



WISCONSIN LEGISLATIVE COUNCIL

ELECTION LAW REVIEW

Legislative Council Conference Room
Madison, Wisconsin

March 23, 2005

9:00 a.m. – 3:40 p.m.

[The following is a summary of the March 23, 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>.]

Call to Order and Roll Call

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

COMMITTEE MEMBERS PRESENT: Sen. Joseph Leibham, Chair; Reps. Stephen Freese and Marlin Schneider; and Public Members Marilyn Bhend, Joyce Buechel, Janice Dunn, Kevin Kennedy, and Kathy Nickolaus.

COMMITTEE MEMBERS EXCUSED Sen. Jon Erpenbach; Rep. Steve Wieckert; and Public Members Cindi Hesse, James Troupis, and Mike Wittenwyler.

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

Approval of the Minutes of the March 2, 2005 Meeting

Representative Schneider moved, seconded by Marilyn Bhend, to approve the minutes of the March 2, 2005 meeting of the Special Committee. The motion carried on a unanimous voice vote.

Description of Materials Distributed

Mr. Conlin briefly described the materials that were distributed.

Presentation by Invited Speaker

Sharon Robinson, Director, City of Milwaukee Department of Administration and Chair of the City of Milwaukee Election Commission Task Force made a presentation to the committee. She read a prepared statement which thanked the Special Committee for inviting her and expressed her interest, and the interest of the City of Milwaukee Election Commission, in working with the Special Committee to ensure the ability to vote and that every vote is counted. She described the work of the task force that is reviewing Milwaukee's election practices and said that she expected the task force to have recommendations prepared sometime in May and that Mayor Barrett would welcome the chance to come before the Special Committee at that time to present the task force's findings and recommendations. She said she hoped the committee would continue to be willing to work with her and the task force. She noted that the City Election Commission has been fully cooperating with investigations and the audit by the Legislative Audit Bureau. Ms. Robinson then answered questions from members of the committee.

Continued Discussion of Preelection, Election Day, and Post-Election Issues Raised by Committee Members and Summarized in Memo Nos. 4, 5, and 6

The committee resumed discussion of the issues presented in Memo Nos. 4, 5, and 6. The committee agreed that staff should prepare drafts that do the following:

1. Require uniform poll hours in all municipalities throughout the state from 7:00 a.m. to 8:00 p.m.
2. Authorize the governing body of a municipality to establish alternative sites for casting absentee ballots in person. The sites would need to be established prior to the period during which absentee ballots may be cast in the clerk's office.
3. Require the municipal clerk to establish a written policy for closing the polls at 8:00 p.m. when people are in line. The policy must be posted at the polling place and a copy sent to the county clerk.
4. Require the Elections Board to promulgate rules relating to the proper conduct of observers at polling places, including the interaction of observers with election officials.
5. Prohibit the posting or distribution of election-related material, except those authorized or required by law to be posted or distributed by the municipal clerk or other election officials, in the area of the polling place and within 100 feet of the entrance to any building containing a polling place. In addition, extend the prohibition on electioneering activities to the area of the polling place.
6. Reconfigure s. 12.09, Stats., relating to election threats, into three separate subsections.
7. Require that all persons who registered by mail and who are first-time voters in the state provide required identification before being given a ballot at all elections, not just federal elections. This would authorize provisional ballots for all elections if such an elector did not have the proper identification on election day.

8. Amend s. 7.51 (5) (b), Stats., to change from 2:00 p.m. to 4:00 p.m. the deadline for municipalities to provide their canvass materials to the county clerk.

9. Provide for the tallying of write-in votes at the canvass only if the write-in candidate has filed a candidacy statement, as provided in 2003 Assembly Bill 115, but require the statement to be filed by the Friday before the election.

10. Eliminate the requirement that inspectors' statements be done in duplicate and require the original to be forwarded to the county if it is a county, state, or federal election.

11. Authorize the county clerk to serve on the board of canvassers if the clerk is unopposed on the ballot and allow the clerk to serve on the recount board of canvassers if the recount does not concern the clerk's office regardless of whether the clerk is opposed in the election.

Plans for Future Meetings

Chair Leibham indicated that he would notify members when the next meeting date had been established, but that it would probably sometime in April.

Other Business

There was no other business brought before the committee.

Adjournment

The committee adjourned at 3:40 p.m.

RJC:wu:tl