

2011 DRAFTING REQUEST

Bill

Received: 03/02/2011

Received By: jkuesel

Wanted: As time permits

Companion to LRB:

For: Spencer Coggs (608) 266-2500

By/Representing: David de Felice

May Contact:

Drafter: jkuesel

Subject: Elections - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.Coggs@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Challenging electors at polling places

Instructions:

Per 09 SB-272.

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 04/12/2011	kfollett 04/26/2011		_____			
/1			rschluet 04/27/2011	_____	sbasford 04/27/2011		
/2	jkuesel 06/30/2011	kfollett 06/30/2011	rschluet 07/01/2011	_____	sbasford 07/01/2011	ggodwin 08/08/2011	

FE Sent For: *None*

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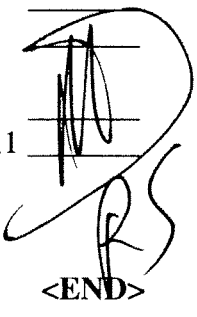
Challenging electors at polling places

Instructions:

Per 09 SB-272.

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/?	jkuesel 04/12/2011	kfollett 04/26/2011					
/1	jkuesel 6/30/11	12/5f 6/30	rschluet 04/27/2011		sbasford 04/27/2011		

FE Sent For:

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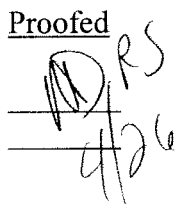
Topic:

Challenging electors at polling places

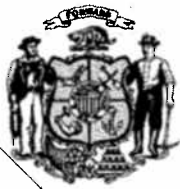
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12/1	jkuesel 4/12/11	11/jf 4/26					

FE Sent For: <END>



1572/1

gjf

PWF
Done

2009 SENATE BILL 272

August 21, 2009 - Introduced by Senators COGGS, HANSEN and KREITLOW, cosponsored by Representatives KESSLER, BERCEAU and PASCH. Referred to Committee on Labor, Elections and Urban Affairs.

Regen

1 AN ACT *to renumber* 7.52 (6) (a); *to renumber and amend* 7.52 (5) and 7.52
2 (6) (b); and *to amend* 6.925 and 6.93 of the statutes; **relating to:** challenging
3 the ballots of electors at polling places.

Analysis by the Legislative Reference Bureau

Currently, any elector may challenge for cause the right of any other elector to vote at a polling place if the challenger knows or suspects that the challenged elector is not a qualified elector. The inspectors of election (poll workers) must then administer oaths to both the challenger and the challenged elector concerning the challenged elector's qualifications. If the inspectors receive the ballot of any elector who has been challenged, they must mark the ballot with the elector's serial number. If canvassing an election, a board of canvassers may review and decide any challenge and may count or reject a challenged ballot accordingly. If a petition for a recount is filed, the board of canvassers may again review and decide whether a challenged ballot is cast by a qualified elector and may count or reject the ballot accordingly. An elector may also challenge the ballot of an absent elector before the inspectors at a polling place or before a board of absentee ballot canvassers in municipalities where absent ballots are not canvassed at polling places. The challenged elector need not be present when the challenge is made.

This bill provides that only an elector who resides in the same ward or election district as the one in which a challenged elector resides may challenge the ballot of that elector. The bill directs the inspectors or board of absentee ballot canvassers to

SENATE BILL 272

require the challenging elector to provide proof of residence, as defined by law, when making a challenge.

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

1 **SECTION 1.** 6.925 of the statutes is amended to read:

2 **6.925 Elector making challenge in person.** Any elector of a ward or election
3 district may challenge for cause any person offering to vote who resides in the same
4 ward or election district and whom the elector knows or suspects is not a qualified
5 elector. The inspectors shall require the challenging elector to provide proof of
6 residence under s. 6.34 before accepting a challenge from the challenging elector. If
7 a person is challenged as unqualified by an elector, one of the inspectors may
8 administer the oath or affirmation to the challenged elector under s. 6.92 and ask the
9 challenged elector the questions under that section which are appropriate to test the
10 elector's qualifications. In addition, one of the inspectors shall administer the
11 following oath or affirmation to the challenging elector: "You do solemnly swear (or
12 affirm) that you reside in the same ward or election district as the challenged person
13 and will fully and truly answer all questions put to you regarding the challenged
14 person's place of residence and qualifications as an elector of this election"; and shall
15 then ask questions which are appropriate as determined by the board, by rule, to test
16 the qualifications of the challenged elector.

