

WISCONSIN STATE
LEGISLATURE
COMMITTEE HEARING
RECORDS

2005-06

(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

NOTICES ...

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

> **

> Executive Sessions ... ES

> **

> Committee Reports ... CR

> **

> Record of Comm. Proceedings ... RCP

> **

INFORMATION COLLECTED BY COMMITTEE
CLERK FOR AND AGAINST PROPOSAL

> Appointments ... Appt

> **

Name:

> Clearinghouse Rules ... CRule

**

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

> 05hr_ab0061_AC-CE_pt01

> Miscellaneous ... Misc

> **

Vote Record
Committee on Campaigns and Elections

Date: 2/3/2018
 Moved by: Kessler Seconded by: Vos

AB 61 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, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mark Gundrum	<input checked="" type="checkbox"/>	<input 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 Robin Vos	<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 Frederick Kessler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>6</u>	<u>0</u>	_____	_____

Motion Carried Motion Failed



WISCONSIN LEGISLATIVE COUNCIL

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

TO: REPRESENTATIVE STEPHEN FREESE
FROM: Robert J. Conlin, Senior Staff Attorney
RE: 2005 Assembly Bill 61, Relating to the Residency of Certain Election Officials
DATE: February 2, 2005

This memorandum describes 2005 Assembly Bill 61, which relates to the residency of certain election officials. The bill was introduced by Representative Kerkman and others; and was cosponsored by Senator Wirch and others. The bill is scheduled for a public hearing in the Assembly Campaigns and Elections Committee on Thursday, February 3, 2005.

CURRENT LAW

Under current law, an election official is required to be a resident of the municipality in which the official serves. Also, with some exceptions, an election official at a polling place must be a qualified elector of the ward or election district for which the polling place is established. Exceptions to this latter requirement include:

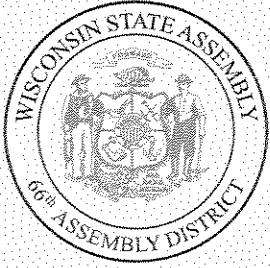
- A 16- or 17-year old high school student may be a poll worker at the polling place serving his or her residence.
- Special registration deputies who register electors on election day at the polls may be appointed to serve at any polling place within the municipality.
- Poll workers may be reassigned to serve at another polling place within the municipality to assure adequate staffing.
- Election officials may be appointed to serve at a polling place that serves multiple wards.
- Election officials may be appointed to fill a vacancy at a polling place in another ward.

THE BILL

2005 Assembly Bill 61 provides that a municipal clerk or director of a municipal board of election commissioners, or a deputy of either of these officials, may be appointed to serve as a special registration deputy to register electors at the polls on election day, or may be appointed to fill a poll worker vacancy, even if such official is not a resident of the municipality. However, under the bill, the official must be a resident of the state and no more than two such individuals could be appointed to such positions.

If you have any questions on this memorandum, please feel free to contact me at the Legislative Council staff offices.

RJC:ksm:tlu



State Representative

Samantha J. Kerkman

Assembly Bill 61

State Representative Samantha Kerkman

Assembly Committee on Campaigns and Elections

February 3, 2005

Chairman Freese and members of the Assembly Committee on Campaigns and Elections, thank you for taking the time to hear testimony on Assembly Bill 61. With me today is Diana Dykstra, Clerk of the City of Lake Geneva. I would like to give you some background information on the legislation and then I will turn it over to Diana to explain what she is encountering at the local level.

Assembly Bill 61 provides critical support to municipalities on Election Day. Under current law, election officials must be an elector of the municipality in which they serve on Election Day if they want to work at the polls. Should a polling location need additional assistance with registrations, a clerk or deputy clerk would be unable to assist unless they reside within the municipality. It may appear to be a limited issue, but in fact, numerous clerks and their deputies fail to reside within their municipality in Wisconsin. This means we are taking the most experienced workers away from the polls on Election Day. These folks are the ones who can answer questions and catch voter fraud. These same clerks and deputies have the ability to register voters any other day of the year, just not Election Day! Why should we take the most competent staff out of the mix on the busiest days of the year?

Assembly Bill 61 states that municipal clerks and deputy clerks will have the ability to register voters on Election Day, regardless of whether they reside in the municipality. This simple change will relieve so many communities from the stresses associated with Election Day. Please review the document attached to my testimony for further explanation to the extent of the problem.

This legislation, originally drafted by my predecessor former Representative Cloyd Porter, was brought forward based upon concerns raised by municipal clerks. Since 1997 this legislation has seen significant changes in the language, tightening it so that abuses on Election Day cannot occur. This final product, Assembly Bill 61, represents numerous hours of work with municipal clerks, Legislative Reference Bureau, Legislative Council and colleagues. I believe we have a product that has been finely tuned, written so that the legislative intent is clear.

Again, thank you for your time. At this time I would like to turn the floor over to Diana Dykstra, Clerk of the City of Lake Geneva.

Widespread Need for Change

The following list contains municipalities whose clerks or deputy clerks currently fail to reside within their municipality. This list is not comprehensive, instead simply a listing of those who have contacted Rep. Kerkman's office with the need for this legislative change for their specific municipality.

