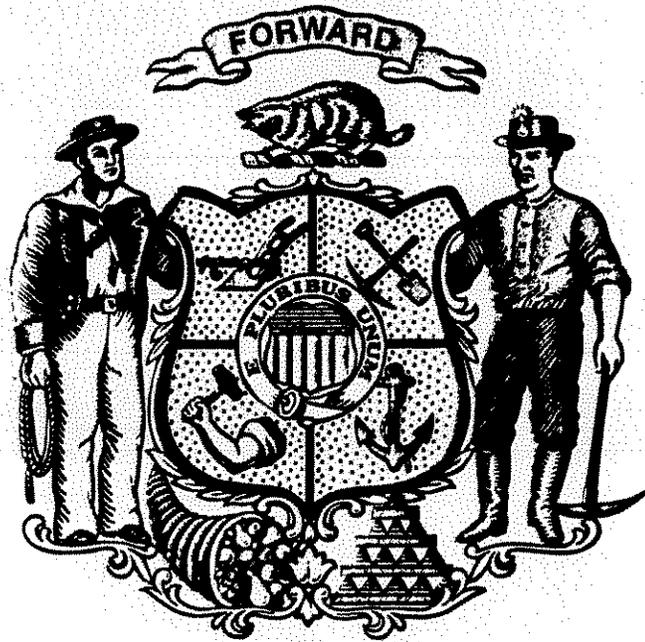
AB 848 SB Clearinghouse Rule
AJR Appointment
AR SR Other

A/S Amdt
A/S Amdt to A/S Amdt
A/S Sub Amdt
A/S Amdt to A/S Sub Amdt
A/S Amdt to A/S Amdt to A/S Sub Amdt

- Be recommended for:
Passage Adoption Confirmation Concurrence Indefinite Postponement
Introduction Rejection Tabling Nonconcurrence

Table with columns: Committee Member, Aye, No, Absent, Not Voting. Rows include Representative Stephen Freese, Chair, Representative Mark Gundrum, Representative Glenn Grothman, Representative Jeffrey Wood, Representative David Travis, Representative Mark Pocan, and Totals.

Motion Carried Motion Failed



State of Wisconsin \ Elections Board

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SHANE FALK
Chairperson

KEVIN J. KENNEDY
Executive Director

October 16, 2003

The Honorable Stephen J. Freese, Chair
Assembly Committee on Campaigns and Elections
State Capitol, Room 115 West
Madison, WI 53702

Dear Representative Freese:

On behalf of the State Elections Board, I request that the Assembly Committee on Campaigns and Elections introduce the enclosed legislation, LRB 2530/1. The legislation conforms the nomination paper and election petition circulator requirements to the federal court decision in *Frami v. Ponto*, Case No. 02-C-0515-C, U.S. District Court for the Western District of Wisconsin. The federal court found the requirement that the circulator of a nomination paper must be a qualified elector was an unconstitutional infringement on the freedom of association of the candidate's supporters. This decision was consistent with a holding in an Illinois case by the 7th Circuit Court of Appeals and decision by other appellate courts.

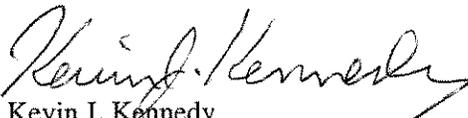
The court decision prohibits the State Elections Board from enforcing the current statutory requirement that the circulator of a nomination paper must be a qualified elector of the jurisdiction or district the candidate seeks to represent. This decision would also prohibit the State Elections Board from enforcing the qualified elector requirement for recall petitions, petitions for direct legislation or other initiative referenda. These requirements are set out in Ss. 8.15 (4)(a), 8.40 (2)Wis. Stats.

The legislation requires the circulator to be an adult United States citizen. The State Elections Board believes these restrictions would survive a constitutional challenge. Laws are already in force that limit voting to adult United States citizens and prohibiting non-citizens from making political contributions.

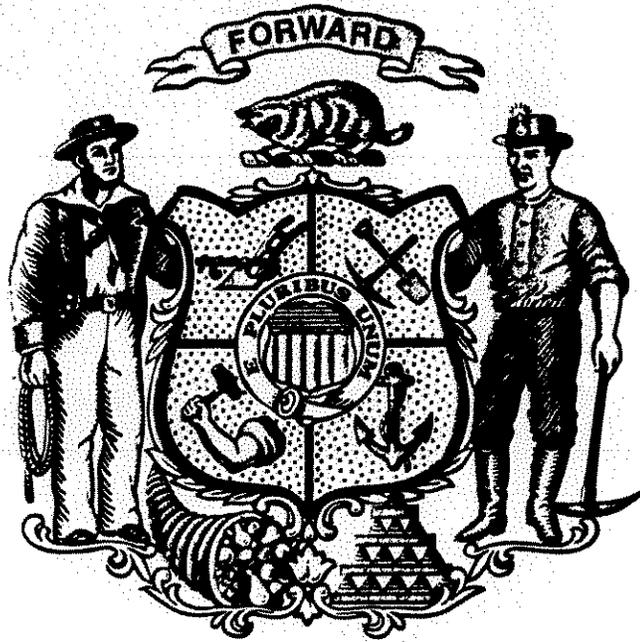
It is important to move this legislation quickly in order to ensure that state law conforms to the federal court restriction before the next round of elections.

Thank you for your assistance with this request. I look forward to working with you and the committee members to secure passage of this legislation.

State Elections Board


Kevin J. Kennedy
Executive Director

C: Members, Assembly Committee on Campaigns and Elections





WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: REPRESENTATIVE STEPHEN FREESE

FROM: Robert J. Conlin,  Senior Staff Attorney

RE: 2003 Assembly Bill 848 and Assembly Substitute Amendment 1, Relating to Qualifications of Nomination Paper and Petition Circulators

DATE: March 4, 2004

This memorandum, prepared at your request, briefly describes 2003 Assembly Bill 848 and Assembly Substitute Amendment 1 to the bill, relating to the qualifications of nomination paper and petition circulators. As you know, the bill was introduced by the Committee on Campaigns and Elections and, on February 19, 2004, was recommended for passage by the committee on a vote of Ayes, 4; Noes, 1. Assembly Substitute Amendment 1 was offered by you on March 2, 2004.

Under *current law*, nomination papers and petitions must be circulated by a qualified elector of the jurisdiction or district in which the paper or petition is circulated. In April of 2003, the U.S. District Court for the Western District of Wisconsin concluded that this residency requirement violated the First Amendment to the U.S. Constitution as it applies to both Wisconsin residents who circulate outside the political subdivision in which they reside and to circulators who reside outside Wisconsin. Accordingly, the court permanently enjoined the state from enforcing the residency requirement.

2003 Assembly Bill 848 provides that the circulator of a nomination paper or petition must be an *adult U.S. citizen* instead of a qualified elector of the jurisdiction or district in which the paper or petition is circulated.

Assembly Substitute Amendment 1, instead, requires that the circulator of a nomination paper or a petition be an *adult U.S. citizen age 18 or older who has not been convicted of treason, a felony, or bribery, unless the person's civil rights are restored*. As you know, generally a person who is convicted of a crime obtains restoration of his or her civil rights by serving out his or her term of imprisonment or otherwise satisfying his or her sentence.

If you have questions about this memorandum, contact me at the Legislative Council staff offices.

RJC:wu:jal