17 **SECTION 2.** 6.93 of the statutes is amended to read:

18 **6.93 Challenging the absent elector.** The vote of any absent elector may be
19 challenged for cause by any person who resides in the same ward or election district
20 as the absent elector and the inspectors of election shall have all the power and
21 authority given them to hear and determine the legality of the ballot the same as if

SENATE BILL 272

Before reviewing a challenge made by an elector, the inspectors shall require the challenging elector to provide proof of residence under s. 6.34.

1

the ballot had been voted in person.) In municipalities where absentee ballots are canvassed under s. 7.52, the vote of an absentee elector may be challenged as provided in s. 7.52 (5).

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SECTION 3. 7.52 (5) of the statutes is renumbered 7.52 (5) (a) and amended to read:

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7.52 (5) (a) The vote of any absent elector may be challenged for cause by an elector who resides in the same ward or election district as the challenged elector and the board of absentee ballot canvassers shall have all the power and authority given the inspectors to hear and determine the legality of the ballot the same as if the ballot had been voted in person. Before reviewing a challenge made by an elector, the board of absentee ballot canvassers shall require the challenging elector to provide proof of residence under s. 6.34.

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SECTION 4. 7.52 (6) (a) of the statutes is renumbered 7.52 (6).

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SECTION 5. 7.52 (6) (b) of the statutes is renumbered 7.52 (5) (b) and amended to read:

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7.52 (5) (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 18 years of age; you are a citizen of the United

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SENATE BILL 272**SECTION 5**

1 States; you are now and for 10 days have been a resident of this ward except under
2 s. 6.02 (2), stats.; you have not voted at this election; you have not made any bet or
3 wager or become directly or indirectly interested in any bet or wager depending upon
4 the result of this election; you are not on any other ground disqualified to vote at this
5 election.” If the person challenged refuses to take the oath or affirmation, the
6 person’s vote shall be rejected. If the person challenged answers fully all relevant
7 questions put to the elector by the board of absentee ballot canvassers under s. 6.92,
8 takes the oath or affirmation, and fulfills the applicable registration requirements,
9 and if the answers to the questions given by the person indicate that the person meets
10 the voting qualification requirements, the person’s vote shall be received.

11 **SECTION 6. Initial applicability.**

12 (1) This act first applies with respect to elections held on the effective date of
13 this subsection.

14 (END)

Kuesel, Jeffery

From: Duerst, Christina
Sent: Wednesday, March 02, 2011 3:52 PM
To: Kuesel, Jeffery
Subject: Draft request

Dave de Felice in Sen. Coggs's office requests redraft of:

09-2500/1 (SB 179)

Kuesel, Jeffery

From: Duerst, Christina
Sent: Wednesday, March 02, 2011 3:51 PM
To: Kuesel, Jeffery; Gary, Aaron
Subject: Draft request

Importance: High

Dave de Felice in Sen. Coggs's office requests re-draft of:

09-4558/1 (SB 640)

Kuesel, Jeffery

From: Kreye, Joseph
Sent: Wednesday, March 02, 2011 4:00 PM
To: Kuesel, Jeffery
Subject: FW: DRAFT REQUEST

Importance: High

Jeff,

I think the second one (SB 272) is yours.

