

2011 DRAFTING REQUEST

Senate Amendment (SA-SB381)

Received: 02/11/2012

Received By: **jkuesel**

Wanted: **Soon**

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:

Pre Topic:

No specific pre topic given

Topic:

Change in membership of municipal boards of canvassers

Instructions:

Per attached E mails, 2/9/12 and 2/10/12.

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>
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FE Sent For:

<END>

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FE Sent For:

<END>

Kuesel, Jeffery

From: Hanus, Andrew
Sent: Friday, February 10, 2012 10:36 AM
To: Kuesel, Jeffery
Subject: RE: AB 476 / SB 381

Hi Jeff,

Please draft this for the Senate Bill as well. We will have this bill on the floor on Tuesday.

Thank you,

Andrew

Andrew Hanus
Sen. Lazich's Office
(608) 266-5400

From: Rep.Tauchen
Sent: Friday, February 10, 2012 10:26 AM
To: Rep.Tauchen; Kennedy, Kevin - GAB; Falk, Shane - GAB; Robinson, Nathaniel E - GAB; Hanus, Andrew
Cc: Kuesel, Jeffery; Karls-Ruplinger, Jessica; Bender-Olson, Katherine; Sieg, Tricia
Subject: RE: AB 476 / SB 381
Importance: High

Jeff-

We need a simple Amendment for AB 376/ SB 381. To address the issue noted below, Rep. Tauchen is requesting an amendment that would allow municipality to reconeve with only 3 individuals. Feel free to email Shane Falk to get clarity on language. Please consider this an urgent request.

Craig

From: Rep.Tauchen
Sent: Thursday, February 09, 2012 3:50 PM
To: Kennedy, Kevin - GAB; Falk, Shane - GAB; Robinson, Nathaniel E - GAB; Hanus, Andrew
Cc: Rep.Tauchen; Sen.Lazich; Kuesel, Jeffery; Karls-Ruplinger, Jessica; Bender-Olson, Katherine; Sieg, Tricia
Subject: AB 476 / SB 381
Importance: High

Kevin-

Representative Gary Tauchen received a couple constituent contacts regarding a portion of AB 476 / SB 381 dealing with reconvening Board of Canvass of all poll workers. What Rick Stadelman is proposing is to allow a local government unit to have not less than 3 individuals (Clerk, chief inspector, and poll worker/designee) to meet and sign the final form. Rick is hoping to maintain accountability while protecting taxpayers. Is there possible amendment/language that would be satisfactory to all interested parties that could be drafted quickly.

Craig Arrowood, Jr.

Kuesel, Jeffery

To: Kennedy, Kevin - GAB; Falk, Shane - GAB; Arrowood, Craig
Cc: Karls-Ruplinger, Jessica; Bender-Olson, Katherine; Hanus, Andrew
Subject: RE: AB 476 / SB 381 - modified or substitute board of canvassers
 Kevin,
 Good. We will have a draft on Monday morning.

Jeff

From: Kennedy, Kevin - GAB [mailto:Kevin.Kennedy@Wisconsin.gov]
Sent: Friday, February 10, 2012 3:24 PM
To: Kuesel, Jeffery; Falk, Shane - GAB; Arrowood, Craig
Cc: Karls-Ruplinger, Jessica; Bender-Olson, Katherine; Hanus, Andrew
Subject: RE: AB 476 / SB 381 - modified or substitute board of canvassers

Jeff,

Thank you. Shane and I discussed this. We agree with your drafting approach.

KEvin

From: Kuesel, Jeffery [mailto:Jeffery.Kuesel@legis.wisconsin.gov]
Sent: Friday, February 10, 2012 3:17 PM
To: Falk, Shane - GAB; Arrowood, Craig - LEGIS
Cc: Kennedy, Kevin - GAB; Karls-Ruplinger, Jessica - LEGIS; Bender-Olson, Katherine - LEGIS; Hanus, Andrew - LEGIS
Subject: RE: AB 476 / SB 381 - modified or substitute board of canvassers

Shane,

Thank you. I think we have made some progress. The way I propose to draft this is to permit the municipal clerk in municipalities with one polling place to designate a modified or substitute board of canvassers solely for one election and solely for the purpose of reconvening. The modified or substitute board would consist of 3 members-- 1) the clerk (unless Kevin Kennedy's exception applies), 2) the chief inspector, and 3) one other inspector who is appointed by the clerk. If any member other than the clerk is unable to serve, the clerk may appoint another qualified elector of the municipality to take that member's place. If the clerk is unable to serve, the remaining members may appoint another qualified elector of the municipality to take the clerk's place. The clerk alone would decide whether to adopt this substitute procedure and it would not matter whether the individual inspectors, or some of them, were willing to reconvene. The municipal governing body would not be involved.

