



WISCONSIN LEGISLATIVE COUNCIL

ELECTION LAW REVIEW

Legislative Council Conference Room
Madison, Wisconsin

September 29, 2005
9:00 a.m. – 4:40 p.m.

[The following is a summary of the September 29, 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 determined to be present.

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

COMMITTEE MEMBERS EXCUSED: Rep. Steve Wieckert; and Public Member Janice Dunn.

COUNCIL STAFF PRESENT: Bob Conlin, Senior Staff Attorney.

Approval of the Minutes of the August 4, 2005 Meeting

The minutes were approved by unanimous consent.

***ATTENTION:** This was the final meeting of the Special Committee on Election Law Review. Committee members are requested to send any corrections regarding these Minutes to the Legislative Council staff. After the incorporation of any corrections, these Minutes will be considered approved by the committee.

Description of Materials Distributed

Mr. Conlin briefly described some of the materials that were distributed prior to today's meeting and pointed out that the City of Milwaukee Election Commission had distributed a letter to members this morning.

Review and Discussion of Draft Legislation

The Special Committee spent nearly the entire meeting reviewing, discussing, and debating the drafts that had been prepared for committee consideration. The committee made the following recommendations on the following drafts (committee requested modifications as shown in brackets):

Recommended for Inclusion in Final Recommendations

- [WLC: 0236/1](#), relating to preservation of unused ballots. [Amend to also prohibit discarding unused ballots.]
- WLC: 0245/1, relating to the deadline for requesting an absentee ballot by mail. [Amend to change the deadline to the 6th day prior to an election.]
- WLC: 0246/1, relating to counting absentee ballots at a central location. [Amend to make proposal optional, include a separate absentee ballot board of canvassers, and require the municipal governing body to exercise option.]
- WLC: 0248/1, relating to the requirement to post maps at polling locations, and making an appropriation. [Amend to delete appropriation and formatting by the Elections Board and require the map to only display the geographic area served by the polling place.]
- WLC: 0250/1, relating to mandatory training for certain poll workers, and making an appropriation. [Amend to require Elections Board to train clerks and clerks to attend training at least every two years; require all poll workers to go through training and certification provided by the clerks according to rules promulgated by the Elections Board; allow training to be accomplished by video; allow exceptions for poll workers to serve without training in an emergency; implement training requirement in 2007.]
- WLC: 0251/1, relating to lists of felons ineligible to vote at an election.
- WLC: 0252/1, relating to the number of poll workers at certain elections. [Amend SEC. 2 of draft to read "may" rather than "shall."]
- WLC: 0254/1, relating to standard recount procedures.
- WLC: 0256/1, relating to recounts of machine-readable ballots. [Amend to provide that special petition must be filed by the close of business of the next business day after the deadline for requesting a recount.]
- WLC: 0104/2, relating to late voter registration in the municipal clerk's office.

- WLC: 0105/2, relating to observation and electioneering activities in the office of the municipal clerk. [Amend to apply to alternative absentee ballot locations--see "Other Proposals."]
- WLC: 0106/2, relating to ballots for military electors. [Amend to allow discontinuance of automatic ballots after two successive general elections if none are voted during that time period.]
- WLC: 0107/2, relating to late arriving military ballots.
- WLC: 0124/2, relating to the recording of absentee ballots.
- WLC: 0126/2, relating to absentee voting in nursing homes, qualified retirement homes, and qualified community-based residential facilities.
- WLC: 0145/2, relating to requiring two registration deputies for polling place registration. [Amend the relating clause to reflect that the draft requires registration forms to be legible.]
- WLC: 0153/2, relating to qualification of circulators of nomination papers and petitions.
- WLC: 0163/2, relating to establishment of an election apparatus oversight committee. [Amend to include "supplies."]
- WLC: 0165/2, relating to eliminating registration at high schools, through special registration deputies, and at the office of the register of deeds. [Amend p. 2, line 10 to provide that municipal clerks may establish other registration locations.]
- WLC: 0168/2, relating to registration other than in person.
- WLC: 0178/2, relating to requiring a municipal clerk to establish a policy for the orderly closing of polling places.
- WLC: 0180/2, relating to the deadline for delivery of materials from the municipal canvass to the county clerk.
- WLC: 0188/2, relating to the fee for receiving a copy of the statewide voter registration list.
- WLC: 0197/2, relating to proof of residence required to register to vote and of certain voters appearing at the polls. [Amend to remove "lease" and require private college and employer I.D.s to contain photographs.]