- Village of Campbellsport
- Village of Coleman
- Village of Sauk City
- Town of Polk
- Village of Whitelaw
- Village of Belleville
- Village of Endeavor
- Village of Bangor
- Village of Monticello
- City of Jefferson
- Village of Shorewood
- Village of River Hills
- City of Brookfield
- Village of Linden
- Village of Johnson Creek
- Village of Roberts
- City of Pittsville
- Village of Egg Harbor
- City of Lake Geneva
- Village of Woodville
- Village of Blue River
- City of Stoughton
- Village of Biron
- Village of Livingston
- Village of Arena
- Village of Twin Lakes
- City of Cedarburg
- Village of Poynette
- Village of Birchwood
- Village of North Fond du Lac
- Village of Muscoda
- Village Avoca
- Village of Mukwonago
- Town of Delafield
- Town of Westport
- City of Dodgeville
- City of Oconto
- Village of Hobart

Extensive Support Across the State

The following list contains municipalities whose clerks or deputy clerks contacted Rep. Kerkman's office with their continued support of the legislation this session.

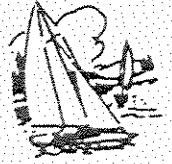
Village of Oregon
Town of Waukesha
Town of Merton
Village of Hartland
City of Fitchburg
Town of LaGrange
City of Sheboygan
Village of Elmwood Park
Village of McFarland
City of Milton
Town of Mountain
Village of Monticello
Village of Lannon
Village of Reedsville
Town of Menasha
Town of Dunn

Extensive Support Across the State in Previous Years

The following list contains municipalities whose clerks or deputy clerks contacted Rep. Kerkman's office with their support during previous sessions.

Town of Hartford
City of River Falls
City of Bayfield
City of Wausau
City of Wisconsin Rapids
Town of Three Lakes
Town of Springfield
Village of Germantown
City of Colby
City of New Berlin
City of Muskego
Village of Barneveld
Village of Wausaukee
City of Bayfield

CITY OF LAKE GENEVA



626 GENEVA STREET
LAKE GENEVA, WISCONSIN 53147
(262) 248-3673 • Fax (262) 248-4715
E-mail: ddykstra@genevaonline.com
www.cityoflakegeneva.com

RECEIVED

DIANA A. DYKSTRA
CITY CLERK

February 7, 2005

FEB 08 2005

Stephen J. Freese
Speaker Pro Tempore
WI State Assembly

Representative Stephen Freese
Room 115 West
State Capitol
P.O. Box 8952
Madison 53708

Dear Representative Freese:

I wanted to personally thank you for the opportunity to speak to the Elections Committee regarding AB61.

I also wanted to offer my support for your legislation regarding Uniform Polling Hours. You are absolutely correct, and I am hopeful this legislation will pass so it can be implemented with the new Statewide Voter Registration system that will be in place later this year.

I testified that I have helped residents vote by Absentee Ballot the morning of Election Day since our polls do not open until 9am. We are a commuter City. A majority of our population works outside of the City, in Milwaukee, Racine, Kenosha or Chicago. All surrounding Townships open their polls anywhere from 7am-8am. After my testimony, I had a State Elections Board worker tell me I am doing something illegal.

If the people I am helping are registered voters, I have them fill out the appropriate applications, and I am not in any way partisan about whom I help, I simply feel I am going above and beyond to accommodate the public. I certainly have tried to get our polls to open early by Ordinance, however the changes are obviously too much for the current Council to make that change. I need Uniform Poll Hours set by the State so I can meet the needs of the public.

Again, if you ever have questions or concerns regarding the effect of any proposed legislation, please feel free to contact me. While I may not reside in your district, I feel as a Certified Municipal Clerk I would be able to offer advice or instances or examples for you to use.

Sincerely,

Diana Dykstra, CMC

Toftness, Jennifer

From: Diana Dykstra [ddykstra@cityoflakegeneva.com]

Sent: Monday, February 28, 2005 5:24 PM

To: Rep.Kerkman

Subject: gleason letter

Sam, here is a copy of a letter that I am sending Phil Koss for election issues. It is one of 4 letters I am sending him. I thought with all the election stuff going on you can pass this one on too. This girl was so heart broken that someone filled out the registration form using her name and messed up her address. Luckily the post man found her house and she learned of this and was able to vote. Otherwise it could have been different.

I have copies of it if you ever needed it. Take care

Hope your feeling well.

Diana

February 28, 2005

Phillip A. Koss
Walworth County District Attorney
P.O. Box 1001
Elkhorn, WI 53121

Dear Phil:

As City Clerk, I went through the hundreds of mail-in registration forms just before the November Election, and I sent those back that did not completely fill out the registration applications. The address provided on Laura Gleason's form was invalid, and there was no qualifying identification provided. I returned the form to the New Voters Project, which is the establishment that mailed hundreds of applications in the last days before the election.

In return, the New Voter's Project mailed Laura her application with a letter alerting her of the returned form. Laura came to me on November 1, 2004 with concerns that this form was a fraud. She did not fill out the form and that was not her signature. She has signed an affidavit indicating so.

In the end, I was able to register the real Laura Gleason and she was able to vote without situation, however this could have potentially been a serious violation. If you remember the New Voter's Project was setting up registration tables throughout the state and mailing forms to Clerks up until Election Day.

If any resolve was to come to this situation, I would hope that it would be that only certified registration deputies are allowed to register voters for elections.

Sincerely,

Diana Dykstra, C.M.C.
City Clerk