### 2007 DRAFTING REQUEST

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Received: 01/08/2007

Wanted: As time permits   Identical to LRB:  For: Joseph Parisi (608) 266-5342   By/Representing: Lori Whitmore  This file may be shown to any legislator: NO   Drafter: chanaman    May Contact:   Addl. Drafters:  Subject:   Criminal Law - miscellaneous   Extra Copies:  Criminal Law - procedure   Elections - miscellaneous    Submit via email: YES  Requester's email:   Rep.Parisi@legis.wisconsin.gov    Carbon copy (CC:) to:  Pre Topic:    No specific pre topic given    Topic:   Restore voting rights for people barred from voting due to probation, parole, or extended supervision    Instructions:   See Attached05-2575/1    Drafting History:   Vers.   Drafted   Reviewed   Typed   Proofed   Submitted   Jacketed   Required    /?	Received: 01/08/2007					Received By: chanaman			
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FE Sent For:

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Received By: chanaman

### 2007 DRAFTING REQUEST

#### Bill

Received: 01/08/2007

Wanted: As time permits				Identical to LRB:			
For: Joseph Parisi (608) 266-5342				By/Representing: Lori Whitmore			
This file	may be shown	to any legislate	or: NO		Drafter: chanan	nan	
May Con	ntact:				Addl. Drafters:		
Subject: Criminal Law - miscellaneous Criminal Law - procedure Elections - miscellaneous				Extra Copies:			
Submit v	ia email: YES						
Requeste	r's email:	Rep.Parisi	@legis.wisc	consin.gov			
Carbon c	opy (CC:) to:						
Pre Top	ic:						
No specif	fic pre topic gi	ven					
Topic:					Again and Anna and A		
Restore v	oting rights fo	or people barred	from voting	g due to proba	ation, parole, or ex	xtended superv	ision
Instructi	ions:						
See Attac	ched05-2575	/1					
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Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	chanaman 01/08/2007	wjackson 01/08/2007					
/1	chanaman 01/11/2007	wjackson 01/11/2007	rschluet 01/09/200	7	sbasford 01/09/2007		
/2			pgreensl 01/12/200	7	sbasford 01/12/2007		

FE Sent For:

<END>

#### 2007 DRAFTING REQUEST

Bill

Received By: chanaman
Identical to LRB:
By/Representing: Lori Whitmore
Drafter: chanaman

May Contact: Addl. Drafters: Subject: Criminal Law - miscellaneous Extra Copies:

Criminal Law - procedure **Elections - miscellaneous** 

Submit via email: YES

Received: 01/08/2007

Requester's email: Rep.Parisi@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic: No specific pre topic given **Topic:** 

Restore voting rights for people barred from voting due to probation, parole, or extended supervision

**Instructions:** 

See Attached--05-2575/1

**Drafting History:** 

Vers. Drafted Reviewed **Typed** Proofed **Submitted** Jacketed Required /? chanaman wjackson 01/08/2007 01/08/2007 /1 rschluet sbasford 01/09/2007 01/09/2007

FE Sent For:

#### 2007 DRAFTING REQUEST

Bill

Received: 01/08/2007

Received By: chanaman

Wanted: As time permits

Identical to LRB:

For: Joseph Parisi (608) 266-5342

By/Representing: Lori Whitmore

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

Drafter: chanaman

May Contact:

Addl. Drafters:

Subject:

Criminal Law - miscellaneous

Extra Copies:

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**Pre Topic:** 

No specific pre topic given

Topic:

Restore voting rights for people barred from voting due to probation, parole, or extended supervision

Instructions:

See Attached--05-2575/1

**Drafting History:** 

Vers.