[Sen. Erpenbach asked that the record reflect that he was opposed to this draft.]

- WLC: 0101/3, relating to requesting an absentee ballot by electronic mail or facsimile transmission.
- WLC: 0190/2, relating to registration with out-of-state driver's licenses.
- WLC: 193/2, relating to electioneering at a polling place, the posting or distribution of election-related material, and providing a penalty. [Amend to apply to a municipal clerk's office when absentee ballots are being cast and alternative absentee ballot locations -- see "Other Proposals."]

- WLC: 0195/2, relating to election inspector statements.
- WLC: 0202/2, relating to the county clerk serving on the board of canvassers. [Amend the relating clause to reflect application to county and municipal clerks.]
- WLC: 0214/2, relating to establishing a requirement that a petition for the recall of a city, village, town, or school district officer include a statement of the grounds that constitute cause for the recall.
- 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. [Amend to delete the “cause” requirement but retain the elimination of prepaid postage.]

[Sen. Erpenbach and Rep. Schneider asked that the record reflect that they support clerks continuing to pay for return postage.]

- 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.
- 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.
- WLC: 0169/1, relating to conducting registration at offices of the county clerk and the county election commissioners.
- 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.
- WLC: 0189/1, relating to time for sending address verification cards.

Rejected

- WLC: 0102/1, relating to returning absentee ballots and providing a penalty.
- WLC: 0129/1, relating to requesting and casting an absentee ballot.

- 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: 0157/2, relating to the timing of local referenda elections.
- WLC: 0164/1, relating to publication of election notices in local government newsletters.
- WLC: 0173/1, relating to polling hours.
- WLC: 0174/2, relating to filing of declarations of candidacy and recording of votes received by write-in candidates in certain elections.
- WLC: 0194/1, relating to registration of homeless individuals.
- WLC: 0198/1, relating to the establishment of satellite offices for absentee voting.
- WLC: 0218/1, relating to marking voters with indelible ink.
- WLC: 0247/1, relating to waiting time to vote, election day planning, and postelection performance reviews.
- WLC: 0249/1, relating to access to certain information on the statewide voter registration list.

Other Proposals From Committee Members

- Rep. Schneider proposed that felons who are not incarcerated but who have not yet completed probation or parole be allowed to vote. The proposal failed on a voice vote of the committee.
- Chair Leibham proposed that municipal clerks and boards of election commissioners be authorized to relocate the absentee ballot processing and absentee ballot voting function to a more accommodating location in the municipality. All such functions for that election would need to occur at that alternative location. The proposal was approved for inclusion in the committee's recommendations.
- Chair Leibham proposed that the Elections Board establish a plan for random post-election audits during the fall of odd-numbered years under which local election practices are reviewed by election officials from peer municipalities and under which the cost of such audits are borne by the state. The plan must be submitted to the Legislature by December 31, 2006. The plan must also include recommendations for any legislative changes necessary to implement the plan. The proposal was approved for inclusion in the committee's recommendations.
- Mr. Kennedy proposed that the Elections Board be authorized to do voter registration verification currently required of municipal clerks under current law as part of the Statewide Voter Registration System. The proposal was approved for inclusion in the committee's recommendations.

Discussion of Packaging of Committee Drafts For Introduction and Committee Wrap-Up

Chair Leibham indicated that he would determine how the committee's recommendations would be presented to the Joint Legislative Council (i.e., as one large bill draft or several smaller drafts). Once that determination is made, staff will compile the drafts that were approved today into the appropriate packaging configuration and send the resulting draft or drafts to members, along with a mail ballot, for final approval.

Plans for Future Meetings

This was the last meeting of the committee.

Other Business

There was no other business brought before the committee.

Adjournment

The committee adjourned at 4:40 p.m.

RJC:tlu