



**SENATE SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 418**

February 25, 2014 – Offered by Senator OLSEN.

1 **AN ACT** *to repeal* 9.01 (1) (ag) 1., 9.01 (1) (ag) 1m. and 9.01 (1) (ag) 2.; *to amend*
2 9.01 (1) (ad), 9.01 (1) (ag) 3. and 9.01 (1) (ag) 3m.; and *to create* 9.01 (1) (ag) 2m.
3 of the statutes; **relating to:** fees for election recounts.

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

4 **SECTION 1.** 9.01 (1) (ad) of the statutes is amended to read:
5 9.01 (1) (ad) Upon receiving a petition for a recount, the clerk or body receiving
6 the petition shall ~~calculate any fee due under par. (ag) 1m. or~~ reasonably estimate
7 any fee due under par. (ag) 2. 2m. The clerk or body shall provide the petitioner
8 promptly with the total ~~due or~~ estimate.

9 **SECTION 2.** 9.01 (1) (ag) 1. of the statutes is repealed.

10 **SECTION 3.** 9.01 (1) (ag) 1m. of the statutes is repealed.

11 **SECTION 4.** 9.01 (1) (ag) 2. of the statutes is repealed.

1 **SECTION 5.** 9.01 (1) (ag) 2m. of the statutes is created to read:

2 9.01 (1) (ag) 2m. The petitioner shall pay a fee equal to the actual cost of
3 performing the recount in each ward for which the petition requests a recount, or in
4 each municipality for which the petition requests a recount where no wards exist,
5 except that the petitioner is not required to pay a fee if the difference between the
6 votes cast for the leading candidate and those cast for the petitioner, or the difference
7 between the affirmative and negative votes cast upon any referendum question, is
8 less than 10 or not more than 0.25 percent of the total votes cast for the office or on
9 the question, following canvassing of all valid provisional and absentee ballots.

10 **SECTION 6.** 9.01 (1) (ag) 3. of the statutes is amended to read:

11 9.01 (1) (ag) 3. All fees ~~calculated~~ or estimated under par. (ad) shall be prepaid
12 in cash or another form of payment which is acceptable to the officer to whom they
13 are paid. No petition for which a fee is required is valid unless the proper ~~calculated~~
14 ~~or~~ estimated fee is paid at the time of filing.

15 **SECTION 7.** 9.01 (1) (ag) 3m. of the statutes is amended to read:

16 9.01 (1) (ag) 3m. The petitioner shall pay any balance owing toward the fee due
17 under subd. 2. 2m. within 30 days after the clerk or body receiving the petition
18 provides the petitioner with a written statement of the amount due. If the petitioner
19 has overpaid the fee due under subd. 2. 2m. the clerk or body receiving the petition
20 shall refund the amount overpaid within 30 days after the board of canvassers makes
21 its determination in the recount.

22 **SECTION 8. Initial applicability.**

23 (1) This act first applies to petitions filed on the effective date of this subsection.

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(END)