

2007 DRAFTING REQUEST

Bill

Received: **09/15/2006**

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **Fred Risser (608) 266-1627**

By/Representing: **Terry Tuschen**

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

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Elections - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Risser@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Primary voting extended to certain 17-year olds

Instructions:

Per attached E mail, 9/11/06.

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 10/30/2006	kfollett 11/01/2006		_____			
/1			rschlue 11/01/2006	_____	lparisi 11/01/2006	sbasford 12/07/2006	

FE Sent For: *None*

<END>

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1/?/1

jkuesel
10/30/06

11/10/06
11/11/06

[Handwritten signature]

[Handwritten signature]
10-1-06
20 <END>

FE Sent For:

Kuesel, Jeffery

From: Tuschen, Terry
Sent: Wednesday, September 13, 2006 10:44 AM
To: Kuesel, Jeffery
Subject: RE: Risser Drafting request

Hi Jeff, thanks for clarifying that. Sounds good and I'll let Fred know too.
Terry

From: Kuesel, Jeffery
Sent: Tuesday, September 12, 2006 4:11 PM
To: Tuschen, Terry
Subject: RE: Risser Drafting request

Terry,

A simple statutory change is all that is required. You will not need a constitutional amendment. You will, however, need the referendum to ratify the change at the next general election. I will enter the drafting request.

Jeffery Kuesel

*Managing Attorney
Wisconsin Legislative Reference Bureau
P.O.Box 2037
Madison WI 53701-2037
(608) 266-6778
jeffery.kuesel@legis.state.wi.us*

From: Tuschen, Terry
Sent: Tuesday, September 12, 2006 1:33 PM
To: Kuesel, Jeffery
Cc: Tuschen, Terry
Subject: RE: Risser Drafting request

Hi Jeff, go ahead and prepare it as a proposed constitutional amendment and, yes, have it apply to any general election that is preceded by an primary. Fred didn't think ratification was needed but upon further reading of the sections you noted, I see your point. Would you also put together some drafters notes outlining why a simple statutory change isn't enough to implement the 17 year old primary voter law?

Thanks again,

Terry

From: Kuesel, Jeffery
Sent: Monday, September 11, 2006 2:50 PM
To: Tuschen, Terry
Subject: RE: Risser Drafting request

Terry,

I can do the draft, but under art. III, secs. 1 and 2 (intro.) and (5) of the Wisconsin Constitution, it would require approval by the voters at the 2008 general election before it is implemented. I assume you would not only apply it to the general election, but to every election that is preceded by a primary election.

Jeffery Kuesel

*Managing Attorney
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Madison WI 53701-2037
(608) 266-6778*

jeffery.kuesel@legis.state.wi.us

From: Tuschen, Terry
Sent: Monday, September 11, 2006 11:42 AM
To: Kuesel, Jeffery
Cc: Tuschen, Terry
Subject: Risser Drafting request
Importance: High

Hi Jeff, Senator Risser would like a draft whipped up to allow 17 year olds to vote in a primary election provided they turn 18 before the date of the next general election. I read about this in a recent NCSL State Legislatures Magazine, and checked it out, there are at least seven states that already do this. Fred likes the idea and asked me to get it drafted. I have attached a copy of the relevant language from the state of Maine for reference.

Can do? Or any thoughts, let me know, and thanks much in advance.

Terry

Title 21-A: ELECTIONS
Chapter 3: VOTER REGISTRATION
Subchapter 2: VOTER ELIGIBILITY

§111-A. Voting age qualification for primary elections

A person who has not yet reached 18 years of age but will be 18 years of age at the time of a general election and meets all other qualifications in order to vote in a primary election may vote in the primary election for the selection of candidates to be on the ballot at that general election. [2005, c. 387, §2 (amd).]

Terry Tuschen
Office of State Senator Fred Risser
123 South, State Capitol
Madison, WI 53702
608.266.1627
Terry.Tuschen@legis.state.wi.us

Date (time) needed

wanted soon

LRB - 0223, 1

JTK:kjf

BILL

Use the appropriate components and routines developed for bills.

Gen

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: *extension of the right to vote to certain 17-year-old persons and providing for a referendum* (D)

[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**

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

SECTION #.

**2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0223/1ins2
JTK.....

Currently, in addition to other qualifications, an elector of this state must have attained the age of 18 years in order to be eligible to vote in an election in this state.

This bill provides that, in addition, if an individual is 17 years of age on the date of the primary for an election to be held on a date on which the individual will be 18 years of age, the individual is eligible to vote in the primary.

X
X Because this bill extends the right of suffrage to a class of persons beyond the class that is currently entitled to vote under the Wisconsin constitution, if the bill is enacted, the enactment will be submitted for the approval of the electors at a statewide referendum to be held at the November 2008 general election. If the enactment is approved at that referendum, it becomes law on January 1, 2009. If the enactment is not approved at that referendum, it is of no effect. DD

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0223/lins
JTK.....

SECTION 1. 5.02 (16g) of the statutes is amended to read:

X 5.02 (16g) "Qualified circulator" means a qualified elector of this state or any U.S. citizen age 18 or older, or age 17 on the date of a primary for an election to be held on a date on which the elector will be age 18, who, if he or she were a resident of this state, would not be disqualified from voting under s. 6.03.

History: 1971 c. 211; 1971 c. 304 ss. 2, 29 (2); 1973 c. 280, 334; 1975 c. 93; 1977 c. 107, 187, 394; 1977 c. 427 ss. 3 to 14; 1977 c. 449; 1979 c. 32, 89, 221; 1979 c. 260 ss. 1m, 73 to 75; 1979 c. 311, 328; 1981 c. 4, 391; 1983 a. 484 ss. 5, 5c, 124m, 128; 1985 a. 303; 1985 a. 304 ss. 1m, 2, 155; 1987 a. 391 ss. 1 to 1r, 66w; 1989 a. 31; 1991 a. 5; 1993 a. 140, 184; 1995 a. 16 s. 2; 1995 a. 27 s. 9145 (1); 1995 a. 219; 1997 a. 35; 2001 a. 16, 109; 2003 a. 24, 265; 2005 a. 177, 451.

SECTION 2. 6.02 (1) of the statutes is amended to read:

6.02 (1) Every U.S. citizen age 18 or older, or age 17 on the date of a primary for an election to be held on a date on which the citizen will be age 18, who has resided in an election district or ward for 10 days before any election where the citizen offers to vote is an eligible elector.

History: 1971 c. 304 s. 29 (2); 1971 c. 336 s. 37; 1975 c. 85 ss. 5, 66 (3); 1977 c. 394; 1991 a. 316.

SECTION 3. 6.02 (2) of the statutes is amended to read:

6.02 (2) Any U.S. citizen age 18 or older, or age 17 on the date of a primary for an election to be held on a date on which the citizen will be age 18, who moves within this state later than 10 days before an election shall vote at his or her previous ward or election district if the person is otherwise qualified. If the elector can comply with the 10-day residence requirement at the new address and is otherwise qualified, he or she may vote in the new ward or election district.

History: 1971 c. 304 s. 29 (2); 1971 c. 336 s. 37; 1975 c. 85 ss. 5, 66 (3); 1977 c. 394; 1991 a. 316.

SECTION 4. 6.05 of the statutes is amended to read:

X **6.05 Election day age determines elector's voting rights.** Any person who will be at least 18 years old on or before election day is entitled to vote at an election if the person is otherwise qualified to vote and the person complies with this chapter. Any person who is 17 years old on the date of a primary for an election to

be held on a date on which the person will be 18 years old is entitled to vote at the primary if the person is otherwise qualified to vote and the person complies with this chapter.

History: 1971 c. 336 s. 37; 1981 c. 390 s. 252; 1991 a. 316.

SECTION 5. 6.22 (6) of the statutes is amended to read:

6.22 (6) MILITARY ELECTOR LIST. Each municipal clerk shall keep an up-to-date list of all eligible military electors who reside in the municipality; city clerks shall keep the lists by wards. The list shall contain the name, latest-known military residence and military mailing address of each military elector. The list shall indicate whether each elector whose name appears on the list is a military elector, as defined in s. 6.36 (2) (c), and has so certified under s. 6.865 (3m). All persons ~~over~~ who are at least 18 years of age or who will be 18 years old prior to of age on the date of an election, or if voting in a primary for an election, who will be 18 years of age on the date of the election that follows the primary, shall be listed and remain on the list for the duration of their tour of duty. The list shall be kept current through all possible means. Each clerk shall exercise reasonable care to avoid duplication of names or listing anyone who is not eligible to vote. Each clerk shall distribute 2 copies of the list to the appropriate ward in the municipality for use on election day.

History: 1971 c. 304 s. 29 (2); 1971 c. 336 s. 37; 1973 c. 334 s. 57; 1975 c. 85 ss. 10, 66 (3); 1977 c. 394; 1979 c. 89, 311; 1981 c. 391; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 192; 1995 a. 313; 1999 a. 182; 2001 a. 16; 2005 a. 149, 451.