Jeff Kuesel

From: Kennedy, Kevin - GAB [mailto:Kevin.Kennedy@Wisconsin.gov]
Sent: Friday, February 10, 2012 2:43 PM
To: Falk, Shane - GAB; Kuesel, Jeffery; Arrowood, Craig
Cc: Karls-Ruplinger, Jessica; Bender-Olson, Katherine; Hanus, Andrew; Hein, Ross D - GAB; Robinson, Nathaniel E - GAB
Subject: Re: AB 476 / SB 381

Jeff,

Thank you for raising these issues. Shane has fully and correctly conveyed the responses to your questions. Good

2/10/2012

work Shane.

Kevin

From: Falk, Shane - GAB
Sent: Friday, February 10, 2012 02:34 PM
To: Kuesel, Jeffery - LEGIS; Arrowood, Craig - LEGIS
Cc: Kennedy, Kevin - GAB; Karls-Ruplinger, Jessica - LEGIS; Bender-Olson, Katherine - LEGIS; Hanus, Andrew - LEGIS; Hein, Ross D - GAB; Robinson, Nathaniel E - GAB
Subject: RE: AB 476 / SB 381

Jeff,

See my comments below in red. Kevin Kennedy is out of the office, but hopefully he can confirm these comments as I believe they are a correct representation of past intra-office discussions.

Shane W. Falk
 Staff Counsel
 Wisconsin Government Accountability Board
 212 E. Washington Avenue, Third Floor
 PO Box 7984
 Madison, WI 53707-7984
 Office: 266-8005
 Direct: 266-2094
Shane.Falk@wisconsin.gov

From: Kuesel, Jeffery [<mailto:Jeffery.Kuesel@legis.wisconsin.gov>]
Sent: Friday, February 10, 2012 2:08 PM
To: Falk, Shane - GAB; Arrowood, Craig - LEGIS
Cc: Kennedy, Kevin - GAB; Karls-Ruplinger, Jessica - LEGIS; Bender-Olson, Katherine - LEGIS; Hanus, Andrew - LEGIS
Subject: RE: AB 476 / SB 381

Shane:

Your change makes sense to me. Remaining questions:

1. I assume this is only for municipalities with one polling place. Correct? YES
2. These municipalities already have a board of canvassers (the polling place inspectors). Here we appear to be creating another one. Who creates the substitute board? Does the municipal governing body need to enact an ordinance or may the clerk replace the members of the board? This can be done statutorily and no need for governing body to enact ordinance. Use normal Clerk appointment powers and Clerk would appoint 3 from election night inspectors and could include Clerk self-appointment for one of the three positions as well. Think of it as a modified board of canvassers from election night (polling place inspectors) just having fewer members, not a totally new one per se.
3. Who appoints the substitute board members? Use language similar to municipalities with more than one polling place, particularly 7.53(2)(a)1, where the clerk appoints.
4. If the current board members are willing to reconvene (or a majority of them are) may they do so or do we replace them or permit them to be replaced anyway? This is probably Rick Stadelman's issue to address. I see no problem leaving the modified BOC of 3 as permissive and not required, so that if a municipalities wants all 3/5/7 inspectors to reconvene, they can.
5. If members are willing to reconvene, do you want to simply allow the clerk to designate a replacement for any member who is unable to serve? Yes. Normal vacancy provisions apply and permit the clerk to appoint substitutes.
5. I assume that the substitute board members serve only for the purpose of reconvening after one election. After that, we go back to the original board members at the next election. Then, if we need more substitute board members, we repeat the process. Correct? Yes. This modified BOC is only for any reconvening to address late

2/10/2012

arriving absentee (7.515) and provisional (6.97), and any other additional stuff arising after the election night canvass.

6. Since other county and municipal boards of canvassers have three members, do you really want these substitute boards to have more than three? If so, must there be an odd number? Must be 3 really if the Towns are to gain any financial savings from the modified BOC, or an odd number from the election night inspectors. Should not be partisan (unlike County in 7.60).

