

2009 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB895)

Received: 04/02/2010

Received By: **jkuesel**

Wanted: **Soon**

Companion to LRB:

For: **Jeff Smith (608) 266-0660**

By/Representing: **Andrea Wahl**

May Contact:

Drafter: **jkuesel**

Subject: **Elections - miscellaneous**

Addl. Drafters: **agary**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Smith@legis.wisconsin.gov**

Carbon copy (CC:) to: **Paul.Onsager@legis.wisconsin.gov**
Adam.Plotkin@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

ASA to AB-895

Instructions:

Per E mails, 4/2/10.

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>
/?							
/P1	jkuesel 04/04/2010	csicilia 04/04/2010	phenry 04/05/2010	_____	mbarman 04/05/2010	mbarman 04/05/2010	
	jkuesel 04/05/2010		phenry 04/05/2010	_____	mbarman 04/05/2010		
				_____	mbarman 04/05/2010		
/P2	jkuesel	csicilia		_____			

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	04/06/2010	04/06/2010		_____			
/1			rschluet	_____	lparisi	lparisi	
			04/06/2010	_____	04/06/2010	04/06/2010	

FE Sent For:

<END>

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fixed (added)

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/?							
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	jkuesel 04/05/2010		phenry 04/05/2010	_____	mbarman 04/05/2010		
/1	jkuesel 4/6/10	1 jcs 4/6/10		_____	_____ 04/05/2010		

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Paul Orsage - LTB - 1
Adam Prothin - Sen Cogg's
Office - 1

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/?							
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	jkuesel 04/05/2010		phenry 04/05/2010	_____	_____ 04/05/2010		

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office - 1**

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/?		<i>PR 4/5 jld</i>					
/P1	jkuesel	csicilia	phenry	_____			
	04/04/2010	04/04/2010	04/05/2010	_____			
	jkuesel			_____			

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12/1	jkuesel 4/4/10	CJS 4/4 /PI	4/5 ph	4/5 ph/BJC			S&L Crime

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/?	jkuesel		4/ 2 plf compite	_____			

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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

50392

COMPILE

LRB-4531/1

+

LRB-2824/3 ~~2~~^d

Sorted Item List

<u>Store File Name</u>	<u>Text</u>
-4531.1	5.05 (1) (e) of the statutes is amended to read:
-4531.2	5.05 (1) (f) of the statutes is amended to read:
-4531.3	5.05 (13) (title) of the statutes is amended to read:
-4531.4	5.05 (13) (c) and (d) of the statutes are created to read:
-4531.5	5.05 (16) of the statutes is created to read:
-2824.1	✓ [5.056 of the statutes is amended to read: ✓
-4531.6	✓ [5.056 of the statutes is amended to read: ✓
-4531.7	5.06 (2) of the statutes is amended to read:
-4531.8	5.07 of the statutes is renumbered 5.07 (1).
-4531.9	5.07 (2) of the statutes is created to read:
-4531.10	OK [5.25 (4) (b) of the statutes is amended to read:
-4531.11	OK [5.25 (4) (c) of the statutes is created to read:
-4531.12	5.34 of the statutes is created to read:
-4531.13	5.35 (6) (a) (intro.) of the statutes is amended to read:
-4531.14	5.35 (6) (a) 4c. of the statutes is created to read:
-4531.15	5.35 (6) (a) 5. of the statutes is amended to read:
-4531.16	5.35 (6) (b) of the statutes is amended to read:
-4531.17	5.35 (6) (c) of the statutes is amended to read:
-4531.18	5.35 (6) (d) of the statutes is created to read:
-4531.19	5.84 (1) of the statutes is amended to read:
-4531.20	6.22 (2) (e) of the statutes is created to read:
-4531.21	6.22 (4) (a) of the statutes is amended to read:
-4531.22	6.22 (4) (e) of the statutes is amended to read:
-4531.23	6.22 (6) of the statutes is amended to read:
-4531.24	6.221 (1) of the statutes is amended to read:
-4531.25	6.221 (3) (b) of the statutes is amended to read:
-4531.26	6.24 (4) (c) of the statutes is amended to read:
-4531.27	6.24 (4) (e) of the statutes is created to read:
-4531.28	6.25 (1) of the statutes is amended to read:
-4531.29	6.25 (4) (intro.), (a) and (b) of the statutes are consolidated, renumbered 6.25 (4) and amended to read:

- 4531.30 6.256 of the statutes is created to read:
- 2824.2 6.275 (1) (b) of the statutes is amended to read: || *check flex*
- 4531.31 6.275 (1) (c) of the statutes is amended to read: || ✓
- 4531.32 6.275 (1) (d) of the statutes is amended to read: || ✓
- 2824.3 ✓ [6.28 (1) of the statutes is amended to read: || ✓
- 4531.33 [6.28 (1) of the statutes is amended to read: || ✓
- 4531.34 6.28 (4) of the statutes is amended to read:
- 4531.35 6.29 (1) of the statutes is amended to read:
- 4531.36 6.29 (2) (a) of the statutes is amended to read:
- 4531.37 6.29 (2) (b) of the statutes is amended to read:
- 4531.38 6.29 (2) (d) of the statutes is amended to read:
- 4531.39 6.29 (2) (e) of the statutes is created to read:
- 2824.4 6.30 (5) of the statutes is created to read:
- 2824.5 6.32 (1) of the statutes is amended to read:
- 2824.6 6.33 (1) of the statutes is amended to read:
- 2824.7 6.33 (2) (a) of the statutes is amended to read:
- 4531.40 6.33 (5) (a) of the statutes is amended to read:
- 2824.8 ✓ [6.34 (2) of the statutes is amended to read: || ✓
- 4531.41 [6.34 (2) of the statutes is amended to read: || ✓
- 2824.9 6.34 (2m) of the statutes is created to read: || ✓
- 4531.42 6.34 (2n) of the statutes is created to read: || ✓
- 4531.43 6.34 (3) (a) 7. of the statutes is amended to read:
- 4531.44 6.34 (3) (b) (intro.) of the statutes is amended to read:
- 4531.45 6.34 (3) (d) of the statutes is created to read:
- 2824.10 ✓ [6.34 (4) of the statutes is created to read: || ✓
- 4531.46 [6.34 (4) of the statutes is created to read: || ✓
- 2824.11 6.35 (1) (intro.) of the statutes is amended to read:
- 2824.12 6.35 (2) of the statutes is created to read:
- 4531.47 6.36 (1) (a) of the statutes is amended to read:
- 4531.48 6.36 (1) (b) 1. a. of the statutes is amended to read:
- 4531.49 6.36 (1) (bm) of the statutes is created to read:
- 4531.50 6.36 (2) (a) of the statutes is amended to read:
- 2824.13 ✓ [6.36 (2) (c) of the statutes is amended to read: || ✓
- 4531.51 ✓ [6.36 (2) (c) of the statutes is amended to read: || ✓

