



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 30**

March 6, 1997 – Offered by Representative KREUSER.

1 **AN ACT to amend** 7.51 (2) (e), 7.51 (2) (g), 7.51 (4) (a), 7.53 (1), 7.53 (2) (d), 7.53
2 (3) (a), 7.60 (4) (a), 7.60 (4) (c) and 7.70 (3) (f); and **to create** 5.02 (26) of the
3 statutes; **relating to:** recording of votes received by write-in candidates in
4 certain elections.

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

5 **SECTION 1.** 5.02 (26) of the statutes is created to read:

6 5.02 (26) “Write-in candidate” means a candidate who seeks or receives votes
7 at an election for an office without qualifying to have his or her name appear on the
8 ballot at that election for the office for which the candidate seeks or receives votes.

9 **SECTION 2.** 7.51 (2) (e) of the statutes is amended to read:

10 7.51 (2) (e) If, after any ballots have been laid aside, the number of ballots still
11 exceeds the total number of electors recorded on the registration or poll list, the
12 inspectors shall separate the absentee ballots from the other ballots. If there is an

1 excess number of absentee ballots, the inspectors shall place the absentee ballots in
2 the ballot box and one of the inspectors shall publicly and without examination draw
3 therefrom by chance the number of ballots equal to the excess number of absentee
4 ballots. If there is an excess number of other ballots, the inspectors shall place those
5 ballots in the ballot box and one of the inspectors shall publicly and without
6 examination draw therefrom by chance the number of ballots equal to the excess
7 number of those ballots. All ballots so removed may not be counted but shall be
8 specially marked as having been removed by the inspectors on original canvass due
9 to an excess number of ballots, set aside and preserved. When the number of ballots
10 and total shown on the poll or registration list agree, the inspectors shall return all
11 ballots to be counted to the ballot box and shall turn the ballot box in such manner
12 as to thoroughly mix the ballots. The inspectors shall then open, count and record
13 the number of votes. In recording the votes cast for an office, the inspectors may
14 indicate as scattering votes any votes received by a candidate whom the inspectors
15 know is not a resident of the jurisdiction or district served by the office for which the
16 candidate receives votes. When the ballots are counted, the inspectors shall separate
17 them into piles for ballots similarly voted. Objections may be made to placement of
18 ballots in the piles at the time the separation is made.

19 **SECTION 3.** 7.51 (2) (g) of the statutes is amended to read:

20 7.51 (2) (g) Immediately after the polls close, where voting machines are used,
21 the inspectors shall open the registering or recording compartments or remove the
22 record of the votes cast and shall canvass, record, announce and return on the tally
23 sheets and certificates furnished. In recording the votes cast for an office, the
24 inspectors may indicate as scattering votes any votes received by a candidate whom
25 the inspectors know is not a resident of the jurisdiction or district served by the office

1 for which the candidate receives votes. In recording the votes registered on any
2 counter which, before the opening of the polls, did not register 000, the inspectors
3 shall upon the return sheets subtract the number registered before the polls opened
4 from the number registered when the polls closed. The difference between the 2
5 numbers is the correct vote for the candidate whose name was represented by the
6 counter, except if the number registered on the counter when the polls closed is
7 smaller than the number registered thereon when the polls opened, the number
8 1,000 shall be added to the number registered when the polls closed, before the
9 subtraction is made.

10 **SECTION 4.** 7.51 (4) (a) of the statutes is amended to read:

11 7.51 (4) (a) The tally sheets shall state the total number of votes cast for each
12 office and for each individual receiving votes for that office, ~~whether or not the~~
13 ~~individual's name appears on the ballot, and shall~~ except votes cast for write-in
14 candidates which have been indicated by the inspectors as scattering votes, which
15 shall be stated as a combined total. The tally sheets shall also state the vote for and
16 against each proposition voted on. Upon completion of the tally sheets, the
17 inspectors shall immediately complete inspectors' statements in duplicate. The
18 inspectors shall state the excess by which the number of ballots exceeds the number
19 of electors voting as shown by the poll or registration list, if any, and shall state the
20 number of the last elector as shown by the registration or poll lists. At least 3
21 inspectors, including the chief inspector and at least one inspector representing each
22 political party, shall then certify to the correctness of the statements and tally sheets
23 and sign their names. All other election officials assisting with the tally shall also
24 certify to the correctness of the tally sheets. When the tally is complete, the
25 inspectors shall publicly announce the results from the statements.

