



2013 SENATE BILL 94

March 20, 2013 – Introduced by Senators LEIBHAM, LAZICH, MOULTON, OLSEN and RISSER, cosponsored by Representatives BERNIER, MURPHY, JACQUE, SARGENT, SPIROS, BERCEAU, BIES, KAHL, TITTL, THIESFELDT, HESSELBEIN, PRIDEMORE and LEMAHIEU. Referred to Elections and Urban Affairs.

- 1 **AN ACT to amend** 5.15 (6) (b) of the statutes; **relating to:** the method of reporting
2 election returns by municipalities.

Analysis by the Legislative Reference Bureau

Currently, the voters of each ward vote at the same polling place, which is generally separate from other polling places in a municipality. Election returns are reported by ward unless otherwise authorized by law. Currently, no later than 60 days before each September primary and general election, and no later than 30 days before each other election, the governing body of a municipality may combine two or more wards for voting purposes to permit the use of a common polling place. In municipalities with a population of 35,000 or more, a municipality must continue to report all election returns by ward even where wards are combined for voting purposes at a single location. Other municipalities may report returns for combined wards together unless a separate ballot is required in a partisan election, in which case separate returns must be reported for the offices listed on each separate ballot so that the results of the various elections may be determined.

Under this bill, any municipality having a population of 35,000 or more may provide that election returns for any ward having a population of less than 20 will be combined with returns for any adjacent ward, unless separate returns are required to determine the results of an election. A municipality, however, may not combine wards if the total population of the combined wards would exceed the applicable population range for wards in that municipality. The bill allows the

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municipal clerk to estimate ward populations for the purpose of combining returns if the population cannot be determined from census results.

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

1 **SECTION 1.** 5.15 (6) (b) of the statutes is amended to read:

2 5.15 **(6)** (b) No later than 30 days before each election, the governing body of
3 any municipality may by resolution combine 2 or more wards for voting purposes to
4 facilitate using a common polling place. Whenever wards are so combined, the
5 original ward numbers shall continue to be utilized for all official purposes. Except
6 as otherwise authorized under this paragraph, every municipality having a
7 population of 35,000 or more shall maintain separate returns for each ward so
8 combined. In municipalities having a population of 35,000 or more, the governing
9 body may provide in a resolution that returns for any ward having a population of
10 less than 20 be combined with returns for any adjacent ward, if the total population
11 of the combined wards does not exceed the applicable population range under sub.
12 (2) (b) for wards in that municipality. In municipalities having a population of less
13 than 35,000, the governing body may provide in the resolution that returns shall be
14 maintained only for each group of combined wards at any election. Whenever a
15 governing body provides ~~for common ballot boxes and ballots or voting machines,~~
16 that returns shall be maintained only for combined wards under this paragraph, the
17 municipality shall report separate returns ~~shall be maintained~~ results for each
18 separate ballot required under ~~ss. 5.62 and 5.58 to 5.64 at the partisan primary and~~
19 ~~general election.~~ The municipal clerk shall transmit a copy of the resolution to the
20 county clerk of each county in which the municipality is contained. In municipalities
21 having a population of less than 35,000, the resolution shall remain in effect for each

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1 election until modified or rescinded, or until a new division is made under this
2 section. Whenever needed for purposes of this paragraph, the municipal clerk shall
3 determine the population of each ward in his or her municipality. If the population
4 of a ward cannot be determined from census results, the clerk shall determine the
5 population of the smallest unit encompassing the entire ward that can be determined
6 from census results. The clerk shall then divide the land area of the ward by the land
7 area of that unit. The clerk shall then multiply that result by the population of the
8 unit to determine the population of the ward for purposes of this paragraph.

9 **SECTION 2. Initial applicability.**

10 (1) This act first applies with respect to reporting of election returns for
11 elections held on the effective date of this subsection.

12

(END)