



WISCONSIN LEGISLATIVE COUNCIL INFORMATION MEMORANDUM

Suffrage for Adult Children of Overseas Electors

At the general election on November 7, 2000, voters in Wisconsin will be asked to approve the extension of the right to vote in federal elections in Wisconsin to the adult children of U.S. citizens who resided in this state prior to establishing residency abroad. If approved, the extension of the right to vote to these individuals will become effective on January 1, 2001.

This Information Memorandum provides a brief overview of current law relating to the rights of U.S. citizens who live abroad to vote in Wisconsin and summarizes the proposed changes to the law.

CURRENT LAW

Under current law, members of the Armed Forces and Merchant Marine, federal employees and Peace Corps volunteers who are stationed abroad, and their adult children, may vote in elections in Wisconsin. Generally, these “military electors” must vote in the ward or election district for the address of their residence prior to becoming a military elector. An adult child of such an elector who did not maintain a residence in Wisconsin prior to becoming a military elector must vote in the ward or election district in which the parent who provides the child’s support is entitled to vote.

Other U.S. citizens who reside overseas and do not qualify as a Wisconsin resident but who

were last domiciled here before going abroad may also vote in *federal elections* held in Wisconsin. Such “overseas electors” must vote in the ward or election district in which they were last domiciled prior to departure from the U.S. However, unlike military electors, the adult children of these overseas electors who are U.S. citizens are not eligible to vote in Wisconsin if they are not residing in the state.

THE PROPOSAL

The U.S. Department of Defense asked the state to consider allowing the adult citizen children of overseas electors to vote in Wisconsin. As part of its comprehensive election reform legislation (1999 Assembly Bill 700), the Assembly Committee on Campaigns and Elections recommended extending the privilege of voting, in federal elections only, to the adult citizen children of overseas electors. However, because the Wisconsin Constitution provides that any extension of the right to vote must be approved at a statewide election [Wis. Const., art. III, s. 2 (5)], the statutory change was made contingent upon the approval of the voters. Assembly Bill 700 passed the Legislature and was signed into law by Governor Thompson as 1999 Wisconsin Act 182.

Accordingly, the November 7 ballot will ask voters to extend the right to vote to this limited class of individuals. The question that will

appear on ballots around the state is reproduced below:

Shall sections 68 and 70 of 1999 Wisconsin Act 182, which extend the right to vote in federal elections in this state to the adult children of U.S. citizens who resided in this state prior to establishing residency abroad, become effective on January 1, 2001?

If the affirmative vote on this question prevails, these adult citizen children of overseas electors will be entitled to vote in federal elections in Wisconsin. If the question fails, no change will occur.

This Information Memorandum was prepared on October 12, 2000, by ***Robert J. Conlin***, ***Senior Staff Attorney***.

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