



2011 BILL

1 **AN ACT** *to amend* 8.40 (2) of the statutes; **relating to:** verification of the identity
2 of recall petition circulators.

Analysis by the Legislative Reference Bureau

Currently, each nomination paper or petition for an election must contain the dated certification of a qualified circulator, as defined by law, at the bottom of each separate sheet, stating his or her residence and affirming that he or she personally circulated the paper or petition and obtained each of the signatures, that the circulator knows that the signers are electors of the jurisdiction or district in which the paper or the petition is circulated, that the circulator knows that the signers signed the paper or petition with full knowledge of its content, that the circulator knows their residences given, that the circulator knows that they signed on the dates opposite their names, that the circulator is qualified to circulate the petition, and that the circulator knows that falsifying the certification is punishable as a felony.

This bill provides, in addition, that if the circulator is signing a petition for the recall of an elective officer, the statement must be in the form of an affidavit acknowledged by an officer who is authorized to administer oaths affirming the circulator's identity and stating that the circulator appeared before the officer and executed the statement in the officer's presence.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

BILL

1 **SECTION 1.** 8.40 (2) of the statutes is amended to read:

2 **8.40 (2)** The ~~certification~~ statement of a qualified circulator ~~stating~~ certifying
3 his or her residence with street and number, if any, shall appear at the bottom of each
4 separate sheet of each petition specified in sub. (1), ~~stating that he or she~~ certifying
5 that the circulator personally circulated the petition and personally obtained each
6 of the signatures; that the circulator knows that they are electors of the jurisdiction
7 or district in which the petition is circulated; that the circulator knows that they
8 signed the paper with full knowledge of its content; that the circulator knows their
9 respective residences given; that the circulator knows that each signer signed on the
10 date stated opposite his or her name; that the circulator is a qualified elector of this
11 state, or if not a qualified elector of this state, that the circulator is a U.S. citizen age
12 18 or older who, if he or she were a resident of this state, would not be disqualified
13 from voting under s. 6.03, Wis. stats.; and that the circulator is aware that falsifying
14 the certification is punishable under s. 12.13 (3) (a). The circulator shall indicate the
15 date that he or she makes the certification next to his or her signature. If the petition
16 is for the recall of an elective officer, the statement shall be in the form of an affidavit
17 acknowledged by an officer who is authorized to administer oaths affirming the
18 circulator's identity and stating that the circulator appeared before the officer and
19 executed the statement in the officer's presence.

20 **SECTION 2. Initial applicability.**

21 (1) This act first applies with respect to petitions for the recall of officers offered
22 by petitioners who register their intent to circulate recall petitions on the effective
23 date of this subsection.

24

(END)