Drafted

Reviewed

**Typed** Proofed Submitted

Jacketed

Required

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chanaman 01/08/2007

lrb editor

FE Sent For:

<END>

#### Hanaman, Cathlene

From: Sent:

Barman, Mike on behalf of LRB.Legal Friday, January 05, 2007 11:42 AM

To: Hanaman, Cathlene

Subject:

FW: Message for Cathlene Hanaman

----Original Message----

From: Whitmore, Lori

Sent: Friday, January 05, 2007 11:21 AM

To: LRB.Legal

Subject: Message for Cathlene Hanaman

I am not sure if you or Peggy Hurley would be the person to re-draft LRB 2575/1 from last session? Mike Dsida did it for us last time. Rep. Parisi would like that bill re-drafted in the same form from last session. Thanks.

Lori Whitmore Office of Rep. Joe Parisi

voting rights

**2007 - 2008 LEGISLATURE** 

NOTE

LRB-0273/1 CMH&JTK:wlj:jf

2007 BILL



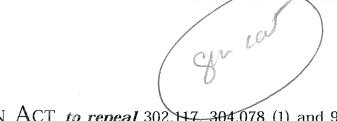
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AN ACT to repeal 302.117, 304.078 (1) and 973.09 (4m); to renumber and

amend 6.03 (1) (b); to amend 6.33 (1), 301.03 (3a) (intro.), 304.078 (2), 304.078

(3) and 973.176 (2); and *to create* 6.03 (1) (b) 1., 6.03 (1) (b) 2. and 6.03 (1) (b)

3. of the statutes; **relating to:** restoring the right to vote to a person barred from

voting as a result of a felony conviction.

#### Analysis by the Legislative Reference Bureau

Under current law, when a person is barred from voting as the result of a felony conviction (a "disqualifying offense"), the person's right to vote can be restored through a pardon. Otherwise, it is restored upon completion of the sentence — including extended supervision or parole — or the term of probation imposed on the person who committed the offense.

Under this bill, a person loses his or her right to vote based on a disqualifying offense only while he or she is incarcerated for that offense. If the person is released to extended supervision or parole, he or she can resume voting. In addition, a person convicted of such an offense retains the right to vote if he or she is placed on probation. But if a person who committed a disqualifying offense is returned to prison after the revocation of extended supervision or parole or is sent to prison or

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a jail or house of correction after the revocation of probation, the person loses the right to vote until he or she is released.

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

1	SECTION 1. 6.03 (1) (b) of the statutes is renumbered 6.03 (1) (b) (intro.) and
2	amended to read:
3	6.03 (1) (b) (intro.) Any person convicted of treason, felony, or bribery, unless
4	the person's right to vote is restored through a pardon or under s. 304.078 (3). who
5	has not been pardoned for the offense, if any of the following applies:
6	<b>SECTION 2.</b> 6.03 (1) (b) 1. of the statutes is created to read:
7	6.03 (1) (b) 1. The person is awaiting sentencing for the offense.
8	<b>Section 3.</b> 6.03 (1) (b) 2. of the statutes is created to read:
9	6.03 (1) (b) 2. The person has been sentenced to a term of imprisonment and
10	the sentence has not yet commenced. This subdivision does not apply if the person's
11	sentence has been stayed under s. 973.09 (1) (a).
12	<b>Section 4.</b> 6.03 (1) (b) 3. of the statutes is created to read:
13	6.03 (1) (b) 3. The person is incarcerated for the offense but is not on probation,
14	parole, or extended supervision.
15	<b>Section 5.</b> 6.33 (1) of the statutes is amended to read:
16	6.33 (1) The board shall prescribe the format, size, and shape of registration
17	forms. All forms shall be printed on cards and each item of information shall be of
18	uniform font size, as prescribed by the board. The municipal clerk shall supply
19	sufficient form to meet voter registration needs. The forms shall be designed to
20	obtain from each applicant information as to name; date; residence location;

citizenship; date of birth; age; the number of a valid operator's license issued to the