Jeffery T. Kuesel

Wisconsin Legislative Reference Bureau

P.O. Box 2037

Madison, WI 53701-2037

(608) 266-6778

Jeffery.Kuesel@legis.wisconsin.gov

From: Falk, Shane - GAB [<mailto:Shane.Falk@wisconsin.gov>]

Sent: Friday, February 10, 2012 11:46 AM

To: Kuesel, Jeffery

Cc: Kennedy, Kevin - GAB; Robinson, Nathaniel E - GAB; Hein, Ross D - GAB; Haas, Michael R - GAB; Lowe, Diane - GAB; Buerger, David - GAB; Pickett, Steve - GAB

Subject: FW: AB 476 / SB 381

Importance: High

Jeff,

Kevin Kennedy has asked that I drop you a note regarding Rep. Tauchen's request for an Amendment. The G.A.B. does not oppose the Amendment to permit three inspectors to serve as the Municipal Board of Canvass for a reconvened municipal canvass in municipalities with one ward or polling place; however, if you are to use the Municipal Clerk/Chief Inspector model, please be sure to permit substitution by other inspectors in the instance that the Municipal Clerk is on the ballot and prohibited from serving or the chief inspector is unable to serve on the MBOC.

Please feel free to contact me if you have any further questions.

Thank you.

Shane W. Falk

Staff Counsel

Wisconsin Government Accountability Board

212 E. Washington Avenue, Third Floor

PO Box 7984

Madison, WI 53707-7984

Office: 266-8005

Direct: 266-2094

Shane.Falk@wisconsin.gov

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Sent: Friday, February 10, 2012 10:26 AM

To: Rep.Tauchen - LEGIS; Kennedy, Kevin - GAB; Falk, Shane - GAB; Robinson, Nathaniel E - GAB; Hanus, Andrew - LEGIS

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Subject: RE: AB 476 / SB 381

Importance: High

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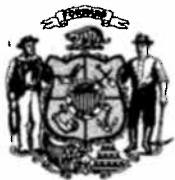
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Craig Arrowood, Jr.

Office of Representative Gary Tauchen
Committee Clerk for Elections and Campaign Reform
Phone: (608) 266-3098
Toll-free: (888) 529-0006

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State of Wisconsin
2011 - 2012 LEGISLATURE

0230811
LRBa23077?
JTK:mA
jld

Mon 2/13 - AM

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

~~SENATE~~
ASSEMBLY AMENDMENT,
SENATE BILL 381
TO 2011 ASSEMBLY BILL 476

1 At the locations indicated, amend the bill as follows:

- 2 1. Page 8, line 3: after "is" insert "renumbered 7.53 (1) (a) and". ✓
- 3 2. Page 8, line 4: delete "MUNICIPALITIES WITH ONE POLLING PLACE." and ✓
- 4 substitute "(a)". ✓
- 5 3. Page 11, line 20: delete "If" and substitute "Except as authorized in ✓
- 6 par. (b),
- 7 if". ✓
- 8 4. Page 12, line 1: delete "subsection" and substitute "subsection paragraph". ✓
- 9 5. Page 12, line 10: after that line insert: ✓
- 10 "SECTION 14m.3. 7.53 (1) (b) of the statutes is created to read: ✓
- 11 7.53 (1) (b) Solely for purposes of the reconvention of a board of canvassers ✓
- 12 under par. (a) for a specific election, the municipal clerk may determine to replace ✓
- the members of the board of canvassers with a 3-member board of canvassers ✓

1 consisting of the clerk, the chief inspector, and one other inspector who shall be
2 appointed by the clerk. If the municipal clerk is a candidate at the election being
3 canvassed or is unable to serve, the other 2 members shall appoint a qualified elector
4 of the municipality to serve in place of the clerk. If one of the other members is unable
5 to serve, the municipal clerk shall appoint a qualified elector of the municipality to
6 serve in place of that member. The person or persons making any appointment under
7 this paragraph shall do so by letter which shall be signed by the person or persons,
8 dated, and filed in the office of the municipal clerk. Upon the appointment and
9 qualification of all members, the reconstituted board of canvassers shall then
10 reconvene and carry out its responsibilities under par. (a).”.

11

(END)