

**2011 DRAFTING REQUEST**

**Senate Amendment (SA-SB271)**

Received: 01/16/2012

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:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Return of absentee ballots

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**Instructions:**

Per attached E mail, 1/11/12. Change to read "If an elector delivers or mails an absentee ballot,...".

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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 01/16/2012	wjackson 01/16/2012		_____			
/1			jfrantze 01/16/2012	_____	mbarman 01/16/2012	mbarman 01/16/2012	

FE Sent For:

<END>

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1? /	jkuesel 1/16/12	1 WLj 1/16		1/14			
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FE Sent For:

<END>

## Kuesel, Jeffery

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**From:** Hanus, Andrew  
**Sent:** Wednesday, January 11, 2012 7:36 PM  
**To:** Kuesel, Jeffery  
**Subject:** Amendment to SB 271

Hi Jeff,

The Senator has asked that you draft an amendment to SB 271 (LRB-3340/1) that would do roughly the following (feel free to clean up the language):

1. Repeal 6.87(9), so that clerks may no longer return absentee ballots to electors who did not fill them out properly.
2. Modify the existing language in the SB 271 to read something like the following:

*"If an elector returns an absentee ballot, the municipal clerk shall not give back the ballot to the elector. An elector who returns an absentee ballot at an election is not permitted to vote in person at the same election on election day.*  
"

- 3.. "Return" is defined as causing to be received by an election official.
4. An elector who intentionally violates this subsection is guilty of a class I felony.

We are looking to get this as soon as possible (as usual), however, I believe the earliest we would need this in committee would be Wednesday, 1/18.

Thanks Jeff,

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

DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBa2108/1dn

JTKJ:Y:....

9 WJ

Date

Senator Lazich:

\* Currently, under ~~s.~~ s. 12.13 (1) (e), stats., an elector who intentionally votes more than  
\* once in the same election is guilty of a class I felony. In my opinion, the act of voting  
absentee and voting in person in the same election constitutes a violation of this  
statute, unless there are circumstances that plausibly indicate a mistake or there is  
an issue of mental incapacity on the part of the offender. The purpose of SB 271, as  
I understand it, is to ensure a greater level of adherence to s. 12.13 (1) (e) in absentee  
voting situations by preventing electors from receiving both an absentee ballot and a  
regular ballot at the polling place in the same election.

\*

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

9 stats. 9



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRBa2108  
JTK

WLj

DNSTE  
Re 1/17-Am

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

SENATE AMENDMENT,  
TO 2011 SENATE BILL 271

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

2 ✓1. Page 2, line 2: delete "casts an absentee ballot, either by mail or in person"  
3 and substitute "mails or personally delivers an absentee ballot to the municipal  
4 clerk".

5 ✓2. Page 2, line 3: delete "casts" and substitute "mails or personally delivers".

6 ✓3. Page 2, line 4: after "ballot" insert "to the municipal clerk".

7 ✓4. Page 2, line 5: after that line insert:

8 "SECTION 27.6.87 (9) of the statutes is repealed."  
9

(END)

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

LRBa2108/1dn  
JTK:wlj:jf

January 16, 2012

Senator Lazich:

Currently, under s. 12.13 (1) (e), stats., an elector who intentionally votes more than once in the same election is guilty of a Class I felony. In my opinion, the act of voting absentee and voting in person in the same election constitutes a violation of this statute, unless there are circumstances that plausibly indicate a mistake or there is an issue of mental incapacity on the part of the offender. The purpose of SB 271, as I understand it, is to ensure a greater level of adherence to s. 12.13 (1) (e), stats., in absentee voting situations by preventing electors from receiving both an absentee ballot and a regular ballot at the polling place in the same election.

Jeffery T. Kuesel  
Managing Attorney  
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