



WISCONSIN LEGISLATIVE COUNCIL

ELECTION LAW REVIEW

Legislative Council Conference Room
Madison, Wisconsin

May 2, 2005

9:00 a.m. – 4:10 p.m.

[The following is a summary of the May 2, 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, Cindi Hesse, Kevin Kennedy, and Kathy Nickolaus.

COMMITTEE MEMBERS EXCUSED Sen. Jon Erpenbach; Rep. Steve Wieckert; and Public Members Janice Dunn, 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 23, 2005 Meeting

The minutes were approved by unanimous consent.

Description of Materials Distributed

Mr. Conlin briefly described the materials that were distributed.

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

Kevin Kennedy gave a brief description of the results of the survey regarding voting by mail. After a brief discussion, Chair Leibham suggested that the issue be set aside for further discussion.

The committee discussed the training of poll workers. Chair Leibham stressed that training needs to be addressed by the committee. Ms. Bhend suggested opening up the job of training to organizations such as the Towns Association and League of Municipalities. Ms. Nickolaus noted that each municipality does its own training and has its own system and ballot styles. Chair Leibham suggested that the issue be discussed further at the committee's future meetings.

The committee also had brief discussions of the recall procedure, font size on ballots, creating civil penalties for violations of the election laws, and the need to examine the Governor's proposals regarding election law reform.

Review and Discussion of Draft Legislation

The committee took no formal votes on any of the proposed drafts. However, the committee gave tentative approval to the following drafts:

WLC: 0096/1, relating to requiring a witness for absentee voting to be an adult U.S. citizen.

WLC: 0117/1, relating to requesting an absentee ballot by mail.

WLC: 0118/1, relating to the mailing of absentee ballots.

WLC: 0143/1, relating to the deadline for registration to vote.

WLC: 0146/1, relating to the minimum grade point average required of a high school student to be a poll worker.

WLC: 0147/1, relating to the term of a poll worker who is a high school student.

WLC: 0148/1, relating to the elimination of prepaid postage on voter registration cards.

WLC: 0154/1, relating to notice of certain school referenda. [Technical amendment.]

WLC: 0156/1, relating to report on election contingency planning.

WLC: 0167/1, relating to the method of compensation of special voter registration deputies and providing a penalty. [Technical amendment.]

WLC: 0169/1, relating to conducting registration at offices of the county clerk and the county election commissioners. [Amended to ensure that clerk or clerk's staff may conduct registration at locations other than the clerk's office, e.g. county fair.]

WLC: 0170/1, relating to the date of appointment and term of office for election officials.

WLC: 0179/1, relating to the conduct of election observers, and granting rule-making authority.

WLC: 0181/1, relating to identification required for certain voters who register by mail.

WLC: 0182/1, relating to election threats.

The committee suggested amendment of the following drafts:

WLC: 0101/1 relating to relating to requesting an absentee ballot by electronic mail or facsimile transmission. [Amended to require a signed copy of the request accompany the voted absentee ballot.]

WLC: 0104/1, relating to late voter registration in the municipal clerk's office. [Amended to move the deadline to Friday.]

WLC: 0105/1, relating to observation and electioneering activities in the office of the municipal clerk. [Amended to make ban on electioneering specific to the clerk's office and amend the definition of electioneering.]

WLC: 0106/1, relating to ballots for military electors. [Amended to allow a purge of military electors who have not voted in four years.]

WLC: 0107/1, relating to late arriving military ballots. [Amended to set the date of receipt at the deadline for filing for a recount, and to require the clerk to post the number of ballots received after election day. The next draft should incorporate, to the extent practicable, the relevant provisions of 2005 Assembly Bill 377.]

WLC: 0124/1, relating to the recording of absentee ballots. [Amended to require counting in the same room where votes are being cast.]

WLC: 0126/1, relating to absentee voting in nursing homes, qualified retirement homes, and qualified community-based residential facilities. [Amended to included limitations on observers and to allow posting of notice as soon as determination is made if less than seven days.]

WLC: 0145/1, relating to requiring two registration deputies for polling place registration. [Amended to require only one inspector/deputy, and to make the process under s. 6.55 (3) consistent.]

WLC: 0153/1, relating to qualification of circulators of nomination papers and petitions. [Amended to change the definition of qualified circulator to include a "qualified elector of this state."]

WLC: 0157/1, relating to the timing of local referenda elections. [Amended to balance the party representation on the appeal board.]

WLC: 0163/1, relating to establishment of an election apparatus oversight committee. [Amended to give the responsibilities to the Election Administration Council.]

WLC: 0165/1, relating to eliminating registration at high schools, through special registration deputies, and at the office of the register of deeds. [Amended to leave the ability of clerk to appoint deputies at high schools, and at other appropriate locations such as libraries.]

WLC: 0168/1, relating to registering to vote by mail. [Amended to harmonize with WLC: 0165/1.]

WLC: 0197/1, relating to proof of residence required of certain voters and those registering to vote at the polls. [Amended to allow a utility bill, and to eliminate s. 6.55 (7) (b), which allows an address on a “proof of residence” to be amended by hand, but allow for the use by the Department of Transportation of “address change stickers” on driver’s licenses.]

WLC: 0174/1, relating to filing of declarations of candidacy and recording of votes received by write-in candidates in certain elections. [Amended to require, in addition, a registration statement.]

WLC: 0178/1, relating to requiring a municipal clerk to establish a policy for the orderly closing of polling places. [Amended to require a statewide process where a poll worker stands at the end of the line.]

WLC: 0180/1, relating to the deadline for delivery of materials from the municipal canvass to the county clerk. [Amended to apply the 4:00 p.m. deadline to schools.]

WLC: 0188/1, relating to the fee for receiving a copy of the statewide voter registration list. [Amended to allow the Election Board to utilize emergency rules until the permanent rules can be properly promulgated.]

The committee suggested that the following drafts be set aside for further discussion:

WLC: 0102/1, relating to returning absentee ballots and providing a penalty.

WLC: 0144/1, relating to eliminating corroboration as proof of residence for voter registration.

WLC: 0155/1, relating to requiring the use of printed ballots with electronic voting systems.

WLC: 0164/1, relating to publication of election notices in local government newsletters.

WLC: 0173/1, relating to polling hours.

The committee suggested that WLC: 0129/1, relating to requesting and casting an absentee ballot be removed from discussion.

The committee requested three additional drafts:

- A draft requiring proof of residence for all registrations.
- A draft requiring voters to be marked with indelible ink after voting.
- A draft modifying the way in which recalls of city, town, village, and school district officers are triggered.

Plans for Future Meetings

The next meeting will be at the call of the Chair.

Other Business

There was no other business brought before the committee.

Adjournment

The committee adjourned at 4:10 p.m.

RJC:tlu