SECTION 6. 6.24 (1) of the statutes is amended to read:

6.24 (1) DEFINITION. In this section, "overseas elector" means a U.S. citizen who is not disqualified from voting under s. 6.03, who has attained or will attain the age of 18 by the date of an election at which the citizen proposes to vote, or if voting in a primary for an election, who will have attained the age of 18 by the date of the election that follows the primary, and who does not qualify as a resident of this state under s. 6.10, but who was last domiciled in this state or whose parent was last

domiciled in this state immediately prior to the parent's departure from the United States, and who is not registered to vote or voting in any other state, territory or possession.

History: 1977 c. 394; 1979 c. 260, 311; 1985 a. 304; 1987 a. 391; 1989 a. 192; 1995 a. 313; 1997 a. 35; 1999 a. 182 ss. 68 to 75m, 224; 2001 a. 16; 2003 a. 24, 265; 2005 a. 451.

SECTION 7. 6.28 (2) (b) of the statutes is amended to read:

6.28 (2) (b) The municipal clerk of each municipality shall notify the school board of each school district in which the municipality is located that high schools shall be used for registration pursuant to par. (a). The school board and the municipal clerk shall agree upon the appointment of at least one qualified elector at each high school as a special school registration deputy. The municipal clerk shall appoint such person as a school registration deputy and explain the person's duties and responsibilities. Students and staff may register at the high school on any day that classes are regularly held. The school registration deputies shall promptly forward properly completed registration forms to the municipal clerk of the municipality in which the registering student or staff member resides. The municipal clerk, upon receiving such registration forms, shall add all those registering electors who have met the registration requirements to the registration list. The municipal clerk may reject any registration form and shall promptly notify the person whose registration is rejected of the rejection and the reason therefor. A person whose registration is rejected may reapply for registration if he or she is qualified. The form of each high school student who is qualified and will be eligible to vote at the next election shall be filed in such a way that the student's name is added to the registration list when the student attains the age of 18 years, the student is registered to vote automatically for the age of 17 years if the student is initially eligible to vote in a primary for an election to be held on a date on which the

X
X

plain

student will have attained the age of 18 years. Each school board shall assure that the principal of every high school communicates elector registration information to students.

History: 1971 c. 304 s. 29 (2); 1973 c. 166, 225, 334; 1975 c. 85, 199; 1977 c. 378, 394, 447; 1979 c. 32; 1981 c. 44 s. 3; 1981 c. 202 s. 23; 1983 a. 484; 1985 a. 304; 1989 a. 31, 192; 1991 a. 221; 1999 a. 49, 182; 2001 a. 38, 51; 2003 a. 265; 2005 a. 451.

SECTION 8. 6.94 of the statutes is amended to read:

6.94 Challenged elector oath. If the person challenged refuses to answer fully any relevant questions put to him or her by the inspector under s. 6.92, the inspectors shall reject the elector’s vote. If the challenge is not withdrawn after the person offering to vote has answered the questions, one of the inspectors shall administer to the person the following oath or affirmation: “You do solemnly swear (or affirm) that: you are at least 18 years of age, or if voting in a primary for an election to be held on a date that you will be 18 years of age, that you are 17 years of age and will be 18 years of age on the date of the election that follows the primary; you are a citizen of the United States; you are now and for 10 days have been a resident of this ward except under s. 6.02 (2); you have not voted at this election; you have not made any bet or wager or become directly or indirectly interested in any bet or wager depending upon the result of this election; you are not on any other ground disqualified to vote at this election”. If the person challenged refuses to take the oath or affirmation, the person’s vote shall be rejected. If the person challenged answers fully all relevant questions put to the elector by the inspector under s. 6.92, takes the oath or affirmation, and fulfills the applicable registration requirements, and if the answers to the questions given by the person indicate that the person meets the voting qualification requirements, the person’s vote shall be received.

History: 1971 c. 304 s. 29 (2); 1971 c. 336 s. 37; 1975 c. 85 ss. 45, 66 (3); 1977 c. 394 s. 54; 1983 a. 484; 2003 a. 265.