-2824.14	6.40 (1) (a) 1. of the statutes is amended to read:
-2824.15	6.40 (1) (c) of the statutes is amended to read:
-2824.16	6.50 (10) of the statutes is amended to read:
-4531.52	6.54 of the statutes is amended to read:
-4531.53	6.55 (title) of the statutes is amended to read:
-4531.54	6.55 (2) (a) 1. of the statutes is amended to read:
-4531.55	6.55 (2) (b) of the statutes is amended to read:
-4531.56	6.55 (2) (c) 1. and 2. of the statutes are amended to read:
-4531.57	6.55 (2) (cs) of the statutes is amended to read:
-4531.58	6.55 (5) of the statutes is amended to read:
-4531.59	6.79 (4) of the statutes is amended to read:
-4531.60	6.855 (title) of the statutes is amended to read:
-4531.61	6.855 (1) of the statutes is amended to read:
-4531.62	6.855 (2) of the statutes is amended to read:
-4531.63	6.86 (1) (a) (intro.) of the statutes is amended to read:
-4531.64	6.86 (1) (a) 3. of the statutes is amended to read:
-4531.65	6.86 (1) (a) 3. of the statutes, as affected by 2009 Wisconsin Act (this act), is repealed and recreated to read:
-4531.66	6.86 (1) (ab) of the statutes is created to read:
-4531.67	6.86 (1) (ac) of the statutes is amended to read:
-4531.68	6.86 (1) (ad) of the statutes is created to read:
-4531.69	6.86 (1) (b) of the statutes is amended to read:
-4531.70	6.86 (1) (b) of the statutes, as affected by 2009 Wisconsin Act(this act), is amended to read:
-4531.71	6.86 (1) (c) of the statutes is amended to read:
-4531.72	6.86 (2) of the statutes is repealed.
-4531.73	6.86 (2m) of the statutes is renumbered 6.86 (2m) (a) and amended to read:
-4531.74	6.86 (3) (a) of the statutes is amended to read:
-2824.17	6.86 (3) (c) of the statutes is amended to read:
-4531.75	6.86 (3) (c) of the statutes is amended to read:
-4531.76	6.86 (3) (d) of the statutes is created to read:
-4531.77	6.865 (title) of the statutes is amended to read:
-4531.78	6.865 (3) of the statutes is repealed.
-4531.79	6.865 (3m) (a) of the statutes is amended to read:

-4531.80 6.865 (3m) (b) of the statutes is amended to read:
-4531.81 6.865 (3m) (c) of the statutes is repealed.
-4531.82 6.868 of the statutes is created to read:
-4531.83 6.869 of the statutes is amended to read:
-4531.84 6.87 (2) (intro.) of the statutes is amended to read:
-4531.85 6.87 (2m) of the statutes is created to read:
-4531.86 6.87 (3) (d) of the statutes is amended to read:
-2824.18 ✓ [6.87 (4) of the statutes is amended to read: || ✓
-4531.87 [6.87 (4) of the statutes is amended to read: || ✓
-4531.88 6.87 (9) of the statutes is amended to read:
-4531.89 6.875 (3) of the statutes is amended to read:
-4531.90 6.875 (4) (a) of the statutes is amended to read:
-4531.91 6.875 (6) (c) 1. of the statutes is amended to read:
-4531.92 6.88 (3) (b) of the statutes is amended to read:
-4531.93 6.88 (3) (c) of the statutes is amended to read:
-4531.94 6.925 of the statutes is amended to read:
-4531.95 6.93 of the statutes is amended to read:
-4531.96 7.08 (1) (c) of the statutes is amended to read: || ✓
-2824.19 7.08 (1) (cm) of the statutes is created to read: || ✓
-4531.97 7.08 (3) (d) to (g) of the statutes are created to read:
-4531.98 7.08 (12) of the statutes is created to read:
-4531.99 7.08 (13) of the statutes is created to read:
-4531.100 7.10 (11) of the statutes is created to read:
-4531.101 7.15 (1) (cm) of the statutes is amended to read:
-4531.102 7.15 (1) (j) of the statutes is amended to read:
-4531.103 7.15 (2m) of the statutes is amended to read:
-4531.104 7.15 (4) of the statutes is amended to read:
-4531.105 7.15 (15) of the statutes is created to read:
-4531.106 7.41 (4) of the statutes is amended to read:
-4531.107 7.51 (3) (d) of the statutes is amended to read:
-4531.108 7.52 (3) (b) of the statutes is amended to read:
-4531.109 7.52 (4) (i) of the statutes is amended to read:
-4531.110 7.52 (5) of the statutes is renumbered 7.52 (5) (a) and amended to read:
-4531.111 7.52 (6) (a) of the statutes is renumbered 7.52 (6) and amended to read:

- 4531.112 7.52 (6) (b) of the statutes is renumbered 7.52 (5) (b) and amended to read:
- 4531.113 9.01 (1) (b) 2. of the statutes is amended to read:
- 4531.114 10.01 (2) (e) of the statutes is amended to read:
- 4531.115 12.09 (1) and (3) of the statutes are amended to read:
- 4531.116 12.13 (1) (b) of the statutes is amended to read:
- 4531.117 12.13 (1) (c) of the statutes is amended to read:
- 4531.118 12.13 (1) (d) of the statutes is amended to read:
- 4531.119 12.13 (2) (b) 3. of the statutes is amended to read:
- 4531.120 12.17 of the statutes is created to read:
- 4531.121 12.19 of the statutes is created to read:
- 4531.122 12.60 (1) (a) of the statutes is amended to read:
- 4531.123 12.60 (1) (am) of the statutes is created to read:
- 4531.124 12.60 (1) (an) of the statutes is created to read:
- 4531.125 12.60 (1) (ap) of the statutes is created to read:
- 4531.126 12.60 (1) (bn) of the statutes is created to read:
- 4531.127 12.60 (4) of the statutes is amended to read:
- 4531.128 19.685 of the statutes is created to read:
- 2824.20 || 85.61 (1) of the statutes is amended to read: ||
- 4531.129 || 85.61 (1) of the statutes is amended to read: || ✓
- 4531.130 939.50 (3) (d) of the statutes is amended to read:
- 4531.131 939.50 (3) (e) of the statutes is amended to read:
- 2824.21 Nonstatutory provisions.
- 2824.22 Fiscal changes.
- 2824.23 Initial applicability.
- 4531.132 Nonstatutory provisions.
- 4531.133 Initial applicability.
- 4531.134 Effective dates. This act takes effect on the day after publication, except as follows:

Kuesel, Jeffery

To: Wahl, Andrea
Subject: RE: LRBs0392/1 (ASA to AB-895)

cell/#(608) 669-1271

Andrea,

This will confirm we have your instructions. I will check all instructions against my notes.

Jeff Kuesel

From: Wahl, Andrea
Sent: Friday, April 02, 2010 2:39 PM
To: Plotkin, Adam; Murray, Mike; Bauer Jr., Jere; Onsager, Paul
Cc: Kuesel, Jeffery; Karls-Ruplinger, Jessica; Mautz, Kelly; Whitesel, Russ; Wavrunek, Glenn; Kuhn, Jamie
Subject: sub instructions

Hello all,

Below are the drafting instructions we sent to Jeff Kuesel per the election reform bill.

Drafting Instructions for Sub

- ✓ 1. Expand the relating clause to explicitly describe each provision of the bill
- ✓ 2. Add Rep. Berceau's bill, AB 892, with her introduced simple amendment
- ✓ 3. Allow GAB to share information with Pew's proposed national database (not officially online, but would be called "ERIC") "GAB may enter into agreements with . . . as it sees necessary to facilitate registration of eligible electors".
- ARC 4. Allow, if applicable, sharing of information received by GAB from DOT to ERIC
- ✓ 5. On pg. 16, move #7 so it doesn't trigger private cause of action suits (i.e., prevent frivolous claims relating to election equipment)
- ARC 6. Allow DOT to get name history (currently allowed to get address history), and also authorize them to verify information as GAB is authorized to do
- ✓ 7. Direct GAB to set up an automatic notification system for eligible electors when their information is awaiting confirmation.
- ✓ 8. Changes to the permanent absentee provision
 - a. Direct GAB to provide a report for how we can minimize postal expenses and offer ballot recommendations to clerks; Due to legislature by January 1, 2010
 - b. Require clerks to remove people from lists if they miss two consecutive elections, rather than one
- ✓ 9. Put application and certificate statement on in-person absentee ballot envelope and require clerk initial
- H 10. Remove hardship request language on pg. 70 (We are holding this drafting request until I have spoken to Kevin Kennedy)
- ✓ 11. Amend language of pg. 71 regarding the instructions the Board must provide "method by which the state will" instead of "timeline used by this state for the absentee voting process and the feasibility of making

adjustments to". This will have the effect of requiring the state to comply with the federal MOVE act requiring ballots be sent out 45 days in advance. Ultimately, the legislature will have to move the date of the fall primary back. Since hardship waivers will only be granted for the 2010 election, this is a necessary change.

- ✓ 12. pg. 21, allow requests to be received by Dec. 31st of year instead of calendar year. This allows more opportunities for overseas voters to vote.
- ✓ 13. Require proof of residence for first time registrants who are registering and requesting absentee ballots in person (This fixes the current "gap" that moving the start of in-person absentee to 21 days creates).
- ✓ 14. Allow Election Day workers to come from the county (~~We are verifying with Rep. Kessler that there doesn't need to be an exemption for counties with over 500,000 population to be from aldermanic districts).~~
- ✓ 15. Require election day challengers be from the county (~~We are verifying with Rep. Kessler that he is OK with an exemption for~~), apply statewide. Exemption in 1st class cities challenged *not be a resident of same aldermanic district as challenged elector.*
- ✓ 16. Any expenditure under this bill will be subject to 13.10 JFC 14 day passive review
- ✓ 17. Add technical colleges to list of agencies that GAB will explore data sharing with
- ✓ 18. On pg. 13 lines 15 and 18, need to add "The Board shall. . ."
- ✓ 19. On pg. 25, line 12 add "or clerk" to allow people to opt-out at clerk's office as well as with GAB; line 13 change to "in"
- ALG 20. Require DMV to ask people if they want info used to register and provide opt-out opportunity

✓ We are also considering adding a statutory change to 20.511 (1) (b) to allow municipalities reimbursement for costs associated with permanent mail-in absentee ballots, with a possible specified amount carved out for that purpose.

If any of these items are unclear, or if anyone sees that I have missed something, please let me know.

Thanks!

Andrea Wahl
Office of Representative Jeff Smith
93rd Assembly District
608-266-0660

✓ 20.511(1)(b) permit reimbursement for municipalities that incur expenses for permanent absentee list (not military + overseas electors)

Kuesel, Jeffery

From: Wahl, Andrea
Sent: Friday, April 02, 2010 4:05 PM
To: Kuesel, Jeffery
Subject: FW: Sub to election bill

From: Little, Sharon
Sent: Friday, April 02, 2010 3:36 PM
To: Rep.Smith
Cc: Wahl, Andrea
Subject: RE: Sub to election bill

I just talked to Fred and he is okay with the changes.

From: Rep.Smith
Sent: Friday, April 02, 2010 1:32 PM
To: Rep.Kessler
Cc: Little, Sharon; Wahl, Andrea
Subject: Sub to election bill

Fred,

I have spoken to Adam in Sen. Coggs office, who had a conversation with Sue Edman regarding a couple of changes to the election reform bill. I've touched base with you on these items, but I just wanted to verify that you are OK with these changes.

✓ First, we are going to add a provision regarding residency of Election Day officials to allow them to come from the county, which would expand current law that says that they must reside from the election ward or district. We had originally discussed an exemption for Milwaukee, but when Adam spoke to Sue, it sounded like she would like that flexibility in Milwaukee as well. Based on conversations I and Sen. Coggs have had with you, we understand that you are comfortable including a provision in this bill to allow election day officials to come from the county in which they reside, without any exemptions.

✓ Second, the bill currently includes a provision regarding the residency of Election Day challengers. As is written, Election Day challengers must come from the ward or district in which the challenge is being made, with an exemption provided for populations under 2,500. Again, it is my understanding that you are comfortable expanding this to counties, and removing the 2,500 exemption since it would no longer have applicability, but including an exemption for the City of Milwaukee in which challengers would have to be from aldermanic districts.

Please let me know if you have problems with these changes.

-Jeff