1 **SECTION 5.** 7.53 (1) of the statutes is amended to read:

2 7.53 (1) MUNICIPALITIES WITH ONE POLLING PLACE. Where the municipality
3 constitutes one ward or combines all wards to utilize a single polling place under s.
4 5.15 (6) (b), the canvass shall be conducted publicly under s. 7.51 and the inspectors
5 shall act as the municipal board of canvassers. Upon completion of the canvass and
6 ascertainment of the results by the inspectors, the clerk shall publicly read the
7 names of the persons voted for and the number of votes for each person for each
8 municipal office, except the names of and numbers of votes cast for persons whose
9 votes have been indicated by the inspectors as scating votes, which the inspectors
10 shall read as a combined total. The clerk shall also publicly read the names of the
11 persons declared by the inspectors to have won nomination or election to each
12 municipal office and the number of votes cast for and against each municipal
13 referendum question.

14 **SECTION 6.** 7.53 (2) (d) of the statutes is amended to read:

15 7.53 (2) (d) The municipal board of canvassers shall publicly canvass the
16 returns of every municipal election. The canvass shall begin within 24 hours after
17 the polls close. At the spring election, the board of canvassers shall publicly declare
18 the results on or before the 2nd Tuesday in April. The board of canvassers shall
19 prepare a statement showing the results of each election for any municipal office and
20 each municipal referendum. After each primary for municipal offices, the board of
21 canvassers shall prepare a statement certifying the names of those persons who have
22 won nomination to office. After each other election for a municipal office and each
23 municipal referendum, the board of canvassers shall prepare a determination
24 showing the names of the persons who are elected to each municipal office and the
25 results of each municipal referendum. The statement shall include the number of

1 votes cast for each person for each municipal office, except the number of votes cast
2 for a person whose votes have been indicated by the inspectors as scattering votes,
3 which shall be included as a combined total. The statement shall also include the
4 number of votes cast for and against each question submitted by the municipality.
5 The board of canvassers shall file each statement and determination in the office of
6 the municipal clerk or board of election commissioners.

7 **SECTION 7.** 7.53 (3) (a) of the statutes is amended to read:

8 7.53 (3) (a) In a common, union high or unified school district, the school district
9 clerk shall appoint 2 qualified electors of the school district prior to the date of the
10 election being canvassed who shall, with the school district clerk, constitute the
11 school district board of canvassers. If the school district clerk is a candidate at the
12 election being canvassed, the other 2 members of the board of canvassers shall
13 designate a 3rd member to serve in lieu of the clerk for that election. The canvass
14 shall begin as soon as possible after receipt of the returns, and shall continue,
15 without adjournment, until completed. The board of canvassers may return
16 defective returns to the municipal board of canvassers in the manner provided in s.
17 7.60 (3). The board of canvassers shall prepare a written statement showing the
18 numbers of votes cast for each person for each office and, except the number of votes
19 cast for a person whose votes have been indicated by the inspectors as scattering
20 votes, which shall be stated as a combined total. The statement shall also show the
21 numbers of votes cast for and against each question and. The board of canvassers
22 shall also prepare a determination showing the names of the persons who are elected
23 to the school board and the results of any school district referendum. Following each
24 primary election, the board of canvassers shall prepare a statement certifying the
25 names of the persons who have won nomination to the school board. Each statement

1 and determination shall be attested by each of the canvassers. The board of
2 canvassers shall file each statement and determination in the school district office.
3 The school district clerk shall certify nominations after each primary and issue
4 certificates of election to persons who are elected to the school board after each
5 election in the manner provided in sub. (4).

6 **SECTION 8.** 7.60 (4) (a) of the statutes is amended to read:

7 7.60 (4) (a) The board of canvassers shall make separate duplicate statements
8 showing the numbers of votes cast for the offices of president and vice president; state
9 officials; U.S. senators and representatives in congress; state legislators; justice;
10 court of appeals judge; circuit judges; district attorneys; municipal judges, if they are
11 elected under s. 755.01 (4); and metropolitan sewerage commissioners, if the
12 commissioners are elected under s. 66.23 (11) (am). For partisan candidates, the
13 statements shall include the political party or principle designation, if any, next to
14 the name of each candidate. The board of canvassers shall also prepare a statement
15 showing the results of any county, technical college district or statewide referendum.
16 Each statement shall state show the total number of votes cast in the county for each
17 office; the names of all persons for whom the votes were cast, as returned; and the
18 number of votes cast for each person; and, except the number of votes cast for a person
19 whose votes have been indicated by the inspectors as scattering votes, which shall
20 be stated as a combined total. The statement shall also show the number of votes cast
21 for and against any question submitted at a referendum. The board of canvassers
22 shall use one copy of the statement to report to the elections board or technical college
23 district board and shall file the other statement in the office of the county clerk or
24 board of election commissioners.

25 **SECTION 9.** 7.60 (4) (c) of the statutes is amended to read:

