

**2011 DRAFTING REQUEST**

**Bill**

Received: 10/26/2011

Received By: jkuesel

Wanted: As time permits

Companion to LRB:

For: Mary Lazich (608) 266-5400

By/Representing: Andrew Hanus

May Contact:

Drafter: jkuesel

Subject: Elections - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Notarization of recall petitions

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**Instructions:**

Per attached E mail, #4.

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**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<br>10/26/2011 | csicilia<br>10/27/2011 |                        | _____          |                       |                       |                 |
| /1           |                       |                        | jfrantze<br>10/27/2011 | _____          | mbarman<br>10/27/2011 | mbarman<br>10/27/2011 |                 |

FE Sent For:

<END>

↳ Not Needed

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Drafter: **jkuesel**

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| /?           | jkuesel<br>10/26/2011 | csicilia<br>10/27/2011 |                        | _____          |                       |                 |                 |
| /1           |                       |                        | jfrantze<br>10/27/2011 | _____          | mbarman<br>10/27/2011 |                 |                 |

FE Sent For:

<END>

(NOTE)

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|--------------|---------------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| 12/1         | jkuesel<br>10/26/11 | Tjs             | 10/27/11     | Kw<br>10/27    |                  |                 |                 |

FE Sent For:

<END>

## Kuesel, Jeffery

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**From:** Hanus, Andrew  
**Sent:** Wednesday, October 26, 2011 11:07 AM  
**To:** Kuesel, Jeffery  
**Subject:** Draft Request

Hi Jeff,

Thanks again for your help yesterday. Sen. Lazich has asked that we begin drafting the following items as 4 separate bills. As usual, we may be moving some of these bills soon, so we ask that you draft the easiest bills first so that we can begin our work with them.

Draft 1: Regarding the 28 day residency requirement – we want language to require the voter to *provide documentation* that he or she has been a resident for 28 days, as opposed to current law where the voter merely says that they have been a resident for 28 days.

Draft 2: We would like a companion bill to LRB–2195/1 (Rep. Pridemore AB 169), which allows poll workers to work anywhere in their county.

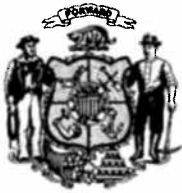
Draft 3: We would like to stop the practice whereby a person may vote via absentee ballot, but then also vote on election day. GAB has suggested that if we address this issue, we draft language that states that if an absentee ballot is received by the clerk, then that person may not vote in person. However, a person who receives an absentee ballot *but does not sent it back in* may vote provisionally (on the condition that their absentee ballot is not received).

Draft 4: Notarization of recall petition circulator signatures – We would like to draft language that would require that a notary public authenticate the circulator's signature on a recall petition.

If you have any questions or concerns, please just let me know. Thanks a lot.

Best,

Andrew Hanus  
Sen. Lazich's Office  
6-5400



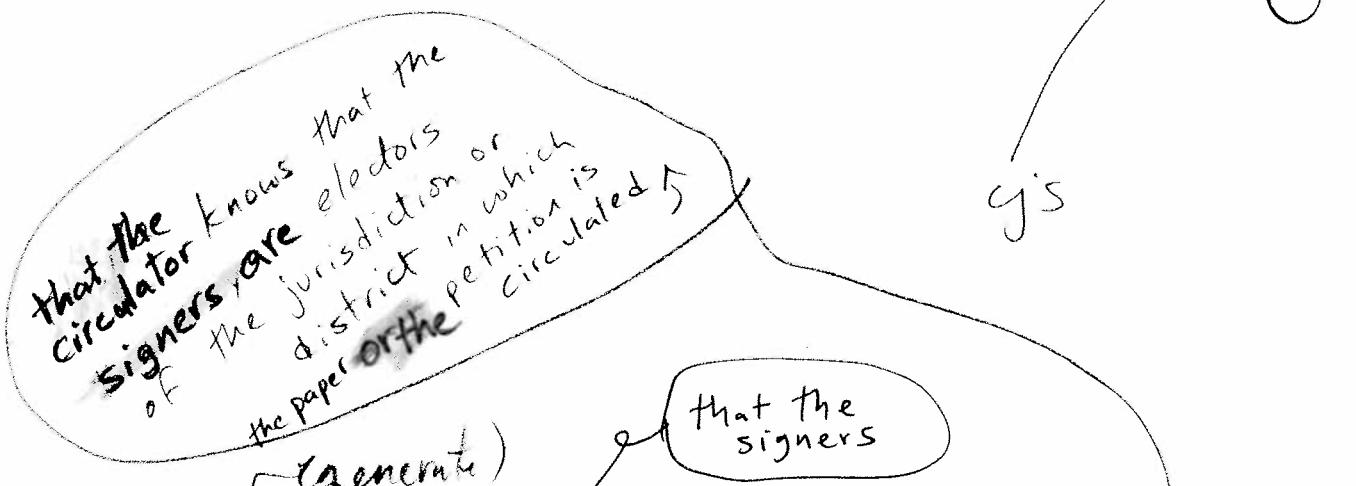
State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3341/7  
JTK

