

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2499/4dn
CMH:wlj:jf

April 30, 2009

Cindy:

Please review s. 6.03 (1) (b). Note that the section allows persons participating in a work release program under s. 303.065 to vote. Please ensure that you intend that these persons be eligible and that the work release program is the only release program that will restore eligibility to vote. I did not include “incarcerated on a full-time basis” because that term does not exist in the statutes currently and it is not clear what it means. For instance, s. 303.065 (1) permits the department to “grant work release privileges to any person incarcerated within the state prisons”; it does not indicate that the person is no longer incarcerated on a full-time basis. To ensure your intent is met, we should spell out under what conditions a person, who may be considered incarcerated by some, should not be considered “incarcerated” for voting purposes. Is that OK?

On a similar theme, please note that the bill prohibits from voting persons confined as a condition of probation, but I added an exception if the court grants release privileges. These privileges are broader than the work release privileges. Is that OK? Or did you intend that persons confined as a condition of probation be eligible to vote no matter the conditions of probation?

Please review s. 304.078 (3) (c), which is created in this bill. I think you want to provide written notice of the right to vote to persons who are participating in a work release program. But, unlike other restorations of the right to vote, this restoration is temporary. (Even if it lasts throughout the period of incarceration, it would end at release.) So that notice provision is a little different—is that OK?

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