

2011 DRAFTING REQUEST

Bill

Received: **09/29/2011**

Received By: **jkuesel**

Wanted: **As time permits**

Companion to LRB:

For: **Glenn Grothman (608) 266-7513**

By/Representing: **Jolene Churchill**

May Contact:

Drafter: **jkuesel**

Subject: **Elections - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Notarization of nomination papers and petitions

Instructions:

Require notarization of the circulator's affirmation on each nomination paper and petition.

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 09/30/2011	wjackson 09/30/2011		_____			
	jkuesel 10/26/2011	csicilia 10/27/2011		_____			
/1			jfrantze 10/27/2011	_____	sbasford 10/27/2011	lparisi 12/08/2011	

FE Sent For:

None

<END>

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DW012

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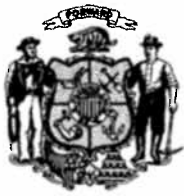
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12/1	jkuesel 10/26/11	1 gjs 10/27/11	[Signature] 10/27	pk 10/27			

FE Sent For:

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THU 10/27 - 1 PM

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

that the circulator knows that the signers are electors of the jurisdiction or district in which the paper or the petition is circulated

cjs

SAZ

(generate)

that the signers

1 AN ACT ^(generate); relating to: verification of the identity of nomination paper and
2 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 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 the circulator's 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:

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SECTION 1. 8.15 (4) (a) of the statutes is amended to read:

1 8.15 (4) (a) The ~~certification~~^{affidavit} of a qualified circulator ~~stating~~^{certifying} his or her residence
 2 with street and number, if any, shall appear at the bottom of each nomination paper,
 3 ~~stating~~^{certifying that} he or she personally circulated the nomination paper and personally
 4 obtained each of the signatures; ~~he or she~~^{STATE} knows they are electors of the ward,
 5 aldermanic district, municipality or county, as the nomination papers require; he or
 6 she knows they signed the paper with full knowledge of its content; he or she knows
 7 their respective residences given; he or she knows each signer signed on the date
 8 stated opposite his or her name; and, that he or she, the circulator, is a qualified
 9 elector of this state, or if not a qualified elector of this state, is a U.S. citizen age 18
 10 or older who, if he or she were a resident of this state, would not be disqualified from

11 voting under s. 6.03, Wis. stats.; that he or she intends to support the candidate; and
 12 that he or she is aware that falsifying the ~~certification~~^{affidavit} is punishable under s. 12.13

13 (3) (a), Wis. stats. The circulator shall indicate the date that he or she makes the
 14 ~~certification~~^{STATE} next to his or her signature. The ~~statement~~^{affidavit} shall be ~~in the form of an~~
 15 ~~affidavit~~^{affidavit} acknowledged by an officer who is authorized to administer oaths affirming
 16 the circulator's identity and stating that the circulator appeared before the officer
 17 and executed the ~~statement~~^{affidavit} in the officer's presence. The ~~certification~~^{affidavit} may be made
 18 by the candidate or any qualified circulator. ~~affidavit~~^{affidavit} ~~Strike~~

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; 2007 a. 1; 2011 a. 32.

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

21 8.40 (2) The ~~certification~~^{affidavit} of a qualified circulator ~~stating~~^{certifying} his or her residence
 22 with street and number, if any, shall appear at the bottom of each separate sheet of
 23 each petition specified in sub. (1), ~~stating that he or she~~^{certifying that the circulator} personally circulated the
 24 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;

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1 that the circulator knows that they signed the paper with full knowledge of its
 2 content; that the circulator knows their respective residences given; that the
 3 circulator knows that each signer signed on the date stated opposite his or her name;
 4 that the circulator is a qualified elector of this state, or if not a qualified elector of this
 5 state, that the circulator is a U.S. citizen age 18 or older who, if he or she were a
 6 resident of this state, would not be disqualified from voting under s. 6.03, Wis. stats.;
 7 and that the circulator is aware that falsifying the ~~certification~~ ^{↓ affidavit} is punishable under
 8 s. 12.13 (3) (a). The circulator shall indicate the date that he or she makes the
 9 certification next to his or her signature. ~~The statement shall be in the form of an~~ ^{affidavit}
 10 ~~affidavit~~ acknowledged before an officer who is authorized to administer oaths
 11 affirming the circulator's identity and stating that the circulator appeared before the
 12 officer and executed the statement in the officer's presence. ^{e affidavit}

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

SECTION 3. Initial applicability.

(1) This act first applies with respect to nomination papers and petitions for which the circulation period begins on or after the effective date of this subsection.

(END)

JWS 1-2

① Sec. #: AM 8.10(3)(intro.)

② 8.10(3) ↓ affidavit

③ (intro.) The ~~certification~~ of a qualified circulator under s. 8.15 (4) (a) shall be appended to each nomination paper. The number of required signatures on nomination papers filed under this section is as follows:

① SEC #. AM; 8.20(3) (Rev 5 2-18)

② ^B 8.20(3) ↓ affidavit

③ The ~~certification~~ of a qualified circulator under s. 8.15 (4) (a) shall be appended to each nomination paper.

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

LRB-3030/1dn

JTKg/.....

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- date -

Senator Grothman:

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 recall petitions for those elective officers who are subject to recall under the constitution, 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-3030/1dn
JTK:cjs:jf

October 27, 2011

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

Parisi, Lori

From: Julian, Jamie
Sent: Thursday, December 08, 2011 9:37 AM
To: LRB.Legal
Subject: Draft Review: LRB 11-3030/1 Topic: Notarization of nomination papers and petitions

Please Jacket LRB 11-3030/1 for the SENATE.