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elector under ch. 343 or the last 4 digits of the elector's social security account number; whether the applicant has resided within the ward or election district for at least 10 days; whether the applicant has been convicted of a felony for which he or she has not been pardoned, and if so, whether the applicant is incarcerated, or on parole, probation, or extended supervision on a full-time basis as a result of that conviction; whether the applicant is disqualified on any other ground from voting; and whether the applicant is currently registered to vote at any other location. The form shall include a space for the applicant's signature and the signature of any corroborating elector. The form shall include a space to enter the name of any special registration deputy under s. 6.26 or 6.55 (6) or inspector, municipal clerk, or deputy clerk under s. 6.55 (2) who obtains the form and a space for the deputy, inspector, clerk, or deputy clerk to sign his or her name, affirming that the deputy, inspector, clerk, or deputy clerk has accepted the form. The form shall include a space for entry of the ward and aldermanic district, if any, where the elector resides and any other information required to determine the offices and referenda for which the elector is certified to vote. The form shall also include a space where the clerk may record an indication of whether the form is received by mail, a space where the clerk may record an indication of the type of identifying document submitted by the elector as proof of residence under s. 6.34, whenever required, and a space where the clerk, for any applicant who possesses a valid voting identification card issued to the person under s. 6.47 (3), may record the identification serial number appearing on the voting identification card. Each county clerk shall obtain sufficient registration forms for completion by an elector who desires to register to vote at the office of the county clerk under s. 6.28 (4).

**Section 6.** 301.03 (3a) (intro.) of the statutes is amended to read:

301.03 (3a) (intro.) Subject to all of the following, design a form to provid
notice under ss. 302.117, 973.09 (4m), and s. 973.176 (2) of ineligibility to vote under
s. 6.03 (1) (b):

**Section 7.** 302.117 of the statutes is repealed.

**Section 8.** 304.078 (1) of the statutes is repealed.

**Section 9.** 304.078 (2) of the statutes is amended to read:

304.078 (2) Except as provided in sub. (3), every ∆ person who is convicted of a crime obtains a restoration of his or her civil rights, other than the right to vote, by serving out his or her term of imprisonment or otherwise satisfying his or her sentence. The certificate of the department or other responsible supervising agency that a convicted person has served his or her sentence or otherwise satisfied the judgment against him or her is evidence of that fact and that the person is restored to his or her civil rights. The department or other agency shall list in the person's certificate rights which have been restored and which have not been restored. Persons who served out their terms of imprisonment or otherwise satisfied their sentences prior to August 14, 1947, are likewise restored to their civil rights from and after September 25, 1959.

**Section 10.** 304.078 (3) of the statutes is amended to read:

304.078 (3) If a person is has been disqualified from voting under s. 6.03 (1) (b), his or her right to vote is restored when he or she completes the term of imprisonment or probation for the crime that led to the disqualification. The 3., the department or, if the person is sentenced to a county jail or house of correction, the jailer, as defined in s. 302.372 (1) (b), shall inform the person in writing at the time and shall provide a certificate as proof, when he or she is released from the prison, jail, or house of correction, that his or her right to vote is restored under this subsection.

BILL

1	Section 11. 973.09 (4m) of the statutes is repealed.
2	<b>Section 12.</b> 973.176 (2) of the statutes is amended to read:
3	973.176 (2) VOTING. Whenever a court imposes a sentence or places a defendant
4	on probation for a conviction that disqualifies the defendant from voting under s. 6.03
5	(1) (b), the court shall inform the defendant in writing that he or she may not vote
6	in any election until his or her civil rights are restored released from the prison, jail.
7	or house of correction where the sentence will be served. The court shall use the form
8	designed by the department of corrections under s. 301.03 (3a) to inform the

defendant, and the defendant and a witness shall sign the form.

#### Section 13. Initial applicability.

(1) The renumbering and amendment of section 6.03 (1) (b) of the statutes and the creation of section 6.03 (1) (b) 1., 2., and 3. of the statutes first apply to persons who are released to parole or extended supervision on the effective date of this subsection and to persons who are placed on probation on the effective date of this subsection.

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(END)

#### STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Wisconsin Legislative Reference Bureau

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voting rights restored Os that OK?	
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# DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-1404/1dn CMH:wlj:rs

January 9, 2007

Lori:

Please note that this bill restores voting rights only to persons released to parole or extended supervision or persons placed on probation on the effective date of the bill. Persons already on parole, extended supervision, or probation will not have their voting rights restored. Is that OK?

