



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Assembly Bill 330

Assembly Amendment 2

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2009 Assembly Bill 330

Assembly Bill 330 removes the requirement under current law that a military or overseas elector use a witness when voting by absentee ballot.

“Military elector” means any of the following: (1) members of a uniformed service; (2) members of the merchant marine of the United States; (3) civilian employees of the United States and civilians officially attached to a uniformed service who are serving outside the United States; (4) peace corps volunteers; and (5) spouses and dependents of those listed in the above categories residing with or accompanying them.

“Overseas elector” means a U.S. citizen who is not disqualified from voting, who has attained or will attain the age of 18 by the date of an election at which the citizen proposes to vote and who does not qualify as a resident of the state, but who was last domiciled in the state or whose parent was last domiciled in the state immediately prior to the parent’s departure from the United States, and who is not registered to vote or voting in any other state, territory, or possession.

The bill also deletes certain requirements under current law for the absentee ballot certificate and instead requires that the Government Accountability Board prescribe a separate form of the certificate for use by military electors, overseas electors, and other absent electors. The bill provides additional specific requirements for the certificate. Lastly, the bill requires that the absentee ballot instructions for military voters include a definition of “military elector” and that the instructions for overseas voters include a definition of “overseas elector.”

Assembly Amendment 2

Assembly Amendment 2 provides that an overseas elector or an elector other than a military elector who is applying for an absentee ballot from a location outside the United States must make and subscribe to an absentee ballot certificate before an *adult witness*. The adult witness need not be a U.S.

citizen. The amendment reverses the treatment of military electors under the bill, thus keeping the current law requirement that a military elector use a witness who is an adult U.S. citizen when voting by absentee ballot.

The amendment also requires that an absent elector who is an overseas elector or an elector other than a military elector who is applying for an absentee ballot from a location outside the United States provide that status on the application for an absentee ballot. Further, the amendment modifies the requirements for the certificate under the bill to reflect the treatment, in the amendment, of military electors, overseas electors, and electors other than military electors who are applying for an absentee ballot from a location outside the United States.

Legislative History

Assembly Amendment 2 was offered by Representative Turner. On November 17, 2009, the Assembly Committee on Elections and Campaign Reform recommended adoption of the amendment on a vote of Ayes, 7; Noes, 0; and Absent, 1. The committee then recommended passage of Assembly Bill 330, as amended, on a vote of Ayes, 4; Noes, 3; and Absent, 1.

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