SECTION 9. 7.52 (6) (b) of the statutes is amended to read:

7.52 (6) (b) Any elector may challenge for cause any absentee ballot. For the purpose of deciding upon ballots that are challenged for any reason, the board of absentee ballot canvassers may call before it any person whose absentee ballot is challenged if the person is available to be called. If the person challenged refuses to answer fully any relevant questions put to him or her by the board of absentee ballot canvassers under s. 6.92, the board of absentee ballot canvassers shall reject the person's vote. If the challenge is not withdrawn after the person offering to vote has answered the questions, one of the members of the board of absentee ballot canvassers shall administer to the person the following oath or affirmation: "You do solemnly swear (or affirm) that: you are at least 18 years of age, or if voting in a primary for an election to be held on a date that you will be at 18 years of age, that you are 17 years of age and will be 18 years of age on the date of the election that follows the primary; you are a citizen of the United States; you are now and for 10 days have been a resident of this ward except under s. 6.02 (2), stats.; you have not voted at this election; you have not made any bet or wager or become directly or indirectly interested in any bet or wager depending upon the result of this election; you are not on any other ground disqualified to vote at this election." If the person challenged refuses to take the oath or affirmation, the person's vote shall be rejected. If the person challenged answers fully all relevant questions put to the elector by the board of absentee ballot canvassers under s. 6.92, takes the oath or affirmation, and fulfills the applicable registration requirements, and if the answers to the questions given by the person indicate that the person meets the voting qualification requirements, the person's vote shall be received.

History: 2005 a. 451.

SECTION 10. 8.15 (4) (a) of the statutes is amended to read:

8.15 (4) (a) The certification of a qualified circulator stating his or her residence with street and number, if any, shall appear at the bottom of each nomination paper, stating he or she personally circulated the nomination paper and personally obtained each of the signatures; he or she knows they are electors of the ward, aldermanic district, municipality or county, as the nomination papers require; he or she knows they signed the paper with full knowledge of its content; he or she knows their respective residences given; he or she knows each signer signed on the date stated opposite his or her name; and, that he or she, the circulator, is a qualified elector of this state, or if not a qualified elector of this state, is a U.S. citizen age 18 or older, or age 17 on the date of a primary for an election to be held on a date on which the elector will be age 18, who, if he or she were a resident of this state, would not be disqualified from voting under s. 6.03, Wis. stats.; that he or she intends to support the candidate; and that he or she is aware that falsifying the certification is punishable under s. 12.13 (3) (a), Wis. stats. The circulator shall indicate the date that he or she makes the certification next to his or her signature. The certification may be made by the candidate or any qualified circulator.

History: 1971 c. 304 ss. 13, 29 (1), (2); 1973 c. 334 s. 57; 1977 c. 107, 427; 1979 c. 249, 260, 311; 1983 a. 29, 484; 1985 a. 304; 1989 a. 31; 1993 a. 140, 213, 266; 1999 a. 182; 2001 a. 109; 2005 a. 451.

SECTION 11. 8.40 (2) of the statutes is amended to read:

8.40 (2) The certification of a qualified circulator stating his or her residence with street and number, if any, shall appear at the bottom of each separate sheet of each petition specified in sub. (1), stating that he or she personally circulated the petition and personally obtained each of the signatures; that the circulator knows that they are electors of the jurisdiction or district in which the petition is circulated; that the circulator knows that they signed the paper with full knowledge of its content; that the circulator knows their respective residences given; that the

circulator knows that each signer signed on the date stated opposite his or her name; that the circulator is a qualified elector of this state, or if not a qualified elector of this state, that the circulator is a U.S. citizen age 18 or older, or age 17 on the date of a primary for an election to be held on a date on which the elector will be age 18 who, if he or she were a resident of this state, would not be disqualified from voting under s. 6.03, Wis. stats.; and that the circulator is aware that falsifying the certification is punishable under s. 12.13 (3) (a). The circulator shall indicate the date that he or she makes the certification next to his or her signature.

History: 1989 a. 192; 1997 a. 35; 1999 a. 182; 2001 a. 109; 2005 a. 451.

SECTION 12. Nonstatutory provisions.

(1) There shall be submitted to the vote of the electors at the general election to be held in November 2008 the following question: "Shall 2007 Wisconsin Act ... (this act), which extends the right to vote in a primary for an election that is held on a date on which a person will be 18 years old if the person is 17 years old on the date of the primary, become effective on January 1, 2009?". If the question is approved by a majority of all votes cast on the question at the election, this act shall become law; otherwise, this act shall not take effect.

SECTION 13. Effective date.

(1) This act takes effect on January 1, 2009, if the condition set forth in SECTION 12 of this act is satisfied.

(END)

Duerst, Christina

From: Tuschen, Terry
Sent: Thursday, December 07, 2006 10:36 AM
To: LRB.Legal
Subject: Draft Review: LRB 07-0223/1 Topic: Primary voting extended to certain 17-year olds

Please Jacket LRB 07-0223/1 for the SENATE.