Cathlene Hanaman Legislative Attorney Phone: (608) 267-9810

E-mail: cathlene.hanaman@legis.wisconsin.gov



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# State of Misconsin 2007 - 2008 LEGISLATURE

LRB-1404/1/ CMH&JTK:wlj:rs

#### 2007 BILL



AN ACT to repeal 302.117, 304.078 (1) and 973.09 (4m); to renumber and amend 6.03 (1) (b); to amend 6.33 (1), 301.03 (3a) (intro.), 304.078 (2), 304.078 (3) and 973.176 (2); and to create 6.03 (1) (b) 1., 6.03 (1) (b) 2. and 6.03 (1) (b) 3. of the statutes; relating to: restoring the right to vote to a person barred from voting as a result of a felony conviction.

#### Analysis by the Legislative Reference Bureau



Under current law, when a person is barred from voting as the result of a felony conviction (a "disqualifying offense"), the person's right to vote can be restored through a pardon. Otherwise, it is restored upon completion of the sentence — including extended supervision or parole — or the term of probation imposed on the person who committed the offense.

Under this bill, a person loses his or her right to vote based on a disqualifying offense only while he or she is incarcerated for that offense. If the person is released to extended supervision or parole, he or she can resume voting. In addition, a person convicted of such an offense retains the right to vote if he or she is placed on probation. But if a person who committed a disqualifying offense is returned to prison after the revocation of extended supervision or parole or is sent to prison or

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a jail or house of correction after the revocation of probation, the person loses the right to vote until he or she is released.

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

**SECTION 1.** 6.03 (1) (b) of the statutes is renumbered 6.03 (1) (b) (intro.) and amended to read:

6.03 (1) (b) (intro.) Any person convicted of treason, felony, or bribery, unless the person's right to vote is restored through a pardon or under s. 304.078 (3). who has not been pardoned for the offense, if any of the following applies:

**SECTION 2.** 6.03 (1) (b) 1. of the statutes is created to read:

6.03 (1) (b) 1. The person is awaiting sentencing for the offense.

**Section 3.** 6.03 (1) (b) 2. of the statutes is created to read:

6.03 (1) (b) 2. The person has been sentenced to a term of imprisonment and the sentence has not yet commenced. This subdivision does not apply if the person's sentence has been stayed under s. 973.09 (1) (a).

**SECTION 4.** 6.03 (1) (b) 3. of the statutes is created to read:

6.03 (1) (b) 3. The person is incarcerated for the offense but is not on probation, parole, or extended supervision.

**SECTION 5.** 6.33 (1) of the statutes is amended to read:

6.33 (1) The board shall prescribe the format, size, and shape of registration forms. All forms shall be printed on cards and each item of information shall be of uniform font size, as prescribed by the board. The municipal clerk shall supply sufficient form to meet voter registration needs. The forms shall be designed to obtain from each applicant information as to name; date; residence location; citizenship; date of birth; age; the number of a valid operator's license issued to the

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elector under ch. 343 or the last 4 digits of the elector's social security account number; whether the applicant has resided within the ward or election district for at least 10 days; whether the applicant has been convicted of a felony for which he or she has not been pardoned, and if so, whether the applicant is incarcerated, or on parole, probation, or extended supervision on a full-time basis as a result of that conviction; whether the applicant is disqualified on any other ground from voting; and whether the applicant is currently registered to vote at any other location. The form shall include a space for the applicant's signature and the signature of any corroborating elector. The form shall include a space to enter the name of any special registration deputy under s. 6.26 or 6.55 (6) or inspector, municipal clerk, or deputy clerk under s. 6.55 (2) who obtains the form and a space for the deputy, inspector, clerk, or deputy clerk to sign his or her name, affirming that the deputy, inspector, clerk, or deputy clerk has accepted the form. The form shall include a space for entry of the ward and aldermanic district, if any, where the elector resides and any other information required to determine the offices and referenda for which the elector is certified to vote. The form shall also include a space where the clerk may record an indication of whether the form is received by mail, a space where the clerk may record an indication of the type of identifying document submitted by the elector as proof of residence under s. 6.34, whenever required, and a space where the clerk, for any applicant who possesses a valid voting identification card issued to the person under s. 6.47 (3), may record the identification serial number appearing on the voting identification card. Each county clerk shall obtain sufficient registration forms for completion by an elector who desires to register to vote at the office of the county clerk under s. 6.28 (4).