DNS 12  
THU 10/27 - 1 PM

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~



1 AN ACT ...; relating to: verification of the identity of recall petition circulators.

**Analysis by the Legislative Reference Bureau**

Currently, each nomination paper or petition for an election must contain the dated certification of a qualified circulator, as defined by law, at the bottom of each separate sheet, stating his or her residence and affirming that he or she personally circulated the paper or petition and obtained each of the signatures, that the circulator knows they signed the paper or petition with full knowledge of its content, that the circulator knows their residences given, that the circulator knows that they signed on the dates opposite their names, that the circulator is qualified to circulate the petition, and that the circulator knows that falsifying the certification is punishable as a felony.

✓  
✓  
✓  
✓

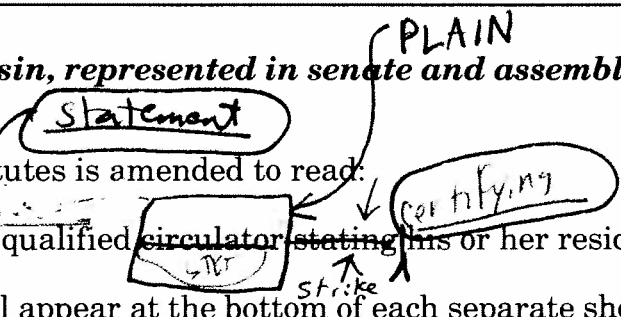
This bill provides, in addition, that if the circulator is signing a petition for the recall of an elective officer, the statement must be in the form of an affidavit acknowledged by an officer who is authorized to administer oaths affirming the circulator's identity and stating that the circulator appeared before the officer and executed the statement in the officer's presence.

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

2 SECTION 1. 8.40 (2) of the statutes is amended to read:

3 8.40 (2) The ~~certification~~ of a qualified circulator ~~stating~~ his or her residence

4 with street and number, if any, shall appear at the bottom of each separate sheet of



SECTION 1

~~certifying that the circulator~~  
~~certifying that the circulator~~

1

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 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. If the petition is for the recall of an elective  
 officer, the statement shall be in the form of an affidavit acknowledged by an officer  
 who is authorized to administer oaths affirming the circulator's identity and stating  
 that the circulator appeared before the officer and executed the statement in the  
 officer's presence.

↑ strike ↑ strike ↑

certification

statement

statement

STET  
leave as typed

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

SECTION 2. Initial applicability.

STET: leave as typed

(1) This act first applies with respect to petitions for the recall of officers offered  
 by petitioners who register their intent to circulate recall petitions on the effective  
 date of this subsection.

(END)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3341/1dn

JTK:.....

*late*

*gls*

Senator Lazich:

*or in  
county offices,*

✓ Article XIII, section 12 (7) of the constitution provides that laws may be enacted facilitating recall procedures but no law shall be enacted hampering, restricting, or impairing the right of recall. To be enforceable with respect to those officers who serve in state, congressional, judicial, or legislative offices, the requirements under this draft must be viewed by the courts as facilitating the right of recall by adopting a reasonable means of verifying whether recall petitions are genuine.

Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3341/1dn  
JTK:cjs:jf

October 27, 2011

Senator Lazich:

Article XIII, section 12 (7), of the constitution provides that laws may be enacted facilitating recall procedures but no law shall be enacted hampering, restricting, or impairing the right of recall. To be enforceable with respect to those officers who serve in state, congressional, judicial, or legislative offices, or in county offices, the requirements under this draft must be viewed by the courts as facilitating the right of recall by adopting a reasonable means of verifying whether recall petitions are genuine.

Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778



**Barman, Mike**

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**From:** Sen.Lazich

**Sent:** Thursday, October 27, 2011 12:55 PM

**To:** LRB.Legal

**Subject:** Draft Review: LRB 11-3341/1 Topic: Notarization of recall petitions

Please Jacket LRB 11-3341/1 for the SENATE.

10/27/2011