



## WISCONSIN LEGISLATIVE COUNCIL

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### ELECTION LAW REVIEW

Legislative Council Conference Room  
Madison, Wisconsin

January 5, 2005  
10:00 a.m. – 1:30 p.m.

[The following is a summary of the January 5, 2005 meeting of the Special Committee on Election Law Review. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc/2004studies.htm>.]

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#### Call to Order and Roll Call

Chair Leibham called the meeting to order. The roll was called and a quorum was determined to be present.

COMMITTEE MEMBERS PRESENT: Sen. Joseph Leibham, Chair; Sen. Jon Erpenbach; Reps. Stephen Freese, Marlin Schneider, and Steve Wieckert; and Public Members Marilyn Bhend, Kevin Kennedy, Kathy Nickolaus, James Troupis, and Mike Wittenwyler.

COMMITTEE MEMBERS EXCUSED Public Members Joyce Buechel, Janice Dunn, and Cindi Hesse.

COUNCIL STAFF PRESENT: Bob Conlin, Senior Staff Attorney; and Nick Zavos, Staff Attorney.

#### Approval of the Minutes of the December 15, 2004 Meeting

Mr. Conlin noted that the original minutes from the December 15th meeting contained an incorrect roll call and that a corrected version was at committee members' places this morning. He suggested that the committee adopt those minutes rather than the ones previously mailed to committee members.

Mr. Troupis indicated that the third sentence of the third paragraph from the end of page 2 should read as follows, "He also stressed that voting by absentee ballot is a privilege and suggested that the committee consider as an alternative, as others have considered, putting a serial number on absentee

ballots and envelopes to help better facilitate the identifying of improperly voted absentee ballots.” No objections being made, the minutes were approved.

### **Description of Material Distributed**

Mr. Conlin briefly described the materials that were distributed to committee members in advance of the meeting and the materials that were placed at committee member’s places. A brief discussion ensued concerning the confidentiality of information on the voter registration list and the cost of obtaining copies of the voter registration list as was raised in the letter to the committee from the Wisconsin Democracy Campaign. The chair indicated that these issues were identified in Memo No. 4 and would be discussed accordingly and that the cost issue would benefit from Mr. Kennedy’s input, who was not present at the time.

### **Continued Discussion of Memo Nos. 4 and 5, Relating to Pre-Election and Election Day Issues**

The committee resumed discussion of issues identified in Memo No. 4. The committee agreed that staff should prepare drafts that do the following:

1. Provide that absentee voting performed in the clerk’s office may begin when ballots are available and must be available during normal business hours of the clerk’s office and at such other times as determined by the clerk. Further, require the clerk to post in a public place the hours available for absentee voting in the clerk’s office.

2. Provide that the observation and electioneering provisions of current law apply to absentee voting conducted at the clerk’s office. The committee directed staff to ensure that such requirements do not apply to clerks in smaller municipalities that may have their municipal offices in their homes.

3. Provide that “no excuse” absentee ballots may only be sent a certain number of days or more prior to an election. Further, provide that closer to the election, absentee ballots may only be sent if the elector has a reason for voting absentee or may be voted at the clerk’s office for any reason.

4. Provide that no in-person registration may take place in the clerk’s office after 5:00 p.m. on the Saturday immediately preceding a primary or election. Same day registration at the polls, however, would be retained.

5. “Beef up” the current statutory language about public handling and counting of absentee ballots.

6. Require municipal clerks to keep a public list of nursing homes and other facilities under s. 6.875, Stats., that the clerk will send special voting deputies to under s. 6.875, Stats. Require the clerk to post a notice at the facility when the voting deputies will be present prior to a scheduled visit. Provide that one observer from each of the two recognized political parties whose candidates for Governor or President received the greatest number of votes at the most recent general election may accompany the special voting deputies and may observe the process of ballot distribution to absent voters in public areas of such facilities. The names of such observers must be provided to the clerk by the parties prior to the day of any such visit. The committee also directed staff to explore the extension

of electioneering prohibitions to the public areas of facilities under s. 6.875, Stats., on the day that special voting deputies are present.

7. Require the Department of Military Affairs to provide a list of the names and addresses of all active duty military personnel from Wisconsin to the Elections Board and require the Board to advise the appropriate municipal clerks. Further, provide that at least 90 days prior to each primary or election, each clerk must send a request for an absentee ballot form to each person on such list.

8. Provide that any military elector who requests an absentee ballot shall be sent one for each subsequent election regardless of whether a ballot was returned for the previous election, and until such time as the clerk determines that the elector no longer qualifies as a military elector.

9. Provide that absentee ballots of military electors will be considered valid if the envelope containing the ballot is postmarked on or before the date of the primary or election for which the ballot is cast and if it is received within a certain period of time following the close of polls. Further, provide that such ballots received after the close of the polls shall not be counted, except in the case of a recount.

Chair Leibham indicated that the committee would resume its discussion of issues in Memo Nos. 4 and 5 at its next meeting, which would likely be held in February.

### **Plans for Future Meetings**

The next meeting of the Special Committee will be held at the call of Chair Leibham.

### **Other Business**

There was no other business brought before the committee.

### **Adjournment**

The committee adjourned at 1:30 p.m.

RJC:NZ:tl