**Section 6.** 301.03 (3a) (intro.) of the statutes is amended to read:

301.03 (3a) (intro.) Subject to all of the following, design a form to provide
notice under ss. $302.117,973.09$ (4m), and s. $973.176$ (2) of ineligibility to vote under
s. 6.03 (1) (b):

**Section 7.** 302.117 of the statutes is repealed.

**Section 8.** 304.078 (1) of the statutes is repealed.

**Section 9.** 304.078 (2) of the statutes is amended to read:

304.078 (2) Except as provided in sub. (3), every A person who is convicted of a crime obtains a restoration of his or her civil rights, other than the right to vote, by serving out his or her term of imprisonment or otherwise satisfying his or her sentence. The certificate of the department or other responsible supervising agency that a convicted person has served his or her sentence or otherwise satisfied the judgment against him or her is evidence of that fact and that the person is restored to his or her civil rights. The department or other agency shall list in the person's certificate rights which have been restored and which have not been restored. Persons who served out their terms of imprisonment or otherwise satisfied their sentences prior to August 14, 1947, are likewise restored to their civil rights from and after September 25, 1959.

**Section 10.** 304.078 (3) of the statutes is amended to read:

304.078 (3) If a person is <u>has been</u> disqualified from voting under s. 6.03 (1) (b), his or her right to vote is restored when he or she completes the term of imprisonment or probation for the crime that led to the disqualification. The <u>3., the</u> department or, if the person is sentenced to a county jail or house of correction, the jailer, <u>as defined in s. 302.372 (1) (b)</u>, shall inform the person in writing at the time <u>and shall provide</u> a certificate as proof, when he or she is released from the prison, jail, or house of correction, that his or her right to vote is restored under this subsection.

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1	SECTION 11.	973 09 (	(4m) of	the statutes	is renealed
L	DECLION II.	310.03	TILL (TILE)	. me statutes	is repeated.

- 2 **Section 12.** 973.176 (2) of the statutes is amended to read:
  - 973.176 (2) VOTING. Whenever a court imposes a sentence or places a defendant on probation for a conviction that disqualifies the defendant from voting under s. 6.03 (1) (b), the court shall inform the defendant in writing that he or she may not vote in any election until his or her civil rights are restored released from the prison, jail, or house of correction where the sentence will be served. The court shall use the form designed by the department of corrections under s. 301.03 (3a) to inform the defendant, and the defendant and a witness shall sign the form.

#### SECTION 13. Initial applicability.

(1) The renumbering and amendment of section 6.03 (1) (b) of the statutes and the creation of section 6.03 (1) (b) 1., 2., and 3. of the statutes first apply to persons who are released to parole or extended supervision on the effective date of this subsection and to persons who are placed on probation on the effective date of this subsection.

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(END)

SECTION # Dondardory Discussion

(1) The department of corrections shall as soon as reasonably possible but no later than 6 months after the effective date of this subsection, mail to each person on parole, extended supervision, or probation, who was released to parole for extended supervision, or placed on probation; before the effective date of this subsection; notice that the person's right to vote is restored.

#### **Duerst, Christina**

From:

Whitmore, Lori

Sent:

Tuesday, January 16, 2007 12:27 PM

To:

LRB.Legal

Subject:

Draft Review: LRB 07-1404/2 Topic: Restore voting rights for people barred from

voting due to probation, parole, or extended supervision

Please Jacket LRB 07-1404/2 for the ASSEMBLY.