



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2011 Wisconsin Act 115
[2011 Senate Bill 381]

**County and Municipal Canvassing
Procedures and Election Deadlines**

2011 Wisconsin Act 115 alters a number of elections laws. Many of the provisions modify election procedure dates and timelines to reflect changes made by 2011 Wisconsin Acts 23 and 75.

Act 23 is commonly known as the “Voter ID Law” and allows for the use of provisional ballots by individuals who fail to provide required proof of identification when voting. The provisional votes of these individuals may be counted if the individual returns and provides proof of identification before 4 p.m. on the Friday after the election. Act 75 is commonly known as the “MOVE Act Law” and allows for the counting of any absentee ballot that is postmarked by Election Day and received by 4 p.m. on the Friday after an election. Many of the provisions of Act 115 change canvassing timelines to account for these late-arriving absentee and verified provisional ballots.

Act 115 makes several additional changes to elections laws. The changes include clarifying requirements regarding the delivery of election materials by clerks, requiring municipal clerks to post the number of voters who cast provisional ballots, altering certain recount deadlines, altering the date on which a town must hold its annual meeting and the date on which the terms of elected town officials begin, and making minor language modifications to certain election statutes.

CANVASSING TIMELINE CHANGES

Act 115 changes the deadlines applicable to boards of canvassers. The Act provides that municipal boards of canvassers must meet no later than 9 a.m. on the Monday following an election and must report any required returns to the county and school district by 4 p.m. that day. The Act further provides that county boards of canvassers and school district boards of canvassers must meet no later than 9 a.m. on the Tuesday following an election. School district boards of canvassers must complete their canvasses by 4 p.m. that day.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.state.wi.us/>.

DELIVERY OF ELECTION MATERIALS

Act 115 changes several provisions relating to the delivery of election materials. The Act provides that a municipal clerk must deliver late-arriving absentee and verified provisional ballots and related materials to the county clerk and must deliver certain election materials to the school district clerk by 4 p.m. on the Monday following the election. The Act also specifies that county clerks must return specific election materials to a municipal or school district clerk upon completion of a central count.

POSTING OF PROVISIONAL BALLOT INFORMATION

Act 115 requires municipal clerks to post information regarding the number of outstanding provisional ballots. The Act directs municipal clerks to post the number of electors who cast provisional ballots and, as of the closing hour for all polling places, have not yet returned to satisfy relevant voting requirements so that their provisional ballots may be verified.

RECOUNT DEADLINE CHANGES

Act 115 changes the deadline for filing a recount petition and the date by which the vote margin between the petitioner and leading candidate is determined. The Act provides that a recount petition must be filed not earlier than completion of the canvass after any valid absentee ballots and provisional ballots are canvassed, and not later than 5 p.m. on the 3rd business day following the last meeting of the relevant board of canvassers after any valid absentee and provisional ballots are canvassed. The Act also provides that the vote margin between the petitioner and leading candidate, which impacts the required payment by a candidate requesting a recount, is determined after canvassing of valid absentee and provisional ballots.

TOWN MEETING AND OFFICER TERM DATE CHANGES

Act 115 changes the date of annual town meetings and the date on which the terms of elected town officers begin by one week. The Act changes these dates from the 2nd Tuesday in April to the 3rd Tuesday in April. The Act also allows a town board to enact an ordinance extending town officer terms that expire on the 2nd Tuesday of April in 2012 or 2013 by one week so that the expiration of current terms corresponds with the beginning date of new officer terms.

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