Joe

From: Duerst, Christina
Sent: Wednesday, March 02, 2011 3:54 PM
To: Kreye, Joseph
Subject: DRAFT REQUEST
Importance: High

Dave de Felice in Sen. Coggs's office requests re-drafts of:

09-2104/2 (AB 901)

09-3247/1 (SB 272)

Kuesel, Jeffery

From: Ragland, Enis
Sent: Wednesday, June 29, 2011 4:26 PM
To: Kuesel, Jeffery
Subject: LRB 1572/1

Hi Jeff,
I spoke with Spencer and he would like it to be senate district rather than ward. Let me know if that presents a problem.
Thanks,
Enis

*Enis T. Ragland
Legislative Assistant
Office of Senator Spencer Coggs
(608) 266-2500 Office
(877) 474-2000 Toll Free
(608)282-3546 Fax*



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1572/K
JTK:kjf:rs

Am. 7/1

2011 BILL

legen

1 **AN ACT to renumber 7.52 (6) (a); to renumber and amend 7.52 (5) and 7.52**
2 **(6) (b); and to amend 6.925 and 6.93 of the statutes; relating to: challenging**
3 **the ballots of electors at polling places.**

Analysis by the Legislative Reference Bureau

Currently, any elector may challenge for cause the right of any other elector to vote at a polling place if the challenger knows or suspects that the challenged elector is not a qualified elector. The inspectors (poll workers) must then administer oaths to both the challenger and the challenged elector concerning the challenged elector's qualifications. If the inspectors receive the ballot of any elector who has been challenged, they must mark the ballot with the elector's serial number. If canvassing an election, a board of canvassers may review and decide any challenge and may count or reject a challenged ballot accordingly. If a petition for a recount is filed, the board of canvassers may again review and decide whether a challenged ballot is cast by a qualified elector and may count or reject the ballot accordingly. An elector may also challenge the ballot of an absent elector before the inspectors at a polling place or before a board of absentee ballot canvassers in municipalities where absent ballots are not canvassed at polling places. The challenged elector need not be present when the challenge is made.

This bill provides that only an elector who resides in the same ~~ward or election~~ ^{senate} district as the one in which a challenged elector resides may challenge the ballot of that elector. The bill directs the inspectors or board of absentee ballot canvassers to

BILL

require the challenging elector to provide proof of residence, as defined by law, when making a challenge.

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

SECTION 1. 6.925 of the statutes is amended to read:

6.925 Elector making challenge in person. Any elector of a ward or election district may challenge for cause any person offering to vote who resides in the same ward or election district and whom the elector knows or suspects is not a qualified elector. The inspectors shall require the challenging elector to provide proof of residence under s. 6.34 before accepting a challenge from the challenging elector. If a person is challenged as unqualified by an elector, one of the inspectors may administer the oath or affirmation to the challenged elector under s. 6.92 and ask the challenged elector the questions under that section which are appropriate to test the elector's qualifications. In addition, one of the inspectors shall administer the following oath or affirmation to the challenging elector: "You do solemnly swear (or affirm) that you reside in the same ^{Senate} ward or election district as the challenged person and will fully and truly answer all questions put to you regarding the challenged person's place of residence and qualifications as an elector of this election"; and shall then ask questions which are appropriate as determined by the board, by rule, to test the qualifications of the challenged elector.

SECTION 2. 6.93 of the statutes is amended to read:

6.93 Challenging the absent elector. The vote of any absent elector may be challenged for cause by any person who resides in the same ^{Senate} ward or election district as the absent elector and the inspectors of election shall have all the power and authority given them to hear and determine the legality of the ballot the same as if

BILL

1 the ballot had been voted in person. Before reviewing a challenge made by an elector,
2 the inspectors shall require the challenging elector to provide proof of residence
3 under s. 6.34. In municipalities where absentee ballots are canvassed under s. 7.52,
4 the vote of an absentee elector may be challenged as provided in s. 7.52 (5).

5 **SECTION 3.** 7.52 (5) of the statutes is renumbered 7.52 (5) (a) and amended to
6 read:

7 7.52 (5) (a) The vote of any absent elector may be challenged for cause by an
8 elector who resides in the same ^{Senate} ward or election district as the challenged elector and
9 the board of absentee ballot canvassers shall have all the power and authority given
10 the inspectors to hear and determine the legality of the ballot the same as if the ballot
11 had been voted in person. Before reviewing a challenge made by an elector, the board
12 of absentee ballot canvassers shall require the challenging elector to provide proof
13 of residence under s. 6.34.

14 **SECTION 4.** 7.52 (6) (a) of the statutes is renumbered 7.52 (6).

15 **SECTION 5.** 7.52 (6) (b) of the statutes is renumbered 7.52 (5) (b) and amended

16 to read:

17 7.52 (5) (b) ~~Any elector may challenge for cause any absentee ballot.~~ For the
18 purpose of deciding upon ballots that are challenged for any reason, the board of
19 absentee ballot canvassers may call before it any person whose absentee ballot is
20 challenged if the person is available to be called. If the person challenged refuses to
21 answer fully any relevant questions put to him or her by the board of absentee ballot
22 canvassers under s. 6.92, the board of absentee ballot canvassers shall reject the
23 person's vote. If the challenge is not withdrawn after the person offering to vote has
24 answered the questions, one of the members of the board of absentee ballot
25 canvassers shall administer to the person the following oath or affirmation: "You do

as affected by 2011 Wisconsin Act 23,

BILL

28 consecutive plain

1 solemnly swear (or affirm) that: you are 18 years of age; you are a citizen of the United
 2 States; you are now and for (10) days have been a resident of this ward except under
 3 s. 6.02 (2), stats.; you have not voted at this election; you have not made any bet or
 4 wager or become directly or indirectly interested in any bet or wager depending upon
 5 the result of this election; you are not on any other ground disqualified to vote at this
 6 election.” If the person challenged refuses to take the oath or affirmation, the
 7 person’s vote shall be rejected. If the person challenged answers fully all relevant
 8 questions put to the elector by the board of absentee ballot canvassers under s. 6.92,
 9 takes the oath or affirmation, and fulfills the applicable registration requirements,
 10 and if the answers to the questions given by the person indicate that the person meets
 11 the voting qualification requirements, the person’s vote shall be received.

SECTION 6. Initial applicability.

12 (1) This act first applies with respect to elections held on the effective date of
 13 this subsection.
 14

(END)

Godwin, Gigi

From: Godwin, Gigi
Sent: Monday, August 08, 2011 2:08 PM
To: de Felice, David Patrick
Subject: RE: Request for stripes

I will take care of it. Thanks, Gigi

Gigi Godwin, Program Assistant
State of Wisconsin - Legislative Reference Bureau
1 East Main Street, Suite 200
Madison, WI 53703
(608) 266-3561
Gigi.Godwin@legis.wisconsin.gov

From: de Felice, David Patrick
Sent: Monday, August 08, 2011 2:05 PM
To: Godwin, Gigi
Subject: RE: Request for stripes

Yes, I'd like them jacketed. Today or tomorrow is fine.

Thanks,

Dave de Felice
Office of Sen. Spencer Coggs
608-266-2500

From: Godwin, Gigi
Sent: Monday, August 08, 2011 2:05 PM
To: de Felice, David Patrick
Subject: RE: Request for stripes

Hi Dave. Just to make sure I am on the same page, you'd like these drafts jacketed? And if so, would you like them today.
Thanks much, Gigi

Gigi Godwin, Program Assistant
State of Wisconsin - Legislative Reference Bureau
1 East Main Street, Suite 200
Madison, WI 53703
(608) 266-3561
Gigi.Godwin@legis.wisconsin.gov

From: de Felice, David Patrick
Sent: Monday, August 08, 2011 2:02 PM
To: LRB.Legal
Subject: Request for stripes

Please send the stripes for these LRBs to the office.

Thank you,

Dave de Felice

Office of Sen. Spencer Coggs
608-266-2500

DNA: Enhanced penalties LRB1569

DNA: Sheriff collects LRB 1570

Firearms background checks: LRB 1571

Voting - Challenged ballots: LRB 1572

Minority procurement: LRB 1587

Voter ID - Free birth certificates: LRB 2327